

**To Heal the Nation: the Creation of President Ford's Clemency Program**

by

Joshua Dunton

A thesis  
presented to the University of Waterloo  
in fulfilment of the  
thesis requirement for the degree of  
Master of Arts  
in  
History

Waterloo, Ontario, Canada, 2009

© Joshua Dunton 2009

### **Author's Declaration**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

## **Abstract**

The war in Vietnam divided America into two groups, those who supported the war and those who opposed. At wars end, the divisions did not disappear. Instead, the nation was split on the question of amnesty for draft and military offenders who avoided service during the war. Gerald R. Ford, upon his ascendancy to the presidency, was left with the monumental task of resolving the fate of draft and military offenders and ushering in an era of unification and reconciliation by answering the amnesty question.

This study examines the factors surrounding President Ford's decision to extend clemency to draft and military offenders of the Vietnam era. President Ford was faced with the need to heal the nation, but confined by the possibility of exacerbating the divisions within America regarding amnesty. In deciding to extend clemency, Ford was influenced by draft and military offenders themselves, the debate on amnesty, including its coverage in news media and the symbolic nature of the debate, public opinion and Ford's personal and political influences. These influences led Ford towards a middle path in his attempt to resolve the issue of amnesty. Ford's clemency program offered conditional amnesty, a concept supported by the majority of Americans, to draft and military offenders in order to provide them with an opportunity to return and contribute to the rebuilding of America in the post-Vietnam era and begin the healing process by trying to appease all considering the amnesty question.

## Acknowledgements

I am deeply indebted to a number of people for their contributions to the completion of my thesis. I would like to thank Dr. John Sbardellati and Dr. Bruce Muirhead for being a part of my committee and providing me with insightful feedback that helped strengthen my thesis. Also, I want to thank Donna Lang for her guidance through the intricacies of the program and allowing me to vent when the joys of the Master's program were getting the better of me. A special thank you goes out to Dr. Andrew Hunt, my MA supervisor. Dr. Hunt sparked my interest in United States history as an undergraduate student and was gracious enough to take me under his wing during my graduate studies. Without his help, insight and love for history I may have never become a graduate student, let alone complete my MA thesis.

Peter Kikkert, Phil Isard, Lisa Pooley, Tanja Cvekic and Kerri Hutchinson deserve my gratitude. Without their friendship and support I would have never made it through the MA program. Without Kerri's help, I would still be reading microfilm. My parents, Bill and Anna Dunton deserve thanks for their emotional and financial support. My brother Jonathon Dunton for keeping me grounded and reminding me there is more to life than school. And finally, to Emily Monks, whose love and support helped me through the most difficult times.

## Table of Contents

List of Tables.....	vi
Introduction.....	1
I. Draft and Military Offenders.....	6
II. Amnesty.....	20
III. President Ford's Clemency Program.....	25
IV. The Amnesty Debate.....	31
V. The Amnesty Debate: Symbolic Vindication.....	60
VI. Political Influences.....	74
VII. Ford's Clemency Program: Success or Failure?.....	95
Conclusion.....	103
Appendix.....	107
Bibliography.....	108

## **List of Tables**

Table 1.1 – Coverage of the Amnesty Debate in Three Major Newspapers

Table 2.1 – Distribution of Arguments in Support of Amnesty

Table 2.2 – Distribution of Arguments Against Amnesty

## **Introduction**

The cease-fire agreement signed by Henry Kissinger and Lo Duc Tho on January 28, 1973 ended American military involvement in the Vietnam War. However, the war on the home-front, fought in the homes, campuses and streets of America, raged on. The cease-fire agreement ended a decade-long struggle between the United States and its South Vietnamese allies against communist North Vietnam. Although American involvement in Vietnam began with the Truman administration, the commitment of American combat troops to Vietnam began in earnest following the Gulf of Tonkin Resolution on August 6, 1964, which provided President Johnson with a functional declaration of war. As American involvement in Vietnam increased, so did divisions among Americans. Not since the divisions caused by geographical location during the Civil War, had Americans been so divided on a conflict. The Vietnam War, however, did not divide the nation based on their location. Instead, divisions stemmed from individuals' judgment on whether or not the United States should be involved in Vietnam.

As the war progressed, so did the antiwar movement and the divide in America deepened. Developing from the peace movements of the late 1950s and early 1960s, the antiwar movement called on individuals to join in a struggle challenging what they perceived as an immoral, unjust and undeclared war. The anti-war movement called upon individuals to resist the war in Vietnam by any means. This led to a wide variety of protest, that ranged from peaceful and

educational, such as teach-ins held throughout the country, to violent and aggressive like the draft board bombings perpetrated by the “Catonsville 9”.

The use of conscription through the Selective Service System during the Vietnam Era ensured that young American males could not stand aside and let others fight the war abroad and at home. For those who supported American involvement in Vietnam, the decision was easy: enlist before being drafted and fight the spread of communism in Southeast Asia or obtain a deferment or exemption for one of various reasons and support the war effort from home.

Those who opposed American intervention in Vietnam confronted a much larger predicament: Trying to obtain a deferment or exemption for any number of reasons, including medical fitness (physical and mental), occupation, Conscientious Objection or extreme hardship, was one option. This option, however, was difficult to take if you did not seriously qualify for a deferment. The fate of individuals who tried to fake medical conditions or seek Conscientious Objector status to receive deferments were left in the hands of the local draft board, making them subject to their whims.

Other young Americans who were drafted and either failed to qualify for deferments or spurned deferments or exemptions because they did not want to use a technicality in their resistance of the war were left with few choices. One option was to resist the war effort by failing to report for induction and face a prison sentence. This option was not very attractive because draft violations were punished with a maximum five-year sentence. However, this option did legitimize their resistance to the war because they were not running away from



the consequences of their actions, instead they were “taking their lumps” for their opposition.

Another option was to evade the draft and the authorities by living in the American “underground”, a network of priests, radicals and ordinary citizens who helped offenders move from place to place and settle into new communities.<sup>1</sup> Individuals who resisted the draft by destroying their draft cards, not registering for the draft after their eighteenth birthday or using violent tactics to destroy the draft system turned to the “underground” to live the life of a fugitive. Once again, this option was not considered lightly by offenders. Living your life on the run from the Federal Bureau of Investigation and other authorities led to loneliness and paranoia.

The final option for individuals who were drafted and facing induction was to seek asylum in another country and become an exile. There were only two real options for exiles who wanted to settle down; Canada or Sweden. Similar to the other options available to offenders, this was not an easy decision to make. Offenders who chose exile left their friends and family behind and began a new life alone in a foreign country. For some, the transition proved successful and they became citizens of their new nation and built new lives for themselves. For others, life in a new nation was overwhelming and many looked longingly to return to the United States.

Draft offenders were not the only ones faced with difficult decisions regarding their opposition to American involvement in Vietnam. Many young

---

<sup>1</sup> Lawrence M. Baskir & William A. Strauss, *Chance and Circumstance: The Draft, The War and the Vietnam Generation* (New York: Alfred A. Knopf, Inc., 1978), 171.

Americans who did not know their options in resisting the draft (seeking deferments, exile or living underground) faced the problem of induction into the military and active duties in Southeast Asia. Military offenders faced the prospects of desertion and living in exile or the “underground” or the issuance of a less-than-honourable discharge. Like the options for draft offenders, military offenders faced a life on the lam, away from home or handicapped by a less-than-honourable discharge.

The actions of draft and military offenders during the Vietnam era split the nation between those who supported the war and those who did not. But the division within America did not end with the war. The conclusion of the war brought forth the debate on amnesty for draft and military offenders. Divided between those in support of general amnesty, conditional amnesty and no amnesty, America debated the fate of the individuals who resisted the war and were living in exile, the “underground”, on the lam or in a disadvantaged position because of their opposition to American intervention in Vietnam.

The amnesty issue did not only consider the fate of draft and military offenders, but also the healing of the wounds caused by the Vietnam War. The war in Vietnam, combined with the Watergate scandal, left many American's with a feeling of distrust towards their government and an opportunity for the government to renew its relationship with the people and heal the divide within America. In a twist of fate caused by the Watergate scandal, Gerald R. Ford, through the 25<sup>th</sup> amendment, became the 38<sup>th</sup> president of the United States after the resignation of former President Nixon. Left with the task of healing the

nation and restoring their faith in the presidency, President Ford set about the task during his administration.

By the time of the Ford presidency, divisions in America caused by the involvement in Vietnam and draft and military offenders' opposition to the war needed to be addressed in order to strengthen the nation and restore citizens' faith. The amnesty issue, however, further divided the nation because of opposing ideas regarding how draft and military offenders should be dealt with. President Ford was faced with the need to heal the nation, but confined by the possibility of exacerbating the divisions within America regarding amnesty. In order to deal with the issue and begin the healing process, President Ford created a program of clemency for draft and military offenders, which was influenced by the offenders themselves, the amnesty debate, including its coverage in news media and the symbolic nature of the debate, public opinion and President Ford's personal and political influences. These influences led to the creation of a program that sought to address the issue of amnesty and begin repairing the social fabric of America, while not exacerbating the divisions already rife within America.

## **I. Draft and Military Offenders**

Before beginning any examination of President Ford's clemency program and his attempt to reconcile the amnesty question, it is important to look at the individuals in need of amnesty and how their situation affected the need for amnesty. Although the groups seeking amnesty were divided into draft offenders and military offenders, neither group is as homogenous as they were portrayed. The draft and military offenders of the Vietnam War were comprised of many different individuals who sought a way out of Vietnam for different reasons, whether it was personal or in protest to the war. Through an examination of both groups' resistance to the war in Vietnam the popular perceptions of draft and military offenders are seen as faulty, providing a clear picture of individuals who were faced with moral dilemmas regarding their participation in the Vietnam War.

Draft offenders were the individuals who refused to go unwillingly to the war in Vietnam. The American citizenry during the Vietnam era (1964-1973) was divided on their opinion of draft offenders. To their detractors, draft offenders were viewed as "common criminals, perhaps even traitors, who broke the law and must pay the price". On the other hand, their supporters viewed draft offenders as "the real heroes of Vietnam, men whose moral stand hastened the end of a disastrous national mistake and who thus deserve gratitude rather than punishment."<sup>2</sup> This idea of draft offenders was propagated by the media and public focus on the exiles, portraying them as either bright and principled anti-

---

<sup>2</sup> "Next, A Vietnam Amnesty," *Newsweek*, vol. 84, Sept. 16, 1974, 27.

warriors or overeducated cowards.<sup>3</sup> The media and public perception of draft offenders, however, was not accurate. Draft offenders were made up of three groups: exiles, avoiders and resisters.

Prior to exploring characteristics of each group of draft offenders, their commonalities must be recognized. Firstly, whether the draft offender was an exile, avoider or resister, they were all connected. Each one of the offenders had to consider all options available to them and in the end may have fit in to more than one grouping. Resisters who became fugitives may have sought exile and avoiders who failed to receive a deferment through Selective Service classification may have chose resistance or exile as their next step. Although each group is different in the defiance of the draft laws, they were not independent of each other.

Secondly, and most importantly, all three groups of draft offenders had the same ultimate goal, defiance of the Selective Service System. The Selective Service System has featured intermittently in American history (enacted during the Civil War and World War I but ended with the wars) until 1940 when the American draft laws were established. The draft law led to the Congressional declaration that “in a free society the obligations and privileges of military training and service should be shared generally.”<sup>4</sup> The obligations and privileges of military service, however, were not shared generally. By the time of the Vietnam War, the Selective Service System functioned through local draft

---

<sup>3</sup> Baskir and Strauss, *Chance and Circumstance*, 167.

<sup>4</sup> George Q. Flynn, “Conscription and Equity in Western Democracies, 1940-75,” *Journal of Contemporary History* 33, no. 1 (Jan. 1998), <http://www.jstor.org/stable/260994>.

boards staffed by civilian volunteers that offered deferments to students, fathers and scientists.<sup>5</sup> As opposed to embracing the ideals of equality and universality of service, the Selective Service System accommodated special interest and manpower needs through a system of deferment biased against lower class, lesser educated individuals. It was this ‘corrupt’ system of servitude that exiles, avoiders and resisters chose to defy.

Exiles, as seen previously, were the individuals responsible for creating the image of draft offenders as well educated radicals who were keenly antiwar. These individuals were the ones who decided to flee to Canada or Sweden to avoid military service during the Vietnam War. Canada and Sweden comprised the only two realistic choices for exiles wanting to settle down and begin anew. Canada was attractive for a variety of reasons including freedom from American social pressures, the ability to obtain citizenship, work permits, and welfare benefits. Most importantly, however, it was a viable option because Canada at the time did not consider absence without leave (AWOL) a criminal offense relieving the fear of extradition, it was familiar to Americans and was easily accessible; Canada and the United States have the longest friendly border in the world.<sup>6</sup>

Sweden was the other realistic option because, like Canada, it offered wide-open outdoors and had very generous social services and welfare benefits. Most importantly, Sweden did not view American exiles as immigrants; instead

---

<sup>5</sup> Flynn, “Conscription and Equity,” *Journal of Contemporary History*, <http://www.jstor.org/stable/260994>.

<sup>6</sup> Baskir and Strauss, *Chance and Circumstance*, 175.

they were seen as political refugees with international status as opponents of American war policies.<sup>7</sup> Life in Sweden, however, was far more difficult to adapt to because of their foreign culture. The daily needs of exiles could be satisfied by speaking English, however, a command of the Swedish language was essential for all but the most basic jobs.<sup>8</sup>

Avoiders were draft offenders who sought undeserved deferments to avoid being drafted and inducted into the armed forces. Although many individuals chose to alter their lives to obtain deferments, such as attending college to receive a 2-S classification (Student deferment, granted only upon application to continuing college students), seeking employment in war industry occupation to receive a 2-B classification (registrant deferred because of occupation in war industry) or early on in the war getting married or having children to receive a deferment; these were legal measures to avoid military service that did not deceive draft boards.

Directing individuals towards obtaining Selective Service classifications to avoid war service was a purpose of the Selective Service System. On 1 July 1965 the National Office of the Selective Service System released “Channeling” as part of the Selective Service Orientation Kit. “Channeling” was an article that explained the alternative purpose of the Selective Service System, aside from inducting eligible males into the military. The Selective Service System describes the function of channelling as a “counterpart and amplification of the System’s responsibility to deliver manpower to the armed forces in such a

---

<sup>7</sup> Baskir and Strauss, *Chance and Circumstance*, 177.

<sup>8</sup> Baskir and Strauss, *Chance and Circumstance*, 177.

manner as to reduce to a minimum any adverse effect upon the national health, safety, interest and progress.”<sup>9</sup> Basically, the purpose of the Selective Service System was to meet manpower needs of the military without jeopardizing the national strength of the United States by drafting individuals that would play a central role in the functioning of America.

By providing deferments for individuals seeking a way out of military service, the Selective Service System directed young Americans to occupations or professions that would benefit the nation. The Selective Service System believed that “many young men would not have pursued a higher education if there had not been a program of student deferment. Many young scientists, engineers, tool and die makers, and other possessors of scarce skills would not remain in their jobs in the defense effort if it were not for a program of occupational deferment.”<sup>10</sup> The process of channelling allowed the Selective Service System to meet the manpower needs of the military, while ensuring national health, interest, safety and progress.

As opposed to succumbing to the Selective Service System’s attempt to channel individuals through deferments, other individuals like Gerald E. Schwartz and Paul Herzon, chose to deceive their draft boards to receive a 4-F classification (Registrant not qualified for any military service). In 1972, while travelling in Israel, Gerald E. Schwartz received his notice to report to Camp

---

<sup>9</sup> National Office of the Selective Service System. “Channeling,” in *Draftees or Volunteers: A Documentary History of the Debate Over Military Conscription in the United States, 1787-1973*, ed. John Whiteclay Chambers II (New York: Garland Publishing, 1975), 494.

<sup>10</sup> National Office of the Selective Service System. “Channeling,” in *Draftees or Volunteers: A Documentary History of the Debate Over Military Conscription in the United States, 1787-1973*, ed. John Whiteclay Chambers II (New York: Garland Publishing, 1975), 494.



Darby in Livorno, Italy. Knowing this was now a life or death situation, Schwartz resolved to make him “as repulsive to these people as possible. For two weeks prior to this interview, [he] didn’t bathe or groom in any way, shape or form.”<sup>11</sup> After passing the physical, Schwartz recalled that he “took on the persona of a crazy person, because I had no reason to hold back at that point...I began to do things like suddenly looking up at things that weren’t there, or [swat at my nose], funny gestures and tics”. Schwartz even went as far as grabbing his genitals and hiding from the doctor’s pencil, what Schwartz declared to be a “sterility device.”<sup>12</sup> Schwartz’s actions led to his receiving a 4-F classification and freedom from induction during the Vietnam Era.

Paul Herzon, similar to Schwartz received a 4-F classification, but not because he deserved it. Herzon’s father and other doctors distorted his medical records by backdating remarks to make his charts consistent with “what a truly asthmatic patient would have in early years.”<sup>13</sup> Herzon believed that Vietnam was “a terrible war...a disaster of monumental proportions” and did not stop resisting the war after receiving his 4-F classification. Instead, with the help of his father, Herzon assisted others in evading the draft.

Although individuals like Schwartz and Herzon used fraudulent means to obtain Selective Service classifications that exempted them from military service during the Vietnam War, like other avoiders, they ‘legally’ avoided the draft. Their ‘legal’ avoidance of the draft means that they beat the draft by using

---

<sup>11</sup> Sherry Gershon Gottlieb, *Hell No We Won’t Go: Resisting the Draft During the Vietnam War* (New York: Viking, 1991), 26.

<sup>12</sup> Gottlieb, *Hell No We Won’t Go*, 26-27.

<sup>13</sup> Gottlieb, *Hell No We Won’t Go*, 169.

its system against it, and therefore were not fugitives or exiles. This had implications on their participation in the quest for amnesty, because their status as Americans would not be affected by a granting of amnesty. Avoiders, however, are important with regards to the question of amnesty because their actions play a prominent role in an argument in support of amnesty for other draft and military offenders that will be discussed later.

As draft offenders, resisters were the individuals who realized that the hazards of joining the army outweighed the hazards of doing everything imaginable to avoid it and chose to defy the draft laws through a system of non-violent and sometimes violent acts of protest. The National Resistance, led by prominent figures such as Dr. Benjamin Spock and Rev. William Sloane Coffin, published “A Call To Resist Illegitimate Authority” on October 7, 1967 declaring that “every free man has a legal right and a moral duty to exert every effort to end this war, to avoid collusion with it, and to encourage others to do the same.”<sup>14</sup> Thus began a national movement of draft resistance that led to young Americans burning their draft cards, abandoning deferments obtained through Selective Service classifications, and a general strike against the draft system.

