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1 measure, after the cessation of United States military opera-
 2 tions in Indochina, for the reconciliation and reinstatement of
 3 persons who have been prosecuted, or who may be subject
 4 to prosecution, for failing to comply with any requirement of,
 5 or relating to, service in the Armed Forces during the in-
 6 volvement of the United States in Indochina, or for engaging
 7 in any nonviolent activity or activity justified by deeply held
 8 moral or ethical belief in protest of, or opposition to, the
 9 involvement of the United States in Indochina.

10 (b) The Congress further finds and declares that it is an
 11 immunity of citizens of the United States (within the mean-
 12 ing of section 1 of the fourteenth amendment to the Constitu-
 13 tion of the United States) to enjoy the annulment of all legal
 14 disadvantages that have been incurred or suffered by reason
 15 of opposition to the involvement of the United States in
 16 Indochina, to the greatest extent consistent with the preserva-
 17 tion of life and property.

18 EFFECT OF GENERAL AMNESTY

19 SEC. 3. The general amnesty granted by or under this
 20 Act shall, with respect to any violation of law enumerated
 21 in section 4 or covered under section 6—

22 (1) restore to the grantee all civil, political, citizen-
 23 ship, and property rights which have been or might be
 24 lost, suspended, or otherwise limited as a consequence
 25 of such violation;

1 (2) immunize the grantee from criminal prosecu-
 2 tion for such violation;

3 (3) expunge all notation relating to such violation
 4 from the records of law enforcement agencies and cause
 5 an appropriate entry to be made in relevant public
 6 records;

7 (4) require the granting of an honorable discharge
 8 to any person who received a discharge other than an
 9 honorable discharge from the Armed Forces if such vio-
 10 lation was solely the cause, or a substantial cause, of the
 11 granting of such other than honorable discharge;

12 (5) require that the honorable discharge from the
 13 Armed Forces granted by subsection (4) of this section
 14 contain no indication of any kind of the reason for the
 15 discharge;

16 (6) nullify all other legal consequences of such
 17 violation and entitle the grantee to indicate in any man-
 18 ner that such violation never occurred.

19 AUTOMATIC GENERAL AMNESTY

20 SEC. 4. (a) Notwithstanding any other provision of
 21 law, general amnesty is hereby granted to any person for
 22 violation of one or more of the laws enumerated in this sec-
 23 tion or regulations and policies promulgated pursuant there-
 24 to, if such violation was committed between January 1,
 25 1961, and November 22, 1974. Such amnesty is automatic;

1 and no application to the Amnesty Commission or any other
2 agency is necessary to effectuate it.

3 (b) General amnesty is granted for violations of any
4 of the following laws:

5 (1) Section 6 (j) of the Military Selective Service Act
6 (50 App. U.S.C. 456 (j)).

7 (2) Section 12 of the Military Selective Service Act
8 (50 App. U.S.C. 462) .

9 (3) The following sections of title 10, United States
10 Code (Articles of the Uniform Code of Military Justice) :

11 (a) section 881,

12 (b) section 882,

13 (c) section 883,

14 (d) section 885,

15 (e) section 886,

16 (f) section 887,

17 (g) section 888,

18 (h) section 889,

19 (i) section 890 (2) ,

20 (k) section 891 (2) , (3) ,

21 (l) section 892,

22 (m) section 894,

23 (n) section 895,

24 (o) section 899,

25 (p) section 900.

1 (q) section 901,

2 (r) section 904,

3 (s) section 905,

4 (t) section 915,

5 (u) section 917,

6 (v) section 933,

7 (w) section 934.

8 (4) Section 1381 of title 18, United States Code.

9 (5) Section 2387 of title 18, United States Code.

10 AMNESTY COMMISSION

11 SEC. 5. (a) There is established a commission to be
12 known as the Amnesty Commission (hereinafter in this Act
13 referred to as the "Commission").

14 (b) The Commission shall be composed of five members,
15 qualified to serve on the Commission by virtue of their edu-
16 cation, training, or experience. Members shall be nominated
17 by the President, to be appointed with the confirmation of
18 the Senate of the United States, as follows:

19 (1) At least two members shall be female.

20 (2) At least two members shall be from racial
21 minorities.

22 (3) At least two members shall not have served in
23 the Armed Forces of the United States.

24 Individuals who are officers or employees of any government
25 are not eligible for nomination to the Commission. A vacancy

1 in the Commission shall be filled in the manner in which the
2 original nomination was made.

3 (c) Members shall be nominated and confirmed for the
4 life of the Commission.

5 (d) (1) Members of the Commission shall each be
6 entitled to receive an annual salary equal to the annual salary
7 payable to a judge of a United States district court.

8 (2) While away from their homes or regular places of
9 business in the performance of services for the Commission,
10 members of the Commission shall be allowed travel expenses,
11 including per diem in lieu of subsistence, in the same manner
12 as persons employed intermittently in the Government service
13 are allowed expenses under section 5703 (b) of title 5 of the
14 United States Code.

15 (e) Three members of the Commission shall constitute a
16 quorum. The Chairperson of the Commission shall be elected
17 by the members of the Commission. All decisions of the
18 Commission shall be by majority vote.

19 (f) The Commission may appoint and fix the pay of
20 such personnel as it deems desirable, including such hearing
21 examiners as are necessary for proceedings under this section.
22 The provisions applicable to hearing examiners appointed
23 under section 3105 of title 5 are applicable to hearing ex-
24 aminers appointed pursuant to this subsection.

25 (g) (1) The Commission may secure directly from any

1 department or agency of the United States information neces-
2 sary to enable it to carry out this section. Upon request of
3 the Chairperson of the Commission, the head of such depart-
4 ment or agency shall furnish such information to the
5 Commission.

6 (2) The Commission may use the United States mails
7 in the same manner and upon the same conditions as other
8 departments and agencies of the United States.

9 (3) The Administrator of General Services shall pro-
10 vide to the Commission on a reimbursable basis such admin-
11 istrative support services as the Commission may request.

12 GRANT OF GENERAL AMNESTY BY THE COMMISSION

13 SEC. 6. (a) Notwithstanding any other provision of law,
14 the Commission shall grant general amnesty as provided for
15 in section 3 of this Act to any individual who, during the
16 period beginning January 1, 1961, and ending on November
17 22, 1974, violated any Federal law (other than one enumer-
18 ated in section 4 of this Act) or State or local law if the
19 Commission finds that—

20 (1) such violation was in substantial part motivated
21 by the individual's opposition to, or protest against, the
22 involvement of the United States in Indochina; and

23 (2) the individual was not personally responsible
24 for any significant property damage or substantial per-

1 sonal injury to others in the course of his violation of
2 any such law;
3 except that, in any case in which the Commission finds that
4 an individual was personally responsible for significant prop-
5 erty damage or substantial personal injury to others in the
6 course of his violation of any such law, the Commission shall
7 grant amnesty if it finds that such conduct was justifiable on
8 the basis of a moral or ethical belief deeply held by the
9 individual.

