

The original documents are located in Box 8, folder “News Clippings (4)” of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

Copyright Notice

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 Charles Goodell donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

STAR - 9/2/75

Mary McGrory

*A Clemency Theme:
'You Can't Come Home'*

The man's voice on the telephone was low and strained. He gave his name, but asked that it not be printed. He wanted to report that, after a lapse of three years, he had been visited by the FBI again twice since last fall.

"My son was indicted five years ago for violation of the Selective Service Act," he said. "He went to Canada. Last September, his five years as a landed immigrant were up, just as the clemency program was announced. He called up and said he thought it was vague, and it was now or never for Canadian citizenship. He decided to become a Canadian citizen.

"BEFORE, THE FBI used to come around every six months or so, very polite and nice-looking young men. Last fall they were back, and then just three weeks ago.

"I said to them, 'Why are you guys coming around after five years? He's not here.' They said he was a client of theirs and asked me if I could

"I
ther
they
a VI
blind

"
year
He c
His
list.
polic
desi
thou

On
a sto
lies t
who
the l
point
Unit

FB
ton
exist

agen
the c
an at

Ag
house
beco
them
attor
evad
will
be dr
neve
again
dicto
the f

Clemency Program Gets Wide Support In a Gallup Survey

President Ford's clemency program requiring alternative service of Vietnam draft evaders and deserters was strongly supported as a "middle-of-the-road approach" in a recent Gallup poll, the polling organization said yesterday.

In the survey, taken last Aug. 4, 46 per cent favored the resident's program, 18 per cent thought a pardon should be granted without alternative service, and 24 per cent were opposed to a pardon under any circumstances.

The poll was based upon interviews with 1,529 adults, 18 years of age and older, taken in person in more than 300 scientifically selected localities across the nation, the Gallup organization said.

The question asked was: "Which would you favor: a pardon after completion of alternative service, a pardon without requiring alternative service, or no pardon at all?"

Gallup said it found little difference between the views of persons in the households



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

WJS

5 September 1975

MEMORANDUM FOR Mr. Charles E. Goodell
Chairman, Presidential
Clemency Board
The White House

THRU: Captain Leland S. Kollmorgen, USN
Military Assistant to the President

The attached is forwarded per your request.

Kenneth R. Bailey
Colonel, USA
Military Assistant

Attachment



Mary McGrory

A Clemency Theme: 'You Can't Come Home'

The man's voice on the telephone was low and strained. He gave his name, but asked that it not be printed. He wanted to report that, after a lapse of three years, he had been visited by the FBI again twice since last fall.

"My son was indicted five years ago for violation of the Selective Service Act," he said. "He went to Canada. Last September, his five years as a landed immigrant were up, just as the clemency program was announced. He called up and said he thought it was vague, and it

Point of View

was now or never for Canadian citizenship. He decided to become a Canadian citizen.

"BEFORE, THE FBI used to come around every six months or so, very polite and nice-looking young men. Last fall they were back, and then just three weeks ago.

"I said to them, 'Why are you guys coming around after five years? He's not here.' They said he was a client of theirs and asked me if he had applied for clemency and if he had become a Canadian citizen. I wouldn't tell them.

"My son got his draft notice four months before his 26th birthday. I'm a veteran, I was in the artillery in Europe and the Pacific both. He said to me, 'Dad, I hope you don't think I'm a slacker, but I will be damned if I will shoot anybody or be shot by anybody over nothing.' I told him I agreed with him, and he took off.

Personnel Amnesty
Vietnam war exile

still can't go home

But Sun 2 Sup

Hagerstown (AP) — Sophie Brown made her eldest son promise never to come back home.

"Even if one of us becomes seriously ill or even passes away, I told him not to come back here," she says trying to mask her emotions. "It was a hard thing to do, but he's a young man with a family. He can't afford to be put in jail."

Rodney Brown, 28, cannot cross the American border to visit his parents and friends because a warrant for his arrest on a draft-evasion charge has been waiting almost from the moment he fled in 1967 to avoid active military service.

The first clemency program for Vietnam era draft dodgers and deserters offered resisters a chance to explain their actions. They were required to admit guilt and accept alternative service and/or a less-than-honorable discharge.

But Mr. Brown, now a draftsman for the Canadian government, says he would not accept punishment for a moral decision he feels was correct. "I feel moral justice warrants an

when it's wrong—straighten it up.

"He didn't hurt the country like those crooks in Washington did," she said, her voice getting louder. "And they all got full pardons."

If unconditional amnesty is not to be, the Browns feel they are at least entitled to have their son come to visit them.

"We're getting older. Some day we may not be able to go to Canada to see him," said Rodney Brown's father, an employee at Marquette Cement. Travel money is a problem, too.

They almost didn't make their recent trip. Mrs. Brown, who suffers from ulcerated legs, had a bad attack this year. She recovered but the fear is still there that she might not the next time.

Rodney said many evaders share that concern.

"A lot of the guys here are worried about their parents, too. They don't want to live in the United States anymore. . . after eight years you are settled. But they feel the [U.S.] government owes them a moral obligation to let them see their

Personnel Amnesty

U.S. NEWS & WORLD REPORT 8 September 1975 Pg. 8 (3)

Scoreboard for the Vietnam clemency program, due to end September 15:
Less than a third of the more than 100,000 persons eligible applied.

About half of the 16,500 convicted deserters and draft resisters who asked for clemency will get outright presidential pardons. Most of the rest will be required to serve time in public-service jobs before being pardoned.

Only 5,555 of the 10,000 unconvicted deserters signed up, and about half of them failed to complete their work programs. They accepted undesirable discharges--and no more prosecution--instead of seeking clemency discharges.

Clemency Program Gets Wide Support In a Gallup Survey

President Ford's clemency program requiring alternative service of Vietnam draft evaders and deserters was strongly supported as a "middle-of-the-road approach" in a recent Gallup poll, the polling organization said yesterday.

In the survey, taken last Aug. 1-4, 46 per cent favored the President's program, 18 per cent thought a pardon should

The question asked was: "Which would you favor: a pardon after completion of alternative service, a pardon without requiring alternative service, or no pardon at all?"

Gallup said it found little difference between the views of persons in the households of veterans, both Vietnam and pre-Vietnam, and nonveteran households.

The poll found that Vietnam draft evaders and deserters who had completed alternative service to the country and had received a pardon "could expect a favorable reception from the American people."

"The overwhelming majority

Frank Starr

Amnesty issue stubbornly kept alive

WASHINGTON — For a moment it looked as if another legacy of Viet Nam — that is, what to do about the men who evaded or deserted military service — would be put behind us with the demise Sept. 15 of the President's clemency board.

Not so. The mail brings a letter from the Safe Return Amnesty Committee seeking contributions for a big fall media and political campaign to legislate total and unconditional amnesty.

It seems it's still an issue. Fair enough. There remain thousands at large. The issue deserves examination.

The committee's letter is a good place to start since it tries an appeal on nearly every basis so far suggested. This includes some that are emotional and irrelevant. They can be got out of the

ing phosphorous bomb wounds of little boys and girls." A war is no less horrible if it is a popular one. That this war was unpopular is granted.

