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CONGRESS AND THE AMNESTY ISSUE

A Review of Activities and Proposals
During the Period 1969-1972

CONGRESSIONAL
RESEARCH
SERVICE

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CONGRESS AND THE AMNESTY ISSUE

A REVIEW OF ACTIVITIES AND PROPOSALS DURING THE PERIOD 1969-1972

Introduction and General Background

With a peaceful settlement of the Vietnam conflict apparently emerging, the nation and its leadership must soon face the controversy-laden issue of amnesty for draft evaders and deserters. Amnesty is a complex issue involving the lives of many thousands of young Americans who have fled the country, gone to jail, or slipped underground in order to avoid military service in the war. How are these Americans to be treated in the wake of a settlement? Should they be granted amnesty? And, if so, under what terms and conditions? The amnesty issue provokes widespread and, often, intense disagreement among Members of Congress, and this fact may very well be reflected in the present session of the 93rd Congress. In anticipating discussion and debate on the issue, this paper examines briefly activities and legislative proposals featured during the previous 91st and 92nd Congresses.^{1/}

The President is authorized to grant amnesty by Article II, Section 2 of the Constitution, which states that: "The President shall...have power to grant Reprieves and Pardons for offenses against the United States, except in cases of Impeachment." Uncertainty over the exact meaning of both "pardon" and "amnesty" and the distinction, if any, between them has confronted U.S. courts in the past. The principal difference has been described as follows:

Amnesty is defined...to be a general pardon for a past offense, and is rarely, if ever, exercised in favor of single individuals, and is usually exerted in behalf of certain classes of persons who are subject to trial, but have not yet been convicted. ^{2/}

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- ^{1/} For historical developments and precedents involving amnesty, see: Etridge, John C. *Amnesty: A Brief Historical Overview*. Congressional Research Service, Library of Congress, February 28, 1972, (72-35F) 34 p.
- ^{2/} *Brown v. Walker*, 161 U.S. (1896).

Although the Constitution makes no specific mention of Congressional powers to grant amnesty, there is authority that Congress, under the necessary and proper clause (Art. 1, Section 8), may enact amnesty laws remitting penalties incurred under the national statutes.^{1/}

As the number of draft evaders and deserters rose sharply during the late 1960s, they became the focal point of an expanding pro-amnesty movement. It has been pointed out in several recent reports that pressure for considering amnesty did not come from the exiles themselves but from individuals and groups concerned about the adverse impact on American society as well as various other aspects of their resistance.^{2/} During 1968 and 1969, for example, members of Congress received petitions from several groups, including the Clergy and Laymen Concerned about Vietnam, Amnesty International, and the Seventh General Synod of the United Church of Christ. These representations did not produce dramatic results, there being a reluctance on the part of many leaders to address the complex and divisive issue of amnesty as long as the Vietnam war continued.

Among the voices heard in response to these petitions were those of Senator Edward Kennedy and Representative Shirley Chisholm. On February 25, 1969, Senator Kennedy proposed that a blue ribbon commission explore the question of granting amnesty and its implications for the country.^{3/} While he did not commit himself on the issue at the time, he noted favorably that amnesty had been granted many times in the course of American history. A few months later,

^{1/} The Constitution of the United States of America: Analysis and Interpretation. Annotations of cases decided by the Supreme Court of the United States to June 22, 1964. 88th Congress, 1st Session. Document No. 39. Washington, U.S. Government Printing Office, 1964, p. 461.

^{2/} Shaffer, Helen B. Amnesty Question. Editorial Research Reports, Vol. II, No. 6, August 9, 1972, p. 605.

^{3/} Washington Post, February 26, 1969, p. A2.

on June 16, 1969, Representative Chisholm, in remarks delivered to the House, unreservedly declared herself in favor of amnesty for those men who had refused to participate in a "senseless war."^{1/} She did not, however, introduce any proposals designed to secure amnesty for draft evaders and deserters. More than a year and a half was to elapse before a Member of Congress would exercise initiative along such lines.

Focusing Attention on the Amnesty Issue

At the end of December 1969, Representative Edward Koch traveled to Canada to visit and talk with young Americans who had emigrated to that country to avoid the draft and military service. He was reportedly the first U.S. Congressman to make a trip for this purpose.^{2/} Greatly impressed by the overall character and intelligence of the exiles (whom he estimated to number from 45,000 to 60,000), Representative Koch urged in a speech before the House on January 21, 1970, the immediate termination of the draft and the provision for alternative service for those already in uniform who were opposed to the Vietnam war. As for amnesty, Representative Koch did not recommend any action along this line as long as the fighting in Vietnam continued. He said, however, that "it is important to open up the discussion of the matter so that we can now begin to think of the options which should be made available to those young men."^{3/}

A year later, on January 22, 1971, Representative Koch introduced legislation which, while making no specific mention of the term "amnesty," could be regarded as the first amnesty proposal sponsored in connection with Vietnam. The Koch bill (H. R. 832) sought, by amendment of the Military Selective Service

^{1/} Congressional Record, June 16, 1969, p. E4921.

^{2/} Congressional Record, January 21, 1970, p. H112.

^{3/} Ibid., p. H111.

Act, to broaden the definition of "conscientious objector" to cover opposition to military service not only in all wars but in a particular war as well. The provision which gave it the effect of an amnesty called for the bill's retroactive application in order that those already classified for military duty or serving in the armed forces might claim exemption. The right to claim conscientious objector status retroactively would be extended to all categories of non-violent resisters, including those already convicted of violating the Selective Service Act and the Uniform Code of Military Justice, i.e., deserters as well as draft resisters.

Almost simultaneously with the Koch bill, Senator Kennedy moved once again to encourage serious consideration of the amnesty issue. In a proposed revision of the Selective Service Law (S. 483) which he introduced on January 29, 1971, the Senator included a provision calling for the President to "conduct a study to determine the appropriateness of granting amnesty in the near future." The provision was not enacted into law as a part of the Selective Service Act of 1971. A year later, however, Senator Kennedy initiated hearings on amnesty in his capacity as chairman of the Senate Subcommittee on Administrative Practice and Procedure. The three days of hearings — February 28, 29, and March 1, 1972 — focused on matters relating to the Selective Service System and on the specific issue of granting amnesty to war resisters. Senator Kennedy pointed out in his opening statement that the two issues were related in a most basic way. He said that the draft was the driving force in the acquisition of military manpower, and the use of American military forces in Vietnam had for the first time in history turned the country from a haven for political exiles into a creator of political exiles.^{1/}

^{1/} Selective Service and Amnesty. Hearings before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, United States Senate. February 28, 29, and March 1, 1972. 92nd Congress, 2nd Session. Washington, U.S. Government Printing Office, 1972, p. 1.

