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CONDITIONAL AMNESTY ANNOUNCEMENT--Callout: Monday, Sept. 16, 1974

Text:

"The President is meeting with the bipartisan congressional leaders this morning to brief them on the conditional amnesty program which will be announced this morning. We will have documents and fact sheets available at 10 a.m., and they will carry a total embargo until 11:30x (total embargo is embargo for release and embargo for wire transmission). We plan to have a briefing at 10:30 by Deputy Attorney General Laurence H. Silberman, General Counsel of the Defense Department Martin R. Hoffman and Selective Service Director Byron V. Pepitone. (The briefing will not be for sound on film--~~still~~ still photos and silent film will be permitted.) ~~\_\_\_\_\_~~

(NOT)

*Mult 9:30*  
At about 11:15 or 11:30, the President will sign a proclamation and two executive orders in the Cabinet Room. ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~ The Cabinet Room ceremony will be available for sound, on film coverage and there will be a writing pool present."

Q: Will the leaders be out to brief us?

A: No, we have another briefing scheduled at that time, but you may be able to catch them on the lawn as they leave.

Q: When is the President's press conference?

A: There has been no announcement yet.

Q: What will the documents be?

A: There will be several--I believe it will be a proclamation, two Executive orders and three fact sheets.



TOTALLY EMBARGOED  
UNTIL 11:30 A.M. EDT

SEPTEMBER 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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DELEGATION OF CERTAIN FUNCTIONS VESTED IN THE  
PRESIDENT TO THE DIRECTOR OF SELECTIVE SERVICE

By virtue of the authority vested in me as President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

GERALD R. FORD

THE WHITE HOUSE,

September 16, 1974.

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September 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

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

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. Millions served their country, thousands died in combat, thousands more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen -- convicted, charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice -- remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have the chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgement of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is also a serious offense. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - An individual who allegedly unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report

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for or submit to, or complete service under Section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

(i) presents himself to a United States Attorney before January 31, 1975,

(ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and

(iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest. No draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

However, this program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. Military Deserters - A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

However, if a member of the armed forces has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

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Each member of the armed forces who elects to seek relief through this program will receive an undesirable discharge. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department or Department of Transportation, such individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. Presidential Clemency Board - By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories: (i) those who have been convicted of draft evasion offenses as described above, (ii) those who have received a punitive or undesirable discharge from service in the armed forces for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in this program.

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

GERALD R. FORD

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Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OR 6(j) OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF, AND CERTAIN CONVICTIONS FOR, VIOLATIONS OF ARTICLE 85, 86 or 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Article 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted or unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such

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clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

GERALD R. FORD

THE WHITE HOUSE,

September 16, 1974.





Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OR 6(j) OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF, AND CERTAIN CONVICTIONS FOR, VIOLATIONS OF ARTICLE 85, 86 or 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

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Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

GERALD R. FORD

THE WHITE HOUSE,

September 16, 1974.



TOTALLY EMBARGOED  
UNTIL 11:30 a.m. EDT

SEPTEMBER 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT IN  
ANNOUNCING A PROGRAM FOR THE  
RETURN OF VIETNAM ERA DRAFT  
EVADERS AND MILITARY DESERTERS

In my first week as President, I asked the Attorney General of the United States and the Secretary of Defense to report to me, after consultation with other government officials and private citizens concerned, on the status of those young Americans who have been convicted, charged, investigated or are still being sought as draft evaders or military deserters. On August 19, at the national convention of the Veterans of Foreign Wars in Chicago, I announced my intention to give these young people a chance to earn their return to the mainstream of American society so that they can, if they choose, contribute even though belatedly to the building and betterment of our country and the world.

I did this for the simple reason that the long and divisive war in Vietnam has been over, for American fighting men, more than a year, and I was determined then as now to do everything in my power to bind up the nation's wounds.

I promised to throw the weight of my Presidency into the scales of justice on the side of leniency and mercy, but I promised also to work within the existing system of military and civilian law and the precedents set by my predecessors who faced similar post-war situations such as Abraham Lincoln and Harry Truman.

My objective of making future penalties fit the seriousness of each individual's offense and of mitigating punishment already meted out in a spirit of equity has proved an immensely hard and complicated matter, even more difficult than I knew it would be. But the agencies of government concerned and my own staff have worked with me literally day and night in order to develop fair and orderly procedures and completed their work for my final approval over this last weekend. I do not want to delay another day in resolving the dilemmas of the past, so that we may all get going on the pressing problems of the present. Therefore, I am today signing the necessary Presidential proclamation and executive orders that will put this plan into effect.

The program provides for administrative disposition of cases involving draft evaders and military deserters not yet convicted or punished. In such cases, 24 months of alternate service will be required which may be reduced for mitigating circumstances. The program also deals with cases of those already convicted by a civilian or military court. For the latter purpose, I am establishing a Clemency Review Board of nine distinguished Americans whose duty it will be to assist me in assuring that the government's forgiveness is extended to applicable cases of prior conviction as equitably and as impartially as is humanly possible.

The primary purpose of this program is the reconciliation of all our people and the restoration of the essential unity of Americans within which honest differences of opinion do not descend to angry discord and mutual problems are not polarized by excessive passion.

My sincere hope is that this is a constructive step toward a calmer and cooler appreciation of our individual rights and responsibilities and our common purpose as a nation, whose future is always more important than its past.

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TOTALLY EMBARGOED  
UNTIL 11:30 A.M., EDT

SEPTEMBER 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD

The President has today established by Executive Order a nine member Presidential Clemency Board. The Board will review the records of two kinds of applicants. First, those who have been convicted of a draft evasion offense committed between August 4, 1964 and March 28, 1973, inclusive. Second, those who received a punitive or undesirable discharge from the armed forces because of a military absentee offense committed during the Vietnam era or are serving sentences of confinement for such violations. The Board will recommend clemency to the President on a case-by-case basis. In the absence of aggravating factors, the Clemency Board would be expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service. In the case of a military absentee, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge.

The Board has been instructed to give priority consideration to individuals currently confined. The President has also asked that their confinement be suspended as soon as possible, pending the Board's review.