The resisters acted courageously by refusing to participate in the war and played an important role in changing public attitudes toward it. That is a legitimate point. But a sympathetic chairman of the clemency board points out that a big percentage of these fellows were not leading opinion, but following it. Many took the excuse that they hated the first sergeant at Fort Benning or had ripped off the PX at Fort Ord. Should they have unconditional clemency? No.

But what about the patriot, the solid citizen who in good conscience decided the only way he could fulfill his obligation to his country was to resist the

eventually was changed and the war ended. For him there was the clemency program that required a loyalty oath and alternative service. In practice even alternative service turned out to be a few months or, for many, none.

The patriot should have no difficulty with that. But thousands refused. They are men of no compromise — full clemency or none. They are stubborn, and they have a right to be stubborn. But should we change the law to accommodate stubbornness? By that logic the law might be changed to allow polygamy, too.

Moreover, the patriot's protest has no meaning if it costs him nothing. That hardship he shoulders to dramatize his protest is the moral validation of his position. It would be a disservice to

Buffalo Courier-Express 9/16/75

Ford Ends Clemency Board

WASHINGTON (UPI)—President Gerald R. Ford signed an executive order Monday terminating the Presidential Clemency Board, created a year ago to help Vietnam war resisters clear their records and return to normal lives.

Ford's executive order assigned the Justice Dept. to clean up unfinished business of the board, which processed 15,500 applications for the

recommended for clemency after completion of alternate service, 51 per cent were recommended for pardons and 6 per cent were denied.



criticized from his right for coddling the war's opponents and from his left for demanding, as part of the clemency, that applicants to the program perform alternate service work before being granted the clemency pardon.

In the end — after two extensions of time for applying to the program — it drew about 20

of the tot
the addit
the Sunb
version
Coupe.

'Good E

All of
eliminati
fall in
The mov
ding tre
as a
buyers.

Industr
latest fi
1976-mod
time th
harring

Clemency Board Completes Mission

By Douglas Watson

Washington Post Staff Writer

President Ford yesterday issued an executive order ending the life of the Presidential Clemency Board, which in one year reviewed about 15,500 applications for clemency from convicted Vietnam war deserters and draft dodgers.

Of the cases reviewed, 51 per cent of the applicants were recommended for pardons, 43 per cent were recommended for clemency conditional on fulfillment of alternative service, and 6 per cent were denied clemency, a White House release said.

help 15,500 people return to the mainstream."

Forrest Lindley, director of the Vietnam Veterans Center, disagreed, charging in an interview, "The board didn't do a thing for the vast majority of its clients . . . They really misled a lot of people."

The board was created with considerable fanfare by a presidential order a year ago. President Ford declared then that the clemency program would enable deserters and draft dodgers to "earn their return to the mainstream of American society."

On Nov. 29 President Ford signed the first pardons re-

gun work, according to a spokesman for the Selective Service System, which oversees alternative service.

The clemency board's original deadline for applications was Jan. 31, but it was extended to March 31, with about 5,000 applications coming in during March.

"We're sorry that we didn't have a longer period of time in which to receive applications so that we may have helped more people," Goodell said.

This spring nine more members were appointed to the original nine-member board, which has been meeting

ity for making recommendations to the President.

The board received about 21,500 applications, but 5,000 were from individuals found not to qualify for clemency consideration. The board expects to submit a final report within six weeks.

Lindley of the Vietnam Veterans Center said though President Ford and Goodell raised the hopes of many Vietnam war deserters that they could have their records restored to good standing, the board has not helped such men get dishonorable discharges changed to honorable ones.

wounds (of the Vietnam war) and bring us together again."

In addition to the board's consideration of clemency for convicted deserters and draft dodgers, the administration's amnesty program included consideration of unconvicted draft evaders by the Justice Department and of unconvicted military personnel who deserted or were absent without leave by the Defense Department.

A Selective Service spokesman said that as a result of all the clemency programs, 5,532 persons have been enrolled in alternative service. He said 115 have successfully com-



ca

-Board

CLEMENCY PROGRAM: SHOULD IT BE EXTENDED?

The Vietnam era has ended as far as the United States government is concerned, but for thousands of draft evaders and military deserters who chose not to participate in President Ford's clemency program the Vietnam experience is not yet over.

Before closing its doors Sept. 15, the year-old Presidential Clemency Board headed by former Sen. Charles E. Goodell (R N.Y. 1968-71) processed some 21,500 applications for presidential pardons and clemency discharges from convicted deserters and draft dodgers.

Yet another 100,000 individuals—most of whom drew undesirable discharges from the armed services for unauthorized absences—did not apply, although they were eligible for clemency.

The President's "earned re-entry" clemency program required up to 24 months of low-paid alternate service in schools, hospitals and other public institutions. Upon com-

that much more could be done for those who violated draft laws or disobeyed military orders during the Vietnam era.

In the Senate, Gaylord Nelson (D Wis.) and Jacob K. Javits (R N.Y.) have introduced legislation (S 1290) that would reestablish the Clemency Board and eliminate all deadlines for filing clemency applications. "There is no sense in making this a process to beat the clock," Nelson said.

A much more controversial bill (S 1145), offered by Sen. Philip A. Hart (D Mich.), along with three co-sponsors, including Nelson, would grant amnesty automatically to those covered by President Ford's program. Those charged with draft evasion or desertion would receive immunity from prosecution; military personnel convicted of desertion would receive honorable discharges, and the records of convicted draft dodgers would be wiped clean.

Legislation (HR 1229, HR 2568, HR 7995) introduced by

Secret from *head*

ASSOCIATED PRESS WIRE - 9/19/75 1:10 AM
#10

Four members of President Ford's Clemency Board for VietNam deserters and draft evaders have charged that the program was run by an anti-war majority that took actions which were unethical and bordered on illegality, the Washington Post says.

The four sent a minority report to the White House charging that the 18-member Board was too easy in granting pardons and clemency discharges even to forgiveness for crimes and for deserting their comrades during battles in VietNam, the Post said in its Friday editions.

The Post charged that the Program started out as middle of the road but twisted into an amnesty oriented operation by Chairman Charles E. Goodell and his staff, the story said. Goodell confirmed Thursday night that a minority report had been sent to White House counsel Philip Buchen, but he returned the report unread because he had not yet received the Board's Final Report.

Goodell said he had not read the minority report and would have no comment until he did.

The Board was disbanded officially Sept. 15th but its members were to meet again in Wahington, Sept. 29th to work on the final report said a spokeswoman for the Board.

A copy of the minority report also was sent to the VFW, the Post said. It said the report was signed by retired Marine Corps General Lewis W. Walt; Ralph Adams, President of Troy State University, Troy, Alabama, James B. Dougovito, an instructor at Michigan Tech University, Houston, Michigan, and Reitred Army Colonel Harry C. Riggs, Plainview, Texas.

None of them could be reached for comment immediately.



9/19/75 2:00 PM Report from John Carlson's office at White House:

Carlson
In answer to queries ~~they~~ received from the press ~~they~~ ^{he} spoke with Jay French in Buchen's office and as a result issued this statement:

Carlson
"We have received a copy of the Minority Report but have not as yet had an opportunity to review it in depth. Under the Federal Advisory Commission's Act, the Board is required to submit a Final Report. Until such time as the final report is received, ^{it} ~~it~~ would be premature to comment on the Minority Report which will probably be a part of the Final Report anyway.