The Kennedy subcommittee did not undertake consideration of bills on amnesty; its main object was to look into the administrative possibilities involved. Among the long list of witnesses heard were military spokesmen, veterans, administration representatives, draft resisters, clergymen, and parents of Vietnam war dead. In the course of the hearings, Senator Kennedy expressed the view that the first task must be to end the war, but that following the achievement of that goal the nation would have to confront the highly controversial question of what to do with draft evaders and deserters. He went on to explain that for those, including himself, who had condemned the war as an outrage, it was difficult to conceive of denying amnesty to the young men who had pinpointed the error of U.S. policy long before others and had demonstrated their opposition through actions such as resisting induction into the armed forces.^{1/}

Strong exception to the position expounded by Senator Kennedy in the hearings was voiced by his colleague, Senator Strom Thurmond. He spoke of the need for respect for the law and argued that any doubt about the wisdom of U.S. involvement in Vietnam should not alter one's responsibility in this regard. He added:

Many men who served in Vietnam differed with our Government's decision to send them there. Many of them were wounded, some are maimed for life. Many were killed. Some are being held as captives by the North Vietnamese. In the face of these sacrifices how can we possibly consider an amnesty for those who took the unlawful way out by evading the draft or deserting? The possibility of administrative amnesty should not even be considered until we have brought home all our men from combat zones and from prisoner-of-war camps. Then the primary problem will be to mete out justice to those who violated draft and desertion laws. In my judgment there will be very few who, through unusual extenuating circumstances, might qualify for amnesty. ^{2/}

During the subcommittee hearings many arguments besides those presented by Senators Kennedy and Thurmond were advanced for and against amnesty. The witnesses

^{1/} Selective Service and Amnesty, p. 179.

^{2/} Ibid., p. 180-181.

grappled for three days with profoundly moral questions, on the one hand, and eminently practical considerations, on the other. Does the individual have the right to decide which laws or which wars he will support? If he does, can the U.S. Government — or any government, for that matter — survive? "Human law," wrote St. Thomas Aquinas, "does not bind a man in conscience and if it conflicts with the higher law, human law should not be obeyed." Yet, for each man unilaterally to veto the law of the land would create anarchy — which, in its own way, is a form of immorality.

Senator George McGovern, the 1972 presidential nominee, was the first of the many Democratic contenders to raise the amnesty issue. In his statements he urged that "when the war ends amnesty be granted to those who, on grounds of conscience, have refused to participate in the Vietnam tragedy."^{1/} The Republican contender, President Nixon, strongly opposed immediate or unconditional amnesty for those who deserted or evaded the draft. In several statements during the campaign, however, he appeared to leave the door open to some form of conditional amnesty involving a "penalty" or "price" once American servicemen and POWs had returned to the United States from Southeast Asia.^{2/}

The Democratic convention went on record on July 11, 1972, in support of amnesty:

To those who for reasons of conscience refused to serve in this war and were prosecuted or sought refuge abroad we state our firm intention to declare an amnesty, on an appropriate basis, when the fighting has ceased and our troops and prisoners of war have returned.

The Republican national platform, adopted on August 22, 1972, stated the party's complete opposition to amnesty:

^{1/} Congressional Record, November 2, 1971, p. S17375.

^{2/} Duscha, Julius. Should There Be Amnesty for the War Resister? New York Times Magazine, December 24, 1972, p. 16.

We are proud of the men and women who wear our country's uniform, especially of those who have borne the burden of fighting a difficult and unpopular war. Here and now we reject all proposals to grant amnesty to those who have broken the law by evading military service. We reject the claim that those who fled are more deserving, or obeyed a higher morality, than those next in line who served in their places. 1/

Amnesty Proposals Introduced in Congress

During the year preceding the November 1972 elections, a number of amnesty proposals, in addition to the previously mentioned Koch bill, were introduced in Congress. Senator Robert Taft, Jr. introduced on December 14, 1971, the first proposal to refer explicitly to "amnesty." In his statement accompanying the bill (S. 3011), Senator Taft explained that many of the draft resisters were victims of bad judgment or poor advice. Others, he noted, had acted out of deep and conscientious objections to the course which their country followed in Vietnam. The Senator felt that unqualified amnesty would be offering too much. "When over 55,000 young Americans have lost their lives serving their country in Southeast Asia, we should not simply welcome back the draft resisters without any...requirement on their part to undertake service for their country."^{2/} At the same time, however, he thought it was time for the nation to be wise, strong, and charitable in offering them an opportunity to be reunited with American society.

The terms of the Taft bill applied to two carefully defined categories of draft resisters, namely, those who failed to register for the draft and those who, having registered, refused induction into the armed forces of the United States. The Taft amnesty proposal did not cover military deserters even though those

1/ Congressional Quarterly Weekly Report, October 14, 1972, p. 2661-2663.

2/ Congressional Record, December 14, 1971, p. S21588.

deserting might have been motivated in their actions by conscientious opposition to the Vietnam war.

The Taft bill called for three years of service — either in the military or in civilian programs such as VISTA — for all eligible resisters in return for clemency. Those convicted and serving prison sentences for violation of the Selective Service Act (and not for other offenses) were to be released and time served could be counted as a part of the alternative service requirement, up to a maximum of two years. Those who acceded to this arrangement were to be paid at the lowest wage scale for their jobs without any additional benefits that might customarily be attached to Federal employment.

There are two further observations to be made concerning the Taft proposal on amnesty. First, while the bill provided for congressional rather than presidential amnesty, it would have made it the sense of Congress that the President grant a pardon to any person convicted of the offenses described above. The purpose of this provision, presumably, was to avoid possible controversy over Congress' power to grant pardons involving post-conviction cases. Second, the Taft proposal contained provisions which were procedurally easy to administer. Any draft resister belonging to the categories described above — whatever the underlying motive — was entitled to amnesty if he met the conditions set forth in the bill. It was unnecessary, therefore, to establish a quasi-judicial commission to screen those seeking relief under the bill to determine whether their actions were motivated by resistance to the war or by other, less laudable considerations.

Representative Koch introduced a bill (H.R. 12417) on January 18, 1972, that was identical in many ways to the Taft bill. There were three differences worth noting, the first involving the length of alternative service required of those eligible for amnesty. A period of two, rather than three, years was stipulated, with time served in prison counting up to a maximum of one year toward that end. Two years, significantly, is the period of alternative service required of conscientious objectors.

