

NCUUA / Friendshipment

(212) 688-8097

235 E. 49th St., New York, NY 10017

(212) 486-0580

July 1976

To: Amnesty, Reconstruction, and Recognition Key Contacts

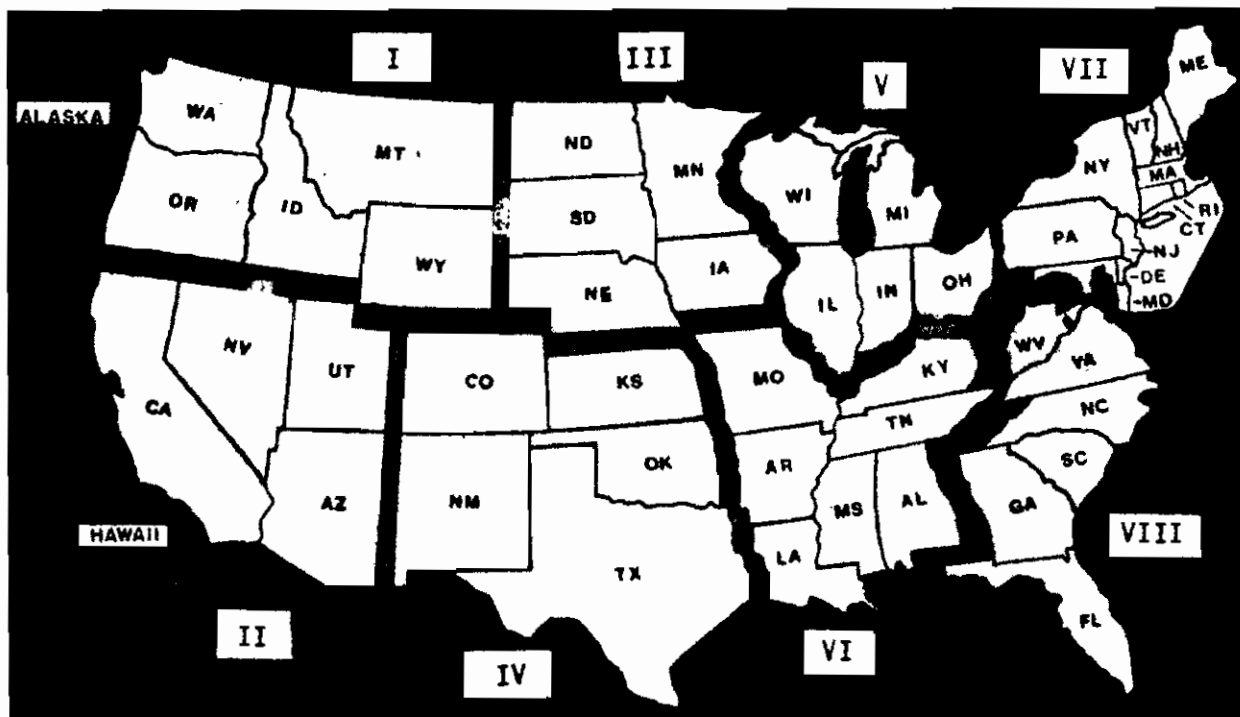
From: Susan Ikenberry (NCUUA) and Heidi Kuglin (Friendshipment)

Dear Friends,

It has now become clear that if and how the issues of Amnesty, Reconstruction, and Recognition are resolved, depends largely on the amount of nationally focused visibility we are able to give these legacies from now until next spring when a new administration will have to address them.

WE NEED YOUR HELP!

For this reason we need your urgent assistance in building toward a success in 1977!! Friendshipment and the National Council for Universal Unconditional Amnesty (NCUUA) are combining forces in coordinating a joint campaign *regionally* and *locally* across the country--the intention being that, through coordinated effort, local work will have increased national impact. As a major instrument in launching this effort we are strongly urging that regional conferences be held early this fall in all of eight regions.



WHY CONFERENCES THIS YEAR?

While the war in Southeast Asia ended over a year ago, its legacies remain unresolved. It is therefore necessary to have widespread coordinated action focusing on the Presidential candidates, Carter in particular. The objective is for the newly elected President to feel so much pressure from Americans that he will take immediate and comprehensive action upon taking office. The conferences are part of an 8 month campaign culminating early next spring. Over the past few

years, local organizing and general education have been the mode of action. While local education and action continue to be vital, they must fit into a national action framework so that the pressure is really felt in Washington!