10 (b) (1) Whenever the Commission grants general am-
11 nesty under this section to an applicant who received a dis-
12 charge other than an honorable discharge from the Armed
13 Forces, it shall make a finding as to whether any violation
14 of law for which general amnesty is granted was solely the
15 cause, or a substantial cause, of the granting of such dis-
16 charge.

17 (2) The Commission shall also have jurisdiction to hear
18 and determine applications from individuals entitled to auto-
19 matic amnesty under section 4 of this Act and aggrieved by
20 the refusal of the military board concerned to grant an hon-
21 orable discharge to him under section 3 (4) of this Act,
22 or to grant an honorable discharge free from any indication
23 of the reason for such discharge under section 3 (5) of this
24 Act.

25 (3) Any finding or determination made by the Com-

1 mission pursuant to this subsection shall be conclusive upon
2 the military board concerned and is not reviewable by any
3 agency or member of the Armed Forces or any civilian officer
4 of the Military Establishment.

5 (c) Any individual desiring amnesty under this sec-
6 tion, or review of the decision by a military board to deny
7 him an honorable discharge or discharge free of indica-
8 tion of the reason for such discharge, shall make application
9 therefor to the Commission in such form as it shall prescribe.
10 The Commission shall not receive any application for am-
11 nesty or discharge review under this Act after the close of
12 the forty-eighth month after the month in which this section
13 takes effect.

14 (d) Any application for amnesty or discharge review
15 which is timely filed shall be determined on the record after
16 opportunity for hearing in accordance with sections 554,
17 556, and 557 of title 5, United States Code. The entire rec-
18 ord developed at the hearing on any application shall be
19 certified to the Commission for decision.

20 (e) Any applicant may obtain judicial review of a de-
21 cision by the Commission which is adverse to him by filing a
22 petition for review in the United States court of appeals for
23 the circuit wherein he resides within sixty days after the
24 date on which the decision is made. The Commission shall
25 thereupon file in the court the record of the proceedings on

1 which the Commission based its decision, as provided in sec-
 2 tion 2112 of title 28. The court shall have jurisdiction to re-
 3 view the decision in accordance with chapter 7 of title 5
 4 and to grant appropriate relief as provided for in such chap-
 5 ter.

6 (f) Any individual not able to apply to the Commission
 7 for a determination under subsection (b) (2) of this subsec-
 8 tion because the decision of the military board concerned
 9 to deny him an honorable discharge or discharge without
 10 indication as to reason for such discharge was made after a
 11 date sixty days prior to the closing date specified in subsec-
 12 tion (c) of this section may obtain judicial review of such
 13 decision by filing a petition for review in the United States
 14 district court for the district wherein he resides within sixty
 15 days after the date of such decision. The military board con-
 16 cerned shall thereupon file in the court the record of the
 17 proceedings on which the board based its decision. The court
 18 shall have jurisdiction to review the decision of the mili-
 19 tary board in accordance with chapter 7 of title 5, United
 20 States Code, and to grant appropriate relief as provided
 21 for in such chapter.

22 RESTORATION OF CITIZENSHIP

23 SEC. 7. (a) Upon petition to any district court of the
 24 United States, by petitioner or a legal representative, the
 25 United States citizenship of any former citizen who states

1 that he renounced such citizenship or became naturalized in
 2 a foreign country, solely or partly because of disapproval
 3 of involvement of the United States in Indochina shall be
 4 fully and unconditionally restored.

5 (d) Upon sworn written statement to the Department
 6 of Immigration and Nationality of the United States, any
 7 former citizen of the United States who states that he re-
 8 nounced such citizenship or who became naturalized in a
 9 foreign country, solely or partly because of disapproval of
 10 involvement of the United States in Indochina, shall be
 11 exempted from the provisions of section 212 (a) (22) of
 12 the Immigration and Nationality Act (section 1182 (a) (22)
 13 of title 8, United States Code) to establish his right to

14 SUITS IN THE DISTRICT COURTS

15 SEC. 8. (a) The district courts of the United States shall
 16 have jurisdiction without regard to the amount in controversy
 17 to hear actions brought to redress the deprivation of rights
 18 granted by section 3 of this Act, and to grant such legal and
 19 equitable relief as may be appropriate.

20 (b) Notwithstanding the provisions of section 2283 of
 21 title 28, United States Code, or any successor provision
 22 thereto, a district court hearing an action brought pursuant
 23 to subsection (a) of this section may grant injunctive relief
 24 staying proceedings in a State court.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or to other circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 11. Sections 4, 6, 7, and 8 of this Act shall take effect upon the date of enactment of this Act.

94TH CONGRESS
1ST SESSION

H. R. 1229

A BILL

To exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes.

By Ms. ARZUG

JANUARY 14, 1975

Referred to the Committee on the Judiciary

1 measure, since the cessation of United States military opera-
 2 tions in Indochina, for the reconciliation and reinstatement
 3 of persons who have been prosecuted, or who may be subject
 4 to prosecution, for failing to comply with any requirement of,
 5 or relating to, service in the Armed Forces during the in-
 6 volvement of the United States in Indochina, or for engaging
 7 in any nonviolent activity or activity justified by deeply
 8 held moral or ethical belief in protest of, or opposition to,
 9 the involvement of the United States in Indochina.

10 (b) The Congress further finds and declares that it is
 11 an immunity of citizens of the United States (within the
 12 meaning of section 1 of the fourteenth amendment to the
 13 Constitution of the United States) to enjoy the annulment of
 14 all legal disadvantages that have been incurred or suffered
 15 by reason of opposition to the involvement of the United
 16 States in Indochina, to the greatest extent consistent with
 17 the preservation of life and property.

18 EFFECT OF GENERAL AMNESTY

19 SEC. 3. The general amnesty granted by or under this
 20 Act shall, with respect to any violation of law enumerated
 21 in section 4 or covered under section 6—

22 (1) restore to the grantee all civil, political, citizen-
 23 ship and property rights which have been or might be
 24 lost, suspended, or otherwise limited as a consequence
 25 of such violation;

1 (2) immunize the grantee from criminal prosecution
 2 for such violation;

3 (3) expunge all notation relating to such violation
 4 from the records of courts and law enforcement agencies;

5 (4) require the granting of an honorable discharge
 6 to any person who received a discharge other than an
 7 honorable discharge from the Armed Forces if such vio-
 8 lation was solely the cause, or a substantial cause, of the
 9 granting of such other than honorable discharge; and

10 (5) nullify all other legal consequences of such
 11 violation.

12 AUTOMATIC GENERAL AMNESTY

13 SEC. 4. (a) Notwithstanding any other provision of law,
 14 general amnesty is hereby granted to any person for viola-
 15 tion of one or more of the laws enumerated in this section,
 16 or regulations and policies promulgated pursuant thereto, if
 17 such violation was committed between August 4, 1964, and
 18 the effective date of this section. Such amnesty is automatic,
 19 and no application to the Amnesty Commission or any other
 20 agency is necessary to effectuate it.