The second difference between the Taft and Koch bills was that the latter would, apparently, have entitled those who undertook alternative service in return for amnesty to the full range of federal benefits. The third variation was to be found in the mechanism by which provisions of the two bills were to be enacted. Unlike the Taft bill, the legislation proposed by Representative Koch entailed the amendment of Title 18 of the United States Code to suspend conditionally the application of certain penal provisions of law.

The similarities of the Taft and Koch bills were notable despite their dissimilarities. Both bills restricted the categories of war resisters eligible for amnesty to those who failed to register for the draft and those who refused induction into the armed forces of the United States. However, in a subsequent and separate bill (H.R. 12664), introduced on January 26, 1972, Representative Koch expanded his proposal for amnesty to include military deserters. Amnesty for deserters has provoked greater opposition than amnesty for other categories of resisters, thus explaining the Congressman's decision to introduce separate bills. It should be noted that Representative Koch's third bill differed from his second in that it contained no provision for congressional action but instead encouraged the President to exercise his constitutional power to grant amnesty to nonviolent military offenders as well as Federal and State offenders. The term "nonviolent offender" was defined as someone whose offense had involved "neither injury to another person nor substantial damage to or theft of the property of another person, nor the threat thereof..."

Proposals for conditional amnesty implied guilt and, therefore, were not warmly received by draft resisters and deserters. In the minds of these young Americans, they had done no wrong by refusing to serve in what they perceived to be an immoral war.^{1/} In addition, many of them had already suffered a great deal of mental anguish in exile or prison.

^{1/} Christian Science Monitor, December 17, 1971, p. 1.

In pursuit of unconditional amnesty, Representative Bella Abzug introduced on March 29, 1972, the "War Resisters Exoneration Act of 1972." The legislation (H.R. 14175) called on Congress to extend general, unconditional amnesty to draft resisters and deserters alike upon a stipulated end of the Vietnam war. Automatic general amnesty was to be granted for the following violations if committed after August 4, 1964:

1. Failing to register or refusing induction into the armed forces of the United States.
2. Knowingly counseling, aiding, or abetting others to evade registration or to refuse service in the armed forces.
3. Publicly and knowingly destroying or mutilating registration or classification cards; knowingly violating any of the legal provisions relating to the issuance, transfer, or possession of such cards.
4. Deserting or going absent without leave from the armed forces of the United States.
5. Soliciting or advising another or attempting to solicit or advise others to desert the armed forces.
6. Missing the movement of a ship, aircraft, or unit with which it is required in the course of duty to move.
7. Using contemptuous words against the President, the Vice President, Congress, and other stipulated individuals and institutions while a commissioned officer in the United States armed forces.
8. Aiding any person in the armed forces to desert or knowingly harboring, concealing, protecting, or assisting any such person who may have deserted.
9. Advising, counseling, or in any manner causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the armed forces of the United States.

The Abzug bill also proposed establishment of a five-member Amnesty Commission appointed by the Congress and the President. The Amnesty Commission would be empowered to grant amnesty for violations other than those enumerated above when the Commission found that such acts were motivated substantially by opposition to the Vietnam war and that they did not result in significant property damage or personal injury. The bill gave the Commission leeway to grant amnesty further when it found in rare instances that although the violation did result in damage it was, nevertheless, justifiable on the basis of a deeply held ethical or moral belief.

In contrast to these congressional bills favoring amnesty, conditional and unconditional, were several concurrent resolutions of the House expressing opposition to amnesty for draft evaders and deserters. On February 7, 1972, Representative Edward Garmatz asked that it be made the sense of Congress that no pardon, reprieve, or amnesty be enacted by the Congress or exercised by the President with respect to those individuals who refused to register for the draft, refused induction into the armed forces, or as a member of the armed forces fled to a foreign country to avoid further military service. Representative Garmatz' bill (H. Con. Res. 526) was the first of several identical proposals sponsored by other Congressmen who were similarly opposed to amnesty.^{1/}

On July 31, 1972, Representative James O'Hara introduced a resolution (H. Con. Res. 656) which differed somewhat from the Garmatz legislation in that it opposed a general amnesty and stated explicitly that the determination of pardon, reprieve, or amnesty follow past precedent and be made "solely on an individual basis and only if a competent review of the circumstances surrounding each case reveals there are sufficient extenuating causes that executive clemency should be granted."

^{1/} H. Con. Res. 543, 572, 575, and 598.

Looking at Congress and the Amnesty Issue

None of the proposals relating to amnesty introduced during the 92nd Congress was enacted. The first Koch bill (H.R. 832) and House concurrent resolutions introduced by Representatives Garmatz and O'Hara were referred to the House Committee on Armed Services, while the remaining bills were referred to the Senate and House Committees on the Judiciary. The bills assigned to the Judiciary Committees tended to be broader in scope and included subject matter outside the jurisdiction of the Armed Services Committees. All proposals submitted during the 92nd Congress died in committee by virtue of not being reported out before the end of the second session.

As mentioned previously, Congress has not been disposed to consider legislation on amnesty in advance of a settlement of the Vietnam conflict and the return of American prisoners of war. Even in the most propitious of times amnesty is a complex issue which tends to be viewed in somewhat oversimplified terms by those who feel strongly about it on one side or the other. For the decisionmakers, however, the question is not merely whether to grant amnesty or not to grant it. Even if it should be granted, a Senator or Congressman confronts difficult questions concerning the extent of its applicability and the conditions attached. There are many possible variations of amnesty, of which the proposals discussed above represent only a few examples. Similarly, non-amnesty solutions may provide procedures for variously conditioned individual pardons, or special statutes of limitation.

The fundamental questions inherent in consideration of amnesty legislation are as follows: Should amnesty be granted or not? If so, when is the right time for it? The closest thing to a consensus in Congress on amnesty was to be found in partial answer to this last question. Many, if not most, Members of Congress felt that there could be no amnesty as long as the war in Southeast Asia continued unresolved. But, beyond this point, there has been widespread disagreement on the fundamental details of amnesty. Should amnesty be granted on a universal basis -- in other words, to

all war resisters without exception? Or should it be granted on a selective basis? Some Members of Congress, for example, favor amnesty for all categories of draft resisters motivated by opposition to the war; others would exclude deserters and grant amnesty only to those who failed to register for the draft or refused induction into the armed forces of the United States.

Once it is decided which resisters are to be eligible for amnesty, there is the question of conditions. Should amnesty be granted conditionally in that certain requirements must be met for eligibility, such as a set period of alternative service? Or should it be granted without reservations of any kind? These are the type of questions that Congress is likely to be faced with in the months ahead as the amnesty issue is projected more forcefully onto the domestic political scene in the wake of the Paris ceasefire agreement signed on January 27, 1973.