Draft card burning was often a dramatic spectacle which caught the attention of the press and public and showed the willingness of young Americans to break the law in their resistance of the Selective Service System and the war in Vietnam. Many individuals, however, did not want to participate

---

<sup>14</sup> “A Call To Resist Illegitimate Authority,” in *Draftees or Volunteers: A Documentary History of the Debate Over Military Conscription in the United States, 1787-1973*, ed. John Whiteclay Chambers II (New York: Garland Publishing, 1975),476.

in open resistance to the draft laws and chose less public means to resist. Non-registration was another popular means to resist the draft, and according to the article “Check Out The Odds”, for many “not registering is the single most effective method of dealing with the draft.” It was considered effective because “the Selective Service has no effective method of tracking down 18-year-olds who don’t sign up” and because discovery of non-registrants “does not always mean that you will be prosecuted...you can always register late.”<sup>15</sup> As the war escalated, however, the draft seemed invulnerable to non-violent resistance, leading towards more daring and violent forms of resistance.

An excellent example of the shift towards violent resistance of the Selective Service System was the actions of the “Catonsville 9”. On May 17, 1968, a group led by brothers Daniel and Phillip Berrigan entered the Selective Service offices in Catonsville, Maryland, removed several hundred draft files and burned them with homemade napalm.<sup>16</sup> Although violent protest was a part of draft resistance, it was not the mainstay. Regardless of whether or not a resister chose violent or non-violent means to protest the draft and war in Vietnam, their options after becoming resisters were limited.

Individuals who chose to resist the Selective Service System, publicly or privately, faced prosecution for draft violations and had one of three options; live “underground” in the United States, become an exile by fleeing to another country or face the consequences at home and serve time in prison. They had to

---

<sup>15</sup> Baskir and Strauss, *Chance and Circumstance*, 85.

<sup>16</sup> Fire and Faith: The Catonsville Nine File, Enoch Pratt Free Library, <http://c9.mdch.org/index.cfm>.

face the difficult decision of doing the fighting and dying, or suffering the consequences for their opposition to the war and their refusal to fight.

Draft offenders were a diverse group of individuals that chose to defy the Selective Service System in an attempt to avoid military service in Vietnam while protesting the war. As a group, draft offenders did not accurately represent the public's impressions. Instead of being the principled, over-educated anti-warriors who staunchly opposed the war, the overwhelming majority came from underprivileged backgrounds. According to Baskir and Strauss' study of Vietnam-era offenders almost half were "members of a minority group who never registered for the draft. Three-quarters of the 'deserters' were high-school dropouts, and less than 1 percent ever graduated from college" and instead of being motivated by opposition to the war "most offenses were motivated primarily by personal or family problems."<sup>17</sup> Not quite the upper class, college educated, antiwar activists perceived by the public.

One explanation for the over-representation of lower middle/working class individuals in the group of draft offenders is the Selective Service System's use of "Channeling". This policy protected the rich through a "complicated maze of avoidance exemptions" while the poor were "rejected initially because they did not fit into the perceived manpower needs of the modern military". Lower middle/working class individuals as a group, on the other hand, were "sufficiently skilled and political[ly] dispensable to be

---

<sup>17</sup> Lawrence M. Baskir & William A. Strauss, *Reconciliation After Vietnam: A Program of Relief for Vietnam Era Draft and Military Offenders* (Notre Dame: University of Notre Dame Press, 1977), 2.

channelled into the military.”<sup>18</sup> The Selective Service System combined with the lack of influence the lower middle/working classes possessed forced them to bear the brunt of service during the Vietnam War.

Draft offenders were not what the press portrayed them as, nor what the public believed them to be; they were a diverse mixture of American youth. Baskir and Strauss, through their findings in *Chance and Circumstance: The Draft, The War and The Vietnam Generation (1978)* provide an excellent summarization of draft offenders as a whole:

Exiles and other fugitives were neither the best nor the worst of their generation. They were a cross-section of young men who, for a variety of reasons, refused to submit to the draft or the dictates of the armed forces. They were rich and poor, black and white, college graduates and high school dropouts. Some were related to influential people; both Morris Udall and Spiro Agnew had nephews living in exile. Some adjusted very well to life as immigrants, but most did not.<sup>19</sup>

Similar to draft offenders being portrayed as exiles, a myth of military offenders as deserters was propagated by the media and perpetuated by the public’s acceptance of their portrayal. Military offenders were depicted as cowardly deserters who fled during combat situations. To many this was considered a “crime against one’s country, a crime against citizenship and a crime against fellow servicemen”, representing military offenders as the lowest form of individual.<sup>20</sup> This myth, however, was not a factual description of

---

<sup>18</sup> David Sterling Surrey, *Choice of Conscience: Vietnam Era Military and Draft Resisters in Canada* (New York: Praeger, 1982), 40.

<sup>19</sup> Baskir and Strauss, *Chance and Circumstance*, 168.

<sup>20</sup> Baskir and Strauss, *Chance and Circumstance*, 109.

military offenders, who, in fact, were a diverse group of individuals whose perspectives on military service changed because of a variety of reasons.

Although 12,000 individuals either deserted during a Vietnam tour or deserted when they received orders to report to a combat zone, they only made up a small proportion of the hundreds of thousands of military offenders during the Vietnam era. In total, 100,000 individuals were discharged for absence offences (including desertion) and 463,000 individuals received less-than-honourable discharges for other offenses.<sup>21</sup> The small proportion of individuals guilty of desertion is dwarfed by those who committed other offenses, yet the media and public viewed military offenders as deserters.

To others, deserters were individuals who started out doing the honourable thing by serving their country but eventually changed their position on participation in Vietnam. Senator Ernest Gruening believed that deserters were committed to the military effort in Southeast Asia until they saw “the burning of women and children with napalm, the saturation bombing which destroyed homes, hospitals, and whole families, making homeless refugees of those that were not killed, turned loose in a defoliated and craterized wasteland” and could no longer participate in the butchery, so they deserted.<sup>22</sup> Others, like Mark Gilman, were faced with the death of a fellow servicemen and friend and began to believe that there was “no good reason why he should die, why I should die, why any GIs should die in Vietnam.”<sup>23</sup> Some of the military offenders charged with absence offenses were late-blooming conscientious

---

<sup>21</sup> Baskir and Strauss, *Chance and Circumstance*, 114.

<sup>22</sup> Baskir and Strauss, *Chance and Circumstance*, 112.

<sup>23</sup> Baskir and Strauss, *Chance and Circumstance*, 111.

objectors who failed to properly gauge their opposition to the Vietnam War until they were confronted with orders to report and others were motivated by a fear.<sup>24</sup> Regardless of the reason, military offenders were not just cowards who fled from combat to save their own skin; in fact, the majority of military offenders charged with desertion, did so upon returning to the United States after completing a tour in Vietnam.

Aside from 100,000 military offenders who committed absence offenses, there were close to 500,000 individuals who received less-than-honourable discharges for their service during the Vietnam Era. For these individuals, the military crisis that arose because of manpower policies that relied heavily on unsuitable candidates, social turmoil in civilian society, strains caused by the war and the failure of military leaders to reach an equilibrium between permissiveness and uncompromising discipline, led to their receiving of General, Undesirable, Bad Conduct or Dishonourable discharges.<sup>25</sup> As opposed to the popular myth of military offenders as deserters, individuals received less-than-honourable discharges for a variety of reasons, including financial or family troubles, earlier misconduct, inability to adjust to military life, romantic involvements and family pressure.<sup>26</sup> In short, they were individuals who decided to place their own interests above the needs of the American military.

Most military offenders were poorly educated teenagers from disadvantaged backgrounds who could not adjust to the rigorous demands of military life. They were individuals confused about their future, individuals who

---

<sup>24</sup> Baskir and Strauss, *Chance and Circumstance*, 113.

<sup>25</sup> Baskir and Strauss, *Chance and Circumstance*, 110.

<sup>26</sup> Baskir and Strauss, *Chance and Circumstance*, 116.

had been in trouble with the law during civilian life and individuals who had difficulty coping with life away from home. According to Baskir and Strauss, in their work *Chance and Circumstance: The Draft, The War and The Vietnam Generation* (1978), the prototype of a deserter was an individual who:

lived in a small town and grew up in the South. He came from a low-income family, often with only one parent in the home. He had an IQ of 90, and dropped out of high school in the tenth grade. He enlisted to get away from problems back home, to learn a skill or just to find something to do. He finished advanced training and had almost two years “good time,” which often included a full tour in Vietnam. However, he rarely progressed beyond the lowest ranks. He was arrested at least once by civilian police, and he frequently committed other minor infractions against military discipline. After going AWOL once or twice, he went home to stay, usually because of family problems. Two years later, he was arrested and given an undesirable discharge in lieu of court-martial.<sup>27</sup>

As opposed to fleeing because of fear in a combat situation or because of the feelings regarding the war, individuals who became military offenders during the Vietnam era, were most commonly underprivileged young Americans who shirked their military duties to deal with personal or family problems that arose prior to or during military service.

The myth that military offenders were individuals that deserted during combat situations in Vietnam is clearly false. Although some military offenders were guilty of this, the number of military offenders charged with other absence offenses or given a less-than-honourable discharge for other violations of military discipline vastly outnumbers deserters. Military offenders were individuals who faced a moral dilemma when tasked with committing oneself to the American military intervention in Vietnam. Whether the dilemma arose

---

<sup>27</sup> Baskir and Strauss, *Chance and Circumstance*, 120.



because of personal or family issues or an individual's perspective on the war, their decisions to place their own problems above the needs of the military led to their transition into military offenders.

The actions of draft and military offenders, combined with that of the antiwar movement, increased opposition to the war in Vietnam and may have helped bring American intervention to a premature close. Regardless of the benefits, their actions stretched beyond the boundaries of legality and led to their prosecution or status as fugitives. To many Americans, the benefits of draft and military offenders' actions outweighed the fact that they broke the law in resisting the war. These individuals called for an amnesty for draft and military offenders that would free them from their fugitive status and allow them to return from the "underground", exile or prison to help re-build America in the post-Vietnam era. To other Americans the fact that actions of draft and military offenders may have been beneficial was irrelevant. They shirked their duties and must now face the consequences; to them, amnesty was a travesty.

This division among Americans on the fate of draft and military offenders and whether or not they were deserving of amnesty exacerbated the situation in America, and had the potential to damage attempts to rebuild America in the post-Vietnam era. With the end of the war in sight, Americans began to wonder; what should become of the draft and military offenders of the Vietnam era? Should amnesty be granted? These questions and attempts to answer them influenced President Ford in considering a form of amnesty for draft and military offenders and his eventual creation of the clemency program.

## II. Amnesty

The earliest and best document case of amnesty occurred in Athens in 403 B.C. In 404 B.C. an oligarchical group of leaders from the wealthiest classes and the military consolidated its control of the Athens' government. The oligarch dealt harshly with political opposition and restricted political participation to the highest classes. The democrats who opposed the new government led by the oligarch fled and began a civil war against the new leaders of Athens. The government's military campaigns were unsuccessful against the rebels and support for the government at home was dwindling. The oligarch ruling Athens was then replaced by a group committed to ending the struggle, a group upon which an amnesty was offered by the democratic rebels. The amnesty was accepted by both sides because of their desire to end fighting and belief that the Athenian community was more important.<sup>28</sup>

The Athenian amnesty is important because it provides an excellent example of the amnesty concept. Amnesty was successful because of a mood of reconciliation among Athenians and encouraged by the new leaders. Furthermore, it erased the previous political events by declaring them legally forgotten. And for those unable to forget, provisions were made allowing them to emigrate.

This concept of amnesty by the Greeks is a clear one. Derived from the Greek term meaning "forgetfulness" or "oblivion", amnesty is an act of

---

<sup>28</sup> Alfonso J. Damico, *Democracy and the Case for Amnesty* (Gainesville: University Presses of Florida, 1975), 24-26. For a complete historical study of the Athenian amnesty see; Alfred P. Dorjahn, *Political Forgiveness in Old Athens: The Amnesty of 403 B.C.* (Evanston: Northwestern University, 1946).

“forgetting” rather than “forgiving”. The power to grant amnesty is provided to the President by Article II, Section 2 of the Constitution which states that “he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.”<sup>29</sup>

The President has the power to grant pardons and amnesty. According to the United States Constitution a pardon is “an act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individual on whom it is bestowed, from punishment so far as such release is practicable, and within the control of pardoning power.”<sup>30</sup> On the other hand, amnesty is “an act of sovereign power granting general pardon for a past offense...[and] is usually extended in behalf of certain classes of persons who are subject to trial, but who have not been convicted”. There are two types of amnesty commonly recognized; general amnesty which covers all classes of offenders and particular amnesty which is limited to special groups. Furthermore, an amnesty can also be absolute, which imposes no conditions or conditional, which demands a performance of certain conditions before entering into effect.<sup>31</sup>

Throughout American history there have been grants of clemency for certain groups, providing a wide range of examples of the different types of amnesty and pardon available to the President. The first case of a President granting a pardon came in 1795, in response to the “Whiskey Insurrection”, in which several hundred Pennsylvanians burned the home of the regional tax

---

<sup>29</sup> “United States Constitution,” Cornell University Law School, <http://www.law.cornell.edu/constitution/constitution.articleii.html#section2>.

<sup>30</sup> “A Review of Related U.S. Actions: 1795-1974,” *Congressional Digest*, 53, no. 10 (October 1974), 228.

<sup>31</sup> *Ibid*, 228.

inspector and committed other disorders because of their outrage at the levy of a tax on the distillation of whiskey.<sup>32</sup> President George Washington granted a “full and entire pardon of all persons...of all treasons...and other indictable offenses against the United States.”<sup>33</sup> The pardon, however, did not apply to individuals who refused or neglected to provide assurances of their future submission to the laws of the United States or to those who violated these assurances. This provides an example of a conditional pardon where the crimes were not forgotten but forgiven after offenders assured the government that they would submit to the laws of the United States in the future.

President Abraham Lincoln’s proclamations of March 10 and December 8, 1863 provide an excellent example of pardons and amnesty for military desertion. President Lincoln extended pardon and amnesty to Union and Confederate deserters provided they swore and adhered to an oath of loyalty to the United States. Lincoln, however, excluded civil and military prisoners, but allowed them to petition for clemency individually.<sup>34</sup> This provides an example of a particular pardon geared towards non-civil and military deserters in prison, but allows those excluded to seek clemency as individuals.

One final example of the power to grant pardons and amnesty of the President of the United States is President Harry Truman’s amnesty of 1946. By Executive Order, President Truman created a review board that examined and considered cases of individuals convicted of violations against the Selective Training and Service Act of 1940. The three man amnesty board undertook the

---

<sup>32</sup> Ibid, 228.

<sup>33</sup> Ibid, 228.

<sup>34</sup> Ibid, 228.

task and examined and evaluated the cases of 15, 805 draft evaders (deserters were not eligible) and determined whether or not clemency should be granted. After consideration, 1,523 individuals were recommended for pardons and on December 23, 1947, President Truman granted these men a Christmas pardon.<sup>35</sup> Each person received an individual pardon, so President Truman's actions can not be considered a blanket amnesty.

After considering the definition of amnesty, its earliest application, the concept of amnesty and pardon according the United States Constitution and previous examples of the granting of clemency by United States Presidents, the question of amnesty for draft and military offenders becomes a difficult one. Although examples of the intended use of amnesty was provided through the Athenian amnesty, definitions within the United States Constitution and previous examples show the way the application of amnesty and pardon varies with the situation. Previous amnesties in United States history provide reconciliation between individuals who violated the laws of the United States and the country. The Vietnam era, however, provided a different set of circumstances making the resolution of the amnesty issue more difficult.

The Vietnam War was not like other wars in United States history. It failed to garner the widespread public support that World War I and World War II received. The growing antiwar movement in opposition to American intervention in Vietnam split the nation into those who opposed and supported the war effort. The division within America changed the granting of pardons or amnesty from an attempt to reconcile draft and military offenders with their

---

<sup>35</sup> Ibid, 228.

nation, to an attempt to reconcile the whole nation by putting the trials and tribulations of the Vietnam War in the past. Any amnesty granted in the post-Vietnam era needed to address the needs of draft and military offenders and help America get past the divisiveness of the Vietnam War and strengthen the United States. This left President Ford with a monumental task of appeasing the draft and military offenders and their supporters as well as those who opposed any form of comfort to the individuals who turn their back on their country. To complete this task, President Ford established his clemency program for draft and military offenders to reconcile the nation and heal the wounds of Vietnam.

### III. President Ford's Clemency Program

On 16 September 1974, in an attempt to address the question of amnesty and begin rebuilding America in the post-Vietnam era, President Ford issued a proclamation extending clemency to draft and military offenders. In his proclamation, Ford announced:

In furtherance of our national commitment to justice and mercy those young Americans should have the chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgement of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is also a serious offense. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the nation's wounds and to heal the scars of divisiveness. Now, therefore, I, Gerald R. Ford, President of the United States, pursuant to my powers under article II, Sections 1, 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam-era draft evaders and military deserters.<sup>36</sup>

Ford's clemency program covered four categories of persons; fugitive draft offenders, fugitive military absence offenders, convicted draft offenders, and former servicemen with bad discharges for unauthorized absence. To be eligible for clemency, any individual within the four categories had to have committed their offense between 4 August 1964 (The Tonkin Gulf Resolution) and 28 March 1973 (last United States forces withdrawn from Vietnam), applied to the clemency program prior to 31 January 1975 (the end date, however, was extended to 15 September 1975) and successfully completed the requirements of

---

<sup>36</sup> "Proclamation Extending Clemency," *The Washington Post, Times Herald*, September 17, 1974.

clemency.<sup>37</sup> For most of the individuals, the requirements were an oath of allegiance to the United States and alternate service.

The oath of allegiance was a problem for draft and military offenders who desired clemency as a means to return to the United States to visit family and friends, but wished to continue the new life they created in exile in Sweden or Canada. For many of the exiles wished to continue their new lives and sought Canadian or Swedish citizenship, swearing an oath of allegiance to the United States “cast into doubt their allegiance to Canada or Sweden, jeopardizing their rights as immigrants.”<sup>38</sup>

Alternate service, which was any service that contributed to the national health, safety or interest, was also a sticking point for draft and military offenders seeking clemency. Many felt they had been punished enough through less-than-honourable discharges (impediments to employment and veteran’s benefits), self-imposed exile and their fugitive status and believed that they did not deserve more punishment for their actions. Furthermore, many draft and military offenders believed that their actions were right, while the government’s was wrong, making any form of service unacceptable because they should not be punished for being right. A final issue with alternate service was that it was administered by the Selective Service system. Individuals needed to get their alternate service approved and if they could not find suitable work, Selective Service was supposed to assist in this regard. Selective Service, however, was reluctant to assist draft and military offenders in finding alternate service in an

---

<sup>37</sup> Baskir and Strauss, *Reconciliation after Vietnam*, 28 & Cynthia Gorney, “Clemency Program to End Sept. 15,” *The Washington Post, Times Herald*, August 13, 1975.

<sup>38</sup> Baskir and Strauss, *Reconciliation after Vietnam*, 32.



attempt to gain clemency because of hard feelings towards the individuals who subverted the Selective Service System.