21 (b) General amnesty is granted for violations of any
 22 of the following laws:

23 (1) Section 12 of the Military Selective Service Act
 24 (50 App. U.S.C. 462) with respect to the following pro-
 25 hibited acts—

1 (A) evading or refusing registration, evading or
 2 refusing induction into the Armed Forces, or willfully
 3 failing to perform any other duty under such Act, or
 4 conspiring to do so;

5 (B) knowingly counseling, aiding, or abetting
 6 others to refuse or evade registration or service in the
 7 Armed Forces of the United States, or conspiring to
 8 do so; or

9 (C) publicly and knowingly destroying or muti-
 10 lating any registration or classification card issued or
 11 prescribed pursuant to such Act and knowingly vio-
 12 lating or evading any of the provisions of such Act, or
 13 rules and regulations promulgated pursuant thereto
 14 relating to the issuance, transfer, or possession of any
 15 registration or classification card.

16 (2) Section 882 of title 10, United States Code, which
 17 prohibits the soliciting or advising another, or attempting
 18 to solicit or advise others, to desert the Armed Forces of
 19 the United States.

20 (3) Sections 885 and 886 of title 10, United States
 21 Code, which prohibit deserting or going absent without
 22 leave from the Armed Forces of the United States.

23 (4) Section 887 of title 10, United States Code,
 24 which prohibits missing the movement of a ship, aircraft, or
 25 unit with which it is required in the course of duty to move.

1 (5) Section 888 of title 10, United States Code, which
 2 prohibits using contemptuous words against the President,
 3 the Vice President, Congress, the Secretary of Defense,
 4 the Secretary of a military department, the Secretary of the
 5 Treasury, or the Governor or legislature of any State, terri-
 6 tory, Commonwealth, or possession on which he is on duty or
 7 present while a commissioned officer in the United States
 8 Armed Forces.

9 (6) Section 1381 of title 18, United States Code, which
 10 prohibits the enticing or procuring, or conspiring or attempt-
 11 ing to entice or procure any person in the Armed Forces of
 12 the United States, or who has been recruited for service
 13 therein, to desert therefrom, or aiding any such person in
 14 deserting, or in attempting to desert from such service; or
 15 harboring, concealing, protecting, or assisting any such per-
 16 son who may have deserted from such service, knowing him
 17 to have deserted therefrom, or refusing to give up and de-
 18 liver such person on the demand of any officer authorized to
 19 receive him.

20 (7) Section 2387 of title 18, United States Code, which
 21 prohibits the advising, counseling, urging or in any manner
 22 causing or attempting to cause insubordination, disloyalty,
 23 mutiny, or refusal of duty by any member of the military or
 24 naval forces of the United States, with the intent to inter-

1 fere with, impair, or influence the loyalty, morale, or disci-
2 pline of the military or naval forces of the United States.

3 AMNESTY COMMISSION

4 SEC. 5. (a) There is established a commission to be
5 known as the Amnesty Commission (hereinafter in this Act
6 referred to as the "Commission").

7 (b) The Commission shall be composed of five mem-
8 bers, qualified to serve on the Commission by virtue of their
9 education, training, or experience, as follows:

10 (1) One appointed by the President.

11 (2) One appointed by the President pro tempore
12 of the Senate.

13 (3) One appointed by the Speaker of the House of
14 Representatives.

15 (4) One appointed by the minority leader of the
16 Senate.

17 (5) One appointed by the minority leader of the
18 House of Representatives.

19 Individuals who are officers or employees of any government
20 are not eligible for appointment to the Commission. A va-
21 cancy in the Commission shall be filled in the manner in
22 which the original appointment was made.

23 (c) Members shall be appointed for the life of the
24 Commission.

25 (d) (1) Members of the Commission shall each be

1 entitled to receive an annual salary equal to the annual
2 salary payable to a judge of a United States district court.

3 (2) While away from their homes or regular places
4 of business in the performance of services for the Commission,
5 members of the Commission shall be allowed travel expenses,
6 including per diem in lieu of subsistence, in the same manner
7 as persons employed intermittently in the Government serv-
8 ice are allowed expenses under section 5703 (b) of title 5
9 of the United States Code.

10 (e) Three members of the Commission shall constitute
11 a quorum. The Chairman of the Commission shall be elected
12 by the members of the Commission.

13 (f) The Commission may appoint and fix the pay of
14 such personnel as it deems desirable, including such hearing
15 examiners as are necessary for proceedings under this
16 section. The provisions applicable to hearing examiners ap-
17 pointed under section 3105 of title 5 are applicable to hear-
18 ing examiners appointed pursuant to this subsection.

19 (g) (1) The Commission may secure directly from any
20 department or agency of the United States information neces-
21 sary to enable it to carry out this section. Upon request of
22 the Chairman of the Commission, the head of such depart-
23 ment or agency shall furnish such information to the
24 Commission.

1 (2) The Commission may use the United States mails
2 in the same manner and upon the same conditions as other
3 departments and agencies of the United States.

4 (3) The Administrator of General Services shall pro-
5 vide to the Commission on a reimbursable basis such admin-
6 istrative support services as the Commission may request.

7 GRANT OF GENERAL AMNESTY BY THE COMMISSION

8 SEC. 6. (a) Notwithstanding any other provision of law,
9 the Commission shall grant general amnesty as provided for
10 in section 3 of this Act to any individual who, during the
11 period beginning August 5, 1964, and ending on the effective
12 date of this Act, violated any Federal law (other than one
13 enumerated in section 4 of this Act) or State or local law
14 if the Commission finds that—

15 (1) such violation was in substantial part motivated
16 by the individual's opposition to, or protest against, the
17 involvement of the United States in Indochina; and

18 (2) the individual was not personally responsible
19 for any significant property damage or substantial per-
20 sonal injury to others in the course of his violation of
21 any such law;

22 except that, in any case in which the Commission finds that
23 an individual was personally responsible for significant prop-
24 erty damage or substantial personal injury to others in the
25 course of his violation of any such law, the Commission shall

1 grant amnesty if it finds that such conduct was justifiable on
2 the basis of a moral or ethical belief deeply held by the
3 individual.

4 (b) (1) Whenever the Commission grants general am-
5 nesty under this section to an applicant who received a dis-
6 charge other than an honorable discharge from the Armed
7 Forces, it shall make a finding as to whether any violation
8 of law for which general amnesty is granted was solely the
9 cause, or a substantial cause, of the granting of such dis-
10 charge.

11 (2) The Commission shall also have jurisdiction to hear
12 and determine applications from individuals entitled to auto-
13 matic amnesty under section 4 of this Act and aggrieved by
14 the refusal of the military board concerned to grant an hon-
15 orable discharge to him under section 3 (4) of this Act.

