

STEPHAN M. MINIKES

August 7, 1974

Admiral E. R. Zumwalt, Jr.

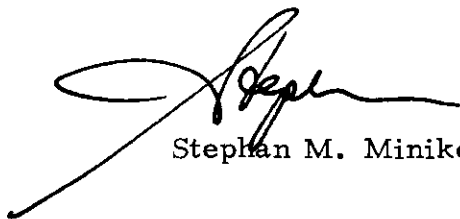
Falls Church, Virginia 22044

Admiral,

The attached comes out of the July 1974 issue of the Cornell Alumni News. You may want to give it a quick read and have Bobbie get a hold of H.R. 13001, a proposal to establish a system for granting amnesty to draft dodgers from the Indochina War.

Sally and I very much enjoyed having Mouza and you for dinner. It was a most pleasant evening.

Warm regards,



Stephan M. Minikes

Enclosure

↓
get
more
information

MINIKES, S.M.

93D CONGRESS
2D SESSION

H. R. 13001

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1974

Mr. ROBISON of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for the conditional suspension of the application of certain penal provisions of law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That title 18, United States Code, is amended by inserting
4 immediately after chapter 119 a new chapter, as follows:

5 **“Chapter 121.—CONDITIONAL SUSPENSION OF THE**
6 **APPLICATION OF CERTAIN PENAL PROVI-**
7 **SIONS OF LAW**

“Sec.

“2610. Amnesty; conditions.

“2611. Release of persons convicted; dismissal of proceedings.

“2612. Pardons.

“2613. Administration.

1 **“§ 2610. Amnesty; conditions**

2 “(a) No law providing for the punishment of persons
3 evading or refusing registration for the military service
4 of the United States, or of persons evading or refusing
5 induction in the Armed Forces of the United States, shall
6 apply to any person who has evaded or refused such regis-
7 tration or induction during the period beginning August 4,
8 1964, and ending March 29, 1973, if such person—

9 “(1) presents himself to the National Amnesty
10 Board, established under section 2614 of this title, not
11 later than two years after the date of the enactment of
12 this Act, or that date, as determined and publicly pro-
13 claimed by the President, on which all Americans miss-
14 ing in action who have been held by or known to such
15 government or such forces have been accounted for,
16 whichever date is later;

17 “(2) agrees, in accordance with regulations estab-
18 lished by the National Amnesty Board under section
19 2614 of this title, to serve for a period of two years in
20 the Armed Forces of the United States, or to serve for a
21 period of two years in such alternate civilian service as
22 the National Amnesty Board determines will contribute
23 to the maintenance of the national health, safety, envi-
24 ronmental quality, or other interest; and

25 “(3) agrees, in accordance with regulations estab-

1 lished by the National Amnesty Board under section
2 2614 of this title to begin such service in the lowest pay
3 grade at which persons serve in the Armed Forces or
4 eligible alternate civilian service, and to continue such
5 service at pay levels no greater than those approved by
6 the National Amnesty Board.

7 “(b) The National Amnesty Board may, for good cause
8 shown by an applicant for amnesty under the provisions of
9 this chapter, waive in part or in whole the service require-
10 ment of subsection (a) of this section with respect to such
11 applicant, after opportunity for a hearing on the record, if
12 in the judgment of such Board the special circumstances of
13 such applicant's case, such as disability to perform such serv-
14 ice, merit such extraordinary action.

15 “(c) Notwithstanding the provisions of section 349 of
16 the Immigration and Nationality Act (8 U.S.C. 1481), no
17 person who makes an agreement under subsection (a) of this
18 section shall be deemed to have lost his status as a national
19 of the United States.

20 “(d) All laws providing for the punishment of persons
21 evading or refusing registration for the military service
22 of the United States, or of persons evading or refusing
23 induction in the Armed Forces of the United States, shall
24 apply to any person who willfully fails or refuses to comply
25 with the terms of his agreement made under this section.

1 The period beginning with such person's application to the
2 National Amnesty Board under section 2610 of this title
3 and concluding with the end of his compliance with the terms
4 of his agreement shall not be counted toward the running of
5 any statute of limitation with respect to any offense for
6 which amnesty is given under this chapter.

7 " (e) Any person in prison, whether with respect to an
8 offense for which amnesty may be given under the provisions
9 of this chapter, or with respect to another offense, shall be
10 afforded an opportunity to present himself to the National
11 Amnesty Board pursuant to this chapter for the purpose of
12 seeking the amnesty offered under this chapter. If such
13 Board determines such person is eligible for amnesty under
14 this chapter, such determination shall not modify that per-
15 son's obligation with respect to any offense other than that
16 offense or offenses with respect to which such Board has
17 acted.

