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Amnesty Information Service

National Interreligious Service Board for Conscientious Objectors

AMNESTY FACT SHEET

During the course of U.S. involvement in the war in Vietnam, opposition to the war among the American people grew steadily from a very few to a majority. Because of age, sex, or situation, many people who opposed the war were put in the position of having to break laws to express their opposition. Potentially over one million Americans continue to suffer legal or social consequences for their opposition to a war now opposed by nearly everyone. Because of these legal problems, a campaign seeking amnesty for war resisters developed.

In an attempt to defuse the issue of amnesty, President Ford, in September, 1974, created the "Earned re-entry" or "clemency" program. The program was limited to convicted or unconvicted draft violators and military absentees (commonly called deserters), who after agreeing to do up to two years of civilian work, could have any outstanding legal charges against them dropped or earn a Presidential pardon and/or Clemency discharge from the military. Very few of the number eligible even applied to the program before its demise on March 31, 1975.

Since then, the war in Vietnam has ended, officially and finally. Yet there is still not an amnesty. While the Administration is trying hard to push the war and its effects into the background of the American consciousness, the issue of amnesty is one that will not go away. This fact sheet is a summary of the current situation, statistically and legislatively.

THE CLEMENCY PROGRAM As stated above, three groups of people were eligible for the clemency program. The numbers eligible and the numbers who actually applied (approximate figures) are as follows:

	<u>eligible</u>	<u>applied</u>	<u>% applied</u>
1. Unconvicted draft violators.....	4,400+....	770.....	18%
2. Unconvicted military deserters....	10,500+....	5,500.....	53%
3. Persons already punished.....	120,000.....	15,500.....	13%
(Convicted draft violators, convicted or administratively discharged deserters)			
TOTALS.....	135,000+....	22,000.....	16%

Part of the agreement for receiving a Presidential pardon or Clemency discharge was to perform up to two years of civilian "alternate service" work. This is to be administered by the Selective Service System. As of mid-January, 1976, the SSS reports that 7900 persons have enrolled with them for the work program. 2100 (27%) are currently working, 3100 (39%) have dropped out of the program, and 2400 (30%) are still attempting to find an acceptable job.

It is clear from the statistics alone that the clemency program was a total failure. It made eligible for relief only a small number of the persons who need amnesty, and of the ones who were eligible, less than 20% made use of it.

WHO STILL NEEDS AMNESTY? The difficulty in assessing the true extent of the need is the lack of hard figures from government agencies. It can be shown, however, that in the period of active U.S. involvement in Indochina (from 1961 to 1975), anywhere from 800,000 to 2 million people incurred some form of legal disability because of their opposition to the war. These include:

1. Draft violations other than non-registration still outstanding..... about 4000
2. Convicted draft violators..... 8700
3. Draft non-registrants (SSS estimates 4%-10% per year didn't register; about 2 million males turn 18 every year; multiplied by 14 years of U.S. involvement in Vietnam and the number may be from 1 to 2 million!)..... unknown, possibly 1 to 2 million
4. Military deserters still "at large" (Official Pentagon estimate is 5000, others estimate as high as 30,000)..... 5000 to 30,000
5. Veterans with other-than-honorable discharges.... 792,500
6. Civilian war protestors with arrest and/or conviction records..... unknown

While no firm, actual number of persons who need amnesty can be accurately arrived at, the above statistics show that the total could range from a very conservative estimate of 800,000 to a possible several million.

WHAT CAN BE DONE? Congress has the power to enact a universal, unconditional amnesty, but as yet has shown little inclination to do so. There are amnesty bills pending in both the House and Senate. Rep. Robert Kastenmeier (D-WI), has introduced a bill which passed a Judiciary subcommittee and is awaiting action by the full Committee. The bill, however, is still less than a universal amnesty. It uses the same categories as the President's program--convicted and unconvicted draft violators and military deserters--adding only persons in the military who refused an order which would have led to the death of another person. From the listing above, it is obvious that the coverage is still limited. Persons who are eligible would have to swear out a statement that they were opposed to the U.S. involvement in Indochina, and veterans with other-than-honorable discharges would receive only a "certificate of resignation", still a stigmatizing mark.

The Executive also has the power to grant an amnesty, and could, in fact, do it much more easily than the Congress can. It would take only a Presidential Proclamation, in the same way that President Ford proclaimed the clemency program. Regulations of some sort would no doubt have to be written to put the Proclamation into effect, but the initial step would be quite simple.

However it may happen, through legislative enactment or Executive proclamation, the need for an amnesty is an issue that will not go away until it is resolved. The war has ended and most Americans see it as a mistake. Justice demands an amnesty for those persons who still suffer from their opposition.