16 (3) Any finding or determination made by the Com-
17 mission pursuant to this subsection shall be conclusive upon
18 the military board concerned and is not reviewable by any
19 agency or member of the Armed Forces or any civilian
20 officer of the military establishment.

21 (c) Any individual desiring amnesty under this section,
22 or review of the decision by a military board to deny him
23 an honorable discharge, shall make application therefor to
24 the Commission in such form as it shall prescribe. The Com-
25 mission shall not receive any application for amnesty or

1 discharge review under this Act after the close of the forty-
2 eighth month after the month in which this section takes
3 effect.

4 (d) Any application for amnesty or discharge review
5 which is timely filed shall be determined on the record
6 after opportunity for hearing in accordance with sections 554,
7 556, and 557 of title 5, United States Code. The entire
8 record developed at the hearing on any application shall be
9 certified to the Commission for decision. All decisions of the
10 Commission shall be by majority vote.

11 (e) Any applicant may obtain judicial review of a
12 decision by the Commission which is adverse to him by
13 filing a petition for review in the United States court of
14 appeals for the circuit wherein he resides within sixty days
15 after the date on which the decision is made. The Commis-
16 sion shall thereupon file in the court the record of the pro-
17 ceedings on which the Commission based its decision, as
18 provided in section 2112 of title 28. The court shall have
19 jurisdiction to review the decision in accordance with
20 chapter 7 of title 5 and to grant appropriate relief as pro-
21 vided for in such chapter.

22 (f) Any individual not able to apply to the Commission
23 for a determination under subsection (b) (2) of this sub-
24 section because the decision of the military board concerned
25 to deny him an honorable discharge was made after a date

1 sixty days prior to the closing date specified in subsection
2 (c) of this section may obtain judicial review of such deci-
3 sion by filing a petition for review in the United States
4 district court for the district wherein he resides within sixty
5 days after the date of such decision. The military board
6 concerned shall thereupon file in the court the record of the
7 proceedings on which the board based its decision. The court
8 shall have jurisdiction to review the decision of the military
9 board in accordance with chapter 7 of title 5, United States
10 Code, and to grant appropriate relief as provided for in such
11 chapter.

12 RESTORATION OF CITIZENSHIP

13 SEC. 7. Upon petition to any district court of the United
14 States, the United States citizenship of any former citizen
15 who states that he renounced such citizenship solely or partly
16 because of disapproval of involvement of the United States
17 in Indochina shall be fully and unconditionally restored.

18 SUITS IN THE DISTRICT COURTS

19 SEC. 8. (a) The district courts of the United States
20 shall have jurisdiction without regard to the amount in con-
21 troversy to hear actions brought to redress the deprivation
22 of rights granted by section 3 of this Act, and to grant such
23 legal and equitable relief as may be appropriate.

24 (b) Notwithstanding the provisions of section 2283 of
25 title 28, United States Code, or any successor provision

1 thereto, a district court hearing an action brought pursuant
2 to subsection (a) of this section may grant injunctive relief
3 staying proceedings in a State court.

4 **AUTHORIZATION OF APPROPRIATIONS**

5 **SEC. 9.** There are authorized to be appropriated such
6 sums as may be necessary to carry out the provisions of this
7 Act.

8 **SEPARABILITY OF PROVISIONS**

9 **SEC. 10.** If any provision of this Act or the application
10 thereof to any person or circumstance is held invalid, the
11 remainder of the Act and the application of the provision
12 to other persons or to other circumstances shall not be affected
13 thereby.

14 **EFFECTIVE DATES**

15 **SEC. 11.** Sections 4, 6, 7, and 8 of this Act shall take
16 effect upon enactment of this Act.

94TH CONGRESS
1ST Session
H. R. 353

A BILL

To exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes.

By Mr. DELLMUS

JANUARY 14, 1975

Referred to the Committee on the Judiciary

94TH CONGRESS
1ST SESSION

H. R. 2230

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1975

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

A BILL

To offer amnesty to persons who have failed or refused to register for the draft or who have failed, or refused induction into the Armed Forces of the United States, or have deserted the Armed Forces, and for other purposes.

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

3 That this Act may be cited as the "Amnesty Act of 1975".

4 SECTION 1. (a) Notwithstanding any other provision of
5 law, any person who has evaded or refused registration under
6 the Military Selective Service Act between August 4, 1964,
7 and January 27, 1973, or has evaded or refused induction in
8 the Armed Forces of the United States under such Act be-
9 tween such dates is hereby granted immunity from prosecu-

1 tion and punishment under section 12 of the Military Selec-
 2 tive Service Act, and all other laws, on account of any such
 3 evasion or failure to register under such Act or refusal to be
 4 inducted under such Act, as the case may be, and;

5 (b) Notwithstanding any other provision of the law, any
 6 member of the United States Armed Forces who deserted
 7 from the military during the period between August 4, 1964,
 8 and January 27, 1973, is hereby granted immunity from
 9 prosecution and punishment under the Uniform Code of Mili-
 10 tary Justice on account of any such desertion or other act, as
 11 the case might be if not later than one year after the effective
 12 date of this Act, such person presents himself to the Attorney
 13 General of the United States or other such official or officials
 14 as may be designated by the Attorney General.

15 SEC. 2. (a) Any person who has been convicted and is
 16 serving a prison sentence for evading or failing to register
 17 under the Military Selective Service Act between August 4,
 18 1964, and January 27, 1973, or for evading or refusing in-
 19 duction in the Armed Forces of the United States under
 20 such Act between such dates shall be released from prison,
 21 and the remaining portion of any punishment shall be waived.

22 (b) Any person who has been convicted and is serving
 23 a prison sentence for desertion of the Armed Forces under
 24 the Uniform Code of Military Justice for actions which took
 25 place between August 4, 1964, and January 27, 1973, shall

1 be released from prison, and the remaining portion of any
 2 punishment shall be waived.

3 (c) Any pending legal proceedings brought against any
 4 person as a result of his evading or failing to register under
 5 the Military Selective Service Act between August 4, 1964,
 6 and January 27, 1973, or for evading or refusing induction
 7 in the Armed Forces of the United States under such Act
 8 between such dates, or for desertion of the Armed Forces
 9 of the United States under the Uniform Code of Military
 10 Justice between such dates, shall be dismissed by the United
 11 States.

12 SEC. 3. (a) It is the sense of the Congress that the
 13 President grant a pardon to any person convicted of any
 14 offense described in section 1 of this Act.

15 (b) In any case in which a person has been convicted
 16 of an offense described in section 1 of this Act and has been
 17 released from prison or given a suspended sentence, it is the
 18 sense of the Congress that the President grant a pardon to
 19 such person for such offense.

20 SEC. 4. The provisions of sections 2 and 3 of this Act
 21 shall not apply in the case of any person otherwise eligible
 22 for the benefits of such provisions of such person (1) is
 23 serving a prison sentence for an offense not described in sec-
 24 tion 1 of this Act, or is scheduled to serve, immediately after
 25 completion of his sentence for an offense described in sec-

1 tion 1 of this Act, a prison term for any other offense for
2 which he has been convicted or (2) is wanted for trial for
3 any other alleged offense, unless the President determines
4 that the public interest would be better served by affording
5 such person the benefits of this Act.