Minority Hits Clemency Panel Actions

By George C. Wilson
Washington Post Staff Writer

President Ford's clemency board for Vietnam deserters and draft dodgers was run by an antiwar majority that took "unethical," bordering on illegal, actions to promote amnesty, four former board members charge in a minority report sent to the White House.

Retired Marine Corps Gen. Lewis W. Walt was so angered by the presidential clemency

Clemency Panel Minority Charges Majority With 'Unethical' Actions

CLEMENCY, From A1

report, terming it "unfortunate" that "the fantastically superb job of reputable men and women who performed under great stress" is being attacked.

"When you take the middle ground," Goodell said in describing that as his own position during his year of running the presidential clemency board, "you're fired at by both

a total of one secretary to answer the phone, take messages, type correspondence and maintain files for them.

Civilians who had dodged the draft and then committed crimes as well as veterans who had broken both military and civilians laws often were granted pardons and clemency discharges by the board.

"The end result is that the public will have a distorted perception of the clemency discharge" because "it is likely to be associated with

This, said the minority, undercut the intent to make convicted draft evader or deserter who had received more than an honorable discharge more employable if he wins clemency discharge.

Actions taken by the majority of the presidential clemency board "are not only unethical, but they may also lead on illegality and could greatly discredit the President's clemency program in the eyes of the American

CLEMENCY

Continued from A-3

In other cases, the minority group charged, pardons were recommended for men involved in such military offenses as aggravated assault, striking an officer and wrongful appropriation of government property.

"The clemency discharge is likely to be associated with criminality," the report said. "It will be degraded and will not achieve the intended employer acceptability.

"THROUGH the apparent ill-considered and misguided recommendations of the majority of the board, the clemency discharge may be

Goodell Called Too Soft

Minority Scores Clemency Board

By Orr Kelly

Washington Star Staff Writer

Retired Marine Gen. Lewis Walt and three other members of the Clemency Board have written a minority report bitterly criticizing the board's chairman and senior members of the staff.

Charles E. Goodell, a former New York senator who served as chairman of the board, and Lawrence M. Baskir, general counsel of the board, which went out of existence Monday,

The Walt group was particularly critical of Goodell and the staff for two actions, both related to actions involving those accused of crimes other than desertion or being absent without leave.

When the board agreed on a nationwide publicity campaign in January, the report said, "the chairman, without the knowledge of the board, wrote letters to all major penal institutions of the United States, advising

Goodell Called Too Soft

Minority Scores Clemency Board

By Orr Kelly

Washington Star Staff Writer

Retired Marine Gen. Lewis Walt and three other members of the Clemency Board have written a minority report bitterly criticizing the board's chairman and senior members of the staff.

Charles E. Goodell, a former New York senator who served as chairman of the board, and Lawrence M. Baskir, general counsel of the board, which went out of existence Monday, were chief targets of the 10-page report.

The Walt group was particularly critical of Goodell and the staff for two actions, both related to actions involving those accused of crimes other than desertion or being absent without leave.

When the board agreed on a nationwide publicity campaign in January, the report said, "the chairman, without the knowledge of the board, wrote letters to all major penal institutions of the United States, advising them that inmates who met the eligibility criteria should apply." These

CLEMENCY

Continued from A-3

In other cases, the minority group charged, pardons were recommended for men involved in such military offenses as aggravated assault, striking an officer and wrongful appropriation of government property.

"The clemency discharge is likely to be associated with criminality," the report said. "It will be degraded and will not achieve the intended employer acceptability.

"THROUGH the apparent ill-considered and misguided recommendations of the majority of the board, the clemency discharge may be so degraded and discredited that it will no longer be meaningful as

Minority Hits Clemency Panel Actions

By George C. Wilson
Washington Post Staff Writer

President Ford's clemency board for Vietnam deserters and draft dodgers was run by an antiwar majority that took "unethical," bordering on illegal, actions to promote amnesty, four former board members charge in a minority report sent to the White House.

Retired Marine Corps Gen.

Clemency Panel Minority Charges Majority With 'Unethical' Actions

CLEMENCY, From A1

report, terming it "unfortunate" that "the fantastically superb job of reputable men and women who performed under great stress" is being attacked.

"When you take the middle ground," Goodell said in describing that as his own position during his year of run-

a total of one secretary to answer the phone, take messages, type correspondence and maintain files for them.

• Civilians who had dodged the draft and then committed crimes as well as veterans who had broken both military and civilians laws often were granted pardons and clemency discharges by the board.

"The end result is that the public will have a distorted

This, said the minority, undercut the intent to make convicted draft evader or deserter who had received more than an honorable discharge more employable if he wins clemency discharge.

Actions taken by the majority of the presidential clemency board "are not only unethical, but they may also lead to an increase in crime on illegality and con-



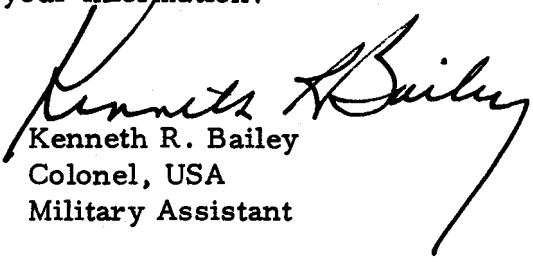
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

19 September 1975

MEMORANDUM FOR Mr. Charles E. Goodell
Chairman, Presidential
Clemency Board
The White House

THRU: Captain Leland S. Kollmorgen, USN
Military Assistant to the President

The attached is forwarded for your information.


Kenneth R. Bailey
Colonel, USA
Military Assistant

Attachment





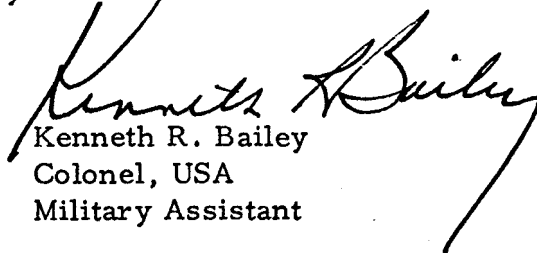
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

19 September 1975

MEMORANDUM FOR Mr. Charles E. Goodell
Chairman, Presidential
Clemency Board
The White House

THRU: Captain Leland S. Kollmorgen, USN
Military Assistant to the President

The attached is forwarded for your information.


Kenneth R. Bailey
Colonel, USA
Military Assistant

Attachment

Minority Hits Clemency Panel Actions

By George C. Wilson

Washington Post Staff Writer

President Ford's clemency board for Vietnam deserters and draft dodgers was run by an antiwar majority that took "unethical," bordering on illegal, actions to promote amnesty, four former board members charge in a minority report sent to the White House.

Retired Marine Corps Gen. Lewis W. Walt was so angered by the presidential clemency board's operation that he sent a copy of the minority report to the Veterans of Foreign Wars, as well as the White House, for distribution to veterans today.

Thus, it appears certain that the board President Ford appointed in hopes of healing the wounds of the Vietnam war is about to come under attack by the political right. It has long been attacked by the left, which charges that it has not granted enough pardons.

Walt and three others of the 18-member presidential clemency board charge that the clemency program started out as "middle-of-the-road" but was twisted into "an amnesty-oriented" operation by Chairman Charles E. Goodell and his staff.