The Board will consider the cases only of persons who apply before January 31, 1975. It is expected to complete its work not later than December 31, 1976.

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## OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE  
PRESS CONFERENCE  
OF  
CHARLES GOODELL  
CHAIRMAN OF THE PRESIDENTIAL CLEMENCY BOARD

THE BRIEFING ROOM

2:45 P.M. EDT

MR. GOODELL: Ladies and gentlemen, the Presidential Clemency Board is holding its first meeting today here in the White House. All nine members are present. We have just been sworn in by the President of the United States and had a half hour or 40-minute session with him discussing our responsibilities, along with the Attorney General and the Secretary of Defense and Mr. Dewhurst, who is standing in for the Director of Selective Service, Mr. Pepitone, who is out of town today.

The President has assigned us a task of monumental proportions and complexities. He is well aware of that and conveyed that to us.

The Presidential Clemency Board carries essentially the responsibility of trying to equalize relative justice. The ideal goal with which we are charged is intrinsically impossible of attainment because we cannot undo the past. We cannot undo the past for those who went to Vietnam, who suffered, or perhaps did not come back.

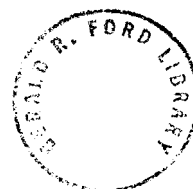
We cannot undo the past for those who have been in prison who are presented to the Clemency Board.

Under the Proclamation of the President, the first priority for the Clemency Board is the consideration of those who were in prison at the time of his Proclamation. This numbers roughly 103 people in the civil system.

We have been through the Federal court system and we are still in the Federal prison system, in which 84 have been released. There is an 85th who apparently has refused release.

There are an additional 18 who have other convictions, and the Clemency Board is going to take a close look at those convictions. We are being briefed so that if they are closely-related offenses, we may take some action.

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We have not as yet received the briefing from the Defense Department, but I understand there are some 150 individuals who were in confinement at the time, and we will this afternoon concentrate on this group to determine how many are still in confinement.

It is imperative that if we are to succeed on the Clemency Board that we closely relate our activities to those of the Department of Justice, the Secretary of Defense, and the Selective Service Board.

We have a direct jurisdiction, which apparently includes in the civil system and the Federal court system 8700 people who have been convicted and sentenced, not all of whom went to prison.

And in the military we are dealing in a round number of 216,000 discharges that were related to absenteeism in the military. That includes dishonorable discharges, bad conduct discharges, and undesirable discharges.

The largest number, something like 108,000, are undesirable discharges.

We have a board which I think is very well qualified to address these difficult problems, varied background and experiences, but all unanimously committed to the President's purposes. We intend to work very closely with the other agencies and we intend to do our best to make this program work, alleviating the suffering of the past to the degree that it is in our power to do so, and healing the wounds of the country so that we can look forward and forget that past.

I will be glad to answer any of your questions.

Q Mr. Goodell, Mr. Jordan has already issued some veiled criticism of the Justice Department for what he feels is an inadequate plan to notify some approximately 109,000 draft evaders for whom no charges are pending about their rights and the fact that they can come back and that no action be taken against them.

The Justice Department says that they can just send letters to their last known address. How do you feel about this situation, and is that adequate, or are you going to urge some more effective methods even to the point of going into the draft evaders' area such as in Toronto and other places, to let them know that nobody is going to grab them?

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MR. GOODELL: We did question the Justice Department on this point this morning, Mr. Jordan and others. Incidentally, the meetings of the board are open to the press, and we will be resuming our meeting over in the Executive Office Building this afternoon when we finish here.

It is a difficult problem and it is perhaps easy to be quickly critical of the fact that you can't communicate with some 180,000 people. The media can be very helpful in this respect.

For instance, the Justice Department assured us this morning that those who return will not be entrapped, that those who are now underground or overseas may write to the U.S. Attorney or the Justice Department to inquire if they are subject to indictment or indicted.

Many of them do not know whether they are indicted or not. They will be informed if there is an investigation in progress or if there is an indictment pending.

It would appear from our briefing this morning that the large bulk of those who are in the draft resistance category are not under investigation or indictment.

I am informed that there have been a total of 19,271 indictments in this area. The Justice Department this morning estimated that those potentially eligible -- that means those who have indictments against them or ongoing investigations -- number approximately 15,500. That means that a very large number beyond that 15,500 are not subject to prosecution and, therefore, presumably would not, if they came back, have to undertake alternative service.

Included in that 15,500 are the 8,700 cases that have already been prosecuted and are eligible to apply to the Clemency Board. So that reduces the 15,500 to roughly 6,800 who are potentially indictable if they come back.

Now the process of informing these people that they can inquire of the Attorney General of the U.S. Attorney and find out if they are subject to indictments or indicted is very important. We were assured by the Department of Justice spokesman this morning, Mr. Bruce Fine, that any information that comes to the U.S. Attorney or the Department of Justice from such an inquiry will not be used to generate further charges, that individuals who are told that they are not under investigation or are under indictment will not then, when they come back, be subjected to new investigations and perhaps new indictments.

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The process of informing these individuals will be very difficult, and there are a large number. Originally, according to the testimony of the Department of Justice before Congress, there were 206,775 delinquent draft registrants. You can compare that with the 19,271 indicted.

Q What periods does that cover?

MR. GOODELL: That covers the 1964 to 1973 period.

Q What are the figures for those overseas?

MR. GOODELL: I don't have figures for the ones that are overseas.

Q Do I understand you right to say that the majority of American draft resisters who are now out of the country either aren't under indictment and aren't under investigation, and the majority of them therefore won't have to face alternative service when they come home?

MR. GOODELL: That is what we were informed by the Justice Department this morning.

Q And they can come home scot-free?

MR. GOODELL: That is correct. Let me say that I think you can be misled by the 206,000 figure. We have not gotten a breakdown on this yet. It may be that a large number of them have returned over this nine- or ten-year period and accepted induction into the service.

Selective Service, for instance, has informed me that they believe that about 80 percent of them were draft delinquents at one period, but came back a second or third time and ultimately accepted induction.

So we are not sure how many are still out there. The 206,000 is the outside figure of delinquent draft registrants.

Q This morning, sir, you were talking about some 190,000, I thought. Now you got it down a moment ago to 180,000. Is that the approximate ballpark figure of this group that can come home that are not subject to indictments or alternate service?