Fugitive draft offenders were individuals who “unlawfully failed under the military Selective Service Act...to register or register on time, to keep the local board of his current address, to report for or submit to preinduction or induction examination...induction itself...or complete service under section 6(J) of such act.”<sup>39</sup> Fugitive draft offenders, under jurisdiction of the Justice Department, needed to present themselves to a United States attorney before the program deadline in order to be eligible for clemency. In order to receive clemency, they had to “execute an agreement acknowledging [their] allegiance to the United States and pledg[e] to fulfill a period of alternative service under the auspices of the director of Selective Service, and satisfactorily complete such service.”<sup>40</sup>

Not all fugitive draft offenders were eligible for President Ford’s clemency program. There were two types of fugitive draft offenders not eligible, individuals not allowed re-entry into the United States under § U.S.C. 1182 (A) (22), on criminal or related grounds, which includes conviction of a crime related to moral turpitude or controlled substances and individuals who had other criminal charges outstanding, their participation in the program would

---

<sup>39</sup> “Proclamation Extending Clemency,” *The Washington Post, Times Herald*, September 17, 1974.

<sup>40</sup> “Proclamation Extending Clemency,” *The Washington Post, Times Herald*, September 17, 1974.

have been condition upon or postponed until after final disposition of the other charges has been reached in accordance with the law.<sup>41</sup>

Fugitive military absence offenders were individuals who were administratively classified as deserters by reason of unauthorized absence. They could report to any military base, from which they were sent to the Joint Clemency Processing Center near Indianapolis where they would immediately receive an undesirable discharge and given the chance to earn a clemency discharge.<sup>42</sup> Fugitive military offenders would be relieved of “prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice” if he takes “an oath of allegiance to the United States and executes an agreement...pledging to fulfill a period of alternate service.”<sup>43</sup> This arrangement to swear an oath of allegiance and complete alternate service would change the undesirable discharge into a clemency discharge, which was considered to be under other-than honourable conditions, without entitlement to veterans’ benefits.<sup>44</sup>

For fugitive military absence offenders a clemency discharge was just as desirable as a less-than-honourable discharge. Both precluded offenders from receiving veteran’s benefits, benefits which the majority of them earned through a tour in Vietnam and stigmatized military offenders causing problems in civil society, especially with regards to employment. In fact, the stigma attached to

---

<sup>41</sup> U.S. Code: Title 8, 1182. Inadmissible Aliens.  
[http://www.law.cornell.edu/uscode/uscode08/usc\\_sec\\_08\\_00001182----000-.html](http://www.law.cornell.edu/uscode/uscode08/usc_sec_08_00001182----000-.html)

<sup>42</sup> Baskir and Strauss, *Reconciliation after Vietnam*, 29.

<sup>43</sup> “Proclamation Extending Clemency,” *The Washington Post, Times Herald*, September 17, 1974.

<sup>44</sup> Baskir and Strauss, *Reconciliation after Vietnam*, 29.

clemency discharges was sometimes more severe than less-than-honourable discharges because military offenders were viewed as the worst kind of offenders, deserters during combat situations. Clemency discharges, because of their similarity to less-than-honourable discharges, were not sought by the majority of fugitive military absence offenders. Instead, taking advantage of a loophole in the Ford clemency program, offenders would submit to the Joint Clemency Processing Centre, receive their undesirable discharge and shed their fugitive status.

Convicted draft offenders and former servicemen with bad discharges for absence offenses could apply by mail to the Presidential Clemency Board and have their situation reviewed on a case by case basis. The Presidential Clemency Board consisted of nine-men whose role was limited to reviewing cases and making recommendations as to the appropriate actions for each case. In considering the cases, the Presidential Clemency Board would consider mitigating factors, such as; “honorable service...an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in the program.”<sup>45</sup> Regardless of the findings of the nine-man Presidential Clemency Board, they did not have the power to implement any of their recommendations. Their sole responsibility was to review the case, provide a recommendation and allow the President to decide the fate of convicted draft offenders and former servicemen with bad discharges for absence offenses.

---

<sup>45</sup> “Proclamation Extending Clemency,” *The Washington Post, Times Herald*, September 17, 1974.

In summation, President Ford offered draft and military offenders a chance at reconciliation through a conditional clemency program. Clemency was contingent upon swearing an oath of allegiance to the United States and completing up to twenty-four months of alternate service. Despite the requirements, individuals could receive immediate undesirable discharges upon application to the program or were able to receive immediate pardons, as recommended by the Presidential Clemency Board.

President Ford's clemency program was an attempt to bind the nation's wounds after the Vietnam War and was the result of various influences. In creating his clemency program, President Ford needed to consider many things, including, the draft and military offenders in need of amnesty, the different sides of the amnesty debate, the symbolic nature of the amnesty debate, public opinion regarding amnesty and reconciliation, and President Ford's personal and political influences.

#### **IV. The Amnesty Debate**

The debate on amnesty for draft and military offenders that came on the heels of the Vietnam War needed to be considered by President Ford before any clemency proposal could be formulated. President Ford needed to examine both sides of the amnesty debate and gauge possible public responses to any form of clemency. Complicating matters for President Ford was the transformation of the debate into a battle for symbolic vindication between proponents and opponents of amnesty. As opposed to seeking reconciliation for the nation through the support or denial of amnesty, the debate became a way for proponents and opponents of amnesty to justify their views regarding the Vietnam War, while delegitimizing the views of the opposite side. The transformation of the debate was further exacerbated by newspaper coverage that focused on certain arguments for and against amnesty, which facilitated attempts by both sides to force an admission of wrongdoing from their opponents.

##### **A. Unconditional Amnesty**

Those in favour of granting unconditional amnesty were seeking a general and absolute amnesty that would erase the transgressions of draft and military offenders, while not considering their innocence or guilt. To proponents of amnesty, conditional amnesty (a popular idea among Vietnam era Americans) was unacceptable because any form of service or requirement placed connotations of guilt on draft and military offenders. The National Council of

Churches in their testimony before the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice on March 11, 1974 regarding the subject of amnesty declared that "conditional amnesty is still punishment—punishment which serves no useful purpose. Since it seeks to conform the dictates of conscience, it would be neither rehabilitative, nor a deterrent."<sup>46</sup> It is their argument that there is no use punishing individuals who acted out of conscience because it is not something that can be rehabilitated or deterred.

The argument that conditional amnesty and its requirement of alternative service was a punishment led supporters of unconditional amnesty to reject the idea. Bella Abzug, a Democrat and United States Representative from New York, was a major supporter of unconditional amnesty for draft and military offenders. Abzug believed that conditional amnesty would only add to the suffering of draft and military resisters. In her testimony before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the House Committee on the Judiciary on March 13, 1974, she argued that "the imposition of any requirements...can be justified only on the theory that these young men have enjoyed some unfair personal advantage vis-à-vis those who served in the Vietnam War" and that the men who resisted the war effort have "paid a huge price...having already suffered the hardships of exile, underground existence, imprisonment or life as an ex-convict."<sup>47</sup> In her opinion, draft and

---

<sup>46</sup> "Should 'Conditional Amnesty' Be Granted To Vietnam War Draft Evaders?" *Congressional Digest*, 53, no. 10 (October 1974), 243.

<sup>47</sup> *Ibid*, 235.

military offenders should not be punished further through the imposition of conditions with the granting of amnesty.

Abzug went even further and contended that draft and military offenders who served prison terms should not be required to perform additional service in order to qualify for amnesty. Abzug argues that “those who faced self-imposed exile, those who lived precariously in the underground, those who cannot find work because of questionable discharges from military service, have suffered enough,” and questions whether requirements of conditional amnesty are really service or punishment.<sup>48</sup> Kit Rigg, a military offender who sought exile in Vancouver, Canada, supported this idea. Rigg, in the September 2, 1974 edition of *Newsweek*, contends that the punitive approach of conditional amnesty “means we should admit we did something wrong—and we didn’t. We did something right. We had a higher duty not to participate in the Vietnam War.”<sup>49</sup>

Another reason for amnesty supporters’ rejection of conditional amnesty is the impractical and unfair nature of case-by-case examinations of draft and military offenders. The National Council of Churches, argued that a “case-by-case review is impractical if not impossible,” because “who among us is qualified to probe the conscience of another, to judge motivations when society asks its young men to forget they have been taught, ‘Thou shalt not kill.’”<sup>50</sup> The Southern Christian Leadership Conference, in a position paper presented to the Congressional Black Caucus on April 4, 1974, argued that case-by-case

---

<sup>48</sup> Ibid, 237.

<sup>49</sup> “Outlook for Amnesty,” *Newsweek*, Vol. 84, September 2, 1974.

<sup>50</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, 53, no. 10 (October 1974), 243.

examinations would “discriminate in favour of the white educated and articulate, who can communicate a philosophical position about the war to persuade some tribunal of the depth of their convictions. The black and the poor would not receive justice by using this process.”<sup>51</sup> Both arguments, the impracticality of judging an individual’s conscience and the biased nature of case-by-case examinations towards rich, educated, white individuals led supporters of amnesty to reject the idea of conditional amnesty.

Moving beyond the argument in opposition to conditional amnesty, those in favour of amnesty for draft and military offenders believed that no one would be hurt by the granting of amnesty, instead people would benefit. Kermit Lansner, in his article “Amnesty” printed in *Newsweek* on April 8, 1974 asked the question “who would suffer, who would be hurt if amnesty is finally granted?” and proposed his answer, “I suspect that the answer is no one; no person, no institution, whatever the current fears.”<sup>52</sup> This idea was the overriding principle behind the case for unconditional amnesty because amnesty would not cause hurt or suffering, instead it would help reconcile a nation with its lost children. In support of this reconciliation, proponents of amnesty proposed six main arguments in favour of the granting of absolute and general amnesty; illegal war argument, American tradition argument, healing national wounds argument, legal evasion argument, premature conscience argument and the making peace with the enemy argument.

---

<sup>51</sup> Ibid, 255.

<sup>52</sup> Kermit Lansner, “Amnesty,” *Newsweek*, Vol. 83, April 8, 1974, 29.



The illegal war argument is the argument that the individuals who opposed the war through draft and military resistance acted according to the dictates of their conscience and therefore acted in an honourable fashion. Furthermore, their actions contributed to the welfare and character of the United States by awakening citizens to the dangers of the Vietnam War.<sup>53</sup> Two major components of this argument are the illegality of the war and the unfairness of the draft.

Proponents of unconditional amnesty argue that the war in Vietnam was illegal because only congress has the ability to declare war, yet two presidents widened a conflict that could be considered a full scale war.<sup>54</sup> Therefore, individuals who refused to serve in Vietnam acted honourably by not perpetrating an illegal war. Since there was no declaration of war by congress, there is no legal justification for the punishment of draft and military offenders for defying an illegal action. Kermit Lansner, in his article “Amnesty” recognizes that “most who argue the case for...unconditional amnesty have finally decided that the war was unjust, immoral—indeed criminal” and that “the web of deception and self-deception which marked the American conduct of the war... led to such offenses as draft resistance and desertion.”<sup>55</sup>

This idea that American conduct in the war led to draft and military offenses is supported by Mike Hendricks of the Montreal Council to Aid War Resisters, who in 1972 argued that draft and military offenders could not be “forgiven for taking morally correct stands against immoral/[illegal] acts of our

---

<sup>53</sup> Edward F. Dolan, Jr., *Amnesty: The American Puzzle* (New York: Franklin Watts, 1976), 53.

<sup>54</sup> Dolan, *Amnesty*, 54.

<sup>55</sup> Kermit Lansner, “Amnesty,” *Newsweek*, Vol. 83, April 8, 1974, 29.

government.”<sup>56</sup> Draft and military offenders were responding to the lack of morality of the American government by following their consciences in resisting the war effort. The ability of these offenders to take a moral stand against the illegal actions of the government supports the granting of amnesty for them because they acted honourably by following their consciences, not the dictates of their President.

Similarly, the unfair draft system that provided deferments to the upper-class and educated placed the burden of service on the lower class and less educated. Therefore those who refused the draft were not escaping their responsibility or turning their backs on their country. Instead they were rejecting an unjust system in the service of an illegal war. Terrence T. DeShone, a Vietnam veteran argued in a February 24, 1973 editorial in *The Washington Post* that “before the lottery selection the draft was biased against non-fathers, non-students, non-professional/managerial men and the non handicapped” and that there was “good reason to grant total amnesty.”<sup>57</sup> The Selective Service System, which has already been discussed, was biased towards the drafting of lower middle/working classes because they had the required skills and were politically expendable. The biased operational nature of the draft system requires the granting of amnesty.

In the editorial “Amnesty and Loyalty” printed 23 March 1974 in *The Washington Post*, Constance E. Sorrentino argued that draft and military

---

<sup>56</sup> Julius Duscha, “Should There be Amnesty for the War Resister,” *New York Times*, December 24, 1972.

<sup>57</sup> Terrence T. DeShone, “Peace with Ourselves,” *The Washington Post, Times Herald*, February 2, 1973.

offenders, “the men who refused to fight in Vietnam by going into exile, going underground, or going to jail did not escape their responsibility, in fact, she believes they “accepted their responsibility of following their consciences in refusing to commit the violence of Vietnam.”<sup>58</sup> Sorrentino, along with other advocates of amnesty, argued that individuals who did not submit to the draft to complete their obligations to the United States completed their obligations to the consciences by scorning an illegal war facilitated by a corrupt draft system. The ability of draft and military offenders to refrain from submitting to an unfair draft system and participating in an illegal and immoral war made them deserving of amnesty because they displayed morality in a time when others discarded theirs.

Draft and military offenders’ actions to avoid the war in Vietnam were also applauded by some Vietnam Veterans throughout the debate period. Charles Skillom, a Vietnam Veteran, stated in 1972 that he believed that “people who want to fight should fight and those who don’t should have to” and that if draft and military offenders could “get away with not going, more power to them”. In the end, proposed Skillom, “it’s your conscience that is going to deal with you any way.”<sup>59</sup> Another Vietnam Veteran, Darryl Cleaton, revealed in 1974 that he “joined up in 1970 because [he] wanted to go to Vietnam, but a lot of guys didn’t want to join and I don’t think they should have been forced to

---

<sup>58</sup> Constance E. Sorrentino, “Amnesty and Loyalty,” *The Washington Post, Times Herald*, March 23, 1974.

<sup>59</sup> Jeannye Thornton, “Mini’pinions,” *Chicago Tribune*, January 20, 1972.

go...so I don't see it as unfair.”<sup>60</sup> Both Skillom and Cleaton believed that the choice to participate in the Vietnam War was up to the individual, they both chose to go and got their wish, others who decided not to participate should not be punished for making the choice.

Another argument used by advocates in support of unconditional amnesty is the tradition of amnesty in American history. Bella Abzug, in her testimony before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the House Committee on the Judiciary on March 13, 1974, acknowledged that “since our earliest history, this government has granted amnesty after wars and rebellions at home and abroad. From the Shays and Whiskey Rebellions, through the war of 1812, the Civil War and the First and Second World Wars, the cessation of hostilities has generally been followed by one or another form of amnesty.”<sup>61</sup> Historically, there have been thirty-four cases of amnesty in American history, setting a legal precedent for amnesty during the Vietnam Era.

The examples of amnesty within American history, however, vary from full pardons to conditional amnesty. President Washington, in response to the Whiskey Rebellion in 1794, pardoned those convicted who agreed to thereafter obey the law.<sup>62</sup> This example was not amnesty because those tried and convicted of a crime received a pardon, but this type of action could apply to draft and

---

<sup>60</sup> Ronald Yates, “Many Viet Nam Veterans Favor Granting Amnesty,” *Chicago Tribune*, March 17, 1974.

<sup>61</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, 53, no. 10 (October 1974), 235.

<sup>62</sup> Allan C. Brownfield, “Will Amnesty Serve Justice?” *Human Events*, Vol. 33, no. 43, (Oct. 27, 1973). 21.

military offenders serving prison sentences or time in the stockade. Another example, President Lincoln's decision to grant an unconditional amnesty to Civil War deserters who returned to their posts is different from the unconditional amnesty sought by advocates, but was still applicable with regards to their argument.<sup>63</sup>

Although there has not been a case of amnesty in American history that would mirror the one advocates were calling for, historical precedents supported the granting of amnesty. To battle the lack of exact precedent, advocates of amnesty argued that the lack of an exact historical precedent should not dissuade the President from setting a new one. When Lincoln decided to grant amnesty to deserters during the Civil War, he did not have historical precedents to call upon, instead he set the precedent with his actions. President Ford, argued advocates of amnesty, could do the same by providing unconditional amnesty to draft and military offenders of the Vietnam Era.

Healing the national wounds caused by the war in Vietnam, was perhaps the most important argument used in support of unconditional amnesty. Undoubtedly, the Vietnam War created a divide in America between those who supported the war effort and those who did not, a divide which carried over into the amnesty debate. Any attempt to address the amnesty issue in the United States, according to advocates, needed to be guided by the primary purpose of amnesty, "reconciliation, the binding up of the country's wounds of war."<sup>64</sup>

---

<sup>63</sup> Allan C. Brownfield, "Will Amnesty Serve Justice?" *Human Events*, Vol. 33, no. 43 (Oct. 27, 1974), 21.

<sup>64</sup> "Time to Bind up the Wounds," *America*, Vol. 131 (Sept. 7, 1974), 83.

Amnesty would be the first step towards healing and reconciliation within America.

According to the National Council of Churches in their testimony before the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice on March 11, 1974, amnesty "is granted not because the government agrees with the political and moral positions of those affected, but because it is in the national interest. It is forgetting. Not forgiving."<sup>65</sup> David Hackworth, a highly decorated military colonel and prominent military journalist, understands this need to forget, recognizing that the amnesty debate "reminds Americans of the Viet Nam nightmare...reawaken[ing] the pain, guilt, and shame that we want so badly to forget" and that the healing can only begin when the amnesty issue "is wisely put to rest."<sup>66</sup> According to advocates, amnesty should not consider the positions or correctness of either side of the debate; instead it should help the nation move forward by erasing the harms caused by the Vietnam War and dealing with the issue of amnesty.

On another occasion, Abzug weighed in on the need for amnesty, but went beyond the healing of the national wounds caused by the war and addressed the need to have draft and military offenders back in the fold to rebuild America in the post-Vietnam era. Abzug argued that amnesty would heal "some of the wounds remaining from this immoral war and would enable us – as

---

<sup>65</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest*, 53, no. 10 (October 1974), 241.

<sup>66</sup> David Hackworth, "A Soldier's Case for Total Amnesty," *Chicago Tribune*, August 4, 1974.

a nation – to utilize one of our most valuable resources, the thousands of young men and women lost” because of draft and military offenses.<sup>67</sup>

Granting unconditional amnesty, according to its advocates, was the quickest way to mend the divide within America and strengthen the country. If granting amnesty would strengthen the country, then to advocates, the exact opposite would happen without it. The denial of amnesty would lead to further upheaval of the American social fabric and show the vindictiveness and lack of compassion of the United States.<sup>68</sup> The divisions within America surrounding the Vietnam War, for proponents of amnesty, could be healed through the granting of unconditional amnesty for draft and military offenders.