The minority protested that the "amnesty-oriented, Goodell-influenced group" went too easy in granting pardons and clemency discharges—even to forgiving men for crimes and for deserting their comrades during battles in Vietnam.

Goodell said last night that he had not seen the minority report, terming it "unfortunate" that "the fantastically superb job of reputable men and women who performed under great stress" is being attacked.

"When you take the middle ground," Goodell said in describing that as his own position during his year of run-board, "you're fired at by both
(See PANEL, Pg. 2)

Gabriel says clemency was a success

By Ken O. Botwright
Globe Staff

US Atty. James N. Gabriel yesterday said that President Ford's clemency program for Vietnam war resisters, which ended at midnight Monday, was a success in Massachusetts.

However, leaders of state and national amnesty organizations branded the year-old program a failure and a "shamnesty." They also pledged to continue their fight for unconditional and universal amnesty for all draft evaders, deserters, veterans with less than honorable discharges and civilians arrested for protesting the war.

"I think the program

CHRISTIAN SCIENCE MONITOR - 18 SEPTEMBER 1975(19) Pg. 4

Most stayed out of Ford clemency program

By Dana Adams Schmidt
Staff correspondent of
The Christian Science Monitor

Washington

By the time the doors closed on President Ford's clemency program for convicted deserters and draft evaders Sept. 15, few of those eligible had applied.

Of an estimated 100,000 young Americans who have been convicted of the two offenses, desertion or draft evasion, less than 16,000 have applied for processing by the Clemency Board.

Of these, the President has pardoned 2,400. He has another 2,976 cases on his desk and will be getting another 10,500 in the next six weeks. About half can expect immediate pardons, the rest pardons after three to six months "alternative service."

The presidential pardon restores their civil

a separate program for deserters who, it was hoped, would come out of hiding and/or return from abroad to do alternative service in hospitals, nursing homes, and other public institutions.

The Pentagon knew of 26,000 deserters who might have been eligible. But of these, by the end of the program on March 31, only 5,500 had chosen to take part. The Pentagon has been in touch with another 4,600, who remained outside the program.

The 5,500 have served or are still doing alternative service organized by Selective Service ranging from 1 month to 24 months. At the end of that time they get a special clemency discharge from the Army, Navy, or Air Force.

Selective Service thus far has had 722 draft evaders referred to it, 4,502 military desert-

13 September 1975 (7)

The Vietnam War's Resisters Deserve Total Amnesty Now

We cannot absorb the true lessons and meaning of the Vietnam experience into our history while continuing to punish the innocent victims of America's war policy. To finally heal the wounds of war, we must take positive steps toward a national reconciliation that does right by those who fought and those who didn't; by those who felt their overriding duty was to their Government, and those whose first call was to conscience.

That is why I call for complete, immediate, universal, and unconditional amnesty.

The legal and economic burdens placed on the backs of millions of young men must be lifted—now. Those who resisted the war should be welcomed back without penalty. Those with less-than-honorable discharges should be restored to their full rights and privileges. And those who enlisted or were drafted into that bitter war and came back only to find unemployment and discrimination should get the hero's welcome of jobs and equal opportunity to go along with their medals and memories.

I did not come lightly to this position in favor of total amnesty. Rather, it is the result of my experience on the Presidential Clemency Board, an experience that brought home to me the full unfairness of the treatment accorded the different categories of people caught up in the snares of our system of military justice.

Many hundreds of thousands of young men were unfairly denied conscientious-objector status, often because they were unable to articulate their moral objections. Some were drafted or enlisted and even fought at the front, and then deserted for com-

6 September 1975 Pg. 7

House Panel Backs Amnesty for Those Who Opposed War

WASHINGTON, Sept. 5 (AP) —A House subcommittee gave approval today to a bill that would extend amnesty to draft resisters and soldiers who defied orders or deserted because of their opposition to the war in Indochina.

The amnesty would be conditioned strictly on opposition to the war. Those seeking amnesty would have to sign a certificate stating that was the reason for their actions. The bill would also allow the release of people now serving alternative service under President Ford's amnesty program.

The measure was approved by a 4-to-1 voice vote in the House Civil Liberties Subcommittee. The chairman, Representative Robert W. Kastenmeier, Democrat of Wisconsin, said he was "not sanguine" about the bill's prospects for approval by Congress. But he said he believed it had a chance.

In addition to amnesty, the

Clemency Board Completes Mission

By Douglas Watson

Washington Post Staff Writer

President Ford yesterday issued a new executive order ending the life of the Presidential Clemency Board, which in one year reviewed about 15,500 applications for clemency from convicted Vietnam war deserters and draft dodgers.

Of the cases reviewed, 51

said.

This spring nine more members were appointed to the original nine-member board, which has been meeting mainly in panels of four members daily, including weekends, since June.

Ten of the 18 board members were meeting yesterday with the expectation they would continue their deliberations into the evening to finish making recommendations before the midnight deadline.

The clemency board expects to forward 910 cases, in which

WASHINGTON POST - 16 SEPT. 1975 Pg. 4

House Probers Name On Missing Americans

House Speaker Carl Albert named seven Democrats and three Republicans yesterday to a new committee to investigate missing military and civilian personnel in Southeast

WASHINGTON POST
16 SEPT. 1975

Defense Production

The Senate passed an objection and sent the House a bill to ex-

A048

D B

CLEMENCY 9-16

(EDITORS: PRESIDENT FORD MEETS WITH CLEMENCY BOARD AT 5:30 P.M.
BT)

DAY LD

WASHINGTON (UPI) -- PRESIDENT FORD'S NOW-DEFUNCT CLEMENCY PROGRAM BEW LESS THAN 20 PER CENT OF MORE THAN 100,000 POTENTIAL APPLICANTS. AND UNLESS A GENERAL AMNESTY IS PROCLAIMED, UNREPENTANT VIETNAM WAR RESISTERS STILL WILL BE SUBJECT TO PUNISHMENT.

THE CLEMENCY BOARD WENT OUT OF EXISTENCE MONDAY, ONE YEAR AFTER THE CLEMENCY PROGRAM WAS INSTITUTED. PRESIDENT FORD PLANNED A BREWELL MEETING WITH THE 18-MEMBER PANEL TODAY.

FORD SIGNED AN EXECUTIVE ORDER MONDAY ASSIGNING THE JUSTICE DEPARTMENT TO CLEAN UP UNFINISHED BUSINESS OF THE BOARD, WHICH PROCESSED 15,500 APPLICATIONS FOR THE LIMITED CLEMENCY OFFER. TO GAIN CLEMENCY, AN APPLICANT HAD TO PLEDGE TO PERFORM ALTERNATE SERVICE TO THE COUNTRY.

OF THE CLEMENCY REQUESTS REVIEWED BY THE BOARD, THE WHITE HOUSE SAID, 43 PER CENT WERE RECOMMENDED FOR CLEMENCY AFTER COMPLETION OF ALTERNATE SERVICE, 51 PER CENT WERE RECOMMENDED FOR PARDONS AND 6 PER CENT WERE DENIED.

SOME OF THE PAPERWORK LEFT FOR THE JUSTICE DEPARTMENT TO HANDLE INCLUDES THE 13,000 CLEMENCY BOARD RECOMMENDATIONS FOR FORD'S REVIEW AND SIGNATURE. HE HAS ALREADY SIGNED ABOUT 2,400 OF THEM.