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MR. GOODELL: If you take the 206,000 and subtract the 19,000, you come to the figures -- presumably 19,000 have been indicted -- you come to a figure roughly in the 187,000 area. Some of those are under investigation, apparently.

Q That is only 15,000?

MR. GOODELL: That is potentially a maximum figure of 6,800, as we understood the figure given to us today.

Q Those under investigation are 6,800?

MR. GOODELL: Those under investigation or pending indictments now. If you are talking of how many of this larger figure never went through the system, we don't know that yet. We have asked for them to give us a full breakdown.

Q If you add the 15,000 under investigation and the 19,000 who were indicted, you come up pretty close to 20 percent of those 200,000.

MR. GOODELL: The two figures are not addable. 19,207 were indicted. I am informed that over the nine- or ten-year period there is roughly a 15 percent conviction rate, so you drop the 19,000 who were indicted to a much smaller number who were actually convicted. And the figure that we are dealing with now who have been through the Federal system is 8,700.

Let me say to you these figures are broad estimates because the Justice Department has not been able to supply us with the breakdown and the details at this point, and we are also requesting the administrative office of the courts to give us their records on this subject.

Q What might be a reasonable figure of evaders or possible evaders at large either overseas or at home who might come home without facing any charges? What do you think would be a reasonably figure, what number?

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MR. GOODELL: We don't have the answer to that. We know from the Department of Justice testimony this morning that roughly 6800 are either under indictment or investigation at this point for draft-related crimes.

That is the figure, presumably, of those who would be susceptible to criminal prosecution if they came back and would be eligible, therefore, to go through the alternate service if they chose.

We just don't know how many out there have never been through the system and are not either under investigation or under indictment. There are a lot of categories, incidentally, in this thing. They may have come back through the service. It may be that the Justice Department decided that they didn't have enough evidence to convict, and I should in fairness point out that there has been reinterpretation of the law by the courts in this ten-year period so some of these total figures were eliminated because the court decisions no longer made them subject to indictment. These are just the big gross figures involved when I am talking about 206,000.

Q Mr. Goodell, in your experience so far with this problem -- and I know you haven't really had too much time to wrestle with it -- but are you satisfied with the amnesty provisions that the President has laid down, or would you prefer wider or narrower rules, and do you think that any legislation will be required for the best solution?

MR. GOODELL: I am satisfied. Let me say that I don't think anybody is completely satisfied. I think that was impossible of attainment. I think the President has come up with a fair program. It might be appropriate, since most of you know me by reputation and my position on the war, for me to state the philosophical framework in which I approached this problem.

I believe that every young man has an obligation to serve his country in the military, provided he is otherwise qualified. And the courts have held that it is constitutional to have peacetime conscription as well as wartime conscription. That obligation is an enduring one.

There were many people whom I respect who found it impossible to discharge that obligation by serving in the military during the Vietnam war, and I respect that.

The President is now offering them an opportunity to discharge their continuing obligation to the country in a completely peaceful, constructive way consistent with their conscience. I think that is fair.

MORE



Q Mr. Goodell, was there any dissention among the members of the Clemency Board, anybody threatening to resign? There was some report out that two of them were.

MR. GOODELL: No, but the press hasn't gotten to them yet. None at all, and a very amicable session, but I should say in fairness to those who may disagree that we were largely being briefed and asking for information today. We have not gotten into the real hard policy questions, which we intend to get into as soon as we have completed the briefings.

Q Mr. Goodell, how often will your board meet, and what sort of staff do you have to work with?

MR. GOODELL: The board will meet as necessary. I think after today's session we will have a great deal of staff work to do to present additional material to the board. We will probably meet for a two-day consecutive meeting the week after next.

As far as the staffing is concerned, we will have a relatively small staff that is hired directly by the Presidential Clemency Board, probably a chief counsel and a deputy chief counsel, a public information officer and perhaps someone to head the staff and one or two special counsel.

The bulk of our staffing will be done through loans of personnel from the Justice Department and the Defense Department. We now have on board eight attorneys on loan from other agencies, and I have set two requirements for these attorneys on loan. One is that they be competent and the second is that they wholeheartedly agree with the President's program.

Incidentally, the staff, how large it may go is unpredictable at this point. The board appeared to agree with my initial statement this morning that we would prefer to expand the staff to a very large number and get the job over with as soon as possible rather than stay down at ten or 15 and go on for two years. So, we may go to 50 or 60 attorneys for a period of time to try to get over the hump.

Q Speaking to that, if I may follow up on that, how long do you expect to be in operation?

MR. GOODELL: We will, as a board, be in operation until 1976.

MORE



Q How could you go on beyond that?

MR. GOODELL: If we go on beyond that, it will have to be because the President feels there is a continuing need. We will be in existence for that period of time, however, because the individuals eligible for clemency can appeal to our board any time before the end of 1976. Appeals to the Clemency Board are not limited by this January 31 timing for those who want to re-enter.

Q Mr. Goodell, do you feel in your own heart -- I understand now you are handling discharges, bad conduct, you mentioned the three categories. You are handling those that are related to desertions?

MR. GOODELL: Yes, absentee related.

Q Now, don't you feel it is unfair for there not to be a Clemency Board for the boys whose administrative discharges and bad conduct discharges were not related to desertion but who nevertheless are in a very bad way for the rest of their lives, can't get jobs and can't get veterans benefits?

MR. GOODELL: The board does not have that responsibility, and we are not going to undertake that responsibility immediately. We have a major job on our hands. There was discussion, however, today with the President about problems that may go beyond the ones that are now assigned to the Justice Department, Defense Department and the Clemency Board, and he indicated that he would want all of us to report to him on those situations for possible continuing action to extend the clemency. There certainly is not enough information in our hands at this point to make any recommendation along those lines.

Q In your discussion with the President on that, then you did include these other men who have become --

MR. GOODELL: There was discussion of those who are beyond the purview of the Executive Order and Proclamation that we are operating under today.

Q Is the board going to be able to set guidelines to assure that one U.S. Attorney in one part of the country doesn't mete out a stiffer sentence, as it were, than another U.S. Attorney in another part of the country? How are you going to handle that?