6 SEC. 5. The Attorney General is authorized to issue such
7 rules and regulations as may be necessary to carry out ef-
8 fectively the provisions of this Act.

9 SEC. 6. All references in this Act to the Military Selec-
10 tive Service Act and the Uniform Code of Military Justice
11 shall be deemed to include a reference to previous correspond-
12 ing Acts.

13 SEC. 7. Upon petition to any district court of the United
14 States, the United States citizenship of any former citizen
15 who states that he renounced such citizenship solely or partly
16 because of disapproval of involvement of the United States
17 in Indochina shall be fully and unconditionally restored.

18 SEC. 8. There are authorized to be appropriated such
19 sums as may be necessary to carry out the provisions of this
20 Act.

21 SEC. 9. If any provision of this Act or the application
22 thereof to any person or circumstance is held invalid, the re-
23 mainder of the Act and the application of the provision to

1 other persons or to other circumstances shall not be affected
2 thereby.

3 SEC. 10. This Act shall be effective ninety days after
4 enactment by the Congress of the United States.

94TH CONGRESS
1st Session

H. R. 2230

A BILL

To offer amnesty to persons who have failed or refused to register for the draft or who have failed, or refused induction into the Armed Forces of the United States, or have deserted the Armed Forces, and for other purposes.

By Mr. McCroskey

JANUARY 28, 1975

Referred to the Committee on the Judiciary

1 measure, after the cessation of United States military opera-
 2 tions in Indochina, for the reconciliation and reinstatement of
 3 persons who have been prosecuted, or who may be subject
 4 to prosecution, for failing to comply with any requirement of,
 5 or relating to, service in the Armed Forces during the in-
 6 volvement of the United States in Indochina, or for engaging
 7 in any nonviolent activity or activity justified by deeply held
 8 moral or ethical belief in protest of, or opposition to, the
 9 involvement of the United States in Indochina.

10 (b) The Congress further finds and declares that it is an
 11 immunity of citizens of the United States (within the mean-
 12 ing of section 1 of the fourteenth amendment to the Constitu-
 13 tion of the United States) to enjoy the annulment of all legal
 14 disadvantages that have been incurred or suffered by reason
 15 of opposition to the involvement of the United States in
 16 Indochina, to the greatest extent consistent with the preserva-
 17 tion of life and property.

18 EFFECT OF GENERAL AMNESTY

19 SEC. 3. The general amnesty granted by or under this
 20 Act shall, with respect to any violation of law enumerated
 21 in section 4 or covered under section 6—

22 (1) restore to the grantee all civil, political, citizen-
 23 ship, and property rights which have been or might be
 24 lost, suspended, or otherwise limited as a consequence
 25 of such violation;

1 (2) immunize the grantee from criminal prosecu-
 2 tion for such violation;

3 (3) expunge all notation relating to such violation
 4 from the records of law enforcement agencies and cause
 5 an appropriate entry to be made in relevant public
 6 records;

7 (4) require the granting of an honorable discharge
 8 to any person who received a discharge other than an
 9 honorable discharge from the Armed Forces if such vio-
 10 lation was solely the cause, or a substantial cause, of the
 11 granting of such other than honorable discharge;

12 (5) require that the honorable discharge from the
 13 Armed Forces granted by subsection (4) of this section
 14 contain no indication of any kind of the reason for the
 15 discharge;

16 (6) nullify all other legal consequences of such
 17 violation and entitle the grantee to indicate in any man-
 18 ner that such violation never occurred.

19 AUTOMATIC GENERAL AMNESTY

20 SEC. 4. (a) Notwithstanding any other provision of
 21 law, general amnesty is hereby granted to any person for
 22 violation of one or more of the laws enumerated in this sec-
 23 tion or regulations and policies promulgated pursuant there-
 24 to, if such violation was committed between January 1,
 25 1961, and November 22, 1974. Such amnesty is automatic,

1 and no application to the Amnesty Commission or any other
2 agency is necessary to effectuate it.

3 (b) General amnesty is granted for violations of any
4 of the following laws:

5 (1) Section 6 (j) of the Military Selective Service Act
6 (50 App. U.S.C. 456 (j)).

7 (2) Section 12 of the Military Selective Service Act
8 (50 App. U.S.C. 462) .

9 (3) The following sections of title 10, United States
10 Code (Articles of the Uniform Code of Military Justice) :

- 11 (a) section 881,
- 12 (b) section 882,
- 13 (c) section 883,
- 14 (d) section 885,
- 15 (e) section 886,
- 16 (f) section 887,
- 17 (g) section 888,
- 18 (h) section 889,
- 19 (i) section 890 (2) ,
- 20 (k) section 891 (2), (3),
- 21 (l) section 892,
- 22 (m) section 894,
- 23 (n) section 895,
- 24 (o) section 899,
- 25 (p) section 900.

- 1 (q) section 901,
- 2 (r) section 904,
- 3 (s) section 905,
- 4 (t) section 915,
- 5 (u) section 917,
- 6 (v) section 933,
- 7 (w) section 934.

8 (4) Section 1381 of title 18, United States Code.

9 (5) Section 2387 of title 18, United States Code.

10 AMNESTY COMMISSION

11 SEC. 5. (a) There is established a commission to be
12 known as the Amnesty Commission (hereinafter in this Act
13 referred to as the "Commission").

14 (b) The Commission shall be composed of five members,
15 qualified to serve on the Commission by virtue of their edu-
16 cation, training, or experience. Members shall be nominated
17 by the President, to be appointed with the confirmation of
18 the Senate of the United States, as follows:

19 (1) At least two members shall be female.

20 (2) At least two members shall be from racial
21 minorities.

22 (3) At least two members shall not have served in
23 the Armed Forces of the United States.

24 Individuals who are officers or employees of any government
25 are not eligible for nomination to the Commission. A vacancy

1 in the Commission shall be filled in the manner in which the
2 original nomination was made.

3 (c) Members shall be nominated and confirmed for the
4 life of the Commission.

5 (d) (1) Members of the Commission shall each be
6 entitled to receive an annual salary equal to the annual salary
7 payable to a judge of a United States district court.

8 (2) While away from their homes or regular places of
9 business in the performance of services for the Commission,
10 members of the Commission shall be allowed travel expenses,
11 including per diem in lieu of subsistence, in the same manner
12 as persons employed intermittently in the Government service
13 are allowed expenses under section 5703 (b) of title 5 of the
14 United States Code.

15 (e) Three members of the Commission shall constitute a
16 quorum. The Chairperson of the Commission shall be elected
17 by the members of the Commission. All decisions of the
18 Commission shall be by majority vote.