THE ISSUES

There are over one million Americans in need of Amnesty because of their opposition to the military and war in Southeast Asia. Nearly 800,000 have been sentenced to a lifetime of unemployability. Others remain in exile, underground, or have "criminal" records. Pres. Ford's "Clemency" Program, thrown together to offset Nixon's pardon, has gone down in history as a total failure. A universal unconditional amnesty is the only just solution.

Although President Nixon promised \$3.25 billion in aid to north Vietnam and although the United States agreed to post-war construction aid in the Paris Agreements, President Ford and the Congress refuse to live up to their obligations. The United States also is not willing to enter into serious negotiations for normalization of relations with the Socialist Republic of Vietnam.

WHY COMBINE THE ISSUES?

These three issues are all a result of one unjust foreign policy and war. Only a just resolution of them will allow us to put the war behind us. These regional conferences will enable clusters of states to join in their efforts to give visibility to the issues. We know that there are thousands of people in your region who support amnesty, reconstruction, and recognition, but are isolated and scattered. There are many obstacles to your voices being heard. By combining our forces in demanding action, we will gain strength from each other and will be more visible.

In many areas it has been the same people who must allocate their time to all or some of these issues; this has resulted in competition between the issues. In those areas where the work has been organized separately in the past, a combining of forces should increase efficiency and energy, and cut down on already overly-taxed resources.

CONTENT OF THE CONFERENCES

Some suggested workshop topics for the conferences follow. You will want to take into consideration the backgrounds, the exposure to the issues, and the experience of the participants. A final objective should be an outline of projected regional and local action over the next months. (Region V organizers are planning a region-wide action on Veterans Day weekend, this fall, to be followed with a second regional conference.) We encourage the addition of other topics and would be happy to assist in gathering material and resources.

1. Fitting into the National Campaign
2. History and Nature of the War
3. Nuremburg Trials and the Right to Resist
4. Veterans with Less-Than-Honorable Discharges
5. Human Cost of the War: Universal Unconditional Amnesty
6. Human Cost of the War: Reconstruction
7. Lessons of the War

ORGANIZATION OF THE CONFERENCES

Heidi Kuglin of FRIENDSHIPMENT and Susan Ikenberry of NCUUA have prepared resource material for use in the conferences. We are also willing to help with getting speakers or leaders for workshops and audio visuals. However, local and/or regional people must organize the conferences. Decisions to be made early are: Who will take responsibility for regional coordination, Where will the conference

be, What dates are the most convenient (sooner rather than later), and How long the conference should be (we suggest 1½ to 2 days on a weekend).

We urge you to take an active part in the conferences and call upon others you know to attend them, and then follow-up afterwards in your local communities.

PLEASE fill out the enclosed questionnaire TODAY and return it to:
Susan Ikenberry, NCUUA, 235 E. 49th Street, New York, NY 10017 (212) 371-7080.

CONFERENCE POLL SHEET

Name:

Organization:

Address:

City:

State:

Zip:

Phone(s):

Issues you have worked with in the past:

☐ I would like to attend a conference in my region.

☐ I will help organize a conference in my region.

☐ Please send resource packet.

____ Preferred date for conference.

____ Preferred location of conference.

____ Preferred length of conference.

Additional suggestions for workshops:

Suggestions for regional actions that would fit into a national campaign:

Did you receive this mailing from NCUUA _____ or FRIENDSHIPMENT _____ or Both _____

We suggest that you duplicate this letter and send to your mailing list; we cannot afford to do a mass mailing at this time.

----- Return to: Susan Ikenberry, 235 E. 49th St., NY, NY 10017 -----

NCUUA

National Council for Universal and Unconditional Amnesty

235 East 49th Street
New York City 10017
(212) 688-8097

Summary

NCUUA Draft Amnesty Bill

1. Automatic amnesty shall be granted to:
 - all draft violators
 - all violators of 31 specified Articles of the Uniform Code of Military Justice, involving violations which could be antiwar in motive and do not involve civilian crimes
 - all violators of 8 specified sections of title 18, U.S. Code, involving violations affecting the national defense
2. Amnesty for other violations of law: Any person convicted or charged with violating any Federal, military, state or local law other than those specified as automatic can apply to a Commission for amnesty. These persons shall present a statement that the violations for which they seek amnesty were a result of their resistance or opposition to the draft, the military, or the involvement of the U.S. in Indochina. If the government does not challenge this statement within 90 days, the person shall be granted amnesty. If the government does challenge it, the Commission shall decide whether or not the person receives amnesty. In order to deny amnesty the Commission must be able to clearly show that the violation was unrelated to antiwar activity. If the Commission does deny amnesty the person may appeal the decision to a U.S. district court.
3. Effect of amnesty. The amnesty granted shall:
 - restore all rights lost, suspended or otherwise limited
 - grant immunity from further or future prosecution
 - expunge all government records as far as possible
 - vacate any conviction, declaring it null and void
 - nullify all other legal consequences
4. Military discharges: All persons given an other than honorable discharge before the date of enactment of the bill are automatically granted an uncoded Honorable discharge. All persons discharged from the armed forces after the date of the bill are to be given a single type discharge "Certificate of service", without qualifying the service in any way and giving no indication for reason of discharge.
5. Citizenship: Persons who have lost or renounced U.S. citizenship shall have it unconditionally restored by stating to the Commission that they lost citizenship because of resistance or opposition to the draft, the military or the involvement of the U.S. in Indochina. By a similar statement, persons who wish to retain foreign citizenship but wish to visit in the U.S. shall be exempted from the exclusion provisions of the Immigration laws.