THE PENTAGON, WHICH HANDLED THE CASES OF UNCONVICTED DESERTERS, ESTIMATED IT RECEIVED ABOUT 5,555 APPLICATIONS FROM A POTENTIAL 10,115, WHILE THE JUSTICE DEPARTMENT, WHICH HANDLED THE CASES OF UNCONVICTED SELECTIVE SERVICE SYSTEM VIOLATORS, RECEIVED 711 APPLICATIONS FROM 4,400 MEN FACING INDICTMENT.

UPI 09-16 04:40 AED

NEW YORK TIMES - 15 SEPTEMBER 1975 Pg. 10

60% of Deserters Leave Amnesty Service

By JON NORDHEIMER

Special to The New York Times

HALF MOON BAY, Calif., Sept. 14—When Saigon collapsed last spring, so did Gary Della Bitta's pledge to complete alternative service in the amnesty program created by President Ford one year ago in an executive order "to bind up the nation's wounds."

"It seemed so silly," the former Army deserter explained the other day as he walked along the overcast shoreline on the peninsula below San Francisco. "The war in Vietnam had ended for the Vietnamese, but it was still going on for me and other American war resisters."

Mr. Della Bitta, whose return home last fall from long self-exile in Canada under the clemency program was chronicled by the New York Times in a series of articles, has not been the only dropout from President Ford's amnesty army.

More than 60 per cent of the 5,554 military deserters accepted in the program have stopped performing alternative public service, work that was assigned for periods up to 24 months to earn the participant a "clemency pardon" in place of a dishonorable discharge.

No Prosecution

"The Government had already wasted five years and seven months of my life by forcing me into Canada," he said, looking out at the fishing boats

The Presidential Clemency Board, which is scheduled to end operations tomorrow, has completed certification of some 16,500 Vietnam era former servicemen for eligibility in the amnesty program. About half have been granted outright clemency pardons, but the remainder, about 8,000 persons, have been told to perform alternative service, assignments that for most cases are just now being handed out after delays due to red tape and confusion over eligibility.

Government sources expect a 35 per cent dropout rate in this program, although clemency board officials are generally more optimistic.

California, with largest number of clemency seekers, about 450, now enrolled in some form of alternative service work, also has one of the lowest dropout rates, 8 per cent, according to Bill McCann, director of the state's reconciliation program for the Selective Service System.

Have Flexibility

Mr. McCann attributed the success of the program in California to a flexibility in the type of service that can be performed, and to patience with the erratic work patterns of some enrollees. He said that his office had recognized that the slumping economy, with unemployment in California over 10 per cent, had hampered the efforts of many participants to find any kind of work.

Further, individuals in the program who had already es-

would eventually be developed to support him.

He worked that way for three months, he said, before he was informed that the money would not be forthcoming. He quit this spring and shopped around for something else.

All the time he had been living with his parents; he felt guilty about letting his father, a county park ranger, support him. There were other problems at home. He had not lived with his family since he was 20 years old. He had changed greatly in those years, especially during the stay in Canada, a time when his hate for the war in Vietnam and his anger at his government was overshadowed by his exposure to meditation techniques, mystical teachings and awakening to a world of spirituality.

He was uncomfortable in articulating his new perspective on life to his parents or old high school pals.

"It was to far out for them," he now recalls. "We were worlds apart and it was said because there were so many things and experiences I wanted to share with them."

Few Jobs Available

It was also very apparent that few jobs of any nature were available to him. Unemployment in Gilroy was running around 15 per cent. Old friends of his who were Vietnam combat veterans with honorable discharges could not find work. Since the onus of a dishonorable discharge carries

NEW YORK TIMES

15 SEPT. 1975 Pg. 9

Five Foreign Journalists Picked as Nieman Fellows

CAMBRIDGE, Mass. Sept. 13 (AP)—Harvard University announced Friday the selection of five journalists from foreign countries to join the 1975-76 class of Nieman fellows in journalism at the university.

Named associate fellows were the following:

Robert G. Fiess, general editor of L'Express, Paris, who will study sociology and psychology.

Yoichi Funabashi, economic reporter for Asahi Shimbun, Tokyo, who will study economics, international relations and foreign policy.

Gunter R. Haaf, science editor of Stern, Hamburg, West Germany, who will study the way in which specialized science information is communicated to the press.

Janos Horvat, reporter for Hungarian Television, Budapest, who will study the sociology and psychology of mass communications.

Percy P. Qoboza, editor of the Daily World and of the Weekend World, Johannesburg, South Africa, who will study history, international relations and sociology.

instruction in San Jose. In June he met in class a young widow with a small daughter who

R P

CLEMENCY 9-15

DAY LD

BY DAVID E. ANDERSON

WASHINGTON (UPI) -- AFTER ONE YEAR, THE CLEMENCY PROGRAM FOR VIETNAM WAR RESISTERS ENDS TODAY. THE MAN WHO RAN IT SAYS HE IS PLEASED WITH THE PROGRAM, BUT MANY OF THOSE IT MOST AFFECTED ARE NOT SATISFIED.

PRESIDENT FORD SCHEDULED A LATE AFTERNOON FAREWELL MEETING WITH THE 18-MEMBER CLEMENCY BOARD, WHICH WAS TO PRESENT ITS FINAL PATCH OF RECOMMENDATIONS.

ITS CHAIRMAN, CHARLES GOODELL, SAID, "WE'RE QUITE PLEASED WITH THE WORK THE BOARD HAS DONE."

"THE PROGRAM HAS COMPLETELY FAILED IN ALL AREAS," SAID WARREN HOOVER, EXECUTIVE DIRECTOR OF THE NATIONAL INTERRELIGIOUS SERVICE BOARD FOR CONSCIENTIOUS OBJECTORS. "LESS THAN 20 PER CENT OF THE PEOPLE ELIGIBLE APPLIED AND MANY OF THEM HAVE SINCE DROPPED OUT."

BOTH SIDES CONCEDE THE PROGRAM FAILED TO REACH VAST NUMBERS OF YOUNG MEN WHO FOUND THEMSELVES IN LEGAL JEOPARDY BECAUSE OF THE WAR. FORD SAID WHEN HE ANNOUNCED THE PROGRAM SEPT. 16, 1974, THAT ITS "PRIMARY PURPOSE" WAS THE "RECONCILIATION ... AND RESTORATION OF ESSENTIAL UNITY OF AMERICANS."

THE LATEST PRELIMINARY STATISTICS SHOW THE CLEMENCY BOARD RECEIVED ABOUT 16,500 APPLICATIONS FROM AN ESTIMATED POTENTIAL OF ABOUT 100,000.

DRAFT DODGERS AND DESERTERS, INCLUDING MANY WHO WENT TO CANADA AND EUROPE AND STILL HAVE NOT BEEN INDICTED, WERE ELIGIBLE TO APPLY FOR GENERALLY LOW-PAYING, PUBLIC SERVICE-TYPE CIVILIAN JOBS.

AFTER SERVING FOR UP TO TWO YEARS, BUT USUALLY AFTER ONLY A FEW MONTHS, THEY WOULD AVOID PROSECUTION OR WOULD RECEIVE A PRESIDENTIAL PARDON IF THEY HAD CONVICTIONS.