19 (f) The Commission may appoint and fix the pay of
20 such personnel as it deems desirable, including such hearing
21 examiners as are necessary for proceedings under this section.
22 The provisions applicable to hearing examiners appointed
23 under section 3105 of title 5 are applicable to hearing ex-
24 aminers appointed pursuant to this subsection.

25 (g) (1) The Commission may secure directly from any

1 department or agency of the United States information neces-
2 sary to enable it to carry out this section. Upon request of
3 the Chairperson of the Commission, the head of such depart-
4 ment or agency shall furnish such information to the
5 Commission.

6 (2) The Commission may use the United States mails
7 in the same manner and upon the same conditions as other
8 departments and agencies of the United States.

9 (3) The Administrator of General Services shall pro-
10 vide to the Commission on a reimbursable basis such admin-
11 istrative support services as the Commission may request.

12 GRANT OF GENERAL AMNESTY BY THE COMMISSION

13 SEC. 6. (a) Notwithstanding any other provision of law,
14 the Commission shall grant general amnesty as provided for
15 in section 3 of this Act to any individual who, during the
16 period beginning January 1, 1961, and ending on November
17 22, 1974, violated any Federal law (other than one enumer-
18 ated in section 4 of this Act) or State or local law if the
19 Commission finds that—

20 (1) such violation was in substantial part motivated
21 by the individual's opposition to, or protest against, the
22 involvement of the United States in Indochina; and

23 (2) the individual was not personally responsible
24 for any significant property damage or substantial per-

1 sonal injury to others in the course of his violation of
 2 any such law;
 3 except that, in any case in which the Commission finds that
 4 an individual was personally responsible for significant prop-
 5 erty damage or substantial personal injury to others in the
 6 course of his violation of any such law, the Commission shall
 7 grant amnesty if it finds that such conduct was justifiable on
 8 the basis of a moral or ethical belief deeply held by the
 9 individual.

10 (b) (1) Whenever the Commission grants general am-
 11 nesty under this section to an applicant who received a dis-
 12 charge other than an honorable discharge from the Armed
 13 Forces, it shall make a finding as to whether any violation
 14 of law for which general amnesty is granted was solely the
 15 cause, or a substantial cause, of the granting of such dis-
 16 charge.

17 (2) The Commission shall also have jurisdiction to hear
 18 and determine applications from individuals entitled to auto-
 19 matic amnesty under section 4 of this Act and aggrieved by
 20 the refusal of the military board concerned to grant an hon-
 21 orable discharge to him under section 3 (4) of this Act,
 22 or to grant an honorable discharge free from any indication
 23 of the reason for such discharge under section 3 (5) of this
 24 Act.

25 (3) Any finding or determination made by the Com-

1 mission pursuant to this subsection shall be conclusive upon
 2 the military board concerned and is not reviewable by any
 3 agency or member of the Armed Forces or any civilian officer
 4 of the Military Establishment.

5 (c) Any individual desiring amnesty under this sec-
 6 tion, or review of the decision by a military board to deny
 7 him an honorable discharge or discharge free of indica-
 8 tion of the reason for such discharge, shall make application
 9 therefor to the Commission in such form as it shall prescribe.
 10 The Commission shall not receive any application for am-
 11 nesty or discharge review under this Act after the close of
 12 the forty-eighth month after the month in which this section
 13 takes effect.

14 (d) Any application for amnesty or discharge review
 15 which is timely filed shall be determined on the record after
 16 opportunity for hearing in accordance with sections 554,
 17 556, and 557 of title 5, United States Code. The entire rec-
 18 ord developed at the hearing on any application shall be
 19 certified to the Commission for decision.

20 (e) Any applicant may obtain judicial review of a de-
 21 cision by the Commission which is adverse to him by filing a
 22 petition for review in the United States court of appeals for
 23 the circuit wherein he resides within sixty days after the
 24 date on which the decision is made. The Commission shall
 25 thereupon file in the court the record of the proceedings on

1 which the Commission based its decision, as provided in sec-
 2 tion 2112 of title 28. The court shall have jurisdiction to re-
 3 view the decision in accordance with chapter 7 of title 5
 4 and to grant appropriate relief as provided for in such chap-
 5 ter.

6 (f) Any individual not able to apply to the Commission
 7 for a determination under subsection (b) (2) of this subsec-
 8 tion because the decision of the military board concerned
 9 to deny him an honorable discharge or discharge without
 10 indication as to reason for such discharge was made after a
 11 date sixty days prior to the closing date specified in subsec-
 12 tion (c) of this section may obtain judicial review of such
 13 decision by filing a petition for review in the United States
 14 district court for the district wherein he resides within sixty
 15 days after the date of such decision. The military board con-
 16 cerned shall thereupon file in the court the record of the
 17 proceedings on which the board based its decision. The court
 18 shall have jurisdiction to review the decision of the mili-
 19 tary board in accordance with chapter 7 of title 5, United
 20 States Code, and to grant appropriate relief as provided
 21 for in such chapter.

22 RESTORATION OF CITIZENSHIP

23 SEC. 7. (a) Upon petition to any district court of the
 24 United States, by petitioner or a legal representative, the
 25 United States citizenship of any former citizen who states

1 that he renounced such citizenship or became naturalized in
 2 a foreign country, solely or partly because of disapproval
 3 of involvement of the United States in Indochina shall be
 4 fully and unconditionally restored.

5 (d) Upon sworn written statement to the Immi-
 6 gration and Naturalization Service of the United States, any
 7 former citizen of the United States who states that he re-
 8 nounced such citizenship or who became naturalized in a
 9 foreign country, solely or partly because of disapproval of
 10 involvement of the United States in Indochina, shall be
 11 exempted from the provisions of section 212 (a) (22) of
 12 the Immigration and Nationality Act (section 1182 (a) (22)
 13 of title 8, United States Code).

14 SUITS IN THE DISTRICT COURTS

15 SEC. 8. (a) The district courts of the United States shall
 16 have jurisdiction without regard to the amount in controversy
 17 to hear actions brought to redress the deprivation of rights
 18 granted by section 3 of this Act, and to grant such legal and
 19 equitable relief as may be appropriate.

20 (b) Notwithstanding the provisions of section 2283 of
 21 title 28, United States Code, or any successor provision
 22 thereto, a district court hearing an action brought pursuant
 23 to subsection (a) of this section may grant injunctive relief
 24 staying proceedings in a State court.

1 **AUTHORIZATION OF APPROPRIATIONS**

2 **SEC. 9.** There are authorized to be appropriated such
3 sums as may be necessary to carry out the provisions of this
4 Act.

5 **SEPARABILITY OF PROVISIONS**

6 **SEC. 10.** If any provision of this Act or the application
7 thereof to any person or circumstance is held invalid, the
8 remainder of the Act and the application of the provision to
9 other persons or to other circumstances shall not be affected
10 thereby.

11 **EFFECTIVE DATE**

12 **SEC. 11.** Sections 4, 6, 7, and 8 of this Act shall take
13 effect upon the date of enactment of this Act.