NCUUA DRAFT AMNESTY BILL

1. Effective dates. All violations of law specified below which occurred between 1 January 1961 and 30 April 1975 are covered by the amnesty.
2. Effect of amnesty.
 - a. restore all rights lost, suspended, or otherwise limited;
 - b. grant immunity from further or future prosecution;
 - c. expungement of all government records as far as possible, notations to be made in public records;
 - d. any judgement of conviction vacated and such judgement declared null and void;
 - e. nullify all other consequences, giving the person the right to answer in the negative if ever asked about the violation.
3. Discharges from the armed forces.
 - a. All other than honorable discharges from 1 January 1961 to the date of enactment of this bill are to be automatically made Honorable, regardless of the reason for the discharge. The new Honorable discharge shall contain no indication of the reason for its issuance. The Department of Defense shall have the duty to send Honorable discharges to all persons who received other than honorable discharges. If the original other than honorable discharge was the result of a court-martial conviction for a violation of the UCMJ, the amnesty provisions of sections 6 or 7 of this bill shall apply to the conviction.
 - b. After the date of enactment of this bill, all persons discharged from the armed forces shall receive an uncoded single-type discharge.
4. Effect for clemency applicants. All agreements or applications made, and discharges received under the Presidential "Earned re-entry" program of 16 September 1974, are declared null and void. Any person who made such an agreement or received such a discharge is entitled to the full provisions of this amnesty.
5. Citizenship.
 - a. Upon written request to the Commission, as established in section 10 of this bill, any person who lost, may have lost, or renounced U.S. citizenship because of resistance or opposition to the draft, the military or the involvement of the U.S. in Indochina, shall have U.S. citizenship unconditionally restored.
 - b. Upon written request to the Commission, as established in section 10 of this bill, any person who lost, may have lost, or renounced U.S. citizenship because of resistance or opposition to the draft, the military or the involvement of the U.S. in Indochina, shall be exempted from the exclusionary provisions of 8 U.S.C. 1182(a)(22).
6. Automatic amnesty. Any person convicted of or alleged to have committed one or more of the violations of law listed in this section shall be automatically granted an unconditional amnesty. The President, through the Department of Defense, Department of Justice, and any other Departments or agencies of government shall inform all recipients of this amnesty and shall take all necessary steps to restore rights, grant immunity and expunge records, as provided in section 2 of this bill.

- a. All violations of 50 App. U.S.C. 456(j), conscientious objectors who fail to perform civilian work.
- b. All violations of 50 App. U.S.C. 462, all other violations of the Military Selective Service Act.
- c. All violations of the following sections of Title 18, U.S.C.:
 - (1) section 700, desecration of the U.S. flag;
 - (2) section 253, private correspondence with foreign governments;
 - (3) section 1381, enticing desertion or harboring deserters;
 - (4) section 2101, interstate travel or communication with intent to incite to riot (the "Rap Brown Act");
 - (5) section 2153, destruction of war material, war premises, or war utilities;
 - (6) section 2155, destruction of national defense materials, national defense premises, or national defense utilities;
 - (7) section 2387, activities affecting armed forces;
 - (8) section 2388, activities affecting armed forces during war.
- d. All violations of the following sections of Title 10 U.S.C., (Articles of the Uniform Code of Military Justice):
 - (1) section 831 (Article 81), conspiracy;
 - (2) section 832 (Article 82), solicitation of desertion, mutiny, misbehavior before the enemy, or sedition;
 - (3) section 833 (Article 83), fraudulent enlistment or separation;
 - (4) section 835 (Article 85), desertion;
 - (5) section 836 (Article 86), absence without leave;
 - (6) section 837 (Article 87), missing movement;
 - (7) section 838 (Article 88), contempt toward officials by a officer;
 - (8) section 839 (Article 89), disrespect toward superior commissioned officer;
 - (9) section 890(2) (Article 90(2)), willfully disobeying a superior commissioned officer;
 - (10) section 891(2) (Article 91(2)), willfully disobeying a non-commissioned officer;
 - (11) section 891(3) (Article 91(3)), contempt or disrespect toward a non-commissioned officer;
 - (12) section 892 (Article 92), failure to obey order or regulation;
 - (13) section 893 (Article 93), mutiny or sedition;
 - (14) section 894 (Article 94), resisting arrest or escaping from custody;
 - (15) section 896 (Article 96), releasing a prisoner without proper authority;
 - (16) section 899 (Article 99), misbehavior before the enemy;
 - (17) section 900 (Article 100), compelling a commander to surrender;
 - (18) section 901 (Article 101), disclosing or improperly using a countersign/password in time of war;
 - (19) section 904 (Article 104), aiding the enemy;
 - (20) section 905 (Article 105), misconduct as a prisoner of war;
 - (21) section 906 (Article 106), spying in time of war;
 - (22) section 907 (Article 107), signing false statements;
 - (23) section 908 (Article 108), loss, damage, destruction, or wrongful disposition of military property of the U.S.;
 - (24) section 911 (Article 111), drunken or reckless driving;
 - (25) section 912 (Article 112), drunk on duty;