The legal evasion argument posits that it was unfair to single out draft and military offenders for punishment when many other Americans avoided service in the Vietnam War through legal means. According to a study completed by Lawrence M. Baskir and William A. Strauss and published in *Congressional Digest* in October 1974, 8,769,000 individuals of the Vietnam generation (individuals aged 19-34 on June 30, 1973) were deferred or exempted from the draft and legally avoided participation in the Vietnam War. Many of the deferments or exemptions granted to these individuals would have been legitimate, but there were also many individuals whose deferments or exemptions were not.

The young men hiding behind their deferments or playing games with the draft boards also evaded the draft, the only difference between them and

---

<sup>67</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, 53, no. 10 (October 1974), 239.

<sup>68</sup> Dolan, *Amnesty*, 55.

draft and military offenders was that draft and military offenders acted honestly and openly in their opposition to and evasion of the Vietnam War. Draft and military offenders, because of their open and honest actions regarding the Vietnam War, argued advocates of amnesty, should not be singled out for punishment when many used “legal evasion” of the draft to escape both service in Vietnam and punishment in the United States.

James C. Richardson, a Vietnam veteran, understood that punishment of draft and military offenders was unfair, while others legally avoided the draft. In a September 29, 1972 article in *The Washington Post*, Richardson acknowledged “the hypocrisy of those who would not give amnesty” for draft and military resisters while looking “the other direction when fixed tactics allow[ed] people to commit the moral outrage of ‘legal’ evasion of the draft.”<sup>69</sup> This argument is important because proponents of amnesty understood and promoted the idea that the actions of draft and military offenders were no different than those individuals who legally evaded the draft. The only difference was the inability of draft and military offenders to understand and accept legal means to avoid service in Vietnam. It would be unfair to punish draft and military offenders, according to advocates of amnesty, because they were unable or unwilling to use legal means to evade the draft and military service.

An additional argument proposed by those in favour of unconditional amnesty was that the only thing draft and military offenders were guilty of was a premature conscience. Draft and military offenders prematurely opposed and

---

<sup>69</sup> James C. Richardson, “McGovern and Amnesty,” *The Washington Post, Times Herald*, September 29, 1972.



resisted the war in Vietnam, a war that the rest of the country eventually rejected. Hackworth recognized the premature conscience of war resisters and their contribution to the changing perception of the war within America;

They saw the war was bad, long before most of us. Their outcry served as a spearhead that contributed to the public outrage which finally caused our reluctant government to disentangle our nation from the quagmire of Viet Nam. Their only crime was to clearly see that we were wrong – ahead of the rest of us. Their finding was premature.<sup>70</sup>

Advocates of amnesty argued that draft and military offenders should not be punished “for refusing to participate in a war which the American people condemned many years ago.”<sup>71</sup> To advocates of amnesty, draft and military offenders should not be punished because they were the first to oppose American involvement in Vietnam and the first to recognize the war as evil. Instead, draft and military offenders should be provided with unconditional amnesty for being the conscience of America.

The “making peace with the enemy” argument was the final one used in support of unconditional amnesty. This argument is related to attempts by the United States to rebuild relationships with its former war opponents. After major wars the United States has renewed relationships with Germany, Japan and even provided assistance to Vietnam through economic stimulation.<sup>72</sup> America’s attempts to forgive and rebuild relationships with its former enemies were a logical point of reference for advocates of amnesty. Advocates argued that if the

---

<sup>70</sup> David Hackworth, “A Soldier’s Case for Total Amnesty,” *Chicago Tribune*, August 4, 1974.

<sup>71</sup> Diane M. Cleemput, “Turmoil of a Decision,” *The Washington Post, Times Herald*, February 7, 1973.

<sup>72</sup> Alie Schardt, William A. Rusher & Mark O. Hatfield, *Amnesty? The Unsettled Question of Vietnam, Now! Never! If...* (Lawrence: Sun River Press, 1973), 5.

United States can “consider assisting the very nation with which we engaged in combat, resulting in the death of 55,000 of our men, do we not have the compassion to forgive our own men who are still alive and desire to return to the United States?”<sup>73</sup> Pointing out that the United States had the compassion to forgive other nations’ transgressions during the course of war, forgiving their own sons seems a logical step in the rebuilding of the government’s relationship with the American citizenry.

The idea of making peace with “Moscow, Peking and Hanoi, and not our own sons,” is one that Henry Schwarzchild, the head of the Project on Amnesty, sponsored by the American Civil Liberties Union, viewed as a “ghastly tragedy.”<sup>74</sup> In addition to this, many advocates felt “it would be bitterly ironic if we were to make peace with the peoples of China and Southeast Asia but persisted in vindictiveness toward those of the young generation who refused to share in the brutalities and destruction of the war.”<sup>75</sup> For advocates of amnesty, the United States’ ability to renew relationships with former enemies and not its own sons was viewed as unbelievable, but provided a logical line of reasoning for the extension of reconciliation to draft and military resisters.

## **B. Amnesty No!**

---

<sup>73</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, 53, no. 10 (October 1974), 252.

<sup>74</sup> Stephen Seplow, “Group of Clergy Supports Amnesty For Everyone But War Criminals,” *The Washington Post, Times Herald*, March 28, 1972.

<sup>75</sup> Ronald Taylor, “Group of Clergy Supports Amnesty For Everyone But War Criminals,” *The Washington Post, Times Herald*, March 28, 1972.

Those against amnesty strongly opposed leniency, in the form of amnesty, towards draft and military offenders for actions they viewed as unforgivable. Similar to the advocates of amnesty, there were also six main arguments employed by its opponents: the legalism argument, the legal war argument, the argument against precedents, the argument against premature morality, the insulting to those who served argument and the substitution argument. Clearly from the argument titles, it is easy to see that the majority of the arguments used by opponents of amnesty directly challenge the arguments used by advocates of amnesty. Opponents, however, also provide broader arguments that refute the two main components of the arguments used by advocates of unconditional amnesty, reconciliation and compassion.

The Veterans of Foreign Wars of the United States (VFW), through Col. Phelps Jones' testimony before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the House Committee on the Judiciary on March 8, 1974, argued against reconciliation and compassion, the two major tenets of the unconditional amnesty argument, in an attempt to discredit the granting of amnesty. The VFW argued that "to welcome back whatever the number [of draft and military offenders]...would be more divisive than healing."<sup>76</sup> *Human Events*, a conservative periodical, added to the notion that amnesty would not heal and that a program of reconciliation was not needed because the United States already has "a system of justice...which considers

---

<sup>76</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest*, 53, no. 10 (October 1974), 243.

every case on its individual merits.”<sup>77</sup> To opponents of amnesty, specifically the VFW, a granting of amnesty would further divide the nation and subvert the justice system already in place to handle draft and military offenders.

With regards to the argument supporting compassion for draft and military offenders used by advocates of amnesty, the VFW and opponents of amnesty argued, “Compassion is a very admirable attribute. But the real question is compassion for whom? For the people who fought the war no matter what their views might have been, who might have desired a shorter and more purposeful war, or obviously no war at all?”<sup>78</sup> The VFW went further and provided an example of the compassion that draft and military resisters should expect;

A young man who spent 5 years in Sweden during the heart of the Vietnam War, 5 years, 1968 to 1973, was found guilty of absence without leave, and has been sentenced to 15 months in the stockade. That, I think, is an incredible sentence in view of the seriousness of his offense. I think that is an example of the kindness and compassion that many of the young people have every right to expect when they return and face up to their responsibilities as citizens.<sup>79</sup>

Clearly, feelings of compassion toward draft and military offenders were non-existent among opponents of amnesty. Overall, their view of the compassion and reconciliation called for by advocates of amnesty was stark. To opponents, the granting of any form of amnesty was “a bit like changing the rules after the

---

<sup>77</sup> Thomas A. Lane, “Amnesty for Draft Dodgers?”, *Human Events*, Vol. 32, no. 6 (Feb. 5, 1972), 22.

<sup>78</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, Vol. 53, 245.

<sup>79</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, Vol. 53, 245.

game has begun. It doesn't seem quite fair to the people who didn't want to serve, but somehow did."<sup>80</sup>

The first main argument in opposition to the granting of amnesty is the legalism argument. This argument proposes that in a democracy, citizens are guaranteed the right to oppose laws, but must act within the legal and social order of the nation. The individual who opposes the law, in this case draft and military offenders, must be willing to face the consequences of their actions (jail or less-than-honourable discharge) or choose exile.<sup>81</sup> The VFW argued that draft and military offenders "broke the law, often with very noble and self-serving statements surrounding that action...it would be in their interest and the interest of the country to have them face up to American justice."<sup>82</sup>

There are two lines of reasoning in support of this argument, the first is that draft and military offenders need to face the consequences of their actions and the second is that amnesty would violate the legal and social order of the United States. Harry Kjus in an editorial in the 23 March 1974 edition of the *Chicago Tribune* argued that "most of us learned our lesson when we were kids and are the better for it" and that the "people who are pleading for amnesty are the ones who didn't get their lumps."<sup>83</sup> Opponents of amnesty, including Harry Kjus, believed that draft and military offenders, like children, should be disciplined before they can contribute to society.

---

<sup>80</sup> Max A. Coots, "Transcending the Debate," *America*, Vol. 130, June 15, 1974.

<sup>81</sup> Dolan, *Amnesty*, 57.

<sup>82</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest*, Vol. 53, 245.

<sup>83</sup> Harry Kjus, "Why Amnesty For Anyone," *The Chicago Tribune*, March 23, 1974.

Granting amnesty, according to opponents, would subvert the justice system within America and violate the legal and social order of the United States. To opponents of amnesty, “justice requires the continuing, consistent administration of the law” in order for every person to receive their due, the laws can not be discarded for draft and military resisters.<sup>84</sup> In order for draft and military offenders to return to America, opponents of amnesty argued that “something should be done to punish them. You can’t just break the law and get away with it. When you run away from responsibility you have to pay for it.”<sup>85</sup> Draft and military offenders neglected their responsibility to the draft laws and their country, and in the opinion of opponents of amnesty, must now face the consequences of their actions; continued exile, living underground or prison.

Opponents of amnesty, such as the VFW, were not against all draft and military offenders. The ones that faced the consequences of their actions by serving a prison sentence were not looked down upon by the VFW and opponents of amnesty. Col. Phelps Jones of the VFW confessed he had “some respect for those whose opposition to the war in Vietnam or any earlier war led them to stand up and be counted and accept a jail sentence. They are accountable citizens of a free country. Those men have my respect. While I obviously disagree with the stand they took, they have my respect.”<sup>86</sup> For opponents of amnesty, “loyalty is at the very heart of the controversy” and that any individual who violates his duty to his country must “accept the label

---

<sup>84</sup> Thomas A. Lane, “Amnesty for Draft Dodgers?” *Human Events*, Vol. 32 no. 6, 22.

<sup>85</sup> “60% Oppose Amnesty For Draft Evaders,” *The Washington Post, Times Herald*, August 4, 1972.

<sup>86</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest*, Vol. 53, 245.

‘outlaw’” and face the consequences. If draft and military offenders face the consequences of their actions, they have fulfilled their duties as citizens, in the eyes of opponents of amnesty, and can participate in American society.

The legal war argument is a response to the notion put forth by advocates of amnesty that the war in Vietnam was illegal and is fairly straightforward. Opponents of amnesty, in response to the suggestion that the Vietnam War was waged illegally, argue that the fact that congress consistently appropriated funds for the Vietnam War effort legitimized the war, without a formal declaration.<sup>87</sup> At its most basic level, this line of reasoning demands that draft and military resisters “recognize it is they who erred and not the country” and that the nation must be “unyielding in punishing” draft and military resisters until they have “admitted that they were wrong.”<sup>88</sup>

Furthermore, the legal war argument also deals with the issue of the draft. According to proponents of the legal war argument, the obligation to serve in the military through the draft was not contingent on a declared war. The Selective Service System established in 1940 operated during times of peace, with 1,327,363 men inducted in the years between the Korean and Vietnam Wars.<sup>89</sup> Therefore, opponents of amnesty argued that draft and military resisters who evaded the draft or deserted after being drafted can not argue against serving in an illegal war, when their obligations under the Selective Service Act were not dependent on a declared war.

---

<sup>87</sup> Dolan, *Amnesty*, 60.

<sup>88</sup> Lou Cannon, “Agnew Restates White House’s Amnesty Stance,” *The Washington Post, Times Herald*, March 7, 1973.

<sup>89</sup> Selective Service, “Induction Statistics,” Selective Service System, <http://www.sss.gov/induct.htm>.

The argument against precedents has two parts; recognizing that there is no historical precedent for unconditional amnesty and that granting unconditional amnesty would create a dangerous precedent for the future. First, opponents of amnesty, like the VFW, argued that “there has never been unconditional amnesty for draft dodgers after any war, from the founding of the Republic through Korea.”<sup>90</sup> Opponents of amnesty conceded that there are precedents for amnesty for draft and military resisters in American history, but if you read about “Lincoln, Andrew Johnson and other Presidents...those who deserted either served in prison or did some type of alternative service on the basis of individual judgement,” making the amnesties granted in the past conditional.<sup>91</sup> Legal precedents support the granting of conditional amnesty, amnesty contingent on prison sentences or alternative service.

Secondly, opponents of amnesty applying the argument against precedents contended that the granting of amnesty for draft and military resisters would jeopardize future military endeavours of the United States.<sup>92</sup> Future military endeavours would be jeopardized because “general amnesty for past violations might well convince some young men in the future that they [have] little to lose by evading military service.”<sup>93</sup> Also, amnesty could potentially “hand to future ‘dissidents’ the power...to denude the armed forces of the

---

“Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest* 53, no. 10 (October 1974), 243.

<sup>91</sup> “Strict Stance on Amnesty Eases Some,” *The Washington Post, Times Herald*, February 7, 1973.

<sup>92</sup> Damico, *Democracy and the Case for Amnesty*, 40, Dolan, *Amnesty*, 59-60, Schardt, Rusher & Hatfield, *Amnesty? Now! Never! If...*, 58.

<sup>93</sup> “Justice Department Opposes Amnesty,” *New York Times*, March 9, 1974.



United States and to veto the foreign policy decisions of its elected leaders”.<sup>94</sup>

Among opponents of amnesty there was a fear that setting a precedent of amnesty during the Vietnam Era would endanger the future military capabilities of the United States and that is reason enough to deny amnesty for draft and military resisters.

The argument against premature morality is a response to the argument in favour of amnesty because draft and military resisters prematurely opposed a war the country would eventually come to see as evil. Although many have come to view the Vietnam War as unnecessary or evil, opponents of amnesty argued that “no man is above the law...a person cannot choose a law to obey”.<sup>95</sup> Opponents of amnesty insisted that “anarchy occurs when citizens are encouraged by amnesty...to select those laws they wish to obey and disobey.”<sup>96</sup> Premature morality led draft and military resisters to disobey the law, for opponents, the granting of amnesty would allow others to disobey laws they felt were unjust or in need of review.

Furthermore, opponents did not believe that draft and military offenders were the moral fibre of America. In fact, in their eyes they were the farthest thing from it because they were criminals. Jones explains the position of opponents of amnesty with regards to draft and military offenders’ moral character:

I find it very difficult to accept the notion, cherished by some, that draft evaders somehow are the moral vessels of the industrial

---

<sup>94</sup> William S. White, “No Amnesty for Draft Resisters,” *The Washington Post, Times Herald*, February 6, 1973.

<sup>95</sup> “No Nixon, Draft Amnesty, V.F.W. Chief Urges Here,” *Chicago Tribune*, August 17, 1974.

<sup>96</sup> Gerald P. Burns, “On Amnesty,” *New York Times*, March 25, 1974.

west, to whom like gurus we should report for moral uplift when they return to our shores. They are, in fact, lawbreakers. Assessment of motivation is most difficult. But no matter what they thought, or no matter what the people who stood and fought in their place though, they broke the law.<sup>97</sup>

For opponents of amnesty, viewing draft and military offenders, individuals who have broken the law and mostly evaded punishment (some served prison sentences or faced the consequences), were not even eligible to be considered moral warriors of America.

The most emotional argument used by individuals opposed to amnesty was that granting amnesty would be an insult to those considered to be missing in action (MIA), killed in action (KIA), prisoners of war (POWs) and to those who served honourably in the Vietnam War. Failing to prosecute draft and military resisters would be an affront to all of those who served in Vietnam.<sup>98</sup> The granting of amnesty would be “a slap in the face to the millions of men who were drafted, who were wounded, who were maimed or who were killed” in the Vietnam War.<sup>99</sup> The VFW recalling the 667,000 war dead in American history, called amnesty “a studied insult to those that are living today and those that went before.”<sup>100</sup> This line of reasoning went as far as to condemn “those who did desert, who did flee, [to] rot in hell.”<sup>101</sup> All of those who made a sacrifice to answer the call of their country, whether it was a few years or their life, would be dishonoured by a granting of amnesty to draft and military resisters.

---

<sup>97</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest* 53, no. 10 (October 1974), 247.

<sup>98</sup> Damico, *Democracy and the Case for Amnesty*, 40.

<sup>99</sup> Linda Charlton, “Time Passes, But Amnesty No Easier,” *New York Times*, March 17, 1974.

<sup>100</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest* 53, no. 10 (October 1974), 245.

<sup>101</sup> Bill Kaiser, “Three on Amnesty,” *Chicago Tribune*, April 16, 1974.

Many opponents of amnesty believed that amnesty should be granted by the President if he can “give back the limbs, eyes and sanity to all the young American men and women who served in the Vietnam War, if he can restore the lives lost in that war...only then can he offer leniency to those cowardly and misguided people.”<sup>102</sup> John L. Dorsa, in an editorial in *The Washington Post* on 23 September 1974 in response to amnesty, asked, “Who will heal the wounds of the maimed, disfigured, and heart-broken from the war? What will erase the scars and void left by the death of loved ones who did not shirk their orders and duties?”<sup>103</sup> For opponents of amnesty, any leniency towards draft and military offenders was considered outrageous because the same comfort and leniency could not be shown to those who made the sacrifice of participation in the Vietnam War.

According to this line of reasoning, draft and military offenders turned their backs on America in a time of need, whereas those who answered the call made great sacrifices to protect and further America and its policies.<sup>104</sup> Some opponents of amnesty posited that draft and military resisters turned their back on America and “by their acts have wilfully and perversely given aid and comfort to our enemies.”<sup>105</sup> Furthermore, opponents of amnesty argued that to “let them return to the country they shunned...is a slap in the face to the millions of men who were drafted, who were wounded or who were killed in a bloody

---

<sup>102</sup> “Next, A Vietnam Amnesty,” *Newsweek*, Vol. 84, Sept. 16, 1974, 27.

<sup>103</sup> “Amnesty: A Reaction to the President’s Proposal,” *The Washington Post, Times Herald*, September 23, 1974.

<sup>104</sup> Dolan, *Amnesty*, 59.