94TH CONGRESS
1ST SESSION

H. R. 2568

A BILL

To exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes.

By Ms. ABzug, Mr. CONYERS, Mr. EDWARDS of California, Mr. HARRINGTON, Ms. HOLTZMAN, Mr. MITCHELL, of Maryland, Mr. ROSENTHAL, and Mr. WAXMAN

FEBRUARY 3, 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

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

Senator Charles Godell (please run again)
Room 360
Old Exec. OB

Dear Senator,

Please help those who have had to
wear the crown of thorns.

Sincerely,
Steven J. Chmufenka
of New York
Publications Clerk

P.S. If you would like a campaigner
or employee → 225-0408

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.

POWERS OF THE COMMISSION

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

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

94TH CONGRESS
1ST SESSION

H. R. 7875



IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1975

Mr. KASTENMEIER (for himself, Mr. DRINAN, and Mr. BADILLO) introduced the following bill; which was referred to the Committee on the Judiciary



A BILL

To provide immunity from prosecution and punishment to those persons who, because of disapproval of the military involvement of the United States in Indochina during the period covering January 1, 1961, and ending May 1, 1975, resisted the draft, were absent from the Armed Forces without leave, or disobeyed an order, which order if obeyed could reasonably have led to the death of another human being, and for other purposes.

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; TABLE OF CONTENTS

4 SECTION 1. This Act, together with the following table
5 of contents, may be cited as the "Vietnam Era Reconciliation
6 Act".

TABLE OF CONTENTS

- Sec. 1. Short title; table of contents.
- Sec. 2. Certificate requirement.
- Sec. 3. Military Selective Service Act violators.
- Sec. 4. Violators of the Uniform Code of Military Justice.
- Sec. 5. Prior convictions.
- Sec. 6. Presidential clemency program.
- Sec. 7. Pending legal proceedings.
- Sec. 8. Use of testimony and evidence.
- Sec. 9. Certificate of resignation.
- Sec. 10. Restoration of rights and judicial review.
- Sec. 11. Expungement of records.
- Sec. 12. Savings clause.
- Sec. 13. Restoration of citizenship and visitation rights.
- Sec. 14. Authorization.
- Sec. 15. Severability clause.

SECRET

CERTIFICATE REQUIREMENT

SEC. 2. Any person seeking relief under this Act shall hereby be required to swear or affirm by a special certificate provided for such purpose that any conduct, violation, failure, or refusal for which relief is granted by this Act resulted because of disapproval of the military involvement of the United States in Indochina. Such certificate shall be filed with the Attorney General or the Secretary of Defense as appropriate.

MILITARY SELECTIVE SERVICE ACT VIOLATORS

SEC. 3. (a) Notwithstanding any other provision of law, and upon compliance with the certificate requirement of section 2 of this Act, no person who failed or refused to register under section 3 of the Military Selective Service Act of 1967 within the period commencing on January 1, 1961, and ending May 1, 1975, or failed to accept or refused induction into

the Armed Forces of the United States under section 4 (a) of such Act within such period, or who, while liable for military service under such Act, otherwise violated such Act or regulations promulgated pursuant to such Act, within such period, shall be prosecuted or subjected to any penalty or forfeiture under such Act for any such failure, refusal, or other violation, as the case may be.

(b) Any person seeking relief granted by this section shall file a certificate, as required by section 2 of this Act, with the United States Attorney General.

ALLEGED VIOLATORS OF THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 4. (a) Notwithstanding any other provision of law, and upon compliance with the certificate requirement of section 2 of this Act, no member or former member of the Armed Forces of the United States who is alleged to have been absent without leave or to have deserted from the Armed Forces in violation of article 85 or 86 of the Uniform Code of Military Justice (10 U.S.C. 885, 886) or who is alleged to have disobeyed a direct order, which order if obeyed could reasonably have led to the death of another human being, in violation of article 90 (2) or 91 (2) within the period commencing January 1, 1961, and ending May 1, 1975, shall be prosecuted or subjected to any penalty or

1 forfeiture under such Code for such absence, desertion, or
2 disobedience.

3 (b) Any person seeking relief granted by this section
4 shall file a certificate, as required by section 2 of this Act,
5 with the Secretary of Defense.

6 PRIOR CONVICTIONS

7 SEC. 5. (a) Upon compliance with certificate require-
8 ments of section 2 of this Act, any person who has been
9 convicted and is serving, or has served, a prison sentence or
10 other punishment for failing or refusing to register under
11 the Military Selective Service Act of 1967 within the period
12 commencing January 1, 1961, and ending May 1, 1975, or
13 for failing to accept or refusing induction into the Armed
14 Forces of the United States under such Act between such
15 dates, or for otherwise violating such Act or regulations
16 promulgated under such Act within such period, while liable
17 for military service under such Act shall be released from
18 prison and from any other terms of his sentence, and any
19 remaining portion or terms of punishment shall be deemed to
20 have been served.

21 (b) Upon compliance with the certificate requirement
22 of section 2 of this Act, any person who has been convicted
23 and is serving, or has served, a prison sentence or other pun-
24 ishment for absence without leave or desertion from the
25 Armed Forces in violation of the Uniform Code of Military

1 Justice or for disobeying a direct order, which order if
2 obeyed could reasonably have led to the death of another
3 human being, in violation of article 90(2) of such Code,
4 within the period commencing January 1, 1961, and ending
5 May 1, 1975, shall be released from prison and from any
6 other punishment, and any remaining portion or terms of
7 punishment shall be deemed to have been served.

8 (c) Upon compliance with the certificate requirement
9 of section 2 of this Act, any person otherwise eligible for the
10 benefits of the provisions of subsection (a) or (b) of this
11 section and who is also serving a prison sentence for an
12 offense not described in either such subsection shall—

13 (1) be released only from that portion of his sen-
14 tence specifically applied to the offense described in sub-
15 section (a) or (b) of this section, as the case may
16 be, or

17 (2) upon petition to a United States district court
18 be released only from that portion of his sentence that
19 the court deems applicable to the offense described in
20 subsection (a) or (b), as the case may be, if the sen-
21 tence which he is serving is not specifically applied to
22 either offense described in subsection (a) or (b), or

23 (3) upon petition to a United States district court,
24 in any case other than a crime of violence against
25 another person or a crime against property, be released

1 from his entire sentence if he shows the court that the
2 offense, other than one described in subsection (a) or
3 (b) of this section, was reasonably related to the peti-
4 tioner's objection to service in the Armed Forces of the
5 United States.

6 (d) In the case of consecutive sentences, the punish-
7 ment imposed for offenses described in subsections (a) and
8 (b) of this section shall be deemed to be the last in order
9 to be served.

10 (e) Any person seeking relief granted by this section
11 shall file a certificate, as required by section 2 of this Act,
12 with the United States Attorney General.