MORE



MR. GOODELL: The Clemency Board has no official authority over that whatsoever. We did establish, I think, today a cooperative spirit with all of the agencies and the Clemency Board expressed its concern about the uniformity and evenness of this process of negotiating the length of an alternate sentence, and we will stay in continuing relationship with them but we have no official authority to review those cases and they could not appeal to us. That is in the jurisdiction of the Department of Justice.

Q Mr. Goodell, is this your full-time job until the board disbands, and will you be leaving your law firm?

MR. GOODELL: This is not my full-time job except for the last week and probably the next two or three weeks. It is a part-time job. It is a special Government employment on an advisory committee as such, and I intend to continue in the practice of law.

Q Mr. Goodell, could I ask this question now? Does the amnesty board have the authority to wipe the criminal record clean of a person who has been convicted of draft evasion and draft desertion, or whatever, in the civil courts and served his time -- I am sorry, in the civilian criminal courts?

MR. GOODELL: Let me preface that the amnesty board in and of itself has no power. We are an advisory committee and our power is to recommend that the President take action. The President does have that authority, yes. The Board has the charge from the President to make recommendations in those cases and he can, on the recommendations of the Board, give them a full pardon if he feels that is so indicated.

Q In the fact sheet we got, it was plain. you did indeed have the authority to grant or to recommend to the President that he grant changes in the types of discharge and to clear their record as far as military service was concerned. But it wasn't clear to me anyway that you could do this as far as their criminal record was concerned.

MR. GOODELL: We can.

Q How will you handle the problem of the possibility or the prospect of some kind of social stigma attached even to a clemency discharge?

MORE



MR. GOODELL: Well, there has been concern expressed on that point in the board this morning. We did question the Justice Department some on the nature of a clemency discharge. We intend to question the Defense Department on that.

That is an unresolved point. There are those who say a clemency discharge is not going to be that much better than an undesirable or less than honorable discharge.

A great deal of that, of course, will depend upon the reaction of the public generally. If the public regards a clemency discharge as the President has indicated he does, as a completely neutral discharge, not implying any guilt or any wrong or any fault, then a clemency discharge would presumably be far superior to the other discharges that are given to these people under our jurisdiction.

Q Mr. Goodell, a young man who is in Sweden now and is listed as a draft evader is presumably -- or was until the declaration by the President -- is presumably being sought by the FBI as a draft evader. And in line with that, the Customs, the border people, were on the alert to hold him when he showed up at the border.

Can you give us an assurance that when this young man shows up now that he will not be detained and held for the FBI or does he still have to go through that routine?

MR. GOODELL: Is this an individual who wishes to return?

Q I am not talking about an individual case, I only use it as an example covering many.

MR. GOODELL: Your individual example you are talking about is an individual who wishes to return and engage in alternate service?

Q Yes.

MR. GOODELL: I can't give you that assurance because the Clemency Board has no jurisdiction over it, but we were given that assurance emphatically today by the Justice Department.

Q What do you see as the toughest problem facing the board?

MORE



MR. GOODELL: The toughest problem that I think faces the Clemency Board is the large number of military charges and determining how we handle those 180,000 undesirable discharges.

You are all aware, I am sure, that there are multiple reasons why an individual is involved in continuing AWOL or desertion, and the board has to work out some way equitably to distinguish these cases.

We would hope that we can avoid in most cases having to have individual hearings or to break up into panels, but that has not been faced as yet by the Board.

Q Has this program been undermined by the complete pardon to the former President?

MR. GOODELL: I think it proceeds under the shadow of that pardon, inevitably. I don't think it is undermined, no, and I must state to you emphatically that I believe the two things are unrelated, and I am sure that the President did not relate them at all in developing his conclusion in either case.

Q How much will you be getting paid for this job?

MR. GOODELL: The board is paid at a GS-18 level per day that they are working, which I understand is about \$138 a day, and I think those who have expenses, they are paid a per diem of approximately \$25 a day.

Q Mr. Goodell, I believe you said about ten minutes ago that there were more guys overseas, a large number who could come back and would face no prosecution of any kind at all, or have any dealings with the Clemency Board. Did I understand you correctly, and what was that?

MR. GOODELL: Let me clarify that without mentioning any of the gross figures that I used in presenting that. According to the Justice Department testimony this morning, there are 6,800 individuals at large overseas or in this country who are either indicted or potentially indictable. They are under active investigation under circumstances where they feel they probably could convict them.

Q For what offenses, sir?

MORE



MR. GOODELL: These are for draft resistance offenses as indicated in the Executive Order.

We do not know how many more there are out there who have not been through the process or who are not under investigation, or indicted. I gave you the gross figures so that you could get some idea. It is in between there somewhere. We hope to develop those figures very shortly from the Justice Department when we get the breakdowns of the cases themselves.

Q But you are talking about over 180,000?

MR. GOODELL: Let me put it the other way. 206,775 were delinquent draft resisters in this roughly 10-year period.

Q That means draft evaders?

MR. GOODELL: That means draft evaders. That includes a great many who may well have come back at a subsequent period and gone through the system. Selective Service has told me they believe about 80 percent of them have come back and gone through the system. We have not received figures to document that at this point. So the 206,000 is a very gross figure.

Q Can you give us your ball park figure for how many are in Canada, Sweden --

MR. GOODELL: I don't have one, I don't know.

Q Why doesn't the Justice Department just publish a list of the 6,800 names of the people it is looking for and everybody else and, you know, distribute those lists in every post office or every -- you know, send them to Canada, send them to Sweden, and if the guy's name is not on the list, he is free and clear?

MR. GOODELL: I don't know the answer to that. After we get the breakdown and the Board actually meets, that may be a decision of the Clemency Board to recommend such action to the Justice Department.

Let me emphasize the Clemency Board up to this time in terms of its responsibility, first of all has no direct jurisdiction and, secondly, we have not discussed what requests we should make and will make to the other agencies. It is quite conceivable that we would make such a request.

MORE





Q Does the 206,000 include such young men who just failed to register for a couple of months after they were due?