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Appendix

Bills and Resolutions on Amnesty

92^D CONGRESS
1ST SESSION

H. R. 832

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1971

Mr. KOCH introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Military Selective Service Act of 1967 clarifying the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war; and providing certain individuals the opportunity to claim exemption from military service as selective conscientious objectors irrespective of their existing selective service status.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled.*
- 3 That the first sentence of section 6 (j) of the Military Se-
- 4 lective Service Act of 1967 (50 App. U.S.C. 456 (j)) is
- 5 amended by deleting the phrase "in war in any form."
- 6 and inserting in lieu thereof the phrase "in any form in all
- 7 wars or a particular war."

1 SEC. 2. That section 12 (a) of the Military Selective
2 Service Act of 1967 (50 App. U.S.C. 462 (a)) is renum-
3 bered section 12 (a) (1) (50 App. U.S.C. 462 (a) (1))
4 and that a new paragraph section 12 (a) (2) (50 App.
5 U.S.C. 462 (a) (2)) is added to read as follows:

6 “(i) Any person who received a notice to report for
7 induction into the Armed Forces prior to the date of enact-
8 ment of this Act shall be entitled to offer information to his
9 local board in substantiation of his claim to exemption—

10 “(A) from combatant training and service in the
11 Armed Forces provided he was conscientiously opposed
12 to participation in a particular war at the time he re-
13 ceived such notice; or

14 “(B) from both combatant and noncombatant train-
15 ing and service in the Armed Forces provided he was
16 conscientiously opposed to participating in any form
17 in a particular war at the time he received such notice.

18 He shall be entitled to make his claim to exemption whether
19 or not he has previously offered any information in substan-
20 tiation of a claim to be a conscientious objector. The grant
21 or improper denial of his claim shall be a defense to any
22 prosecution for refusing or evading services in the Armed
23 Forces.

24 “(ii) Any person who left a jurisdiction prior to the date
25 of enactment of this Act with intent to avoid prosecution for

1 refusing or evading service in the Armed Forces and who
2 returns to such jurisdiction shall be entitled to offer informa-
3 tion to his local board in substantiation of his claim to exemp-
4 tion—

5 “(A) from combatant training and service in the
6 Armed Forces provided he was conscientiously opposed
7 to participation in a particular war at the time he left
8 such jurisdiction; or

9 “(B) from both combatant and noncombatant train-
10 ing and service in the Armed Forces provided he was
11 conscientiously opposed to participating in any form in
12 a particular war at the time he left such jurisdiction.

13 He shall not be prosecuted for the violation of any Federal
14 law arising out of the act of having left such jurisdiction with
15 intent to avoid prosecution for refusing or evading service in
16 the Armed Forces unless he is finally convicted for refusing
17 or evading service in the Armed Forces.

18 “(iii) Any prosecution for refusing or evading service
19 in the Armed Forces of a person who has offered information
20 in substantiation of his claim to exemption under subpara-
21 graph (i) or (ii) of this paragraph shall be suspended until
22 his claim to exemption has been granted or denied, including
23 the final disposition of all administrative appeals taken with
24 respect to such claim. The grant or improper denial of his
25 claim for exemption shall be a defense to such prosecution.

1 “(iv) Any person convicted prior to the date of enact-
2 ment of this Act for refusing or evading service in the Armed
3 Forces shall be entitled to make a motion under section
4 2255 of title 28, United States Code, for temporary release
5 on the ground that he has offered information in substanti-
6 ation of his claim to exemption under subparagraph (i)
7 or (ii) of this paragraph. He shall be temporarily released
8 until his claim to exemption has been granted or denied
9 including the final disposition of all administrative appeals
10 taken with respect to such claim. He shall be entitled to
11 make a motion under section 2255 of title 28, United States
12 Code, for permanent release on the ground that his claim
13 to exemption has been granted or improperly denied.

14 “(v) Any person inducted into the Armed Forces prior
15 to the date of enactment of this Act shall be entitled to offer
16 information to his local board in substantiation of his claim
17 to exemption under subparagraph (i) of this paragraph.
18 Pending the final disposition of his claim to exemption, he
19 shall be employed in duties which involve minimum conflict
20 with his asserted beliefs. The improper denial of his claim
21 to exemption shall constitute a ground for release from the
22 Armed Forces under section 2241 of title 28, United States
23 Code.

24 “(vi) Any prosecution commenced prior to the date of

1 enactment of this Act for acts arising out of a nonviolent
2 refusal or evasion of continued service in the Armed Forces,
3 including, but not limited to, alleged violations of article 85,
4 86, or 92 of the Uniform Code of Military Justice (10
5 U.S.C. 885, 886, 892), of a person who has offered infor-
6 mation in substantiation of his claim to exemption under
7 subparagraph (i) of this paragraph shall be suspended
8 until his claim to exemption has been granted or denied
9 including the final disposition of all administrative appeals
10 taken with respect to such claim. The grant or improper
11 denial of his claim to exemption shall be a defense to such
12 prosecution.

13 “(vii) Any person convicted prior to the date of enact-
14 ment of this Act for acts arising out of a nonviolent refusal
15 or evasion of continued service in the Armed Forces, includ-
16 ing but not limited to violations of article 85, 86, or 82
17 of the Uniform Code of Military Justice (10 U.S.C. 885,
18 886, 892), shall be entitled to apply for temporary release
19 under section 2241 of title 28, United States Code, on the
20 ground that he has offered information in substantiation of
21 his claim to exemption under subparagraph (i) of this
22 paragraph. He shall be temporarily released for noncom-
23 batant duties until his claim to exemption has been granted

1 or denied, including the final disposition of administrative ap-
2 peals taken with respect to such claim. He shall be entitled
3 to apply for permanent release under section 2241 of title
4 28, United States Code, on the ground that his claim to
5 exemption has been granted or improperly denied.”

92^D CONGRESS
1ST SESSION

S. 3011

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 1971

Mr. TAFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary (by unanimous consent order)

A BILL

To offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as "The Amnesty Act of 1972".