<sup>105</sup> “Ex-P.O.W.’s Oppose Amnesty on Draft,” *New York Times*, July 9, 1972.

unpopular war.”<sup>106</sup> Not only did draft and military offenders fail in their obligations to their country, they made the duties of servicemen harder by aiding the enemy through their non-participation and resistance. Granting amnesty would not only welcome back draft and military offenders, but condone their actions.

The final argument in opposition to the granting of amnesty is that of substitution. This argument posits that draft and military resisters, through their actions, led to the drafting of other Americans to serve in Vietnam. By shirking their duties and obligations as Americans, draft and military resisters put the burden of the war on other individuals.<sup>107</sup> According to William A. Rusher, draft and military resisters actions led to the wounding of 10,000 and death of 1,500 fellow draftees who, if not for their actions, may not have been drafted.<sup>108</sup> Draft and military resisters, through their active opposition to participation in Vietnam, distorted the draft system causing men with lower draft classes to be drafted as a result of their absences. Their actions led to others being “drafted and sent into combat as their replacements, and possibly wounded, maimed or killed”, it would not be right to grant amnesty when their actions resulted in the sacrifices of others.<sup>109</sup>

### **C. Conditional Amnesty**

---

<sup>106</sup> Kermit Lansner, “Amnesty,” *Newsweek*, Vol. 83, April 8, 1974, 29.

<sup>107</sup> Damico, *Democracy and the Case for Amnesty*, 40.

<sup>108</sup> Schardt, Rusher & Hatfield, *Amnesty? Now! Never! If...*, 90.

<sup>109</sup> William L. Claiborne, “Froehlke Asks Draft Dodger Amnesty,” *The Washington Post, Times Herald*, March 12, 1974.

The argument for conditional amnesty, unlike the previous two discussed, does not have a set of arguments or main tenets to outline. Instead, the argument for conditional amnesty is a mixture of the arguments in support and opposed to amnesty in general. Those in favour of conditional amnesty argued that it would begin the process of healing the nation in the post-Vietnam period as well ensuring that draft and military offenders were not treated as individuals who were above the law. Conditional amnesty takes on the best attributes from both sides of the amnesty debate to create a solution that amalgamates the two viewpoints without alienating either group.

Senator Robert Taft, Jr. of Ohio, a devoted Republican who had excellent political pedigree; his grandfather, William Howard Taft was President of the United States and his father, Robert Alphonso Taft was a United States Senator, was an advocate of conditional amnesty. According to Taft, any discussion of amnesty “directed toward consideration of the plight of such individuals [draft and military resisters] becomes entangled in emotional debate as to the propriety of United States military involvement in Southeast Asia.”<sup>110</sup> Taft, and other individuals who backed conditional amnesty, saw the need for an amnesty that addressed the arguments of both sides of the debate because of the emotional investment of each side into justifying their views. Amnesty should not be about which side was right, but should instead consider the issue of establishing the most “practical method whereby an estimated 30,000

---

<sup>110</sup> “Should ‘Conditional Amnesty’ Be Granted to Vietnam War Draft Evaders?” *Congressional Digest* 53, no. 10 (October 1974), 234.

individuals could return to this country or cease to be fugitives without creating further divisions among Americans.”<sup>111</sup>

Divisiveness was a strong motivating factor behind the advocating of conditional amnesty. For those in favour, blanket amnesty went too far because such an approach would be “too broad and would include individuals who did not have deep moral convictions against the war.”<sup>112</sup> On the other hand, the rejection of amnesty was also out of the question because some form of amnesty was needed to bring “some release from the tightening grip of contentiousness and self-righteousness – on both sides of the issue – in our country, which might bring...more brotherhood after all the freely expended hate, contempt and violence of the last decade.”<sup>113</sup>

Combining the best attributes of both sides of the amnesty debate, advocates of conditional amnesty sought to establish an amnesty program derived from “a toleration of differing viewpoints; rather than from a categorical demand for agreement with any particular set of moral and political principles.”<sup>114</sup> Instead of arguing that draft and military offenders were right and deserved amnesty, or were wrong and did not deserve amnesty, proponents of conditional amnesty sought to bring together the opposing views and create a program of reconciliation that would be acceptable to both sides and benefit America in the post-Vietnam era.

---

<sup>111</sup> Ibid, 234.

<sup>112</sup> Ibid, 238.

<sup>113</sup> Ibid, 242.

<sup>114</sup> Ibid, 240.

Drawing on the argument that amnesty would heal the nation proposed by advocates of unconditional amnesty and the legalism argument proposed by opponents of amnesty, those in support of conditional amnesty tried to bridge the divide within America. Supporters acknowledged the need to help reconcile the nation after the war in Vietnam and supported clemency for draft and military offenders. Furthermore, they also recognized that draft and military offenders violated the law and needed to face the consequences for their actions. To address the needs of both sides of the debate, they combined these two main arguments and called for clemency for draft and military offenders willing to earn it.

By requiring alternate service, advocates of conditional amnesty appeased opponents of amnesty because draft and military offenders had to face the consequences of avoiding service in the Vietnam War and have not been vindicated for their opposition to the war. Conversely, by providing earned amnesty to draft and military offenders, advocates of conditional amnesty attempted to heal the nation, something sought after by proponents of amnesty, while giving draft and military offenders an opportunity to become useful citizens in the rebuilding of America in the post-Vietnam era.

According to United States Representative Frank Horton, a Republican from New York, another advantage of conditional amnesty was that it provided a better way to deal with a complicated issue. Horton argued that because of “the diversity of the people and circumstances involved in the amnesty question” the only proper way to deal with it would be the case-by-case

examinations of conditional amnesty because it is the best way of “determining when repatriation should be granted, and the circumstances under which criminal prosecution could be waived.”<sup>115</sup> The complexity of the issue of draft and military offenses during the Vietnam era forced a case-by-case consideration of violations in order to determine the circumstances of an individual’s offense and how they should be dealt with.

Conditional amnesty was also a popular choice among the American public. Although most of the focus on the amnesty debate was given to the two opposing positions, those in support of amnesty and those opposed, the majority of the public favoured a resolution that required draft and military offenders to perform some form of alternate service. Gallup polls conducted on 5 March 1973 and 21 April 1974 asked whether those who avoided the draft should be let back without punishment. Sixty-seven percent of Americans on 5 March 1973 and fifty-eight percent of Americans on 21 April 1974 opposed unconditional amnesty. Forty-six percent on 5 March 1973 and forty-five percent on 21 April 1974 supported the idea of alternate service for draft offenders.<sup>116</sup> This sentiment goes as far back as 1972, when an August 20<sup>th</sup> Gallup poll found that sixty-two percent of Americans would be less likely to vote for a president in favour of unconditional amnesty.

---

<sup>115</sup> Ibid, 246.

<sup>116</sup> Gallup Poll, 5 March 1973 and 21 April 1974.



## **V. The Amnesty Debate: Symbolic Vindication**

The debate on amnesty was transformed from an opportunity of reconciliation for the benefit of draft and military offenders, as well as the country, into a symbolic battle between proponents and opponents of amnesty for the justification of their viewpoints regarding their actions in response to the war in Vietnam and their feelings towards the war itself. Both sides saw the amnesty debate as an opportunity to legitimize their positions on the war and their response to American intervention in Vietnam. Also, their focus on certain arguments for and against amnesty extended the debate of the Vietnam War into the realm of amnesty. Its transformation was exacerbated by newspaper coverage of the arguments employed by proponents and opponents of amnesty. Newspaper bias towards focusing on certain arguments helped facilitate the transformation and elicited strong emotional responses from the public.

The tying of the amnesty debate to the debate on the Vietnam War led to strong emotional responses from both sides and resulted in the throwing to the wayside of any consideration of the benefits of amnesty for draft and military offenders. As opposed to focusing on the benefits of amnesty for draft and military offenders, proponents of amnesty involved in the antiwar movement used the debate as a final attempt to force the issue of the morality of the Vietnam War and individuals reactions in response to it. Those involved in both the antiwar movement and the amnesty debate were the most outspoken and as a result received the most coverage of their views in the news media. This led to the tying of the amnesty debate to the debate on the war in Vietnam.

Instead of arguing for the benefits of amnesty for draft and military offenders, these individuals believed that amnesty “is important to the vindicated war offenders” because they “were right” and “that’s what amnesty is all about.”<sup>117</sup> Furthermore, many believed that amnesty would never occur because “it could only happen if the American people were willing to admit they were wrong about the war.”<sup>118</sup> Antiwar individuals seeking amnesty or supporting the granting of amnesty turned the debate into an issue of admitting guilt. Their focus on the question of who was right or wrong with regards to the Vietnam War perverted the debate on amnesty and its benefits into a chance to obtain an admission of guilt from the United States for their involvement in Vietnam.

Furthermore, the amnesty debate was another way for the antiwar movement to showcase the true character of the United States. Dr. Willard Gaylin, an associate professor of psychology at Columbia University School of Medicine<sup>119</sup> believed that a “refusal to declare amnesty would show [a] vindictiveness and desire to punish.”<sup>120</sup> Gerry Condon, managing editor of Amex, similarly to Dr. Gaylin, believed that “rejecting the concept of amnesty...extract[s] yet another pound of flesh from those who have

---

<sup>117</sup> Stephen Seplow, “U.S. Deserters Still Dream of Amnesty,” *The Chicago Tribune*, January 29, 1972.

<sup>118</sup> Carolyn Toll, “Yank Exiles Wary of Truce, Eye Amnesty,” *The Chicago Tribune*, January 28, 1972.

<sup>119</sup> This was Dr. Willard Gaylin’s position in 1972, the year his comments were made. He is now Clinical Professor of Psychiatry at Columbia College of Physicians and Surgeons.

<sup>120</sup> Murray Polner, *When Can I Come Home? A Debate on Amnesty for Exiles, Anti-war Prisoners and Others* (Garden City: Doubleday and Company, Inc, 1972), 32.

conscientiously resisted an illegal and immoral war.”<sup>121</sup> Both Gaylin and Condon provide examples of how the amnesty debate was changed by antiwar protestor participation into an opportunity to condemn the character of the United States. As opposed to focusing on the advantages of amnesty for draft and military offenders, the issue was morphed into an opportunity to point out the faults in the United States’ character if amnesty was denied and the opportunity for the United States to show its true quality through the granting of amnesty.

The inclusion of antiwar protestors was not the only reason for the connection between the debates on amnesty and the Vietnam War. The arguments used by proponents of amnesty, specifically the illegal war and premature conscience arguments successfully extended the debate on the Vietnam War into the debate on amnesty. The use of the illegal war argument is a clear cut example of how the amnesty debate was used as an extension of the debate on the Vietnam War. A major part of the antiwar movement was attempting to prove that American involvement in Vietnam was illegal. By using the legality of the Vietnam War as a basis for amnesty, in the eyes of the antiwar movement and draft and military offenders, a granting of amnesty would also be an admission of guilt by the United States in waging an illegal war.

On top of this, the use of the premature conscience argument was another way for proponents of amnesty to link the debate on amnesty with the Vietnam War. The granting of amnesty, based on the premature conscience

---

<sup>121</sup> “Ford’s Proposal Fails to Please Veterans, Amnesty Activists,” *The Chicago Tribune*, August 20, 1974.

argument, would be the same as acknowledging American wrongdoing in Vietnam. If the fact that draft and military offenders had a “premature conscience” and resisted a war that the rest of the nation came to view as evil was the basis of amnesty, then the granting of amnesty would validate the “premature” views of draft and military offenders regarding the Vietnam War. Therefore, delegitimizing the view of opponents of amnesty and supporters of the war that American intervention in Vietnam was the proper course of action. By tying the debate on amnesty to the debate on the Vietnam War by juxtaposing the arguments for amnesty with arguments against the war, those in support of amnesty seized the opportunity to prove the immorality of the Vietnam War through the granting of amnesty for draft and military offenders.

Opponents of amnesty, on the other hand, completely disregarded the benefits of amnesty for draft and military offenders in an attempt to legitimize the actions of the United States and those who served in Vietnam. Opponents of amnesty, including Vice President Spiro Agnew, believed that the “nation must be ‘unyielding’ in punishing deserters and draft evaders because they have not ‘admitted they [were] wrong.’”<sup>122</sup> Similar to the argument taken by proponents of amnesty, by tying amnesty to forgiveness and an admission of guilt by draft and military offenders, the United States is simultaneously confirming their position as correct, while condemning the actions of offenders.

Furthermore, opponents of amnesty, by arguing that it would “further punish these hapless souls (casualties of war)” if the “red carpet” was laid out

---

<sup>122</sup> Lou Cannon, “Agnew Restates White House’s Amnesty Stance,” *The Washington Post, Times Herald*, March 7, 1974.

“for those who took to their heels” by “mocking their sacrifice”, attempts to commend the actions of those who served in Vietnam and legitimize their sacrifices.<sup>123</sup> As an alternative to acknowledging the sacrifices of draft and military offenders and trying to provide them relief, opponents of amnesty were only concerned with recognizing veterans’ sacrifices and legitimizing their actions in Vietnam. By contrasting the actions of those who served in Vietnam with draft and military offenders, proponents of amnesty show the courage and morality of servicemen while condemning offenders.

Similarly, the arguments used by opponents of amnesty, specifically the legalism argument and the argument that amnesty insults the sacrifices of those who served in Vietnam, go beyond the amnesty debate and attempts to condemn the actions of draft and military offenders as a failure to meet their obligations to the United States, while promoting the actions of those who served in Vietnam. The legalism argument proposes that draft and military offenders needed to face the consequences of their actions and are not deserving of amnesty. This argument clearly condemns the inability of draft and military offenders to meet the obligations of service to the United States during the Vietnam War. As the basis for not granting amnesty, the legalism argument denounced draft and military offenders as individuals who were not deserving of American citizenship because they did not meet its obligations or face up to the consequences of their actions. A denial of amnesty would strengthen the legal tradition in the United States while reaffirming the need for citizens of the United States to meet their obligations as countrymen.

---

<sup>123</sup> L. Snodgrass, “Amnesty a ‘Mockery,’” *The Chicago Tribune*, January 29, 1972.

In addition, the use of the argument that amnesty insulted those who made sacrifices in Vietnam condemns the actions of draft and military offenders while praising veterans. Clearly, by using this argument, opponents of amnesty have tied honourable service to the United States during the Vietnam War to proper behaviour of American citizens. Amnesty would take away from the deeds of the men who served in Vietnam, lessening their sacrifices while approving of the actions of draft and military offenders, something that the American public could never condone.

The transformation of the amnesty debate into a battle for symbolic vindication and the casting aside of the benefits for draft and military offenders was exacerbated by newspaper coverage. An examination of coverage of the amnesty debate in *The New York Times*, *Chicago Tribune* and *The Washington Post* from January 1, 1969 to December 31, 1974 shows how media biases towards the amnesty debate and the arguments employed facilitated the shift of the amnesty debate towards symbolic vindication.

Firstly, the newspapers' focus on the arguments employed by opponents of amnesty took away from public recognition of the benefits of amnesty for draft and military offenders. During the period of study, there were seventy-eight articles that dealt with one or more of the arguments against amnesty presented previously, compared to fifty-three articles dealing with arguments for amnesty.<sup>124</sup> The increased focus on the opponents of the amnesty side of the debate detracts from the recognition of the benefits of amnesty because opponents of amnesty were unconcerned with helping draft and military

---

<sup>124</sup> See Table 1.1

offenders. As shown previously, opponents of amnesty used the debate on amnesty as a way to condemn the actions of draft and military offenders, not support their attempts to rebuild their fractured lives. By focusing on the “against amnesty” side of the debate, *The New York Times*, *Chicago Tribune* and *The Washington Post* helped to facilitate the shift away from viewing the benefits of amnesty by propagating the arguments that disregard them.

Secondly, the focus of *The New York Times*, *Chicago Tribune* and *The Washington Post* on certain arguments for and against amnesty portrayed the debate as a battle for vindication of each group’s viewpoint. In support of amnesty, the newspapers focused on the illegal war argument, the healing wounds argument and the peace with the enemy argument. Of the fifty-three articles dealing with the arguments for amnesty, twenty-five fell into the illegal war argument category and twelve fell into the healing national wounds argument.<sup>125</sup> In opposition to amnesty, the newspapers focused on the legalism argument and the insult to those who served honourably argument. Of the seventy-eight articles focusing on arguments against amnesty thirty-one fell into the legalism argument category and twenty-nine into the insult to those who served honourably category.<sup>126</sup>

By focusing on the illegal war argument and the healing national wounds argument, *The New York Times*, *Chicago Tribune* and *The Washington Post* portrayed proponents of amnesty as individuals seeking unconditional amnesty as well as vindication of their viewpoint on the Vietnam War. Once again, the

---

<sup>125</sup> See Table 2.1

<sup>126</sup> See Table 2.2

illegal war argument was a mainstay in both the antiwar movement and the amnesty debate. Focusing on the illegal war argument helped to proliferate the view that the granting of amnesty would also be recognition of the illegality of the war in Vietnam and American wrongdoing. Furthermore, the focus on the healing national wounds argument portrayed the idea that prosecuting draft and military offenders would cause further upheaval and show the vindictiveness and lack of compassion of the United States. This distorted the argument into a condemnation of American actions regarding draft and military offenders, turning the granting of amnesty into an acknowledgment of the United States complicity in “tearing apart” the nation.

By focusing on the legalism and insult to those who served arguments in opposition to amnesty *The New York Times*, *Chicago Tribune* and *The Washington Post* portrayed opponents of amnesty as individuals seeking vindication of their viewpoint and that the United States responded correctly by intervening in Vietnam. The legalism argument, by asserting that individuals must face the consequences of their actions, provided a clear condemnation of draft and military offenders. Through the newspapers’ focus on this argument, the idea that America was right and draft and military offenders need to be punished was presented. The denial of amnesty because of the legalism argument, according to portrayal of the argument in the newspapers, would provide justification to the view that the United States was right in its actions and that amnesty would go against the social and judicial order of America by providing absolution for individuals at odds with the law.



Furthermore, the focus on the insult to those who served argument condemned the actions of draft and military offenders, while promoting those of United States servicemen and elicited a negative emotional response from the public with regards to the granting of amnesty. By granting coverage to this argument, the newspapers were depicting the idea that servicemen did the right thing, whereas, draft and military offenders did not. Also, by linking the granting of amnesty to “a slap in the face” for those who served in Vietnam, elicited a strong emotional response from the public. The newspapers coverage of this argument makes it impossible for Americans to support the granting of amnesty without making a mockery of the sacrifices of those who served in Vietnam and further hurting the individuals who lost family and friends in an unpopular war.