ALMOST BEFORE THE INK WAS DRY ON FORD'S PROCLAMATION, MOST AMNESTY ORGANIZATIONS SAID THE PROGRAM WAS "PUNITIVE" AND THE MAJOR EXILE ORGANIZATIONS ABOARD WERE CALLING FOR A BOYCOTT OF THE FORD PROGRAM. WHILE CONTINUING TO DEMAND UNIVERSAL AND UNCONDITIONAL AMNESTY.

"WE FEEL THAT WE DID A GOOD JOB," GOODELL SAID. "OUR INTENTIONS WERE GOOD AND EVERYONE WHO CAME THROUGH HERE GOT A FAIR SHAKE. WE DID A SERVICE FOR THESE PEOPLE."

UPI 09-15 03:25 AED

45 Pct. in Clemency Program Skip

WASHINGTON — More than 45 percent of the military deserters who signed up for President Ford's clemency program have skipped out on alternate-work obligations and are considered out of the program, Selective Service says.

The only repercussion is that the 2037 former military members will not be eligible to trade undesirable discharges for clemency discharges — a swap that is automatic for all who complete the program.

Neither discharge, however, permits

its holder to qualify for VA or post-service benefits.

Of the 4503 military members processed through Fort Benning, Harrison, Ind., during the clemency program, 60 have completed work obligations, Selective Service reports, and another 1376 are working now.

Of the rest, 748 have been referred to other jobs, 155 had jobs that have been interrupted, 65 have applied for second jobs and 62 have received temporary job waivers for a variety of personal reasons, Selective Service says.

ALAN S. EMORY

Dear Charlie —

NANA also used
the story.

Best,
Alan

White House Returns Minority Report Unopened

Goodell Defends Clemency Board Record

By Alan Emory

Times Washington Correspondent

WASHINGTON — The White House has returned, without even opening it, a minority report slamming President Ford's clemency board for those evading Vietnam war service.

The report, authored by retired Marine Corps Gen. Lewis W. Walt and signed

At the start, Gen. Walt appeared in a number of public service announcements on radio and television urging participation in the clemency program.

"The board didn't change, it was the general," Goodell told The Times. "When Vietnam fell he started saying, 'No clemency'."

Presidential Counsel Philip W. Buchen told Goodell that when the White House received the Walt report it sent it back unread because the majority report had not yet been submitted.

Goodell shrugged off Walt's complaints about lack of administrative help as "mostly pretty petty

completed on its own merits, and his greatest concern was the damage Walt might do to a staff that had processed 16,000 cases in six months. He called the general's charges "real slander."

As for Walt's claim the New Yorker had shifted a "middle-of-the-road" program into an "amnesty-or-

were denied clemency. He cited the case of one serviceman who volunteered for a second tour of duty, but broke and went absent without leave for three days. He was denied clemency, "very tragically and sadly, but he jeopardized his fellow soldiers," Goodell observed.

He said that some one in

viled as a pig and said "Where else?" when he asked if she wanted to come home.

said
to the
The

Buffalo Evening
Goodell Hits
News 9/20/75
Criticism of
Amnesty Unit

News Washington Bureau

WASHINGTON, Sept. 20 — Former Sen. Charles G. Goodell (R., Jamestown) who headed the recently disbanded Presidential Clemency Board has taken exception to comments by retired Marine Gen. Lewis W. Walt that the board was so amnesty-oriented its operations "bordered on illegality."

Gen. Walt was one of four of the 18 board members who submitted a minority report on the board's operation.

Mr. Goodell said the board did not change its approach to amnesty for Vietnam deserters and draft evaders but it was Gen. Walt who changed.

Mr. Goodell noted that at the start of the program Gen. Walt appeared in a number of radio and television public service announcements urging participation in the program but "when Vietnam fell he started saying, 'no clemency'."

The former senator, replying

S
B
SA
The
Army
Patri
black
terror
gro
outla
For
SLA
"Dea
that
peopl
ancie
cobra
Wit
Hear
rades
lieve
last
tag r
Two
murc
last
lice i

TH

F

Clemency Program On Draft Resisters Defended on Board

WASHINGTON, Sept. 22 (UPI)—The majority of the 18-member Presidential Clemency Board today defended the board's year-long effort to reconcile Vietnam-era draft resisters and military deserters member minority.

"In the executive order of Sept 16, 1974, the President indicated his hope was to heal the wounds of a very difficult and trying time in America's history," the 13-member majority said. "As members of the board we are deeply gratified

UP-073

(CLEMENCY BOARD)

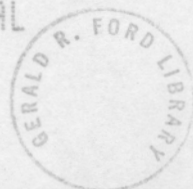
WASHINGTON (UPI) -- SEN. JAMES BUCKLEY, R-N.Y., SAID TODAY HE WOULD HAVE BEEN HAPPIER IF THE CHAIRMAN OF THE CLEMENCY BOARD TO REVIEW CASES OF DRAFT EVASION AND MILITARY DESERTION DURING THE VIETNAM WAR HAD "A BETTER REPUTATION FOR NEUTRALITY."

THE REFERENCE BY BUCKLEY, A NEW YORK CONSERVATIVE, WAS TO CHARLES GOODSELL, THE LIBERAL REPUBLICAN FROM NEW YORK WHO CRITICIZED THE WAR DURING THE NIXON ADMINISTRATION AND LATER LOST HIS SENATE SEAT TO BUCKLEY IN 1970. GOODSELL, A FORMER CONGRESSMAN AND PERSONAL FRIEND OF PRESIDENT FORD'S, WAS NAMED TO HEAD THE BOARD.

BUCKLEY COMMENTED ON THE APPOINTMENT DURING A MEETING WITH NEWSMEN WHEN HE WAS ASKED FOR HIS REACTION TO THE LATEST RULES EMERGING FROM THE BOARD.

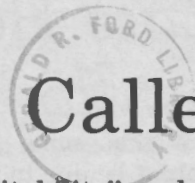
BUCKLEY SAID, WHILE HE HAD "NO OBJECTION TO A TAILORED INDIVIDUAL ASSESSMENT OF INDIVIDUAL CASES," HE WOULD HAVE BEEN "HAPPIER IF SOMEONE IN CHARGE HAD A BETTER REPUTATION FOR NEUTRALITY."

UPI 09-24 01:43 PED



Freezing in the Dark

Amnesty Policy Called Total Failure



Ed. Note: "Freezing in the Dark" will occasionally appear in this paper containing the personal opinions of RECORD staffers on matters of current interest.

By Arnold S. Rosenberg

A plaque on the wall of his plain paper-strewn office declares, "Moderation in the pursuit of justice is no virtue; extremism in the defense of liberty is no vice." But one wonders after talking to him whether Henry Schwarzschild, Director of the American Civil Liberties Union's Project on Amnesty in New York, is

as "unsuitability" and "for the good of the service," yet the Clemency Program leaves them with empty hands.

Nor is the Program aimed primarily at those most visible of antiwar activists, the exiles in Canada. A little-publicized "catch" in the Clemency Proclamation exempts from eligibility those persons who are excludible from the United States under U.S.C. 1182. Section 1182 excludes those who left or remained away from the country to avoid military service. Instead of the supposed firebreathers of To-

tive service, and 2,166 had "failed to complete" it—i.e., had presumably quit the Clemency Program. Adding up the latter three numbers, we are left with 1,316 people who seem simply to have disappeared.