4 SEC. 2. (a) Notwithstanding any other provision of
5 law, any person who has evaded or refused registration
6 under the Military Selective Service Act subsequent to
7 August 4, 1964, or has evaded or refused induction in the
8 Armed Forces of the United States under such Act sub-
9 sequent to such date is hereby granted immunity from pros-

1 ecution and punishment under section 12 of the Military
2 Selective Service Act, and all other laws, on account of any
3 such evasion or failure to register under such Act or refusal
4 to be inducted under such Act, as the case may be, if not
5 later than one year after the date of enactment of this Act
6 such person—

7 (1) presents himself to the Attorney General of
8 the United States or such other official or officials as
9 may be designated by the President,

10 (2) agrees in accordance with regulations estab-
11 lished by the Attorney General of the United States to
12 enlist and serve for a period of three years in the Armed
13 Forces of the United States, or agrees to serve for a
14 period of three years in Volunteers in Service to Amer-
15 ica (VISTA), a Veterans' Administration hospital, a
16 Public Health Service hospital, or other Federal service
17 eligible pursuant to regulations issued under section 6
18 of this Act, and

19 (3) agrees to serve for such period in the lowest
20 pay grade at which persons serve in the Armed Forces
21 of the United States, Volunteers in Service to America
22 (VISTA), Veterans' Administration hospitals, Public
23 Health Service hospitals, or other Federal service, as the
24 case may be.

25 (b) The willful failure or refusal of any person to com-

1 ply with the terms of his agreement under section 2 (a) of
2 this Act shall void any grant of immunity made to such per-
3 son under this Act.

4 SEC. 3 (a) Any person who has been convicted and is
5 serving a prison sentence for evading or failing to register
6 under the Military Selective Service Act after August 4,
7 1964, or for evading or refusing induction in the Armed
8 Forces of the United States under such Act after such date
9 shall be released from prison, and the remaining portion of
10 any punishment shall be waived if such person complies with
11 the provisions of section 2 (a) of this Act, except that the
12 three-year period of military or public service required there-
13 under shall be reduced by any period equal to the period
14 served by such person in prison for his conviction, but such
15 period shall not be reduced by more than two years. Any
16 such person shall be afforded an opportunity to present him-
17 self to the Attorney General pursuant to section 2 (a) of this
18 Act.

19 (b) Any pending legal proceedings brought against
20 any person as a result of his evading or failing to register
21 under the Military Selective Service Act after August 4,
22 1964, or for evading or refusing induction in the Armed
23 Forces of the United States under such Act after such date
24 shall be dismissed by the United States if such person enters
25 into an agreement described in section 2 (a) of this Act

1 and completes the period of military or public service pre-
2 scribed in such agreement.

3 SEC. 4. (a) It is the sense of the Congress that the
4 President grant a pardon to any person convicted of any
5 offense described in section 3 (a) of this Act if such person
6 enters into an agreement described in section 2 (a) of this
7 Act and completes the period of military or public service
8 prescribed in such agreement.

9 (b) In any case in which a person has been convicted
10 of an offense described in section 3 (a) of this Act and
11 has been released from prison, or given a suspended sen-
12 tence, it is the sense of the Congress that the President
13 grant a pardon to such person for such offense if such person
14 performs military or public service prescribed in section
15 2 (a) of this Act, reduced by a period equal to the period
16 served by such person in prison for his conviction (such
17 period of service not to be reduced by more than two
18 years), provided such person undertook to perform such
19 service prior to the expiration of one year following the
20 date of enactment of this Act.

21 SEC. 5. The provisions of sections 3 and 4 of this Act
22 shall not apply in the case of any person otherwise eligible
23 for the benefits of such provisions if such person (1) is
24 serving a prison sentence for an offense not described in
25 section 3 of this Act or is scheduled to serve, immediately

1 after completion of his sentence for an offense described in
2 section 3 of this Act, a prison term for any other offense
3 for which he has been convicted or (2) is wanted for trial
4 for any other alleged offense, unless the President deter-
5 mines that the public interest would be better served by
6 affording such person the benefits of this Act.

7 SEC. 6. The Attorney General is authorized to issue
8 such rules and regulations as may be necessary to carry out
9 effectively the provisions of this Act.

10 SEC. 7. All references in this Act to the Military Selec-
11 tive Service Act shall be deemed to include a reference
12 to previous corresponding Acts.

13 SEC. 8. Persons serving in Volunteers in Service to
14 America (VISTA), a Veterans' Administration hospital,
15 a Public Health Service hospital, or other nonmilitary Fed-
16 eral service under this Act shall not be eligible to receive
17 Federal employee benefits otherwise payable to employees
18 of such agencies.

92^D CONGRESS
2^D SESSION

H. R. 12417

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1972

Mr. KOCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to conditionally suspend 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 at
4 the end of chapter 119 a new chapter, as follows:

5 **"Chapter 122.—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. Exception.

"2614. Administration.

1 **“§ 2610. Amnesty; conditions**

2 “(a) No law providing for the punishment of persons
3 evading or refusing registration for the military service of
4 the United States, or of persons evading or refusing induc-
5 tion in the Armed Forces of the United States shall apply
6 to any person who has evaded or refused such registration
7 or induction since August 4, 1964, if not later than one year
8 after the date of the enactment of this chapter, such person—

9 “(1) presents himself to the Attorney General of
10 the United States or such other official or officials as
11 may be designated by the President,

12 “(2) agrees in accordance with regulations estab-
13 lished by the Attorney General of the United States
14 to enlist and serve for a period of two years in the
15 Armed Forces of the United States, or agrees to serve
16 for a period of two years in Volunteers in Service to
17 America (VISTA), a Veterans’ Administration hos-
18 pital, a Public Health Service hospital, or other service
19 eligible pursuant to regulations issued under section 2614
20 of this title, and

21 “(3) agrees to serve for such period in the lowest
22 pay grade at which persons serve in the Armed Forces
23 of the United States, Volunteers in Service to America
24 (VISTA), Veterans’ Administration hospitals, Public
25 Health Service hospitals, or other service eligible pur-

1 suant to regulations issued under section 2614 of this
2 title.

3 “(b) The willful failure or refusal of any person to
4 comply with the terms of his agreement under this section
5 shall void any grant of immunity made to such person under
6 this section.

7 **“§ 2611. Release of persons convicted; dismissal of pro-**
8 **ceedings**

9 “(a) Any person who has been convicted and is serv-
10 ing a prison sentence for evading or failing to register for
11 the military service of the United States after August 4,
12 1964, or for evading or refusing induction in the Armed
13 Forces of the United States after such date shall be released
14 from prison, and the remaining portion of any punishment
15 shall be waived if such person complies with the provisions
16 of section 2610 (a) of this title, except that the two-year
17 period of military or public service required thereunder shall
18 be reduced by any period equal to the period served by
19 such person in prison for his conviction, but such period shall
20 not be reduced by more than one year. Any such person
21 shall be afforded an opportunity to present himself to the
22 Attorney General pursuant to section 2610 (a) of this title.