MR. GOODELL: Presumably, it does. It is a classification that is described as delinquent draft registrants. They may have come in a few months later and registered and were subsequently inducted. We were told that a large number over a period of years at least did do this. As I say, we have no documentation of that as yet.

Q The President's son could be in this category?

MR. GOODELL: Yes, he could, I guess.

Q I would be the last to try to come up with another figure, but I know I am confused over this damned thing. You said that 206,000 are potentially, or could be labeled, evaders, but that possibly 80 percent of that figure has gone through the system. In other words, there are about 40,000 people that are actually evaders as such? Is that correct?

MR. GOODELL: You are correct up to that point. Let me emphasize that we have not been given the breakdown on these categories and how many there are in those categories because apparently they don't have them broken down at this point.

They also indicated that some, because of subsequent court decisions, were determined not to be delinquent anymore, that the change in the Selective Service law rendered some of them no longer delinquent and the Supreme Court's decision on conscientious objection rendered some of them no longer delinquent.

So, we just haven't gotten the breakdown. I think you are correct if the 80 percent figure is correct that you are talking about a gross of 40,000 and some others probably got washed out for good and legitimate reasons.

Q But of the 80 percent that have gone through the system, did they get normal discharges, honorable discharges and so forth?

MR. GOODELL: We don't know yet.

Q What does go through the system mean? What do those words mean?

MORE



MR. GOODELL: Go through the system, apparently from the way it was used, was that they came back at some period and accepted induction into the service.

Q Therefore, they were not evaders anymore?

MR. GOODELL: They were no longer evaders.

Q You are talking some raw figures of some 206,000 people, a little bit over that, that you are not sure that you are going to process that many as evaders?

MR. GOODELL: We are sure in the Clemency Board that we are not processing anywhere near -- we are processing 8700. That is a fairly accurate figure of those who have been convicted by the Federal courts and sentenced and are, therefore, under the jurisdiction of the Clemency Board.

Q Those are military people now?

MR. GOODELL: No, those are draft resisters that went through the Federal court system.

Q How does that relate to the 6800?

MR. GOODELL: Well, 8700 have been through the system in the sense of going through the courts and being convicted and sentenced, and they are under the jurisdiction of the Clemency Board. Another 6800 apparently are indictable or have been indicted. That adds up, I believe, to 15,500, which is the figure Justice Department gave us as the total number they feel are potentially eligible for either clemency to the Clemency Board or alternate service through re-entry. Is that clear?

Q Yes.

Q But you still don't know how many Americans fled the country and remain outside the country to avoid military service in Vietnam?

MR. GOODELL: No.

Q You are suggesting, are you not, that at least thousands of evaders, or persons living overseas, exiled or underground here in the country, may not have to be in hiding or remain overseas and could return home without facing charges? Is that what you are saying, thousands at least?

MORE



MR. GOODELL: I am saying that it is probably thousands based on the briefing that we received this morning, but we have not gotten the breakdown on this to be sure how many there would be.

Q If the list were published, like the gentleman asked before, are you also saying as well that names not on that list would not have charges preferred against them if they returned? I am talking about military desertion or evasion related charges. Are you saying that?

MR. GOODELL: Desertion is not included in that statement. The 6800, the 15,500 does not include desertion. That is in a different category. The resisters, the draft resisters, we were told if they are not on that list, whether it is a list or that is their estimate of the total number of 6800, either already indicted or under investigation, potentially indictable, that they can return and they would not be prosecuted. That is what we were told by the Justice Department this morning.

Q So, there are probably several thousand overseas or underground that could return to the United States?

MR. GOODELL: Yes, and they should write to the Attorney General or the U.S. Attorney, and ask if they are on the list.

Q Wouldn't the publication of the list eliminate the need to worry about whether the Justice Department was living up to --

MR. GOODELL: I think you ought to ask that question of the Justice Department; the Clemency Board will certainly evade it.

Q What about the deserters, military deserters as opposed to draft evaders. You are handling those also, aren't you?

MR. GOODELL: We handle them.

Q How many people are you talking about there?

MR. GOODELL: We have not had the briefing from the Defense Department yet. I can tell you what they gave me personally last week: 3500 dishonorable discharges, 33,000 bad conduct discharges and 180,000 undesirable discharges, totaling 216,500.

Now, those are for absence-related offenses. That also includes some number that we have not been told as yet who had additional charges against them.

MORE



Q What about the deserter who is now sitting in Sweden or somewhere, has he had one of these things already done to him, or is he pending any kind of a discharge at the time they get their hands on him?

MR. GOODELL: For the most part, I don't believe the deserters have been discharged because when they are discharged the military no longer has jurisdiction over them.

Q Then how many deserters who do not have anything that would put them in one of these three figures?

MR. GOODELL: I don't know. How many are overseas? We have not been briefed on how many estimated deserters there are who have not been through the process at all. I read in the paper the other day I think the figure 12,500 but that is not official from anything that we received today.

MORE



Q Mr. Goodell, these military deserters, when they come back, they will have to make their peace with the military courts, is that correct?

MR. GOODELL: When they come back they go to their service, the Army, Navy, Marine Corps, Air Force, or Coast Guard. The service makes only one -- well, really two basic decisions. One, are there other charges against them; and two, how long will their alternate service be.

There is an agreement signed, they are then given an undesirable discharge and referred to the Selective Service System. If they complete their alternate service satisfactorily, then they are eligible for a clemency discharge.

Q Senator, could I just get one thing straight. When this program was first announced, we were given a total figure of about 28,000, I think -- 15,500 in the draft resistance category, and 12,500 in the military desertion category.

Now is that the 12,500 that you were just talking about? Am I correct in presuming that this total rundown that you just gave us of the three categories has nothing to do with alternative service?

For those people, that is not an option for them; is that right? They are simply asking for an opportunity to present appeal of action taken against them and for you to act on that?

MR. GOODELL: That is correct. The figure of 28,000 would be basically correct if you are talking about those who are in the resistance category, both in the Federal courts and in the military. The deserters who are at large, roughly 12,500; the individuals who for draft resistance reasons are potentially indictable, convictable were 15,500.

But the 15,500 includes 8,700 who have been convicted. Those are now before the Clemency Board. They are not coming to the military or the U.S. Attorney for alternate service. They are coming to us for clemency.