Clearly, the debate on amnesty was transformed from a program of relief for draft and military offenders and reconciliation for America into an opportunity for proponents and opponents of amnesty to seek symbolic vindication for their viewpoints regarding the Vietnam War and amnesty. The transformation of the issue of amnesty to a debate on the morality of the Vietnam War began with the tying of the two debates through an attempt from both sides to justify their actions while delegitimizing their opponents by highlighting the fact they were wrong. Both sides’ choice of arguments attempted to complete this task by supporting their stand on amnesty while promoting their viewpoints on the war. This line of argumentation tied the granting or denial of amnesty to recognition of the validity of the winner’s views

on Vietnam. The transformation of the debate, however, was exacerbated by newspaper coverage that provided a bias against amnesty and focus on arguments that portrayed the debate as going beyond amnesty and addressing the morality of the Vietnam War. The argumentation of proponents and opponents of amnesty combined with biased newspaper coverage led to the transformation of the amnesty debate into a battle for symbolic justification of individuals and groups views regarding the Vietnam War, as opposed to a program of relief and reconciliation for draft and military offenders, and most importantly, America.

After examining the amnesty debate, its news coverage and symbolic nature, it is easy to see its influence on President Ford's creation of his clemency program unveiled on September 16, 1974. The most relevant influence would have been the debate as a whole and its transformation into a symbolic means of vindicating either side's viewpoint. The advocates and opponents of amnesty, through the debate, put President Ford in a position where his decision to grant amnesty or not would exacerbate the divisiveness within America. If President Ford had decided to grant unconditional amnesty, advocates would have received the symbolic justification of their views on the actions of draft and military offenders and the Vietnam War. Believing that their beliefs were correct, while those opposing amnesty were wrong, the divide between Americans on opposite sides of the debate would continue to grow, aggravating the wounds of America caused by Vietnam.

If President Ford had decided against the granting of amnesty, the same scenario would have occurred with opponents of amnesty receiving justification for their views on draft and military offenders and the Vietnam War, furthering the divide between the opposing sides. The threat of intensifying the divide within America and worsening the wounds of the Vietnam era played a role in President Ford's decision to take a middle-ground approach to the question of amnesty. Needing to resolve the issue without driving deeper the wedge between Americans, President Ford sought a path that would (hopefully) appease both sides of the amnesty debate without worsening the United States' problems.

The arguments in support of conditional amnesty only strengthened President Ford's acceptance of the middle path because it received the majority of public support and was a logical choice to begin healing America. With the majority of the public in support of conditional amnesty with some form of alternate service, President Ford knew that his decision to take a middle ground approach and favour conditional amnesty would be supported. On top of this, conditional amnesty's amalgamation of arguments from both sides of the debate allowed President Ford to provide either side with an aspect they supported as well as an aspect they opposed, hopefully providing a compromise that would be accepted by both sides in their attempts to reconcile the nation.

With regards to certain aspects of the debate in support and opposed to amnesty, President Ford's plan focused on two very important arguments, the healing national wounds argument proposed by advocates of amnesty and the legalism argument proposed by opponents of amnesty. Healing the wounds of

America was an important aspect of President Ford's clemency program. Ford himself, in his September 16, 1974 proclamation extending clemency to draft and military offenders called for reconciliation and mercy "to bind the nation's wounds and to heal the scars of divisiveness."<sup>127</sup> Similar to those in support of amnesty, President Ford realized that something had to be done to place the hurt of the Vietnam War in the past, for President Ford, however, this was conditional amnesty, not what advocates of amnesty hoped for.

Another important factor of the healing the wounds argument adopted by President Ford in the creation of his clemency program was reconciliation for draft and military offenders. Regardless of the fact that the amnesty debate was transformed into an opportunity for vindication by both sides, the main objective behind amnesty was to reconcile draft and military offenders with the nation and bring back the youths of America to help rebuild in the post-Vietnam era. President Ford, influenced by the desire to allow "these young Americans...the chance to contribute a share to the rebuilding of peace," provided draft and military offenders a way to earn their re-entry into America.<sup>128</sup> Regardless of how mutated the debate on amnesty became, President Ford, influenced by the plight of draft and military offenders, sought a way to bring them back into American society.

The legalism argument proposed by opponents of amnesty featured in Ford Clemency program through his inclusion of the alternate service condition.

---

<sup>127</sup> "Proclamation Extending Clemency," *The Washington Post, Times Herald*, September 17, 1974.

<sup>128</sup> "Proclamation Extending Clemency," *The Washington Post, Times Herald*, September 17, 1974.

Opponents of amnesty wanted draft and military offenders to face the consequences of their actions, because no one is above the law, regardless of their motivations for disobeying the law. President Ford's inclusion of alternate service provided opponents of amnesty with a symbolic reprimand for draft and military offenders without making them face the full force of the law.

Furthermore, the establishment of the Presidential Clemency Board could be seen as a direct response to the contentious nature of alternate service within the amnesty debate. The Presidential Clemency Board could recommend immediate amnesty for draft and military offenders, making them exempt from alternate service. This mediated between opponents of amnesty's demand for punishment of draft and military offenders and advocates of amnesty's demand for unconditional amnesty.

Clearly, the debate on amnesty influenced President Ford's middle ground position and the creation of his clemency board. Combining the major components of both sides of the debate and heeding the advice of those in favour of conditional amnesty, President Ford created a clemency program that attempted to bridge the gap between opposing sides, while seeking reconciliation for draft and military offenders and the United States. Following the advice of Howard Robison, President Ford created a program that tolerated the differing viewpoints while relieving the United States "from the tightening grip of contentiousness and self-righteousness" associated with both sides of the amnesty debate.<sup>129</sup>

---

<sup>129</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest* 53, no. 10 (October 1974), 242.

## VI. Political Influences

Calls for amnesty and proposals from politicians and other prominent figures influenced President Ford's decision to extend clemency to draft and military offenders and the components of his clemency program. These political influences demanded that the amnesty issue be resolved and provided ideas President Ford incorporated into his own program. The influences of Senator Robert Taft Jr. of Ohio, members of the United States House of Representatives Howard W. Robison and Bella Abzug and President of the National Council of Churches of Christ in the United States of America (NCC) Dr. W. Sterling Cary played a role in President Ford's creation of his program.

Senator Robert Taft Jr. proposed amnesty at two different times, in 1971 and 1974. His first, made in December of 1971, proposed that individuals who evaded or refused the draft through self-imposed exile or prison be offered a chance to come back to America. In order to return, draft offenders needed to complete a three year tour in the military or three years of alternate service designated by a federal agency.<sup>130</sup> Draft offenders who chose prison over exile would have the same choice, however, according to Taft's proposal, up to two years of prison time could be deducted from their three years of service.<sup>131</sup> Taft's amnesty proposal excluded military offenders (who were viewed as deserters at this time) and provided draft offenders a one year period to apply for amnesty.

---

<sup>130</sup> George Lardner Jr., "Taft Asks Amnesty For Draft Dodgers," *The Washington Post, Times Herald*, December 15, 1971.

<sup>131</sup> George Lardner Jr., "Taft Asks Amnesty For Draft Dodgers," *The Washington Post, Times Herald*, December 15, 1971.

Taft's proposal of amnesty came about because he felt that individuals who evaded or refused the draft and wanted a second chance should be entitled to it. This did not include all draft offenders; he felt that his plan would only be accepted by individuals who realized they had made a mistake. Taft believed that "many of these draft resisters are victims of bad judgement or poor advice. Others have acted out of deep and conscientious objections to the course which our country followed as we became involved in the Vietnam conflict."<sup>132</sup>

Taft's second amnesty proposal, the Earned Immunity Act of 1974, S. 2832, was introduced in the 93<sup>rd</sup> congress and was similar to his previous proposal. Taft's second proposal, however, was elaborated into a complete program of reconciliation. Similar to his previous proposal, the Earned Immunity Act of 1974 required draft offenders to complete alternate service (two years now instead of three), excluded military offenders from the proposal and provided a period of one year for offenders to apply for amnesty.<sup>133</sup> Also excluded from amnesty under Taft's proposal were individuals who committed crimes during the eligibility period that were unrelated to the Selective Service Act.

Draft offenders who violated Selective Service laws between 4 August 1964 and 27 January 1973 would be eligible to apply to the Immunity Review Board in an attempt to receive amnesty. The Immunity Review Board, according to Taft's proposal, would be composed of five presidentially elected members,

---

<sup>132</sup> George Lardner Jr., "Taft Asks Amnesty For Draft Dodgers," *The Washington Post, Times Herald*, December 15, 1971.

<sup>133</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest* 53, no. 10 (October 1974), 236.

four of whom would be selected through recommendations from the Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House. The Immunity Review Board would be authorized to review violations of the Military Selective Service Act and grant immunity to draft offenders upon completed of two years service in the Armed Forces or private or public service that contributed to the national health, safety or welfare.<sup>134</sup>

With regards to alternate service, the Immunity Review Board would have discretion as to the length of an individual offender's service, up to the maximum of two years. Mitigating circumstances that would affect the length of alternate service included; inaccurate interpretation of the Selective Service Act, qualifying for conscientious objector status under the decision of the Supreme Court on 27 January 1973, obligations to one's family that were not of the individuals making, a lack of mental capacity putting the wilfulness of offenders' actions in question, whether the individual has in the past or is currently subject to sanctions in which he seeks immunity and any other factors that may be considered.<sup>135</sup> In Taft's proposal, selective opposition to the Vietnam War was not considered a valid mitigating circumstance.

Aside from the obvious comparisons between Taft's proposals and President Ford's clemency program, such as the similar periods of offence eligibility (both periods begin on 4 August 1964 and end within months of each other, January for Taft and March for President Ford, in 1973), required completion of alternate service (Taft's Earned Immunity Act and Ford's

---

<sup>134</sup> Ibid, 236.

<sup>135</sup> Ibid, 236.



clemency program both require two years) and their decisions to pursue conditional amnesty there were significant similarities between the programs that can be viewed as Taft's proposals influencing the creation of President Ford's clemency program. By comparing these components of Taft's proposals and President Ford's program, it is quite clear how Taft influenced Ford.

Both Taft's Earned Immunity Act of 1974 and President Ford's clemency program established review boards, the Immunity Review Board and the Presidential Clemency Board respectively, in order to deal with draft and military offenders (in Taft's case, just draft offenders) on a case-by-case basis. Furthermore, the Presidential Clemency Board, like the Immunity Review Board, factored in mitigating circumstances when deciding on recommendations on how to deal with draft and military offenders. They differ, however, in the fact that the Presidential Clemency Board does not have the power to enforce their recommendations, whereas Taft's board did. Clearly, President Ford wanted to ensure the equity of his clemency program by receiving recommendations from his board and choosing whether or not to follow these recommendations in granting amnesty.

Another area that Taft and Ford agreed upon was the handling of military offenders. Taft excluded military offenders from his proposal of earned immunity because they are covered by a "completely different legal system that is inextricably intertwined with considerations of military discipline."<sup>136</sup> Taft's acknowledgment of the complexities of including military offenders in his Earned Immunity Act may have influenced President Ford's decision to provide

---

<sup>136</sup> Ibid, 238.

administrative functions of amnesty for fugitive military absence offenders to the Department of Defense. Like Taft, perhaps Ford recognized the complexities of amnesty with regards to military discipline and decided the best course of action for military offenders would be to allow the Department of Defense to oversee that portion of the clemency program.

Furthermore, examining Ford's rationale behind granting clemency compared to Taft's, it is easy to see that both men sought to provide offenders a second chance, should they be willing to accept. Ford wanted to give young Americans the chance to "earn their return to the mainstream of American society so that they can, if they choose, contribute even though belatedly to the building and betterment of our country and the world."<sup>137</sup> Although Taft's belief that some draft offenders had come to realize they made an error and were deserving of a second chance was different from Ford's that some of the draft and military offenders wanted to contribute to the bettering of America, both men sought to give offenders who wanted a way to reconcile with America, a second chance.

United States Representative Howard W. Robison a Republican, like Taft, had the unique perspective of being a lawyer, he graduated in 1939 from Cornell Law School, and veteran, he served in the Counter Intelligence Corps during World War II from 1942 to 1946. Similar to Taft, Robison proposed a program of conditional amnesty for draft and military offenders in an address delivered on 25 February 1974. Robison's proposal called for the establishment

---

<sup>137</sup> "White House Details Clemency Program Operation," *The Washington Post, Times Herald*, September 17, 1974.

of a National Amnesty Board, modelled after President Truman's post World War II amnesty, which would review each application for amnesty on a case-by-case basis and then make a set of recommendations to the President, including the appropriate term of alternate service. To be eligible for Robison's amnesty, offenses had to have occurred between 4 August 1964 and 29 March 1973 or when the President announced that all American soldiers missing-in-action were accounted for.<sup>138</sup>

Robison's proposal also called for draft and military offenders to complete a required amount of service, up to a maximum of two years, either in the military or a civilian service that contributes to national objectives, such as health, safety or environmental quality. Once again, mitigating factors would be considered when determining the amount of alternate service and once terms were agreed between the board and the offender, a recommendation would be made. For those in prison, the amount of alternate service would be reduced based on the time they have already served. Failure to comply with the terms of the agreement would cause draft and military offenders to be subject to prosecution for their pending violations.<sup>139</sup>

Robison's proposal, like Taft's, had some very obvious similarities to President Ford's clemency program. Robison's and Taft's proposals, compared to Ford's program all called for the establishment of review boards, had similar time frames for offense eligibility, considered mitigating factors in determining the length of alternate service and required a maximum of two years alternate

---

<sup>138</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest* 53, no. 10 (October 1974), 242.

<sup>139</sup> *Ibid*, 242.

service. Robison's proposal, however, influenced the creation of Ford's clemency program with respect to the Presidential Clemency Board. Robison's National Amnesty Board, unlike Taft's Immunity Review Board, did not have the power to authorize amnesty. Instead, Robison's board, similar to the form the Presidential Clemency Board took seven months later, could only provide recommendations for action. This difference from Taft's proposal, may have contributed to the creation of President Ford's clemency program and the Presidential Clemency Board.

United States Representative Bella Abzug, in contrast to Taft and Robison, proposed a program of unconditional amnesty for all draft and military offenders. Abzug had a history of opposition to United States aggression and the Vietnam War; she helped found Women Strike for Peace in 1961 and led mass rallies and lobbying efforts against the arms race and the Vietnam War.<sup>140</sup> This gave Abzug a different perspective on amnesty because she held antiwar views. Abzug's proposal would grant unconditional amnesty to all classes of essentially non-violent war resisters. This would include draft and military offenders, as well as participants of the antiwar movement. The amnesty granted by Abzug's proposal would be immediate, but an amnesty commission would be established to grant amnesty to violators of federal, state or local laws if such violations were motivated by opposition to the war and did not result in significant personal injury or property damage. Furthermore, her proposal would restore all civil, political, citizenship and property rights of draft and military offenders,

---

<sup>140</sup> Edward L. Lach, Jr., "Bella Abzug," American National Biography Online, <http://www.anb.org/articles/07/07-00714.html?a=1&n=Bella%20Abzug&ia=-at&ib=-bib&d=10&ss=0&q=1>.

immunize them from criminal prosecution, restore those imprisoned, expunge all criminal records and require the Armed Forces to grant honourable discharges in place of less-than honourable discharges.<sup>141</sup>

Dr. W. Sterling Cary, President of the NCC, in testimony presented on March 11, 1974, before the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice, similar to Abzug, proposed unconditional amnesty for draft and military offenders. As opposed to going into specifics regarding a program for unconditional amnesty, Dr. Cary outlined the form amnesty needed to take in order to establish the goals of reconciling the nation and helping draft and military offenders. According to Dr. Cary, amnesty needed to include "all who are in legal jeopardy because of the war in Indochina" because this type of amnesty is demanded by "genuine reconciliation."<sup>142</sup>

Those in legal jeopardy because of the Vietnam War comprised five groups according to Dr. Cary and the NCC. The first group was draft and military offenders who exiled themselves in other countries. The second was the draft and military offenders in prisons or stockades, on probation, who served their sentences and those who are subject to prosecution for violations of the draft or military law. The third were the draft and military offenders who went underground to avoid prosecution. The fourth were Vietnam-era veterans with less-than-honourable discharges. And the fifth and final group were those who

---

<sup>141</sup> "Should 'Conditional Amnesty' Be Granted to Vietnam War Draft Evaders?" *Congressional Digest* 53, no. 10 (October 1974), 237.

<sup>142</sup> *Ibid*, 241.

committed civilian acts of resistance to the war or were being prosecuted upon allegations of the same.<sup>143</sup>

Abzug's and Dr. Cary's proposals of complete and unconditional amnesty for draft and military offenders, as well as individuals who violated the laws of the nation in opposition to the Vietnam War, did not have obvious similarities to President Ford's clemency program. Abzug's and Dr. Cary's proposals, however, would provide honourable discharges to veterans hampered by discharges under less-than honourable conditions. This is something that Taft and Robison failed to deal with in their proposals, but was eventually included in President Ford's clemency program. Abzug's and Dr. Cary's consideration for veterans with less-than-honourable discharges may have influenced Ford's decision to include them in his clemency program.

In addition, Abzug's call for complete and unconditional amnesty may have influenced President Ford into granting unconditional clemency to draft and military offenders upon recommendation from his Presidential Clemency Board. Although Ford's clemency program did not call for unconditional amnesty for draft and military offenders, upon the recommendation of his Presidential Clemency Board, Ford granted immediate clemency to 6,200 of the 15,486 applicants.<sup>144</sup> Clearly, Abzug's proposal for unconditional amnesty may have played a role in the Presidential Clemency Board's recommendations of immediate clemency and President Ford's decision to agree.

---

<sup>143</sup> Ibid, 241.

<sup>144</sup> Baskir and Strauss, *Reconciliation after Vietnam*, 139.

The presidency of Richard Nixon also influenced President Ford's decision to extend clemency to draft and military offenders. Nixon, during his presidency, was hoping to heal America after the social introspection and vocal protest of the 1960s. Nixon, however, failed. Foreign policy was Nixon's passion and secrecy was his tool, leading to repression of dissent through spying, infiltration and harassment, fuelling the deep divisions within America.<sup>145</sup> Nixon's failure to deal with the turbulence of the 1960s combined with his less than savoury tactics left President Ford saddled with the consequences; a citizenry that had lost faith in the institution of the presidency.

According to Richard Reeves, in his work *A Ford, Not A Lincoln*, the Ford presidency, in an attempt to deal with the residuals of the Nixon administration, had three priorities:

1. Restoration of the confidence and trust of the American people in their political leadership, institutions and processes. This is the major principle and others relate to it.
2. Assumption of control which is firm and efficient.
3. National feeling of unification and reconciliation enabled by the character and style of the new President.<sup>146</sup>

In order to combat the residuals of the Nixon administration and restore the confidence of the citizenry in the political leadership and unify the nation, President Ford chose to distance himself from the former President's administration by addressing the divisive issue of clemency for draft and military offenders.

---

<sup>145</sup> John Robert Greene, *The Presidency of Gerald R. Ford* (Lawrence: University Press of Kansas, 1995), 19.

<sup>146</sup> Richard Reeves, *A Ford, Not A Lincoln* (New York: Harcourt Brace Jovanovich, 1975), 71.