The report additionally cites the number of applications for clemency as 22,266. Of these, approximately 9,000 received unconditional clemency, largely persons who had already served prison terms for "eligible" crimes. Subtracting one from the other, we are left with over 13,000 people, of

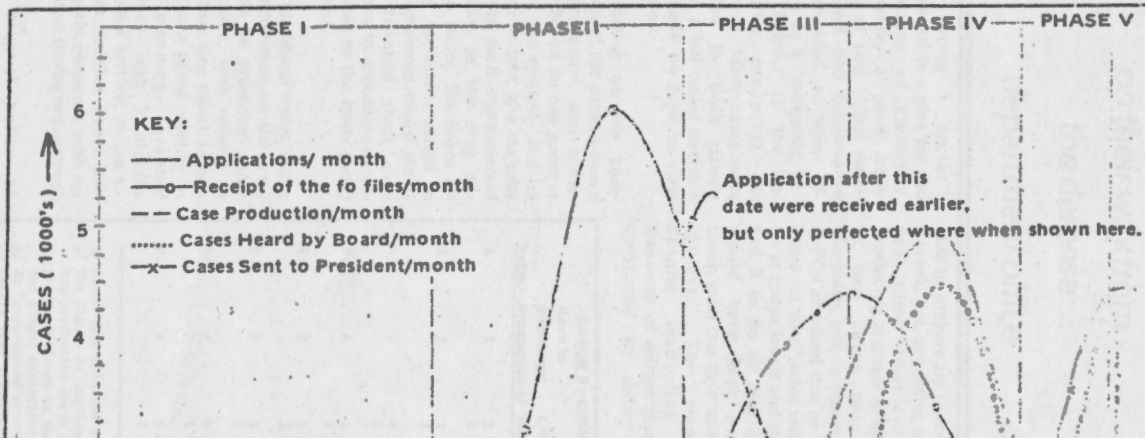


Present Shock

Crisis Management Fails At Clemency Board

by Art Janovsky

What began as an attempt at crisis management over a year ago ended in an apparent management crisis on September 15 as the Presidential Clemency Board (PCB) went out of existence. Given a short period of time to do its job, the board had to be fast and efficient, for there was no possibility of continued existence, and no time for attention to trivia. While avoiding traditional governmental inertia, a prime goal of crisis management as outlined in



were for receipt of only one or two thousand applications before the initial 90-day deadline of December 31, 1974. A total professional staff of 15 was felt to be sufficient to assist the nine-member board in handling the anticipated volume of applications by the September termination of its existence.

Board chairman Charles Goodell, as a result of widely-publicized pleas to the President, succeeded in extending the deadline for

Mary McGrory

**Amnesty Evaluation:
An 'Insider's' View?**

Star-News 11-17-75

What is needed, according to Father Theodore Hesburgh, president of Notre Dame, is a new study of amnesty.

Father Hesburgh has urged the Ford Foundation to finance such a study which would be undertaken at Notre Dame's Civil Rights Center under the direction of Lawrence Baskir, general counsel of President Ford's controversial Clemency Board.

Advocates of unconditional amnesty for Vietnam-era draft evaders, re-

The Evening and Sunday Bulletin

30TH AND MARKET STREETS PHILADELPHIA, PA. 19101

Serving the Greater Philadelphia and South Jersey Area

February 13, 1976

Senator Charles E. Goodell
1225 19th St., N.W.
Washington, D.C., 20036

Dear Senator Goodell:

I'm enclosing a copy of our editorial of last Sunday calling for a renewal of the clemency program. I apologize for the week's delay in sending it to you.

Sincerely yours,



Douglas Bedell
Editorial Writer



NEARLY EVERYBODY READS THE BULLETIN

Many still eligible

FEB 8, 1976

Reinstate clemency

When former U.S. Senator Charles E. Goodell released the final report of the Presidential Clemency Board recently, he urged Congress to restore an opportunity for clemency to Vietnam-era offenders who did not respond to President Ford's original, seven month program.

There is much in the Clemency Board's report to justify reinstating a program of reconciliation for draft evaders and deserters on a longer term basis.

Senator Goodell was the chairman of the Clemency Board. While the board considered its work a success, it reached only 21,729 — or 19 percent — of 113,337 young men who were known to be in trouble with Selective Service or military authorities during the war.

Far and away, the largest group of potential beneficiaries are not fugitives. They are young men in this country who have already been convicted and punished for their of-

Senator Goodell and his fellow board members feel that most of the 91,000 youths who did not apply for clemency either didn't know they were eligible, or dismissed the program out-of-hand. As sketched by the Clemency Board, many of the convicted offenders do not deserve to have the stigma of felony convictions or bad conduct discharges hanging over them for life.

In short, there are extenuating circumstances of many kinds. A blanket amnesty would be unfair to men who fought and died or worked in alternative service as conscientious objectors.

But it is also unfair to be foreclosing clemency discharges or presidential pardons for thousands of young men who could qualify for them. By resuming a modest clemency program, Congress would be helping to heal wounds that linger from a bitterly divisive

Deserters Seek Carter Pardon With No Strings

By Lee Lescaze

Washington Post Staff Writer

TORONTO—Jimmy Carter has promised a pardon, the recorded message at the American exile office here tells callers.

"But here's the catch. The Carter pardon is so far open only to still-wanted draft resisters . . . the smallest, most middle-class and whitest group in need of amnesty."

Deserters, Carter said, will be handled "on an individual basis." Veterans with less than honorable discharges, those who didn't register for the draft and those who have become citizens of another country and find themselves barred from the United States as undesirable aliens would not be affected by a pardon of the scope Carter outlined during his campaign.

"I came across the border quite proud and that's the way I want to go back," said Jack Colhoun, a deserter active in the exile organization here.

"No one supports the war anymore. If the war was wrong, why do you insist that I be punished? It was right not to fight in Vietnam. It's as simple as that."

Carter said last August: "We may not all be able to agree about what was the right course for the nation to take in 1966. But we can now agree to



THE NEW REPUBLIC *A Journal of Politics and the Arts*, Vol. 175, No. 26,
Issue 3233, December 25, 1976. Published weekly (except the issues of January 3, July 10,
August 14, August 28) and distributed by The New Republic, Inc., 1220 19th Street, N.W.
Washington, DC 20036. Phone 331-7494. Single copy, 60¢; Yearly subscriptions, \$21;
foreign, \$24; students, \$14. Send all remittances and correspondence about subscriptions,
undelivered copies and changes of address to Subscription Department, The New Republic, 381
West Center Street, Marion, Ohio 43302. Copyright 1976 by The New Republic, Inc. Item g. Second class
postage paid at Washington, DC and additional mailing offices. Indexed in Reader's Guide.