23 “(b) Any pending legal proceedings brought against
24 any person as a result of his evading or failing to register for
25 the military service of the United States after August 4,

1 1964, or for evading or refusing induction in the Armed
2 Forces of the United States after such date shall be dismissed
3 by the United States if such person enters into an agreement
4 described in section 2610 (a) of this title and completes the
5 period of military or public service prescribed in such
6 agreement.

7 **“§ 2612. Pardons**

8 “ (a) It is the sense of the Congress that the President
9 grant a pardon to any person convicted of any offense de-
10 scribed in section 2611 (a) of this title if such person enters
11 into an agreement described in section 2610 (a) of this title
12 and completes the period of military or public service pre-
13 scribed in such agreement.

14 “ (b) In any case in which a person has been convicted
15 of an offense described in section 2611 (a) of this title and
16 has been released from prison, or given a suspended sentence,
17 it is the sense of the Congress that the President grant a par-
18 don to such person for such offense if such person performs
19 military or public service prescribed in section 2610 (a) of
20 this title, reduced by a period equal to the period served by
21 such person in prison for his conviction (such period of serv-
22 ice not to be reduced by more than one year), provided such
23 person undertook to perform such service prior to the ex-
24 piration of one year following the date of enactment of this
25 chapter.

1 **“§ 2613. Exception**

2 “The provisions of sections 2611 and 2612 of this title
3 shall not apply in the case of any person otherwise eligible
4 for the benefits of such provisions if such person (1) is
5 serving a prison sentence for an offense not described in
6 section 2611 of this title or is scheduled to serve, immedi-
7 ately after completion of his sentence for an offense de-
8 scribed in section 2611 of this title a prison term for any
9 other offense for which he has been convicted or (2) is
10 wanted for trial for any other alleged offense, unless the
11 President determines that the public interest would be bet-
12 ter served by affording such person the benefits of this
13 chapter.

14 **“§ 2614. Administration**

15 “The Attorney General is authorized to issue such rules
16 and regulations as may be necessary to carry out effectively
17 the provisions of this chapter.”

18 SEC. 2. (a) The table of chapters of title 18, United
19 States Code, is amended by inserting at the end of the table
20 of chapters for part I—crimes, the following:

“122. Registration and induction for military service.”

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

“122. Registration and induction for military service.”

1 SEC. 3. Section 12 (a) of the Military Selective Service
2 Act of 1967 is amended by striking out "Any" at the begin-
3 ning of such section and inserting in lieu thereof "Except as
4 provided in chapter 122 of title 18, United States Code,
5 any".

1 ment therein has been reduced to such a level as to justify the
2 effectuation of this Act.

3 (b) The term "person" means any natural or artificial
4 person, including the United States, the several States, and
5 other corporations public, municipal, charitable, or private.

6 (c) The term "offender" means a natural person who
7 has violated Federal or State law during the Vietnam war
8 solely or partly because of his disapproval of United States
9 participation in such war.

10 (d) The term "nonviolent military offender" means an
11 offender whose offense has been a violation of the military
12 law of the United States of America and has involved neither
13 injury to another person nor substantial damage to or theft of
14 the property of another person, nor the threat thereof nor
15 attempt thereat, including offenders whose punishment has
16 already been completed.

17 (e) The term "Federal offender" means an offender
18 whose offense has been a violation of the law of the United
19 States or any territory or possession thereof, or the District
20 of Columbia, including offenders whose punishment has al-
21 ready been completed.

22 (f) The term "State offender" means an offender whose
23 offense has been a violation of the law of any State or sub-
24 division or municipality thereof, including offenders whose
25 punishment has already been completed.

1 have relinquished such citizenship solely or partly because of
2 their disapproval of United States participation in the Viet-
3 nam war.

4 (d) The President of the United States is further author-
5 ized to grant, by public proclamation, amnesty or mitigation
6 of punishment to State offenders.

7 (e) Any grant of amnesty pursuant to this Act shall
8 have the effect of restoring all civil and political rights that
9 have been lost or impaired by reason of the violation for
10 which amnesty is granted, unless the President of the United
11 States shall otherwise declare in his public proclamation
12 granting such amnesty.

13 **ADMINISTRATION**

14 **SEC. 3.** The Attorney General is authorized to issue such
15 rules and regulations as may be necessary to carry out effec-
16 tively the provisions of this Act.

17 **EFFECTIVE DATE**

18 **SEC. 4.** This Act shall be effective only upon the cessa-
19 tion of hostilities.

92^D CONGRESS
2^D SESSION

H. CON. RES. 526

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1972

Mr. GARMATZ submitted the following concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Whereas more than two million one hundred thousand men were inducted and honorably served in the Armed Forces of the United States since January 1, 1961, and

Whereas more than two million five hundred thousand men have honorably and gallantly served in Vietnam, and

Whereas more than forty-five thousand six hundred of these men were killed in action, and

Whereas more than three hundred two thousand of those men who honorably and gallantly served were injured in service to their country, and

Whereas more than one thousand four hundred and ninety-two of these men are missing in action or in prisoner of war camps, and

Whereas the Military Selective Service Act provides for public service in lieu of military service for those who have valid grounds, and

Whereas for every man who refused to accept his responsibility, another had to take his place: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that no pardon,
3 reprieve, or amnesty be enacted by the Congress or exer-
4 cised by the President with respect to persons who
5 (1) are in violation of the Military Selective Service Act
6 because of their refusal to register for the draft and/or their
7 refusal to be inducted, or (2) being a member of the
8 Armed Forces, fled to a foreign country to avoid further
9 military service in violation of the Uniform Code of Military
10 Justice,

1 measure, after the cessation of United States military opera-
2 tions in Indochina, for the reconciliation and reinstatement
3 of persons who have been prosecuted, or who may be subject
4 to prosecution, for failing to comply with any requirement of,
5 or relating to, service in the Armed Forces during the in-
6 volvement of the United States in Indochina, or for engaging
7 in any nonviolent activity or activity justified by deeply
8 held moral or ethical belief in protest of, or opposition to,
9 the involvement of the United States in Indochina.

10 (b) The Congress further finds and declares that it is
11 an immunity of citizens of the United States (within the
12 meaning of section 1 of the fourteenth amendment to the
13 Constitution of the United States) to enjoy the annulment of
14 all legal disadvantages that have been incurred or suffered
15 by reason of opposition to the involvement of the United
16 States in Indochina, to the greatest extent consistent with
17 the preservation of life and property.