Nixon's remarks in the early 1970s discouraged immediate amnesty, but left the option of leniency in the postwar period. However, as the war neared its end, firmer views regarding amnesty were expressed by Nixon and his administration. In a January 3, 1972 television interview, in response to the question of granting amnesty, Nixon responded,

I for one would be very liberal with regard to amnesty, but not while there are Americans in Vietnam fighting to serve their country and not while P.O.W.'s are held by the enemy. After that, we will consider it, but it would have to be on a basis of their of course paying the price that anyone should pay for violating the law.<sup>147</sup>

Nixon followed up with this view in an August 29, 1972 news conference where he claimed "before they can obtain amnesty and pardon...pay a penalty; others paid with their lives."<sup>148</sup> Nixon's views on amnesty in the early 1970s were lenient, Nixon would consider conditional amnesty once all those who served in the United States Armed Forces were accounted for and the war was finished.

These lenient views, however, would change as the war neared its end. Just two months later, on October 30, 1972, President Nixon proclaimed that it was "time to draw the line on this issue once and for all...there will be no amnesty for draft dodgers and deserters after the war."<sup>149</sup> Once again, Nixon's views regarding amnesty continued to harden, with his rejection of both unconditional and conditional amnesty. In a February 1, 1973 article, Nixon rejected conditional amnesty when he claimed that "those who deserted must

---

<sup>147</sup> "Excerpts From the Television Interview With President Nixon at the White House," *The New York Times*, January 3, 1973.

<sup>148</sup> "Transcript of News Conference by the President on Political and Other Matters," *The New York Times*, August 30, 1972.

<sup>149</sup> Albert B. Crenshaw, "No Amnesty, Nixon Vows," *The Washington Post, Times Herald*, October 30, 1972.



pay their price...the price is not a junket in the Peace Corps, or something like that...the price is a criminal penalty for disobeying the laws of the United States.”<sup>150</sup> Nixon was not offering draft and military offenders any leniency; instead, their return would be conditioned upon their serving of a criminal penalty, an option they had available to them throughout the Vietnam era.

President Ford’s administration reversed Nixon’s “amnesty never” stance in an attempt to restore the trust of the citizenry in the American political system and draw a distinction between former President Nixon and President Ford. Ford felt that “unless I did something to restore their trust, I couldn’t win their consent to do anything else.”<sup>151</sup> To restore this trust, President Ford decided to take a lenient and merciful approach to the question of amnesty and attempt to hasten the healing of the damage caused by the Vietnam era and the errors of the Nixon administration.

In Ford’s first words as President on August 9, 1974, he acknowledged a “higher Power...who ordains not only righteousness but love, not only justice but mercy.”<sup>152</sup> Ford’s acknowledgement of a higher power, combined with his need to distance himself from the Nixon administration, led to his consideration of amnesty for draft and military offenders. Just ten days later, in his address before the 75<sup>th</sup> convention of the Veterans of Foreign Wars, President Ford

---

<sup>150</sup> George Lardner Jr., “Nixon Rejects Amnesty for Deserters,” *The Washington Post, Times Herald*, February 1, 1973.

<sup>151</sup> Gerald R. Ford, *A Time To Heal: The Autobiography of Gerald R. Ford* (New York: Harper & Row, 1979), 125.

<sup>152</sup> “Gerald R. Ford’s Remarks on Taking the Oath of Office as President,” August 9, 1974, <http://www.fordlibrarymuseum.gov.proxy.lib.uwaterloo.ca/library/speeches/740001.htm>.

expressed his administrations position on amnesty. In a strong reversal of Nixon's 'amnesty never' stance, he proclaimed that:

Unconditional blanket amnesty for anyone who illegally evaded or fled military service is wrong... Yet in my first words as President of all the people, I acknowledged a Power higher than the people who commands not only righteousness but love, not only justice but mercy... I found on my desk where the buck stops, the urgent problem of how to bind up the Nation's wounds. And I intend to do that.<sup>153</sup>

Ford's address to the Veterans of Foreign Wars was a direct indication that Nixon was gone, and that Ford was a president who was compassionately aware of the divisions among Americans.

Ford's administration believed that some sort of re-entry plan for draft and military offenders would cement his image as a conciliator, giving him the opportunity to bring to an end one more part of what Ford viewed as the long national nightmare of the sixties. Most importantly, addressing the issue of amnesty would grant the new administration the dramatic jump start that it needed, allowing President Ford to draw a distinction between the Ford and Nixon administrations that would be difficult for the public to ignore.<sup>154</sup>

President Ford's decision to address the amnesty issue through his offer of clemency to draft and military offenders was clearly influenced by the president's attempt to distance himself from the Nixon administration. Ford's goals to restore faith in the American political system and bring about reconciliation and unification were directly influenced by the divisive and untrustworthy nature of the Nixon administration. Nixon's secrecy and

---

<sup>153</sup> "Not Only Justice, But Mercy," *The Washington Post, Times Herald*, August 20, 1974.

<sup>154</sup> John Robert Greene, *The Presidency of Gerald R. Ford*, 39.

subterfuge led to a distrust of political leaders and institutions among the citizenry and his denial of consideration of amnesty led to divisiveness among a people that could not agree on the merits of the Vietnam War and attempts to avoid it. President Ford, Nixon's former Vice President, needed to correct the mistakes of the Nixon administration, while at the same time proving that Ford was not just a Nixon holdover.

The decision to grant clemency was an excellent way for President Ford to show he was his own man and, he hoped, a superior leader to Nixon. Although there were many other factors, some already discussed, surrounding the amnesty issue that influenced Ford's decision, granting clemency provided President Ford with a way to prove to America that his Presidency would provide "not only righteousness but love, not only justice but mercy" and an "openness and candour" that was unthinkable under former President Nixon.

Another factor that may have influenced President Ford's decision to grant clemency was his decision to pardon former President Nixon for his involvement in Watergate. Watergate was a complex web of political scandals from 1972 to 1974 that began with the Watergate Burglars breaking into the Democratic Party's National Committee offices on June 17, 1972 and culminated in the resignation of President Nixon.<sup>155</sup> The Watergate scandal led to the House Judiciary Committee on July 27, 1974 to pass the first three articles

---

<sup>155</sup> Alfred E. Lewis, "5 Held in Plot to Bug Democrats' Office Here," *The Washington Post, Times Herald*, June 18, 1972, <http://www.washingtonpost.com/wp-dyn/content/article/2002/05/31/AR2005111001227.html>.

of impeachment against Nixon, charging obstruction of justice.<sup>156</sup> Instead of facing impeachment, on August 8, 1974, President Nixon resigned from office promoting Vice President Ford into the role of President.

President Ford believed that a prolonged period of vituperation and recrimination regarding Watergate would be disastrous to the nation. He felt that the hate needed to be drained and the healing begun.<sup>157</sup> Ford, in his address following the swearing-in ceremony, said “as we bind up the internal wounds of Watergate...let us restore the Golden Rule to our political process, and let brotherly love purge our hearts of suspicion and hate.”<sup>158</sup> Ford’s discussion of binding the internal wounds of Watergate and purging suspicion and hate could be seen as an attempt to set the stage for a pardon of Richard Nixon. Pardoning Nixon, however, could not be done unless Ford had provided relief for the draft and military offenders seeking amnesty. To many Americans, “mercy must be democratic or it will be humbug” leaving Ford with only one option, a pardon for Nixon coupled with clemency for draft and military offenders.

Although the influences behind Nixon’s pardon are debatable to this day, its connection to clemency for draft and military offenders is clear. President Ford needed to move beyond the problems caused by the Nixon administration and the Vietnam War in order to begin healing the wounds of the nation but also needed to consider his former superior and friend when dealing with the Watergate scandal. Regardless of whether or not there was a secret deal between

---

<sup>156</sup> The Watergate Story, “Watergate Timeline,” *The Washington Post, Times Herald*, <http://www.washingtonpost.com/wp-srv/politics/special/watergate/timeline.html>.

<sup>157</sup> Ford, *A Time To Heal*, 161.

<sup>158</sup> Jules Witcover, “Ford Becomes 38<sup>th</sup> President, Promises Openness and Candor,” *The Washington Post, Times Herald*, August 10, 1974.

Ford and Nixon regarding Nixon's resignation and subsequent pardon, any discussion of pardon for Nixon needed to be matched by efforts to reconcile with draft and military offenders. If President Ford intended on granting Nixon a pardon (which he did) he would have to provide similar relief to draft and military offenders or he would never regain the trust of the American citizenry and never attain the reconciliation and unification within America that he sought.

Furthermore, President Ford's awareness of the national constituency and his desire to heal the wounds of America influenced his decision to extend clemency to draft and military offenders of the Vietnam era. Ford, before assuming the Presidency, took a similar stance to Richard Nixon, with regards to amnesty. On August 5, 1974, then Vice President, Ford proclaimed that "unconditional blanket amnesty to anyone who illegally evaded or fled military service is wrong."<sup>159</sup> Although Ford is condemning unconditional amnesty, something he never extended to draft and military offenders, the mercy and leniency he offered in his Veterans of Foreign Wars address is not evident.

When Ford became President he realized that "in the years since JFK, the country has been buffeted by riots in major cities, political assassinations, a bloody and divisive war, and the tawdry spectacle of Watergate; what we

---

<sup>159</sup> "Ford Opposes an Amnesty for Deserters or Evaders," *The New York Times*, August 6, 1974. President Ford also acknowledged that unconditional amnesty was wrong in his address to the Veterans of Foreign Wars made on August 19, 1974. The rest of the address, however, signifies his shift in opinion regarding conditional amnesty.

needed now, was a time to heal.”<sup>160</sup> According to a close friend, President Ford understood that “he’s one of the few people in a position to keep this country from falling apart.”<sup>161</sup> Ford understood that regardless of whether Americans supported, opposed or were undecided on the question of amnesty, they all desired the same thing: to get past the divisiveness of the Vietnam War and put behind them the tribulations faced by America in the past two decades. President Ford knew his role, to clean up the messes of previous presidential administrations.<sup>162</sup>

President Ford’s awareness of the national constituency greatly influenced his decision to extend clemency to draft and military offenders. Henry Kissinger believed that President Ford had “a great sense of the heartbeat of America...Ford was very much in tune with the country.”<sup>163</sup> His awareness of the national constituency, as well as their influence on his decision to grant clemency can be seen through a comparison of public opinion polls regarding amnesty and President Ford’s Clemency program.

Ford’s decision to provide conditional amnesty through his clemency program reflected the majority of Americans’ views on amnesty. Harris polls from June 1972 to March 1973 showed a rise from 53% to 67% of individuals who opposed unconditional amnesty for draft and military offenders.<sup>164</sup> On top of this, Gallup polls from July 1972 to March 1973 showed steady opposition to

---

<sup>160</sup> Ford, *A Time To Heal*, 124.

<sup>161</sup> Thomas M. DeFrank, *Write It When I’m Gone: Remarkable Off-The-Record Conversations with Gerald R. Ford* (New York: G.P. Putnam’s Sons, 2007), 29.

<sup>162</sup> Ron Nessen, *It Sure Looks Different From The Inside* (Chicago: Playboy Press, 1978), XIV.

<sup>163</sup> James M. Cannon, *Time and Chance: Gerald Ford’s Appointment With History* (New York: Harper Collins, 1994), 394.

<sup>164</sup> “Opposition to Amnesty Toughening,” *Chicago Tribune*, March 29, 1973.

unconditional amnesty, with 64% opposed in July 1972 rising to 67% opposed in March 1973.<sup>165</sup> The national constituency's views, like President Ford's, were softened by the political realities faced in 1974, with their opposition to allowing evaders back into mainstream America without punishment dropping to 58%, while 34% of American's polled approved of conditional amnesty.<sup>166</sup> Clearly the nation remained divided on the question of amnesty, with some advocating punishment or no amnesty, while others advocated unconditional amnesty. The majority of Americans (58%), however, were in favour of amnesty with conditions.

On top of this, individuals polled who believed that draft and military offenders should not be allowed back without punishment were also asked what form punishment should take. A March 1973 poll, found that 18% of Americans polled believed military service should be required, 10% believed non-military service should be the punishment and 18% believed either military or non-military service should be required of draft and military offenders wishing to return to mainstream America.<sup>167</sup> Thirteen percent believed that a jail sentence or a fine should be conditional of a draft or military resisters return.<sup>168</sup> A poll conducted a year later, in April of 1974, found similar results, with 20% advocating military service, 9% advocating non-military service, 16%

---

<sup>165</sup> Gallup Polls July 1972 – March 1973.

<sup>166</sup> Gallup Poll 21 April 1974.

<sup>167</sup> Gallup Poll 5 March 1973.

<sup>168</sup> Gallup Poll 5 March 1973.

advocating either military or non-military service, and 8% advocating jail sentences or fines as punishment for draft and military offenders.<sup>169</sup>

Ford's awareness of the public's desire to heal the wounds of the past decades and their opinions on amnesty clearly influenced his decision to extend clemency to draft and military resisters. Acknowledging that opposition to unconditional amnesty was declining in 1974 (down to 58%) and that support for conditional amnesty was on the rise (34% in April of 1974); President Ford constructed a clemency program that provided conditional amnesty to draft and military offenders. Although 58% of Americans opposed unconditional amnesty, many of them were not against draft and military offenders returning to America, they were against them returning without punishment. President Ford, clearly aware of the 45% in 1974 who advocated military service, non-military service or both as a form of punishment for draft and military offenders, made his granting of clemency through the program conditioned on completing alternate service that contributed to the national health, safety or interest.

Clearly the feelings of the public regarding amnesty for draft and military offenders expressed through opinion polls had an effect on President Ford's decision to extend clemency. The public was clearly divided on the issue, but the majority opposed unconditional amnesty, making it impossible for President Ford to propose general amnesty in order to heal the nation's wounds. The divide among Americans left President Ford with only one option: to devise and implement a program that would be supported by the majority of Americans, while not being directly opposed by the rest. Ford accomplished this

---

<sup>169</sup> Gallup Poll 21 April 1974.



through a Clemency program that combined the most popular ideas regarding amnesty (conditional with military or non-military service) among the public with a genuine attempt to reconcile with draft and military resisters.

The public's desire to heal the wounds of America further influenced President Ford's decision to grant clemency to draft and military resisters because President Ford himself strived to heal the national wounds caused by Vietnam. Believing that he needed to replace the "national frown with a national smile" and a way to do this was to bridge the divide within America caused by the war in Vietnam.<sup>170</sup> Ford's desire to heal is best seen in his address to the Veterans of Foreign Wars made on August 19, 1974. As stated earlier, in the address he acknowledged that he found on his "desk where the buck stops, the urgent problem of how to bind the Nation's wounds" and that he was "throwing the weight of [his] Presidency into the scales of justice on the side of leniency."<sup>171</sup>

Another example of Ford's desire to heal the nation can be seen through his decision to extend clemency to draft and military offenders despite the political fallout he suffered as a result. President Ford and his advisors must have known a decision on amnesty would have political consequences on Ford's popularity as president. Regardless of how he addressed the issue of amnesty, Ford would be faced with condemnation from some sector of America, whether it was those in support of unconditional amnesty, conditional amnesty, or opposed to amnesty in general. According to a Gallup poll conducted on 1

---

<sup>170</sup> Ford, *A Time To Heal*, 127.

<sup>171</sup> Congressional Digest 53, no. 10 (October 1974), 231-232.

September 1974, 71% of Americans polled approved of how President Ford was handling his job.<sup>172</sup> One month later, a Gallup poll conducted on 13 October 1974, after President Ford had announced the details of his clemency program and pardoned former President Nixon, in an attempt to heal the nation, his approval rating dropped twenty-one points to 50%.<sup>173</sup>

President Ford knew the political risks of extending clemency to draft and military offenders, but still went ahead with his plan to heal the nation. The fact that Ford would put healing the nation above his chance of re-election in the future, showed Ford's desire to heal the wounds caused by the Vietnam War. His desire to move the nation forward, combined with his awareness that the national constituency desired the same, influenced Ford to use his time as president to help heal America through a program of clemency for draft and military offenders.

Ford's awareness of public opinion, as well as the people's shared desire to heal the national wounds, influenced Ford's decision to extend clemency to draft and military offenders. The nation was divided by the war in Vietnam, and regardless of this division, American's strived to be whole once more. President Ford, aware of this desire and striving for unity himself, sought to bring America together by providing draft and military offenders with a chance to earn their re-entry into the American mainstream and begin the process of healing.

---

<sup>172</sup> Gallup Poll, 1 September 1974.

<sup>173</sup> Gallup Poll, 13 October 1974.

## VII. Ford's Clemency Program: Success or Failure?

John Robert Greene in his work *The Presidency of Gerald R. Ford*, argued that President Ford “healed the scars of the spirit caused by Watergate and Vietnam, and the nation was stronger in 1976 than it had been in 1974.” Ford himself opined that if he were to be remembered, it would “probably be for healing the land.”<sup>174</sup> President Ford attempted to heal the wounds of the nation caused by the Vietnam War by extending clemency to draft and military offenders, but did this heal the wounds of America or rub salt in them?

Lawrence M. Baskir and William A. Strauss, in their study *Reconciliation After Vietnam: A Program of Relief For Vietnam Era Draft and Military Offenders* argued that the Ford program failed because it was too punitive, its conditions too unrealistic and its benefits too meagre. Furthermore, its case-by-case examination was complex and expensive and its public information campaign was inadequate. Above all, the clemency it offered was no better, and sometimes worse, than relief that was available through normal channels.<sup>175</sup> Baskir and Strauss, however, argued that these were not the root problems with the Ford program; instead, they were symptoms of the fundamental weaknesses within Ford's program.

Firstly, according to Baskir and Strauss, the clemency concept was an awkward compromise influenced by the political environment of the 1970s. Ford chose the middle ground position in offering conditional, case-by-case clemency, a position that was clearly influenced by opposing sides of the

---

<sup>174</sup> John Robert Greene, *The Presidency of Gerald R. Ford*, 193.

<sup>175</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 45.

amnesty debate. According to Baskir and Strauss, this provided a temporary respite from the emotional issue of amnesty, while ignoring the real policy problems of the amnesty issue.<sup>176</sup>

Secondly, Baskir and Strauss argued that Ford's initial address to the Veterans of Foreign Wars on August 9, 1974 focused on traditional images of draft and military offenders, which was a result of inadequate planning. Ford's program was based around the misconception that draft and military offenders were well-educated, middle-class war resisters who would be flexible enough in the future plans to acquiesce to alternate service.<sup>177</sup> Ford's inability to understand who the draft and military offenders were was a result of inadequate planning. A lack of policy papers regarding amnesty combined with Ford's commitment to clemency led to the creation of a program that needed sufficient inquiries into the background and status of Vietnam-era offenders.<sup>178</sup>

Finally, Baskir and Strauss argued that Ford's program provided the wrong government agencies with unsupervised authority and lacked sufficient Presidential participation. In organizing the clemency program the White House sought advice from the Justice Department, Defense Department and Selective Service. This led to the decentralization of the program and left program operation in the hands of the agencies draft and military offenders had rebelled against.<sup>179</sup> On top of this, the program was based on President Ford's personal convictions, not those of his administration. This led to Ford's disassociation

---

<sup>176</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 46.

<sup>177</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 46.

<sup>178</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 46-47.