18 **§ 2611. Release of persons convicted; dismissal of pro-**
19 **ceedings**

20 " (a) Any person who has been convicted and is serving
21 a prison sentence for evading or failing to register for the
22 military service of the United States during the period be-
23 ginning August 4, 1964, and ending March 29, 1973, or for
24 evading or refusing induction in the Armed Forces of the
25 United States during such period shall be released from

1 prison, and the remaining portion of any punishment shall be
2 waived, if such person complies with the provision of section
3 2610 (a) of this title, except that the two-year period of mili-
4 tary or civilian service required thereunder shall be reduced
5 by a period equal to the period served by such person in
6 prison with respect to his conviction, and the service require-
7 ment shall be completely waived in the case of any person
8 who has served at least eighteen months in prison solely with
9 respect to such conviction.

10 “(b) Any criminal proceeding brought against any per-
11 son as a result of his evading or failing to register for the
12 military service of the United States during the period begin-
13 ning August 4, 1964, and ending March 29, 1973, or for
14 evading or refusing induction in the Armed Forces of the
15 United States during such period, shall be dismissed if such
16 person enters into an agreement described in section 2610 (a)
17 of this title and completes the period of military or civilian
18 service prescribed in such agreement, and such proceedings
19 shall be stayed during the period of such service.

20 **“§ 2612. Pardons**

21 “(a) It is the sense of the Congress that the President
22 grant a pardon to any person convicted of any offense de-
23 scribed in section 2611 (a) of this title if such person presents
24 himself to the National Amnesty Board and enters into an

1 agreement, under section 2610 of this title, and that such
2 pardon shall be conditioned upon the completion of the serv-
3 ice prescribed in such agreement, except that with respect
4 to any such person who has been imprisoned with respect
5 to such conviction, such service shall be reduced by a period
6 equal to the period served by such person in prison solely
7 with respect to such conviction. It is the sense of Congress
8 that such service requirement should be waived entirely in
9 the case of any person who has served at least eighteen
10 months in prison solely with respect to such conviction.

11 “(b) It is the sense of Congress that any pardon made
12 under this chapter shall have the effect of restoring all civil
13 and political rights which may have been lost or impaired as
14 a result of any conviction for which amnesty was given under
15 this chapter, and any such pardon shall have such effect to
16 the extent not prohibited by the Constitution.

17 **“§ 2613. Administration**

18 “(a) There is established, as of the date of the procla-
19 mation referred to in section 2610 of this title, the National
20 Amnesty Board (hereinafter referred to as the ‘Board’).

21 “(b) The Board shall be composed of three members
22 who shall be appointed by the President by and with the
23 advice and consent of the Senate, and shall serve at the
24 pleasure of the President. The President shall designate one
25 of the members to serve as Chairman. The Chairman shall

1 serve full time and be an official of the United States. The
2 Chairman shall appoint an Executive Director of the Board
3 who shall serve under the direction of the Chairman of the
4 Board and perform such duties as the Chairman may specify.

5 “(c) The Board is authorized to issue such rules and
6 regulations as may be necessary to carry out effectively the
7 provisions of this chapter. The Board is also authorized to
8 review such other cases involving offenses or alleged offenses
9 against the United States as the President considers appro-
10 priate for such review consistent with the purposes of this
11 chapter, and the Board shall make a report to the President
12 which shall include its findings and its recommendations as
13 to whether pardon or immunity from prosecution (or both)
14 should be granted or denied, and, in any case in which it
15 recommends that such pardon or immunity be granted, its
16 recommendations with respect to the conditions, if any, of
17 such pardon or immunity.

18 “(d) The members of the Board, except for the Chair-
19 man, shall serve without compensation, but shall be entitled
20 to necessary expenses incurred in the performance of their
21 duties under this chapter, as persons employed intermittently
22 in the Government service under section 5703 (b) of title 5
23 of the United States Code. The Chairman of the Board shall
24 be entitled to necessary expenses on the same basis and to

1 the same extent as other members, but shall also receive such
2 compensation as the President shall determine.

3 “(c) All executive departments and agencies of the
4 Federal Government are authorized and directed to cooper-
5 ate with the Board in its work, and to furnish the Board all
6 appropriate information and assistance.

7 “(f) The Board shall cease to exist no later than two
8 years after the end of the one-year period following the date
9 determined by the President under section 2610 (a) (1) of
10 this title.”.

11 SEC. 2. (a) The table of chapters of title 18, United
12 States Code, is amended by inserting at the end of the table
13 of chapters for PART I—CRIMES, the following:

“121. Conditional suspension of the application of certain penal
provisions of law----- 2610”.

14 (b) The table of chapters of part I of title 18, United
15 States Code, is amended by inserting at the end thereof the
16 following:

“121. Conditional suspension of the application of certain penal
provisions of law----- 2610”.

17 SEC. 3. Section 12 (a) of the Military Selective Service
18 Act of 1967 is amended by striking out “Any” at the begin-
19 ning of such section and inserting in lieu thereof “Except as
20 provided in chapter 121 of title 18, United States Code,
21 any”.

93^d CONGRESS
2^d SESSION

H. R. 13001

A BILL

To amend title 18, United States Code, to provide for the conditional suspension of the application of certain penal provisions of law.

By Mr. ROBISON of New York

FEBRUARY 21, 1974

Referred to the Committee on the Judiciary