18 EFFECT OF GENERAL AMNESTY

19 SEC. 3. The general amnesty granted by or under this
20 Act shall, with respect to any violation of law enumerated
21 in section 4 or covered under section 6—

22 (1) restore to the grantee all civil, political, citizen-
23 ship and property rights which have been or might be
24 lost, suspended, or otherwise limited as a consequence
25 of such violation;

1 (2) immunize the grantee from criminal prosecution
2 for such violation;

3 (3) expunge all notation relating to such violation
4 from the records of courts and law enforcement agencies;

5 (4) require the granting of an honorable discharge
6 to any person who received a discharge other than an
7 honorable discharge from the Armed Forces if such vio-
8 lation was solely the cause, or a substantial cause, of the
9 granting of such other than honorable discharge; and

10 (5) nullify all other legal consequences of such
11 violation.

12 AUTOMATIC GENERAL AMNESTY

13 SEC. 4. (a) Notwithstanding any other provision of law,
14 general amnesty is hereby granted to any person for viola-
15 tion of one or more of the laws enumerated in this section,
16 or regulations and policies promulgated pursuant thereto, if
17 such violation was committed between August 4, 1964, and
18 the effective date of this section. Such amnesty is automatic,
19 and no application to the Amnesty Commission or any other
20 agency is necessary to effectuate it.

21 (b) General amnesty is granted for violations of any
22 of the following laws:

23 (1) Section 12 of the Military Selective Service Act
24 (50 App. U.S.C. 462) with respect to the following pro-
25 hibited acts—

1 (A) evading or refusing registration, evading or
2 refusing induction into the Armed Forces, or willfully
3 failing to perform any other duty under such Act, or
4 conspiring to do so;

5 (B) knowingly counseling, aiding, or abetting
6 others to refuse or evade registration or service in the
7 Armed Forces of the United States, or conspiring to
8 do so; or

9 (C) publicly and knowingly destroying or muti-
10 lating any registration or classification card issued or
11 prescribed pursuant to such Act and knowingly vio-
12 lating or evading any of the provisions of such Act, or
13 rules and regulations promulgated pursuant thereto
14 relating to the issuance, transfer, or possession of any
15 registration or classification card.

16 (2) Section 882 of title 10, United States Code, which
17 prohibits the soliciting or advising another, or attempting
18 to solicit or advise others, to desert the Armed Forces of
19 the United States.

20 (3) Sections 885 and 886 of title 10, United States
21 Code, which prohibit deserting or going absent without
22 leave from the Armed Forces of the United States.

23 (4) Section 887 of title 10, United States Code,
24 which prohibits missing the movement of a ship, aircraft, or
25 unit with which it is required in the course of duty to move.

1 (5) Section 888 of title 10, United States Code, which
2 prohibits using contemptuous words against the President,
3 the Vice President, Congress, the Secretary of Defense,
4 the Secretary of a military department, the Secretary of the
5 Treasury, or the Governor or legislature of any State, terri-
6 tory, Commonwealth, or possession on which he is on duty or
7 present while a commissioned officer in the United States
8 Armed Forces.

9 (6) Section 1381 of title 18, United States Code, which
10 prohibits the enticing or procuring, or conspiring or attempt-
11 ing to entice or procure any person in the Armed Forces of
12 the United States, or who has been recruited for service
13 therein, to desert therefrom, or aiding any such person in
14 deserting, or in attempting to desert from such service; or
15 harboring, concealing, protecting, or assisting any such per-
16 son who may have deserted from such service, knowing him
17 to have deserted therefrom, or refusing to give up and de-
18 liver such person on the demand of any officer authorized to
19 receive him.

20 (7) Section 2387 of title 18, United States Code, which
21 prohibits the advising, counseling, urging or in any manner
22 causing or attempting to cause insubordination, disloyalty,
23 mutiny, or refusal of duty by any member of the military or
24 naval forces of the United States, with the intent to inter-

1 fere with, impair, or influence the loyalty, morale, or disci-
2 pline of the military or naval forces of the United States.

3 AMNESTY COMMISSION

4 SEC. 5. (a) There is established a commission to be
5 known as the Amnesty Commission (hereinafter in this Act
6 referred to as the "Commission").

7 (b) The Commission shall be composed of five mem-
8 bers, qualified to serve on the Commission by virtue of their
9 education, training, or experience, as follows:

10 (1) One appointed by the President.

11 (2) One appointed by the President pro tempore
12 of the Senate.

13 (3) One appointed by the Speaker of the House of
14 Representatives.

15 (4) One appointed by the minority leader of the
16 Senate.

17 (5) One appointed by the minority leader of the
18 House of Representatives.

19 Individuals who are officers or employees of any government
20 are not eligible for appointment to the Commission. A va-
21 cancy in the Commission shall be filled in the manner in
22 which the original appointment was made.

23 (c) Members shall be appointed for the life of the
24 Commission.

25 (d) (1) Members of the Commission shall each be

1 entitled to receive an annual salary equal to the annual
2 salary payable to a judge of a United States district court.

3 (2) While away from their homes or regular places
4 of business in the performance of services for the Commission,
5 members of the Commission shall be allowed travel expenses,
6 including per diem in lieu of subsistence, in the same manner
7 as persons employed intermittently in the Government serv-
8 ice are allowed expenses under section 5703 (b) of title 5
9 of the United States Code.

10 (c) Three members of the Commission shall constitute
11 a quorum. The Chairman of the Commission shall be elected
12 by the members of the Commission.

13 (f) The Commission may appoint and fix the pay of
14 such personnel as it deems desirable, including such hearing
15 examiners as are necessary for proceedings under this
16 section. The provisions applicable to hearing examiners ap-
17 pointed under section 3105 of title 5 are applicable to hear-
18 ing examiners appointed pursuant to this subsection.

19 (g) (1) The Commission may secure directly from any
20 department or agency of the United States information neces-
21 sary to enable it to carry out this section. Upon request of
22 the Chairman of the Commission, the head of such depart-
23 ment or agency shall furnish such information to the
24 Commission.

1 (2) The Commission may use the United States mails
2 in the same manner and upon the same conditions as other
3 departments and agencies of the United States.

4 (3) The Administrator of General Services shall pro-
5 vide to the Commission on a reimbursable basis such admin-
6 istrative support services as the Commission may request.

7 GRANT OF GENERAL AMNESTY BY THE COMMISSION

8 SEC. 6. (a) Notwithstanding any other provision of law,
9 the Commission shall grant general amnesty as provided for
10 in section 3 of this Act to any individual who, during the
11 period beginning August 5, 1964, and ending on the effective
12 date of this Act, violated any Federal law (other than one
13 enumerated in section 4 of this Act) or State or local law
14 if the Commission finds that—

15 (1) such violation was in substantial part motivated
16 by the individual's opposition to, or protest against, the
17 involvement of the United States in Indochina; and

18 (2) the individual was not personally responsible
19 for any significant property damage or substantial per-
20 sonal injury to others in the course of his violation of
21 any such law;

22 except that, in any case in which the Commission finds that
23 an individual was personally responsible for significant prop-
24 erty damage or substantial personal injury to others in the
25 course of his violation of any such law, the Commission shall

1 grant amnesty if it finds that such conduct was justifiable on
2 the basis of a moral or ethical belief deeply held by the
3 individual.

