

Proclamation Extending Clemency

W. P. 85
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Following is the text of the proclamation President Ford issued yesterday extending clemency to Vietnam-era draft evaders and military deserters:

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 peo-

ple 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 for or submit to, or complete service under Section 6 (C) of such act during the period from Aug. 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 Jan. 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 24 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 Aug. 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 Jan. 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 24 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.

Each member of the armed forces who elects to seek relief through the 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 Aug. 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.