

NATIONAL COUNCIL FOR UNIVERSAL UNCONDITIONAL AMNESTY
Comparison of:

Presidential "Earned Re-entry" Program

TIME PERIOD COVERED - August 4, 1964 to
March 28, 1973

MILITARY SELECTIVE SERVICE VIOLATORS

Persons who allegedly failed: 1) to register or register on time, 2) to keep their local board informed of their current address, 3) to report for or submit to preinduction or induction physical examination, 4) to report for or submit to induction, or 5) to report for, submit to or complete alternative service; were required to report to a U.S. Attorney. They were required to sign an agreement including a waiver of certain constitutional rights, an acknowledgment of allegiance to the U.S., and pledge to complete 24 months or less civilian alternate service. Upon satisfactory completion of the service, any outstanding charges or indictment will be dropped. If they do not complete the required service, they can be prosecuted for the original offense.

Persons who were convicted of any of the above 5 offenses could apply to the Presidential Clemency Board (see below) and after completing 24 months or less civilian service, receive a Presidential pardon.

VIOLATORS OF THE UNIFORM CODE OF MILITARY JUSTICE

Persons who were absent from the military were relieved from prosecution under Articles 85, 86 or 87 of the UCMJ by returning to Fort Benjamin Harrison, Indiana. After taking an oath of allegiance

HR 9596 (limited relief)

TIME PERIOD COVERS - August 4, 1964 to
March 28, 1973

MILITARY SELECTIVE SERVICE VIOLATORS

All those who failed or refused to register for the draft, who failed to accept or refused induction into the Armed Forces, or who otherwise violated the Selective Service Act or regulations during the time period covered by the bill must file a certificate stating that their act was because of DISAPPROVAL OF THE MILITARY INVOLVEMENT OF THE U.S. IN INDOCHINA. This certificate is filed with the Attorney General. All prior convictions are then vacated, pending charges dismissed, records expunged, and immunity from prosecution given. (Note: under this bill, the Department of Justice may prosecute an individual for perjury or making a false statement in the certificate of disapproval, in which case the relief granted may be rescinded).

VIOLATORS OF THE UNIFORM CODE OF MILITARY JUSTICE

All those who are charged with violating 2 specific articles of UCMJ (85 - AWOL, 86 - desertion), or who are alleged to have "disobeyed an order which ... if obeyed, the member or former

NCHUA Bill for Total Amnesty

TIME PERIOD COVERS - January 1, 1961 to
April 30, 1975

MILITARY SELECTIVE SERVICE VIOLATORS

All those who failed or refused to register for the draft, who failed to accept or refused induction into the Armed Forces, or who otherwise violated the Selective Service Act or regulations during the time period covered by the bill are automatically granted amnesty. The Government has the responsibility for effecting this amnesty and informing all those involved. The individual is not required to petition the government, or to sign any document, or to take any other action.

All rights are restored, records expunged, convictions vacated, and immunity from prosecution given. (Note: no perjury or false statement charge can be made since the individual signs no statement).

VIOLATORS OF THE UNIFORM CODE OF MILITARY JUSTICE

All deserters and AWOLs and violators of 31 other specified articles of UCMJ which could be anti-war related (such as making "disloyal statements", distributing GI newspapers, or using "contem-

giance to the U.S. and pledging to complete 24 months or less of alternate service, they were given an Undesirable discharge. After satisfactory completion of the alternate service, the Undesirable discharge may be exchanged for a Clemency discharge.

Persons convicted or administratively discharged for an absence offense could apply to the Presidential Clemency Board. After completing 24 months or less alternate service, they receive a Clemency discharge and/or a pardon.

CITIZENSHIP

Persons who were not U.S. citizens were not eligible to participate in the program.

MORE

mer member could reasonably have foreseen, under ordinary circumstances, to have as its possible consequence the death of another human being" during the time period covered by the bill are eligible for relief if they file a certificate stating that the act was a result of DISAPPROVAL OF THE MILITARY INVOLVEMENT OF THE U.S. IN INDOCHINA.

The individual is then granted a Certificate of Resignation which does not entitle him to any VA benefits. While this certificate can go through the discharge review proceedings, it is just as stigmatizing and discriminatory as a less than honorable discharge. All records are expunged.

(Note: other UCMJ violations are not covered in this bill.)

CITIZENSHIP

Those who would like to regain U.S. citizenship must take an oath renouncing foreign citizenship, sign the certificate stating their act was a result of disapproval of U.S. military involvement in Indochina, and U.S. citizenship will be restored.

Others who want only to visit the U.S. must state to the Immigration and Naturalization Service of the DOJ that renouncing U.S. citizenship was due to disapproval of U.S. military involvement in Indochina. The individual is then to be exempted from the exclusionary parts of the Immigration and Naturalization Act.