13 PRESIDENTIAL CLEMENCY PROGRAM

14 SEC. 6. (a). Upon compliance with the certificate re-
15 quirements of section 2 of this Act, any person presently
16 serving a term of reconciliation service or preparing to per-
17 form reconciliation service, pursuant to the Presidential
18 Proclamation 8313, of September 16, 1974, may, at his
19 election—

20 (1) be released from such service and the remain-
21 ing portion of service shall be waived by the United
22 States, and

23 (2) be entitled to all rights and privileges under
24 this Act.

25 (b) Any person seeking relief granted by this section

1 shall file a certificate, as required by section 2 of this Act,
2 with the United States Attorney General.

3 PENDING LEGAL PROCEEDINGS

4 SEC. 7. (a) Any legal proceeding pending on the date
5 of enactment of this Act which was brought against any
6 person as a result of his alleged refusal or failure to register
7 under the Military Selective Service Act of 1967 within the
8 period commencing January 1, 1961, and ending May 1,
9 1975, or as a result of his alleged refusal or failure to accept
10 induction in the Armed Forces of the United States under
11 such Act within such period, or as a result of any other
12 alleged violation of such Act or regulations issued under such
13 Act within such period while subject to induction into mili-
14 tary service under such Act, shall be dismissed by the United
15 States, and all records and information relating thereto shall
16 be expunged from all Government department and agency
17 files, records, and correspondence.

18 (b) Any legal proceedings, statutory or administrative,
19 pending on the date of enactment of this Act, which was
20 brought against any person who is alleged to have violated
21 the Articles of the Uniform Code of Military Justice from
22 which relief is granted by section 3 of this Act, shall be
23 dismissed by the United States and all records relating there-
24 to shall be expunged from all Government department and
25 agency files.

(c) Any person eligible for the benefits of the provisions of subsection (a) or (b) of this section who has pending against him criminal charges by the United States for an offense not described in subsection (a) or (b) of this section and such charges were brought against him concurrently with charges described in subsection (a) or (b) of this subsection, as the case may be, may petition to a United States district court to order dismissal of such other charges, and such charges shall be dismissed, if he shows the court that such criminal charges (other than ones described in subsection (a) or (b) of this section) were—

(1) reasonably related to such person's objection to service in the Armed Forces of the United States, and

(2) not the result of an alleged crime of violence against another person or an alleged crime against property.

USE OF TESTIMONY AND EVIDENCE

SEC. 8. Any certificate, testimony, affidavit, or other evidence or any argument, used by any person that is presented to the United States Attorney General, Secretary of Defense, or to a United States district court pursuant to section 2, 4(c)(2), 4(c)(3), or 6(c) shall be privileged and shall not be used at any trial, hearing, or other proceeding, except in the event of alleged perjury, without the written consent of such person.

CERTIFICATE OF RESIGNATION

SEC. 9. (a) Upon compliance with the certificate requirement of section 2 of this Act, any person who has served in the Armed Forces of the United States and who is eligible for relief under section 4(a), 5(b), 5(c)(3), 7(b), or 7(c) of this Act shall be granted a certificate of resignation without condition from the Armed Forces of the United States. In addition, any such person who has been administratively discharged from the Armed Forces with any discharge other than an honorable discharge shall be granted a certificate of resignation without condition from the Armed Forces. Such certificate shall replace and in every respect supercede any former discharge granted by the Secretary of Defense and shall be effective as if granted on the original date of discharge, and shall not be coded or otherwise qualified to reveal the reasons for its issuance.

(b) Any person seeking relief granted by this section shall file a certificate, as required by section 2 of this Act, with the Secretary of Defense.

RESTORATION OF RIGHTS AND JUDICIAL REVIEW

SEC. 10. (a) No person shall be denied any statutory or constitutional right because of any crime for which such person was charged, convicted, or alleged to have committed, and for which relief is granted under this Act.

(b) Any person who on and after the date of enactment

1 of this Act, is denied any statutory or constitutional right
 2 because of any crime for which such person was charged,
 3 convicted, or alleged to have committed, and for which relief
 4 is granted under this Act, shall have a claim for relief in
 5 district court of the United States.

6 (c) Any person who is eligible for relief under this Act
 7 and who has been denied such relief may institute a claim for
 8 relief in district court of the United States for such injunctive
 9 or other remedies as may be necessary to secure such relief.

10 EXPUNGEMENT OF RECORDS

11 SEC. 11. Any person who has been convicted of, charged
 12 with, alleged to have committed, or who is under indictment
 13 for any crime for which relief is granted under this Act may
 14 have expunged from all Government department and agency
 15 files, records, and correspondence any reference to such
 16 conviction, arrest, allegation, charge, or indictment. Regula-
 17 tions to accomplish this end shall be promulgated by the
 18 appropriate agencies.

19 SAVINGS CLAUSE

20 SEC. 12. All reference in this Act to the Military Selec-
 21 tive Service Act of 1967 shall be deemed to include a
 22 reference to any previous corresponding law.

23 RESTORATION OF CITIZENSHIP AND VISITATION RIGHTS

24 SEC. 13. (a) The United States citizenship of any former
 25 citizen who states under oath that he renounced such
 26 citizenship or became a naturalized citizen of a foreign coun-

1 try on or after January 1, 1961, because of disapproval of
 2 the military involvement of the United States in Indochina,
 3 shall be fully and unconditionally restored upon petition by
 4 such individual to any district court of the United States:
 5 *Provided*, That he renounces citizenship in such foreign
 6 country.

7 (b) Any former citizen of the United States who makes
 8 a sworn statement to an appropriate official of the Immi-
 9 gration and Naturalization Service, Department of Justice,
 10 to the effect that he renounced his citizenship or became a
 11 naturalized citizen of a foreign country on or after Janu-
 12 ary 1, 1961, because of disapproval of military involvement
 13 of the United States in Indochina shall be exempted from
 14 the provisions of section 212 (a) (22) of the Immigration
 15 and Naturalization Act (8 U.S.C. 1182 (a) (22)).

16 AUTHORIZATION

17 SEC. 14. There are authorized to be appropriated such
 18 sums as may be necessary to carry out the provisions of
 19 this Act.

20 SEVERABILITY CLAUSE

21 SEC. 15. If any provision of this Act or the application
 22 thereof to any person or circumstance is held invalid, the
 23 remainder of the Act and the application of such provision to
 24 other persons or to other circumstances shall not be affected
 25 thereby.

94TH CONGRESS
1ST SESSION

H. R. 7875

A BILL

To provide immunity from prosecution and punishment to those persons who, because of disapproval of the military involvement of the United States in Indochina during the period covering January 1, 1961, and ending May 1, 1975, resisted the draft, were absent from the Armed Forces without leave, or disobeyed an order, which order if obeyed could reasonably have led to the death of another human being, and for other purposes.

By Mr. KASTENMEIER, Mr. DRINAN, and
Mr. BADILLO

JUNE 12, 1975

Referred to the Committee on the Judiciary