Contents

- 3 Comment
Amnesty Options
- 5 White House Watch: Closing In
—John Osborne
- 7 To a Gadfly—J.O.
- 7 Ten Years Out—T. D. Allman
- 11 Col. Qaddafi, Italian Capitalist
—Michael Lelien
- 15 How the Glad Tidings Were
Transmitted by our Elders and Betters
—Henry Fairlie and Timothy Dickinson
- 20 Films—Stanley Kauffmann
- 21 The Joffrey—Ray Errol Fox
- 23 Books—Reviews by Glenn Gould,
Stanley Weintraub, Steve Lawson,
John Fludas
- 30 Christmas Quiz
- 31 The Back of the Book—Roger Rosenblatt
- 32 Correspondence

The Staff

Editor—Martin Peretz
Publisher—Robert J. Myers
Acting Managing Editor—Eliot Marshall
Literary Editor—Roger Rosenblatt
Senior Editor—John Osborne
Politics Editor—Ken Bode
Assistant to the Editors—Gwen Somers
Films and Theater—Stanley Kauffmann
Guest Poetry Editor—Robert Fitzgerald
Contributing Editors—Robert Brustein,
Robert Coles, Henry Fairlie, Joseph
Featherstone, Gerald W. Johnson,

Amnesty Options



In one of his first official acts as President, Jimmy Carter may offer his answer to the most vexing remnant of the Indochina war years: what to do about amnesty, or pardon, or clemency. Because of its timing and complexity, this decision will do at least as much as Carter's cabinet and White House staff selections to set the tone of his presidency. More than any other immediate decision he faces, Carter's choice on amnesty is measurable in human terms; unfortunately it has been defined almost entirely as a political issue. An important factor in the success of whatever program the new President advances will be his ability to set aside the most strident political claims and get to the human dimension.

Supporters of unconditional amnesty for all categories of offenders tend to describe every alternative proposal as an invidious compromise, rhetoric that rekindles the fire of Vietnam. Amnesties, they say, have been issued to resisters after every war, and there is ample precedent to go beyond the limited Ford clemency program. At the same time, they call upon the new President for an across-the-board program on grounds of political expedience, arguing that the predictable outcry from the veterans' organizations will be no more intense if the proclamation is total than if it is built on a legalistic, procedurally awkward case-by-case review. Besides, some of

James J. Kilpatrick

'Universal Amnesty' falls on fact, law, precedent

President Ford is getting heaps of advice these days to declare a "blanket amnesty" before he leaves office. The advice comes from Mrs. Philip Hart, from Congressman John Conyers, and from various sob-sisters in the press. It is bad advice and ought to be rejected.

The line of argument is to this effect: The United States' involvement in Vietnam was immoral and wrong. Those who opposed the involvement, and actively resisted such involvement, were therefore moral and right. To punish persons for being moral and right is unjust. Whatever the supposed offenses of the resisters may have been, these offenses should now

"entrapment." It was nothing of the sort. His program led to a careful review of 14,500 cases. More liberties. In only 911 cases did the President's board recommend against clemency. The program was at once humane and fair. While it was denounced by the all-or-nothing apostles of universal amnesty, it was well accepted by the thousands who applied and by the families and survivors of Vietnam veterans who obeyed the law. Mr. Ford has every reason to defend his record in this regard, and he has no reason to apologize for it.

The case for "universal amnesty," in my own view, falls on three grounds: fact, law, and precedent.

proponents reduce their own case to a travesty by equating the principled objector, discharged LTH (less than honorable) for passing out leaflets, with the malingering goof-off, discharged for refusing to make his bed.

The Constitution makes no mention of "amnesty." A president's power, at law, is to grant "reprieves and pardons." The point has more than semantic meaning. Pardons go to "offenses against the United States," and the rule of law teaches us to distinguish among offenses — the serious, the less serious, the petty. It is not mere "vindictiveness," in Efav's word, to insist that these distinctions be retained in a

The Facts Still Speak for Amnesty

As President Carter's advisers study the next and, we hope, final step in the matter of the pardon for violators of the draft and other military statutes during the Vietnam War, they will inevitably come under heavy pressure to temper mercy with vengeance. The President's pardon thus far covers only draft resisters, leaving unresolved the fate of deserters and of recipients of less-than-honorable discharges.

As long as a sizable body of opinion still views the pardon primarily as a bonanza for those who deserted their brave comrades in arms, Mr. Carter's sensible and compassionate attempt to close the book on a dismal chapter of American history will be widely misunderstood and misrepresented.

The surest way to defuse the controversy is to let facts retire myths. Essential efforts to rid the issue of prejudice and misconceptions are given effective support by a detailed study sponsored by the Center for Civil Rights at the University of Notre Dame and supported by the Ford Foundation. The report, entitled "Reconciliation After Vietnam: A Program of Relief for Vietnam-Era Draft and Military Offenders," gains a significance from the fact that its authors had been deeply involved in President Ford's clemency program—Lawrence M. Baskir as general counsel and chief executive officer of the Presidential Clemency Board and William A. Strayer

in the combat zone. The record shows only 24 "desertions to avoid hazardous duty," the kind that has given amnesty such a bad political connotation.

• More than half of all "absence offenders" left because of pressing family or personal problems that had little to do with their attitude toward the war. Many were teen-agers who had dropped out of school and found their lives no less troubled in uniform than before. Almost one-third of all military offenders were educationally disadvantaged and at the low end of the intelligence spectrum. Rejects all their lives, they now suffer the extra stigma of bad discharge.

• A surprising number of bad discharges—about 50,000—went to veterans who, having actually completed full tours in Vietnam, loyally or even heroically, found it difficult to adjust to Stateside spit-and-polish garrison duty. (Most of the less-than-honorable discharge holders are denied veterans' benefits, including medical benefits for injuries suffered in Vietnam.)

• While much is made of the charge that amnesty is unfair to those who served and sacrificed, the argument is severely undercut by the fact that only 10.9 million of the Vietnam generation's 26.8 million draft-age men served in the military. Only 10 percent of the total group ever went to Vietnam.



N.Y. Times
10-5-77

PENTAGON ENDS DRIVE ON DISCHARGE REVIEW

No More Special Aid to Upgrade Less-Than-Honorable Status

WASHINGTON, Oct. 4 (AP) — The Pentagon is ending its six-month campaign to review less than honorable Vietnam-era discharges.

After today, there will be no more special toll-free telephone numbers and no more operators standing by in St. Louis to handle the calls.

The Pentagon says that some 16,227 discharges were upgraded through the end of last week.

Army, Navy, Marine and Air Force discharge review boards still face 8,600 cases pending under the program, announced in April as the second part of President Carter's effort to heal the divisiveness of the Vietnam War.

But beginning tomorrow all discharge reviews "will be processed under normal Department of Defense procedures using written application procedures," the Pentagon said.

Program Called Success

Despite the small percentage taking part, out of almost half a million eligible former servicemen, the Pentagon feels the program has been a success.

The possibility of review was open to an estimated 420,000 one-time servicemen who received general or dishonorable discharges between Aug. 4, 1964 and March 28, 1973. Of them, about 60,000 decided to call 800-325-4040, where operators were at work near a military records center in Missouri.

A Pentagon spokesman, John Becher, said yesterday that the Pentagon's most recent figures showed that undesirable discharges received by 11,364 Vietnam-era veterans had been upgraded to general status. He said that 1,682 undesirable discharges had been reclassified as honorable.

Mr. Becher also said that 3,181 former servicemen had had their general discharges upgraded to honorable.

In addition, 1,065 Vietnam-era deserters