So if you take your 28,000 figure, you are probably down to 19,300 or something of that nature who are now out there eligible for some kind of alternative service, either deserters or in the resistance category.

MORE



Q I am sorry to pursue this further but the thing that I am confused about, when you use this large number of 206,000 or whatever, why would there be some people out there who have not come back through the system, as you put it, and who are not subject to some kind of investigation and prosecution in addition to this 6,800 figure that you are using? Why are we just talking about 6,800 people?

MR. GOODELL: That is what the Justice Department is talking about. They indicated there were some number of individuals who, for whatever reasons, were not indicted or where, after investigation, they felt there was not sufficient grounds to proceed, that they couldn't convict, and that could be in the category of those who did return and accept induction so the prosecutor said, "Go ahead. Serve your time now. We won't pursue it."

It could include those who were affected by the change in conscientious objector status. It could affect those whose status was changed by the change in the Selective Service law.

We have not had a breakdown on those yet. We don't know how many are in those categories. I am sorry. I can't answer how many there are.

Q Even in all these numbers, essentially you are still talking about the same total numbers?

MR. GOODELL: Exactly, but I am trying to give you a gross figure to give you an idea that we break down from there. We are trying to get the detailed breakdown of how many are actually in this category. I think it would be misleading to publish 206,000 as the potential number of people who are out there. It would be grossly misleading.

Q Senator, now that you have got that all cleared up, I wonder if you could give us your personal reaction to the Federal Judge's order freeing Lieutenant Calley?

MR. GOODELL: I have no reaction to that at this point. I haven't gone into it myself and it certainly isn't in our jurisdiction at this stage.

MORE



I do have to get back to the board.

Q Could I just pursue that? Might not that have some effect on the thinking of the board as it approaches seeking justice?

MR. GOODELL: I have no idea whether it will or not.

THE PRESS: Thank you.

END (3:31 P.M. EDT)



PRESIDENTIAL CLEMENCY BOARD  
Old Executive Office Building, Room 460  
Washington, D. C. 20500

Press Office:  
Nia Nickolas - 456-6476 or 6562

Public Affairs Office:  
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For Immediate Release:

Release #2-75  
January 20, 1975

CLEMENCY BOARD MEMBERS SWEEP MAJOR CITIES  
TO REACH APPLICANTS BEFORE DEADLINE

Washington, D. C. . . . Charles E. Goodell, Chairman of the Presidential Clemency Board announced today that he is cancelling this week's 3-day meeting and asking the Board Members to travel across the country on an information mission to potential applicants.

The message of the Presidential Clemency Board is simple and clear. The Board deals ONLY with those individuals who stayed in this country and were punished for AWOL or draft violation offenses committed between 1964 and 1973. And -- the deadline to apply to the Board is January 31, 1975.

"The decision that our Board Members should visit the major cities was prompted by two very important factors," Goodell went on to say. "First, as a result of the national media coverage of our January 6th press conference and the subsequent launching of our radio/tv Public Service Announcements, we have experienced a tremendous upsurge in applications. In the last 10 days alone, applications have doubled. The total of formal applications we have logged in as of last Friday is 1600.

-more-





Another 275 application kits have also been sent out in response to phone requests. I understand from the staff that there is another flood of mail this morning which they have not had time to open," continued Goodell.

"In addition, we have been overwhelmed by calls from people in almost every state indicating that they just heard about the Program and requesting further details. This confirms what I have repeatedly stated that lack of knowledge and confusion about the Program is the major reason for the slow response to the Clemency Board Program. "

"The second factor is the reality that only 11 days remain before the deadline to apply," stated Goodell. Applications must be mailed to the Presidential Clemency Board at the White House prior to January 31st, 1975.

These new developments alerted the Board that its most urgent task was to visit as many cities as possible and continue the flow of information to the public. "I want to make it clear that this is not a recruitment drive," stated Goodell. "The Board is charged with many responsibilities besides reviewing cases. It has an obligation to provide information to those who may be eligible so they may decide for themselves in they care to participate. With so few days left we feel conscience bound to make this final attempt to advise potential applicants about the options available to them under the Presidential Clemency Board's Program," the Chairman concluded.

The Presidential Clemency Board deals ONLY with those people who have been convicted of AWOL or Selective Service offenses committed between August, 1964 and September, 1973. These men stayed here and



have already been punished. They are eligible to apply to the Presidential Clemency Board for a review of their cases. Civilian draft violators who have been convicted and punished may receive a Presidential Pardon. Those who were court-martialed or given undesirable discharges may receive a pardon and a Clemency Discharge. Some cases may receive outright pardons and others will be conditioned upon completion of some period of alternate service depending upon credit given for time served and other mitigating circumstances. Goodell reminded.... "Of the 65 decisions by the President so far, 20 have received outright pardons and most of the other cases received 3 to 6 months alternate service. Only 4 of the 65 cases received 12 months of alternate service." Chairman Goodell went on to say... "I believe the public needs to understand that the real benefit is the Presidential Pardon. It restores a man's civil rights; allows him to obtain licenses and enter trades and even professions which were previously barred to him. He is restored to society as a self-supporting individual."

Individual Board Members will hold Press Conferences in the major cities they visit affording local and national media the opportunity for personal interviews as desired. Plans are also being made to cover other cities to the degree that it is possible.

TENTATIVE ITINERARIES FOR THE BOARD MEMBERS  
ARE ATTACHED...

-more-



<u>NAME</u>	<u>CITY</u>	<u>DATE</u>
Mr. James Dougovito	Minneapolis	Jan. 23 or 24
	St. Paul	Jan. 23 or 24
Chairman Charles E. Goodell	New York	Week of Jan. 27th
	San Francisco	Jan. 23
	Los Angeles	Jan. 24
Father Theodore Hesburgh	New York	Jan. 24
	Boston	Jan. 25
Mr. Vernon Jordan	Chicago	Jan. 24
	Detroit	Jan. 25
Mr. James Maye	Washington, D.C.	Pending
	Baltimore	Pending
Mrs. Aida Casanas O'Connor	New York	Week of Jan. 27th
	Túscón	Jan. 23
	New Mexico	Jan. 24
General Lewis Walt	Atlanta	Jan. 23 or 24
	Dallas	Jan. 27
	Denver	Jan. 30

# # # #

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

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

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

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

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

# # #



~~PRESIDENTIAL CLEMENCY BOARD~~  
MEMORANDUM

TO: JOHN CARLSON  
FROM: NIA NICKOLAS  
DATE: JANUARY 30, 1975  
SUBJECT: Data on Presidential Clemency Board Figures

The Presidential Clemency Board deals only with those individuals CONVICTED of AWOL or SELECTIVE SERVICE VIOLATIONS. The minimum number of potential applicants to the Board's Program is 100,000. Of that 100,000 number of convicted individuals, there are approximately 8700 civilians and the balance of 91,300 are military cases.