- (26) section 913 (Article 113), drunk, asleep or leaving post;
- (27) section 915 (Article 115), malingering;
- (28) section 916 (Article 116), riot or breach of peace;
- (29) section 917 (Article 117), provoking gestures or speech;
- (30) section 933 (Article 133), conduct unbecoming an officer;
- (31) section 934 (Article 134), general article--all miscellaneous offenses not charged under any other section.

7. All other violations of any Federal, military, state or local law.
 - a. Any person who has been charged with or convicted of violating any Federal, military, state or local law not specified in section 6 and who desires an amnesty for such violation, shall file in writing, a claim to the Commission (as established in section 10). Such claim shall state that the violation or alleged violation was a result of resistance or opposition to the draft, the military, or the involvement of the U.S. in Indochina.
 - b. If the person desires to make a claim to the Commission in person, they shall be granted immunity from prosecution to present their claim. An attorney or other representative may be empowered to present a claim for persons not wishing to appear.
 - c. After a claim for amnesty is filed with the Commission, the governmental jurisdiction involved shall have 90 days to file a counter-claim stating that the violation or alleged violation was unrelated to the draft, the military, or the involvement of the U.S. in Indochina. The Commission shall notify any government of any claims for amnesty which are files.
 - d. If the government does not file a counter-claim within 90 days, the Commission shall grant amnesty to the person making the claim, and the effects of section 2 shall apply to that person.
 - e. If the government does file a counter-claim, the Commission shall make a determination as to whether or not the persons shall be granted amnesty. In order not to grant amnesty, the Commission must find and clearly show that the violation or alleged violation was clearly unrelated to resistance or opposition to the draft, the military, or the involvement of the U.S. in Indochina.
8. Appeal from determination of the Commission. If the Commission denies amnesty to a person who has claimed it, the person shall have the right to appeal to a U.S. District Court as follows:
 - a. persons residing in the U.S. shall file an appeal with the U.S. District Court for the district in which they reside or in the district in which the violation or alleged violation took place;
 - b. persons residing outside the U.S. shall file an appeal with the U.S. District Court in the district in which the violation or alleged violation took place or with the District Court for the District of Columbia.The government shall not be entitled to appeal in cases where the Commission has granted amnesty.
9. Denial of rights. Any person entitled to the rights granted by section 2 and denied those rights shall be entitled to apply to

the Commission. The Commission is empowered and shall have the duty to compel that such rights be granted.

10. Composition of the Commission.* A Commission to hear the claims filed by persons under sections 5, 7 or 9 above, shall be appointed by the President, with the concurrence of the U.S. Senate.
 - a. The Commission shall consist of 7 members, of which:
 - (1) at least two shall be women;
 - (2) at least two shall be from minority groups;
 - (3) at least two shall not have served in the U.S. armed forces;
 - (4) at least two shall have been born since 1 January 1943.
 - b. The members of the Commission shall elect a Chairperson.
 - c. Members shall serve for three years, which shall be the life of the Commission.
 - d. Any vacancies resulting in the Commission shall be filled in the same manner as the original appointment.
11. Severability clause. If any provision of this Act or the application of it to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected.
12. Effective date. The Act shall be effective upon enactment.

#

[Draft 2, with revisions made by NCUUA Steering Committee on 8 September 1975.]

*Alternate means of selecting the Commission, other than being appointed by the President, are being investigated.