4 (b) (1) Whenever the Commission grants general am-
5 nesty under this section to an applicant who received a dis-
6 charge other than an honorable discharge from the Armed
7 Forces, it shall make a finding as to whether any violation
8 of law for which general amnesty is granted was solely the
9 cause, or a substantial cause, of the granting of such dis-
10 charge.

11 (2) The Commission shall also have jurisdiction to hear
12 and determine applications from individuals entitled to auto-
13 matic amnesty under section 4 of this Act and aggrieved by
14 the refusal of the military board concerned to grant an hon-
15 orable discharge to him under section 3 (4) of this Act.

16 (3) Any finding or determination made by the Com-
17 mission pursuant to this subsection shall be conclusive upon
18 the military board concerned and is not reviewable by any
19 agency or member of the Armed Forces or any civilian
20 officer of the military establishment.

21 (c) Any individual desiring amnesty under this section,
22 or review of the decision by a military board to deny him
23 an honorable discharge, shall make application therefor to
24 the Commission in such form as it shall prescribe. The Com-
25 mission shall not receive any application for amnesty or

1 discharge review under this Act after the close of the forty-
2 eighth month after the month in which this section takes
3 effect.

4 (d) Any application for amnesty or discharge review
5 which is timely filed shall be determined on the record
6 after opportunity for hearing in accordance with sections 554,
7 556, and 557 of title 5, United States Code. The entire
8 record developed at the hearing on any application shall be
9 certified to the Commission for decision. All decisions of the
10 Commission shall be by majority vote.

11 (e) Any applicant may obtain judicial review of a
12 decision by the Commission which is adverse to him by
13 filing a petition for review in the United States court of
14 appeals for the circuit wherein he resides within sixty days
15 after the date on which the decision is made. The Commis-
16 sion shall thereupon file in the court the record of the pro-
17 ceedings on which the Commission based its decision, as
18 provided in section 2112 of title 28. The court shall have
19 jurisdiction to review the decision in accordance with
20 chapter 7 of title 5 and to grant appropriate relief as pro-
21 vided for in such chapter.

22 (f) Any individual not able to apply to the Commission
23 for a determination under subsection (b) (2) of this sub-
24 section because the decision of the military board concerned
25 to deny him an honorable discharge was made after a date

1 sixty days prior to the closing date specified in subsection
2 (c) of this section may obtain judicial review of such deci-
3 sion by filing a petition for review in the United States
4 district court for the district wherein he resides within sixty
5 days after the date of such decision. The military board
6 concerned shall thereupon file in the court the record of the
7 proceedings on which the board based its decision. The court
8 shall have jurisdiction to review the decision of the military
9 board in accordance with chapter 7 of title 5, United States
10 Code, and to grant appropriate relief as provided for in such
11 chapter.

12 RESTORATION OF CITIZENSHIP

13 SEC. 7. Upon petition to any district court of the United
14 States, the United States citizenship of any former citizen
15 who states that he renounced such citizenship solely or partly
16 because of disapproval of involvement of the United States
17 in Indochina shall be fully and unconditionally restored.

18 SUITS IN THE DISTRICT COURTS

19 SEC. 8. (a) The district courts of the United States
20 shall have jurisdiction without regard to the amount in con-
21 troversy to hear actions brought to redress the deprivation
22 of rights granted by section 3 of this Act, and to grant such
23 legal and equitable relief as may be appropriate.

24 (b) Notwithstanding the provisions of section 2283 of
25 title 28, United States Code, or any successor provision

1 thereto, a district court hearing an action brought pursuant
2 to subsection (a) of this section may grant injunctive relief
3 staying proceedings in a State court.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 9. There are authorized to be appropriated such
6 sums as may be necessary to carry out the provisions of this
7 Act.

8 SEPARABILITY OF PROVISIONS

9 SEC. 10. If any provision of this Act or the application
10 thereof to any person or circumstance is held invalid, the
11 remainder of the Act and the application of the provision
12 to other persons or to other circumstances shall not be affected
13 thereby.

14 EFFECTIVE DATES

15 SEC. 11. Sections 4, 6, 7, and 8 of this Act shall take
16 effect upon the date of cessation of United States military
17 operations in or over South Vietnam, North Vietnam, Cam-
18 bodia, Laos, and Thailand which date shall be proclaimed by
19 the President and shall be not later than three months after
20 the date of enactment of this Act.

92^D CONGRESS
2^D SESSION

H. CON. RES. 656

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1972

MR. O'HARA (for himself and Mrs. GRIFFITHS) submitted the following concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Whereas more than two million one hundred thousand men have been inducted and have served honorably in the Armed Forces of the United States since January 1, 1961; and

Whereas more than two million five hundred thousand men have served honorably with the United States naval, air, and ground forces in the Vietnam war; and

Whereas nearly forty-six thousand of these men have been killed in combat in the Vietnam war, more than three hundred thousand others have been wounded, and more than one thousand five hundred have been taken prisoner or are missing in action; and

Whereas the Military Selective Service Act provides for public service in lieu of military service for those who have valid grounds for not bearing arms; and

Whereas a number of others who, lacking valid grounds, have chosen to refuse military service to demonstrate their disagreement with United States policy in Vietnam, and because of this refusal have been tried, convicted, and sentenced, and in many instances have already served their sentences; and

Whereas proposals have been made that general amnesty be granted to those who, lacking valid grounds, have refused to enter military service, or who have deserted the Armed Force and are now in hiding in this country or abroad; and

Whereas no general amnesty was ever declared either by the Congress or any President following World War I, World War II, or the Korean war: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that no general
3 pardon, reprieve, or amnesty be enacted by the Congress or
4 exercised by the President with respect to persons who (1)
5 are in violation of the Military Selective Service Act because
6 of their refusal to register for the draft and/or their refusal
7 to be inducted, or (2) being a member of the Armed Forces,
8 deserted same to avoid further military service in violation
9 of the Uniform Code of Military Justice; and that the de-
10 termination of pardon, reprieve, or amnesty for such persons
11 follow past precedent and be made solely on an individual
12 basis and only if a competent review of the circumstances
13 surrounding each case reveals there are sufficient extenuating
14 causes that Executive clemency should be granted.