The President issued his Proclamation on September 16, 1974.

Total applications between September 16th, 1974 and January 6th, 1975: 850

Major Press Conference on January 6th, 1975 which received national coverage in both newspapers, radio and television prompted immediate increase by January 8th had received: 245 additional applications

At this Press Conference we announced the Public Service Spots which were received in tv and radio studios around the country and probably aired for the first time on January 16th. By January 17th, between press conference coverage and some airing of spots the new number was: 1,700

January 20th Press Conference where we announced the tremendous increase in applications and phone calls indicated the public was only beginning to understand the Program and wanted more information. Cancelled Board Meeting and sent Board Members on Information Mission to major cities throughout the Country. 2,200



January 30, 1975

Total applications  
received:

Between January 20th and January 24th: 2,600

Between January 27 and January 30th: 4,000

Today we have an estimated 4,000 applications in hand.

There is no way to estimate what number we could expect to receive should the President grant an extension.

The applications currently are coming in at the rate of approximately 300 a day.

*The P. has made 65 decisions  
20 outright pardons  
45 alternate service (3-6 mo)*



*Announced.*  
*1-30-75*

PRESIDENTIAL STATEMENT

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

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PRESIDENTIAL CLEMENCY BOARD  
THE WHITE HOUSE

WASHINGTON  
February 28, 1975

NOTE FOR RON NESSON

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

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

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

*Charlie*

CHARLES E. GOODELL

cc.: DON RUMSFELD  
PHIL BUCHEN





PRESIDENTIAL MESSAGE

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

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

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



[ca. 3/75]

PRESIDENTIAL MESSAGE

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

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

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

(You should announce after reading statement that Goodell, who is chairman of the Presidential Clemency Board, will have a press conference at 1:30 p.m. today in the second floor conference room of the New Executive Office Building.



CLEMENCY BOARD EXTENSION

Q: Is this the final extension?

A: Yes, the President has told Chairman Goodell that there will be no further extensions.

Q: Do you know how much applications for clemency have increased in the past month to warrant an extension?

A: There were about 3,500 applications in January. There were about 6,000 in February. During the last four months on 1974, there was a total of about 800 applications, so we have seen a massive increase in applications in the first two months of 1975.

Q: Why do you think we are seeing this big jump?

A: I think Charlie Goodell can answer that question much better than I can, but I understand that those individuals who have already been punished are finding out that this program applies to them as well as it does to those who have not been involved in any legal process against them. I think we are finding that it is this group--those already punished--who are now applying for clemency, not the individuals who fled to Canada to ~~xxx~~ avoid the draft, or who deserted from the military.



~~The President and Mrs. Ford tonight will be the hosts at a formal State dinner for Prime Minister and Mrs. Wilson. The details of the coverage arrangements are available and can be obtained from Bill Roberts and/or Sheila Weidenfeld.~~

~~For the coverage of the various arrival activities, no black tie is needed, but for those who will cover the exchange of toasts and the entertainment and the start of the dancing, black tie is required for the men. You can get the complete details from Bill Roberts and Sheila.~~

JANUARY 30 ANNOUNCEMENT and Q + A

We are preparing a Presidential statement, which should be off the machines by the end of this briefing. I can read it for you.

"Last September the President announced a program of earned return for those who were draft evaders and military absentees during the Vietnam conflict. This program was intended to reach a broad group of young Americans who had been convicted, charged, investigated, or who were still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice.

"Also, this program was intended to provide a way for many persons who received an undesirable discharge from military service, for absentee-related offenses, to upgrade their discharge certificate to a clemency discharge.

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

"Therefore, today, the President is extending the termination date for applications from tomorrow, when it was originally intended to expire, until March 1, 1975."

We will have that ready for you by the end of this briefing.

MORE

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Q Does this refer to all three programs, both the Charlie Goodell program, the Clemency Board and the Defense Department program?

MR. NESSEN: The tenfold?

Q No, the clemency.

MR. NESSEN: Yes. The entire clemency program is extended for 30 days.

Q Ron, what was the reasoning for limiting it to one month, in view of the possibility that there might have been some additional returnees that would take longer? Do they think a maximum of 30 days --

MR. NESSEN: That was the President's judgment.

Q There was some pretty strong feeling the other way, was there not?

MR. NESSEN: I was not in on the meeting. You would have to ask Senator Goodell.

Q What are the possibilities of extending the program beyond March 1?

MR. NESSEN: I don't know of any plans to do it.

Q Ron, why is the program indefinite?

MR. NESSEN: I think, when the President spelled out his purposes at the beginning, he explained why there was, at that point, a three-month program. I don't remember precisely what they were; I would have to dig out that statement and find out.

Yes, ma'am

~~Q Ron, the new Democratic Governor of Tennessee, Ray Blackman, was in town and had lunch with the House Congressional delegation. Among the things he proposed was that there be rationing and that the Selective Service Office would be the ones that would handle rationing. Has there been any thought given to the use of the Selective Service Offices throughout the country for rationing?~~

Q On the clemency, do you have any numbers?

MR. NESSEN: Charlie Goodell's office, I think, is keeping track of the numbers. I have not been keeping track of them here.

Q Do you have any idea of how much more widely you would expect this program to be used by giving it this month's extension?

MR. NESSEN: In numbers?

Q In numbers, magnitude, any way you want to express it.

MR. NESSEN: I am told that the rate has gone up something like tenfold in just the past couple of weeks, and I don't know what Senator Goodell feels will be the increase over the next month.

