I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Reaffirmation of Allegiance, a.k.a. 'The Deserter's Oath'

AMNESTY? WERE JUST BEGINNING

By Arlie Schardt

First President Ford gave a full and unconditional pardon to Richard Nixon for all the crimes—known and unknown—he may have committed during the years he was in office. In his St. Louis speech, he cited as evidence the legal immunity Nixon was given under the Amparo agreement with Mexico. Nixon was exempted from the Watergate investigation, and his personal financial affairs were never probed. The Ford administration returned American citizens' stocks to Mexico in order to make it easier for Nixon to raise large sums of money to finance his election. It also restored the military draft to Vietnam, allowing Nixon to withdraw American forces.

Next Mr. Ford announced a limited and conditional "clemency" program to provide "earned re-entry" for some of the young men who ran afoul of certain laws and military regulations during the Vietnam War. For those war resisters, evaders and deserters eligible for this clemency, financial arrangements consisted of assurance that the Selective Service director would find them the "lowest paying jobs possible"—jobs for which they would spend one year or more—after which they would be free to pursue their civilian careers as best they could with their records still not expunged.

The whole episode was perhaps the most jarring example of the double standard of justice seen since the Watergate revelations began. After studying the complicated guidelines for the Ford clemency program, the ACLU—which for three years has been pressing for an unconditional amnesty for all persons having Vietnam-related legal disabilities—denounced the program.

"The ACLU considers the Ford clemency program offensive in its assumptions and outrageous in its implementation," Henry Schwarzschild, director of the ACLU's Amnesty Project, said. "We are finding that almost everyone has better options outside the program than inside."

The ACLU was thereby confronted with a serious dilemma. Knowing that the clemency program would leave most young men no better off than before, and in many cases worse off, what should be done about those who decided to subject themselves to the program anyway?

The decision was a difficult one, for if the ACLU announced a program of aid for young men who turned themselves in, it might serve to lure them back despite warnings of the program's drawbacks. Yet there remained the fact that some young men would risk the program because they were anxious to end the hardships of exile or because they wanted to be able to rejoin loved ones. These were the young men for whom the ACLU must look for alternative ways to help.

On the long-range front, it is obvious that efforts must be increased to win a genuine amnesty—an unconditional amnesty—in the Congress. But for the next three months, until the Ford program expires on January 31, it is the responsibility of the ACLU to...

ANOTHER? WE'RE JUST BEGINNING

Restoration of Allegiance, a.k.a. "The Deserter's Oath"

I take this obligation freely without any mental and will bear true faith and allegiance to the same.

...against all enemies, foreign and domestic:

NOVEMBER 1974

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generate the widest possible publicity and information about the program, to work with all possible organizations in providing counseling centers for resisters, and, where necessary, provide legal representation for those who still decide to seek clemency. By mid-October, the ACLU Amenity Project had named Ed Oppenheimer litigation director. The Amenity Project had put together a critique of the clemency program and a referral list of all other agencies equipped to provide help and information.

Persons in the United States seeking advice and information about the program should begin by contacting either their nearest ACLU office or phoning the Clemency Information Center, sponsored primarily by the National Council of Churches, at 317-635-8259 (all collect calls accepted).

The Center is located in Indianapolis, Indiana, because that is the site of Fort Benjamin Harrison where all processing is being done for those with military records.

The ACLU urges all those living in exile in Canada to seek information about the program before re-entering the United States. Otherwise there is the very real possibility of coming home and discovering—too late—that the program will not help. If that happens, the returning exile will probably not be allowed to go back to Canada and will instead be taken into custody.

Persons in Canada seeking information should begin by calling the War Resister Information Program toll-free at 800-665-8885. Or write to the ACLU Project on Amnesty, 22 E. 40 St., New York, N.Y. 10016, for a copy of the ACLU summary of information on the program.

In Indiana, where some 1,100 deserters had been processed by mid-October, a team of volunteer lawyers has been formed by the ACLU's Edward Sherman, a law professor at Indiana University.

Deserters needing on-the-spot help in Indiana should contact Gerald Orman, ACLU/ICLU at Fort Benjamin Harrison, 317-542-2125.

In brief, the Ford plan divides personnel into several categories. Persons who either (a) violated Selective Service regulations but have not been prosecuted or punished, may turn themselves in to a U.S. Attorney and agree to perform up to 24 months of "alternative service" in a low-paying job designated by the director of Selective Service. Persons who violated Selective Service regulations but have been prosecuted or punished may seek the commute of additional service or a nonpunitive discharge. Persons who have been convicted of Selective Service violations or who have been given punitive discharges for absence-related military violations.

Persons eligible for clemency under the Ford program are those who have already served at least 12 months of Selective Service and have not been convicted of Selective Service violations or who have been given punitive discharges for absence-related military violations.

These people, many of whom have already served considerable time in prison, would be evaluated by a nine-member clemency board headed by former Senator Charles Goodell. Whatever clemency the board offers may involve a period of alternative service. This very brief summary of the Ford program makes it obvious that no one should subject himself to it without the advice of an expert counselor or a lawyer. The program's calculated defects are too serious, even for the government, to be ignored.

Another major drawback: hundreds of thousands of persons now suffering serious legal disability due to less-than-honorable Vietnam discharges are not even covered by the Ford plan. Some 900,000 men were given various types of less-than-honorable discharges for, among other things, such vague reasons as "inaptitude," "apathy," "defective altitude," "person and behavior disorder," "insubordination" or—shades of Richard Nixon—"national security."

The result is that there are probably a half-million men with such discharges on their records—penalized for the rest of their lives—for actions which would not have made them criminals in a civilian context. Their records mean they are permanently handicapped in the job market, or in trying to get a loan, establish credit, or obtain auto insurance. They are among the only living Americans being required to serve a permanent, undue punishment because their government got them entangled in a war it cannot yet explain.

Everyone who voted for the Ford plan (except for the disaster the war has made of our economy) is asking Richard Nixon to take a loyalty oath or perform alien allegiance service at the cost of his government getting any of us second thoughts. Is anyone seeking punishment for the leaders whose misjudgments got us into that war, and what war it is?

For those who so tragically died in Vietnam, nothing can be done. The living, however, can be made to feel better. The wounded must be given better care; the young men marked by the discrimination of the Selective Service system must be granted unconditional amnesty.

Selective Service was an operation so patently unfair that it was recently described as "‘national disgrace" which made Vietnam a "poor boy's war," by no less an authority than Col. Phelps Jones, director of national security for the Veterans of Foreign Wars.

To deny those young men amnesty is, in a sense, a form of double jeopardy in itself. They were not even drafted. In other words, the majority of those eligible were able to evade the draft because they had the money to go to college, the skill to become teachers, ministers or professional athletes, or the connections to get into the National Guard and the Reserves.

To apply the strictest judicial processes to those in that unlucky percent who got drafted and are now in trouble is to act a bit after the fact. The system should have been operating strictly at the beginning if it is to operate strictly at the end.

Because the Ford plan is incomplete and unfair, it is not the answer. Because no other plan short of unconditional amnesty is either administratively possible or even covered by the Ford plan, those who are talking about anywhere from 980,000 to 800,000 individual cases) or possibly fair, unconditional amnesty is the only solution.

Every American determined to bring justice to this tragedy should be writing to his or her Senators and Representatives, insisting on congressional passage of unconditional amnesty as soon as possible.