MORE

ptuous language") and do not involve civilian crimes are automatically granted amnesty. The Government is responsible for informing all individuals concerned.

All rights are to be restored, the person is granted immunity from prosecution, and is given an Honorable discharge including full benefits and no stigmatizing code number.

CITIZENSHIP

Persons who have lost or renounced U.S. citizenship shall have it unconditionally restored by stating to the Commission (see that section) 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 the U.S. shall be exempted from the exclusion provisions of the Immigration laws.

MORE

OTHER THAN HONORABLE DISCHARGES

Military veterans who received an other-than-honorable discharge for an absence offense could receive a "Clemency discharge" after completing 24 months or less civilian alternate service. This discharge does not give entitlement to VA benefits, but is eligible for normal discharge review procedures.

OTHER THAN HONORABLE DISCHARGES

Any such person who has been administratively discharged or court-martialed from the Armed Forces, for AWOL, desertion, or who disobeyed an order which, if obeyed, could have led to the death of another human being, can be granted a certificate of resignation if he signs a statement saying he disapproved of US military involvement in Indochina. This certificate carries no VA benefits, but is eligible for discharge review procedures. It is just as stigmatizing and discriminatory as a less than honorable discharge.

OTHER THAN HONORABLE DISCHARGES

All persons given an other than honorable discharge in the period covered by this bill are automatically granted an uncoded Honorable discharge. Responsibility is with the Department of Defense to send an Honorable discharge to all concerned individuals (no individual is required to file a petition). All are entitled to full VA benefits.

After April 30, 1975 all persons discharged from the Armed Forces are to receive an uncoded single-type discharge.

CIVILIAN RESISTERS

Civilian resisters were not eligible to participate in the program.

CIVILIAN RESISTERS

HR 9596 does not provide for civilian resisters.

CIVILIAN RESISTERS

All those who are alleged to have violated 8 specified articles of title 18, U.S. Code involving violations affecting the national defense (such as harboring deserters, destruction of war material, corresponding with a foreign government, etc.) during the time period covered by the bill are automatically amnestied, records are expunged, rights are restored, and immunity from prosecution is granted. It is the responsibility of the Government to notify each individual.

CLEMENCY PROGRAM

Described in this column.

CLEMENCY PROGRAM

Those serving reconciliation service, planning to, etc. are treated like all other applicants. They must fill out a certificate stating the action or alleged violation was due to DISAPPROVAL OF THE U.S. MILITARY INVOLVEMENT IN INDOCHINA. The Clemency Program's alternate service can be terminated if so desired.

CLEMENCY PROGRAM

All those agreements with the Clemency Board are null and void and all are eligible for total amnesty as are others who did not accept the Clemency Program or who were not eligible. Honorable discharges would replace "Clemency discharges" with full benefits.

OVER

OVER

OVER

APPEAL

Persons applying to a U.S. Attorney or to Ft. Harrison had no appeal rights from the length of service given. Persons under the Clemency Board could appeal a denial of Clemency to the Board.

APPEAL

Under HR 9596, an individual who is eligible under the program, but has other charges not covered by the bill must petition to receive dismissal for those alleged violations, provided the act in question resulted because of disapproval of U.S. military involvement in Indochina and was not a crime of violence against person or property.

The burden of proof is on the individual and not on the government. No time limit is placed on U.S. district court's response or action. A three year time limit is set for individuals if any judicial remedy is sought.

APPEAL

The NCUUA bill provides for a process of claim filing. The individual who believes an alleged violation should be amnestied files a claim to the Commission stating that the alleged violation was due to OPPOSITION TO THE DRAFT, THE MILITARY, OR TO U.S. INVOLVEMENT IN INDOCHINA. (Immunity from prosecution is provided for personal appearances). The Government has 90 days to show that the act was clearly unrelated to opposition to the draft, the military, or to U.S. involvement in Indochina. If the Government cannot or does not do so, the individual receives unconditional amnesty and full rights as in the case of automatic amnesty.

PRESIDENTIAL CLEMENCY BOARD

The Presidential Clemency Board was a nine member panel (later increased to 18 members), appointed by the President. It had jurisdiction to hear and decide cases of convicted draft violators, convicted or administratively discharged military absentees. It could recommend that unconditional or conditioned pardons and clemency discharges be granted by the President.

THE COMMISSION

The NCUUA bill provides for a Commission of 7 members to hear all claims not automatically amnestied. The composition is as follows: at least 2 shall be women, at least 2 shall be from minority groups, at least 2 shall not have served in the Armed Forces, and at least 2 shall have been born since January 1, 1943.