MORE



PRESIDENTIAL CLEMENCY BOARD  
THE WHITE HOUSE  
WASHINGTON, D.C. 20500

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FOR IMMEDIATE RELEASE

March 27, 1975

FINAL DEADLINE FOR APPLICATION TO PRESIDENTIAL  
CLEMENCY BOARD IS MARCH 31



Washington, D. C....."The deadline for application for the President's Clemency Program is 12:00 midnight, March 31, Charles E. Goodell, Board Chairman, said today. This is in accordance with the Presidential Proclamation of February 28, 1975. After March 31, applications for clemency will not be accepted by the Board." President Ford had given two extensions of one month each beyond the original expiration date of January 31 to the Presidential Clemency Board, the Department of Defense and the Department of Justice's programs.

Approximately 16,500 applications have been received by the Board as of March 26. The Board intends to take final action on all the applications and make recommendations to the President by September. To do this may require expanding the Board which now has only nine members.

Chairman Goodell will discuss expansion of the Board with President Ford. Because of the large number of applications, the present Clemency Board is recommending an expansion from nine to eighteen members.

Those persons eligible for the Clemency Board's portion of the clemency

program are ex-servicemen with less than honorable discharges for absentee related offenses and convicted draft evaders. Thus far, during the final month of extension, the PCB has received 5,550 applications and a surge is expected during the remaining 4 days.

Calls will be received, day and night, until Midnight, March 31 at 202/456-2110 or 202/456-6476.

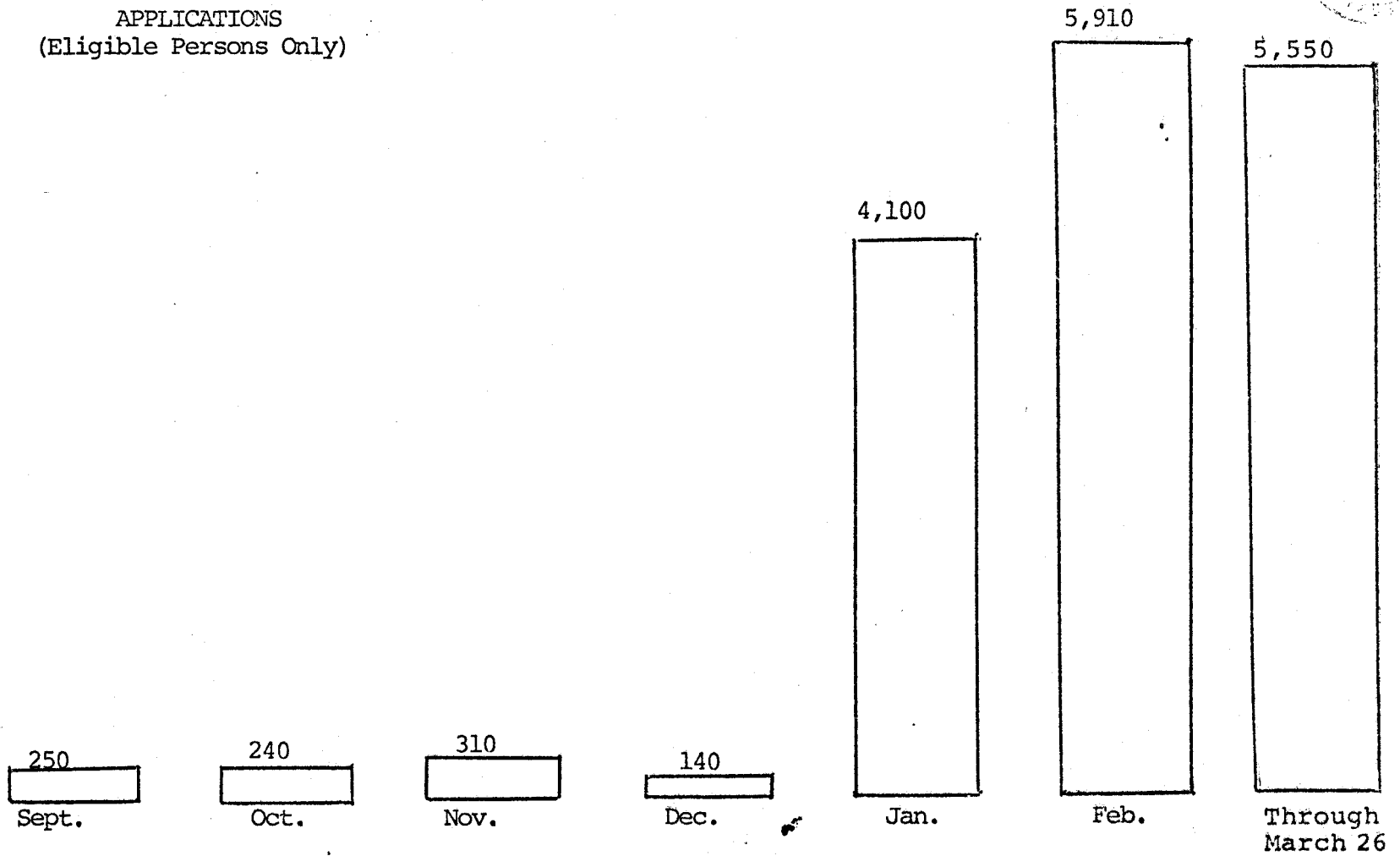
During the first two months of the program, the Board worked to set up guidelines and procedures so that recommendations could be made, case-by-case, on an equal basis. During these past two months, the Board has traveled extensively around the country personally explaining the program through press conferences, radio, TV and public appearances in 40 major metropolitan areas. The staff and Board has attempted to use every means available to get the message of the PCB across to potential applicants. This information campaign has resulted in an increase of 15,500 applications over the 860 the Board had on January 6.

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MONTHLY  
PCB  
APPLICATIONS  
(Eligible Persons Only)



May 27, 1975

Mary McCrory says: One, only 65 cases disposed of so far.

Two, Clemency Board has passed on 900.

Three, 835 are still on Buchen's desk and have been since December 31.

Buchen says: One, he has none on his desk at this time nor in his office.

Two, 80 more were signed off yesterday by the President.