<sup>179</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 47.

from the program, causing the program to be less popular, less understood and less effectively administered. According to Baskir and Strauss, if President Ford had been the biggest advocate of his program and wrested control from other agencies, the problems would not have occurred.<sup>180</sup>

The only issue with Baskir and Strauss' assessment of President Ford's clemency program is their focus on the program's apparatus and how it affected draft and military offenders. In assessing the program, it is helpful to keep in mind that the program had two main purposes, reconciliation and unification. Ford wanted to reconcile with draft and military offenders to bring back the youth of America and unify the United States after the divisiveness of the Vietnam War.

The clemency program's lack of participants made the program look unsuccessful, however, a large number of Vietnam-era offenders took advantage of Ford's offer. Of the 113,337 individuals identified as draft and military offenders by Ford's program, 21,819 individuals sought clemency, which was twenty percent of all identified and eligible offenders.<sup>181</sup> Fugitive AWOL offenders as a group had the highest participation rates, with 56 percent, or 5,615 of 10,115 identified offenders.<sup>182</sup> Discharged AWOL offenders had the lowest participation rates, with 15 percent, or 13,589 of 90,000 identified offenders.<sup>183</sup> Convicted draft offenders and unconvicted draft offenders had

---

<sup>180</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 47.

<sup>181</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 138.

<sup>182</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 138.

<sup>183</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 138.

participation rates of 22 percent (1,879 of 8,700 identified individuals) and 17 percent (736 of 4,522 identified individuals) respectively.<sup>184</sup>

Although only 20 percent of identified and eligible draft and military offenders took advantage of Ford's clemency offer, it was not proof of the program's failure. The low participation rates could be indicative of unwillingness among draft and military offenders to accept Ford's proposal. Many draft and military offenders decided that they would accept nothing less than unconditional amnesty and saw Ford's program as a rejection of this concept. Rich Paterak, a draft offender who sought exile in Canada, echoed the view of other draft and military offenders that "the only kind of amnesty that will work is one that will in effect, say, forget it."<sup>185</sup> Gerry Condon, argued that Ford "wanted to extract yet another pound of flesh from those who have conscientiously resisted an illegal and immoral war."<sup>186</sup>

Another reason for the low participation rates in Ford's program was an inadequate public information campaign. Before embarking on a public information campaign in January 1975, only one thousand individuals applied to the presidential clemency board. After the public information campaign, there was a sharp increase in applications for presidential clemency, with 5,910 applications in February 1975 and 5,550 applications in March 1975.<sup>187</sup> Draft and military offenders, seemingly, were unaware of President Ford's clemency

---

<sup>184</sup> Baskir and Strauss, *Reconciliation After Vietnam*, 138.

<sup>185</sup> Les Whittington, "U.S. Draft-Evaders Are Cool to Leaving Canada," *The Washington Post*, September 8, 1974.

<sup>186</sup> "Ford's Proposal Fails To Please Veterans, Amnesty Activists," *Chicago Tribune*, August 20, 1974.

<sup>187</sup> John P. MacKenzie, "Goodell Urges Hill To Extend Vietnam Clemency Program," *The Washington Post*, March 28, 1975.

program or whether or not they were eligible to apply. The sharp increase in participation however, was short-lived with the application deadline passing in April of 1975.

Ford's clemency program had low participation rates and was not utilized by draft and military offenders, but that does not necessarily reflect on the programs faults. Ford provided draft and military offenders with an opportunity to work their way back into mainstream America, the choice was theirs to accept or reject this offer. Although there are merits to Baskir and Strauss' arguments that the program was an awkward compromise or that it focused on a misconception of who draft and military offenders were, Ford's program was not created only for the benefit of draft and military offenders. Although reconciliation for draft and military offenders was one of the goals of Ford's program, unification of the nation divided by the Vietnam War was the most important goal.

Unifying the nation after the divisiveness of the Vietnam War was no easy task. President Ford hoped that resolving the issue of amnesty in a way that would be beneficial to draft and military offenders seeking an opportunity for re-entry into America and start mending the divisions with America would help heal the nation and begin the rebuilding process of the post-Vietnam era. Ford's clemency program was an important step in the direction of healing, but opinions on its success in reconciling and unifying the nation were mixed.

For some Ford's plan provided the first step towards healing the nation in the post-Vietnam era. These individuals believed that Ford viewed the

problem of amnesty from “the perspective of healing the last vestige of divisiveness remaining from the Vietnam War” and that his plan offered hope that “After years of anguish over the American involvement in Vietnam, one of the last remaining divisive issues of the war was finally out in the open – with at least the prospect that America would eventually be able to lay the matter of amnesty and the lingering pain of the war to rest.”<sup>188</sup>

Those who believed that the nation benefited from President Ford’s offer of clemency to draft and military offenders felt Ford was “acting with mercy toward a group of citizens whom his predecessor had cast into darkness. And it has all but completely removed the amnesty issue from public and political debate.”<sup>189</sup> In the eyes of his supporters, Ford’s clemency program asked draft and military offenders to “pay a price for having shirked military service” but tempered this price with mercy, in order to “create an atmosphere of conciliation in a nation wrecked too long by traumatic conflict.”<sup>190</sup> These individuals believed that Ford had provided a program that would appease the nation by providing conditional amnesty, while facilitating the healing of the wounds of the Vietnam War by putting the issue of amnesty to rest.

Others felt that Ford’s program failed to achieve its goals and did not facilitate healing in the post-Vietnam era. Reverend Fred Trost of Clergy and Laity Concerned (CALC), believed that President Ford’s clemency program:

Failed politically by deepening divisions in our society rather than promoting unity; it has failed psychologically by prolonging

---

<sup>188</sup> Bob Wiedrich, “Amnesty Solution Vital To New Unity,” *Chicago Tribune*, August 26, 1974 and “Next, A Vietnam Amnesty,” *Newsweek*, Vol. 84, Sept. 16, 1974, 33.

<sup>189</sup> “The Clemency Program,” *The Washington Post*, January 9, 1975.

<sup>190</sup> Bob Wiedrich, “Amnesty Solution Vital To New Unity,” *Chicago Tribune*, August 26, 1974.



mental anguish of those seeking a resolution for themselves, their families and the nation; it has failed economically by providing no relief for the thousands with 'bad discharges' who are denied employment; it has failed morally by refusing to recognize the supreme right of conscience to oppose an immoral war.<sup>191</sup>

Rev. Trost's views are at the extreme end, others believed that Ford's program was merely a disappointment. It was not a failure because some individuals took advantage of the opportunity to receive clemency, it was a disappointment because only "22,500 did accept the offer and are in the process of returning to society with a clean slate."<sup>192</sup>

Others who believed Ford's program was a failure pointed to the fact that applying for the program was not worth it for Vietnam-era draft and military offenders. These individuals believed that one flaw of Ford's program was that "draft offenders, who have already paid a substantial penalty, may be asked to do a term of alternate service to receive a presidential pardon that still leaves the original conviction on their records."<sup>193</sup> Another flaw was "the requirement of an oath of allegiance from men who feel strongly that they never spurned their government."<sup>194</sup> These flaws led some to conclude that Ford's clemency program was not worthwhile for draft and military offenders.

Some observers viewed low participation rates as a way to condemn draft and military offenders further. Harry D. Leinenweber, chairman of the House Judiciary Committee from 1973-1983, argued that Ford's clemency program showed the true character of draft and military offenders. Leinenweber

---

<sup>191</sup> Steven Pratt, "...Clerics Here Call Ford Plan Failure," *Chicago Tribune*, April 1, 1975.

<sup>192</sup> "Was The Amnesty A Failure?" *Chicago Tribune*, April 5, 1975.

<sup>193</sup> "Vietnam Clemency," *The Washington Post*, February 4, 1975.

<sup>194</sup> "Vietnam Clemency," *The Washington Post*, February 4, 1975.

never bought “the argument that assorted deserters and draft dodgers were idealists who would leap at the chance to serve their country in peaceful ways. The small number participating reflects on the quality of the eligible, not on the program.”<sup>195</sup> For these individuals, it was not Ford’s program that was the issue; instead it was the undesirable character of draft and military offenders.

In conclusion, Ford’s clemency program was successful in creating an atmosphere of reconciliation and unification in the post-Vietnam period. Although Baskir and Strauss have pointed out the flaws and failures of President Ford’s program, it was still an important step towards the resolution of the divide within America and the beginning of a period of healing. Ford’s program kept the amnesty debate out of prominence by tempering punishment with leniency and helped decrease the divide among Americans on opposite sides of the amnesty spectrum. Also, Ford’s program provided an opportunity for reconciliation between America and its lost sons, the draft and military offenders of the Vietnam Era. Finally, Ford’s program began the process of healing the wounds caused by United States involvement in Vietnam. No amnesty plan, in reality, could bridge the gulf between opposing sides within America. Ford’s plan, however, was an excellent start.

---

<sup>195</sup> Harry D. Leinenweber, “Ford’s Amnesty ‘A Success’,” *The Chicago Tribune*, February 4, 1975.

## Conclusion

An article titled “Limited Program, Limited Response” in the Monday, September 30 edition *Time* provided an apt analysis of the problem with resolving the issue of amnesty in post-Vietnam America:

No amnesty plan, of course, could be expected to bridge the gulf between extreme views of the problem. To many, failure to fight when the nation called was a cowardly, treasonable act and an assault upon the values of all those who sacrificed so much. To others, evasion of service in an unprincipled war was a courageous and lonely act of high patriotism, challenging the national conscience and making future such wars less probable.<sup>196</sup>

Truly, a resolution to the issue of amnesty that appeased all sides could not be found. Americans had firmly devoted them selves to believing in the cause for or against amnesty and could not be satisfied by compromise. Choosing a side and building a program around their beliefs regarding amnesty was the only way to fully appease those involved in the amnesty debate, but that would lead to belittling the views of the other side. President Ford was clearly left to deal with a complex issue upon his ascendancy to the Presidency.

Gerald R. Ford, upon becoming President, desired to reconcile and unify a nation wracked by divisiveness as a result of American intervention in Vietnam. One way to begin the healing of America was to deal with the amnesty issue. Ford’s consideration of the amnesty issue, however, went beyond considering the arguments and reactions of the differing sides of the amnesty debate. President Ford, in his creation of a program of clemency for draft and military offenders, addressed the variety of influences, including draft and

---

<sup>196</sup> “Limited Program, Limited Response,” *Time*, vol. 104, September 30, 1974, 24.

military offenders, the amnesty debate, including its coverage in the news media and the symbolic nature of the debate, public opinion and President Ford's political influences, in an attempt to resolve the issue in the best possible way and begin repairing the social fabric of America.

Ford created a program that facilitated reconciliation between America and draft and military offenders without exacerbating the divisions among Americans regarding their fate. He had to deal with the issue of amnesty and the fate of draft and military offenders in a way that would not hinder his attempts to heal and rebuild a stronger America in the post-Vietnam era. He did this by considering the fate of draft and military offenders and the public's views on their fate to reach a resolution that was acceptable to the majority.

Also, in dealing with the issue of amnesty, President Ford had to consider the amnesty debate. He examined both sides of the debate and created a program that took into account the opinions of all sides of the debate as well as the reaction to the creation of a program of clemency. Complicating his evaluation of the amnesty debate was the transformation of the debate into a battle for symbolic vindication. He created a program that considered all sides of the debate while denying a symbolic victory for either side that would legitimize their views on the war and amnesty. By choosing a middle ground resolution to the amnesty issue, President Ford clearly showed how the amnesty debate and its news coverage influenced his decision to extend clemency.

Ford was also influenced by his political colleagues and other prominent figures in his decision to extend clemency to draft and military offenders. He

was provided with a plethora of ideas to resolve the amnesty issue by political colleagues and prominent figures that helped shape the creation of his clemency program. On top of this, Ford was influenced by his predecessor Richard Nixon and his inability to heal the wounds of America caused by turmoil of the 1960s. Nixon's less than savoury tactics only exacerbated the divide within America, leaving Ford with a country that had lost faith in its elected leadership and was further divided on the amnesty issue.

Lastly, Ford's desire to heal the nation combined with his awareness that the national constituency desired the same influenced his decision to deal with the amnesty issue and determine the fate of draft and military offenders. After the Vietnam debacle, many Americans wanted to move past the war and begin rebuilding America. In order to do so, Americans needed Ford to deal with the issue of amnesty, lay to rest the last divisive aspect of the war in Vietnam and lead the nation towards a time of healing. President Ford attempted to meet these needs and accomplish this through his offer of clemency to draft and military offenders.

For President Ford, dealing with the fate of draft and military offenders while appeasing the nation was a difficult task. Ford, however, did his best by acknowledging the different influences on the creation of a program and designed his clemency program so that it would be acceptable to everyone and utilized by those willing to earn their re-entry into mainstream America. Establishing a program of amnesty grew beyond benefitting draft and military offenders and became a program that would benefit the nation. Rather than

focusing on the benefits for the offenders, President Ford saw his clemency program as a means to put the trials and tribulations of the Vietnam-era in the past and reconcile the nation. Ford's clemency program gave an opportunity to draft and military offenders to reconcile with America, most importantly; it gave America a chance to reconcile with itself.

## Appendix

**Table 1.1** Coverage of the Amnesty Debate in Three Major Newspapers

	Number of Articles Supporting Amnesty	Number of Articles Opposing Amnesty
<i>The New York Times</i>	13	18
<i>The Washington Post</i>	26	29
<i>Chicago Tribune</i>	14	31
Total	53	78

**Table 2.1** Distribution of Arguments in Support of Amnesty

Argument	<i>The New York Times</i>	<i>The Washington Post</i>	<i>Chicago Tribune</i>
Illegal War	6	8	11
American Tradition	0	3	0
Heal National Wounds	4	7	1
Legal Evasion	0	3	0
Premature Conscience	2	1	0
Peace With Enemies	1	4	2

**Table 2.2** Distribution of Arguments Against Amnesty

Argument	<i>The New York Times</i>	<i>The Washington Post</i>	<i>Chicago Tribune</i>
Legalism	4	13	14
Legal War	0	1	0
Against Precedents	4	4	6
Against Premature Morality	1	0	1
Insult to Those Who Served	9	10	10
Substitution	0	1	0

## Bibliography

### Books

- Baskir, Lawrence M. and William A. Strauss. *Chance and Circumstance: The Draft, The War, and The Vietnam Generation* (New York: Alfred A. Knopf, Inc., 1978).
- Baskir, Lawrence M. and William A. Strauss. *Reconciliation After Vietnam: A Program of Relief for Vietnam Era Draft and Military Offenders* (Notre Dame: University of Notre Dame Press, 1977).
- Cannon, James M. *Time and Chance: Gerald Ford's Appointment With History* (New York: Harper Collins, 1994).
- Curry, G. David. *Sunshine Patriots: Punishment and the Vietnam Offender* (Notre Dame: University of Notre Dame Press, 1985).
- Damico, Alfonso J. *Democracy and the Case for Amnesty* (Gainesville: University Presses of Florida, 1975).
- DeFrank, Thomas M. *Write It When I'm Gone: Remarkable Off-The-Record Conversations With Gerald R. Ford* (New York: G.P. Putnam's Sons, 2007).
- Dolan Jr, Edward F. *Amnesty: The American Puzzle* (New York: Franklin Watts, 1976).
- Dorjahn, Alfred P. *Political Forgiveness in Old Athens: The Amnesty of 403 B.C.* (Evanston: Northwestern University, 1946).
- Flynn, George Q. *The Draft: 1940-1973* (Lawrence: University Press of Kansas, 1993),
- Ford, Gerald R. *A Time To Heal: The Autobiography of Gerald R. Ford* (New York: Harper & Row, 1979).
- Gallup, Alec. *The Gallup Poll* (New York: Random House, 1972).
- Gottlieb, Sherry Gershon. *Hell No, We Won't Go! Resisting the Draft During the Vietnam War* (New York: Viking Penguin, 1991).
- Greene, John Robert. *The Presidency of Gerald R. Ford* (Lawrence: University Press of Kansas, 1995).



Nessen, Ron. *It Sure Looks Different From The Inside* (Chicago: Playboy Press, 1978).

Polner, Murray. *When Can I Come Home? A Debate on Amnesty For Exiles, Antiwar Prisoners, and Others* (Garden City: Doubleday, 1972).

Reeves, Richard. *A Ford, Not A Lincoln* (New York: Harcourt Brace Jovanovich, 1975).

Schardt, Alie, William A. Rusher and Mark O. Hatfield. *Amnesty? The Unsettled Question of Vietnam, Now! Never! If...* (Lawrence: Sun River Press, 1973).

Surrey, David Sterling. *Choice of Conscience: Vietnam Era Military and Draft Resisters in Canada* (New York: Praeger, 1982).

TerHorst, Jerald F. *Gerald Ford and the Future of the Presidency* (New York: Third Press, 1974).

Williams, Roger Neville. *The New Exiles: American War Resisters in Canada* (New York: Liveright Publishers, 1971).

### **Journal Articles**

Brownfield, Allan C. "Will Amnesty Serve Justice?" *Human Events* 33, no. 43 (October 27, 1973).

*Congressional Digest*, 53, no. 10, (October 1974), 227-259.

Coots, Max A. "Transcending the Debate." *America* 130, (June 15, 1974).

Flynn, George Q. "Conscription and Equity in Western Democracies, 1940-75." *Journal of Contemporary History* 33, no. 1 (March 15, 2009), <http://www.jstor.org/stable/260994>.

Lane, Thomas A. "Amnesty for Draft Dodgers?" *Human Events* 32, no. 6 (February 5, 1972).

"Limited Program, Limited Response," *Time*, vol. 104, September 30, 1974, 24.

"Time to Bind up the Wounds," *America*, 131 (September 7, 1974).

### **Newspapers**

*Chicago Tribune*

*Newsweek*

*New York Times*  
*Time*  
*The Washington Post, Times Herald*

### **Websites**

“Gerald R. Ford’s Remarks on Taking the Oath of Office as President,” August 9, 1974,  
<http://www.fordlibrarymuseum.gov.proxy.lib.uwaterloo.ca/library/speeches/740001.htm>.

Lach, Jr., Edward L. “Bella Abzug.” American National Biography Online.  
<http://www.anb.org/articles/07/07-00714.html?a=1&n=Bella%20Abzug&ia=-at&ib=-bib&d=10&ss=0&q=1>.

Lewis, Alfred E. “5 Held in Plot to Bug Democrats’ Office Here.” *The Washington Post, Times Herald*. June 18, 1972.  
<http://www.washingtonpost.com/wp-dyn/content/article/2002/05/31/AR2005111001227.html>.

Selective Service, “Induction Statistics,” Selective Service System,  
<http://www.sss.gov/induct.htm>.

The Watergate Story, “Watergate Timeline,” *The Washington Post, Times Herald*, <http://www.washingtonpost.com/wp-srv/politics/special/watergate/timeline.html>.

“United States Constitution.” Cornell University Law School.  
<http://www.law.cornell.edu/constitution/constitution.articleii.html#section2>.

U.S. Code: Title 8, 1182. Inadmissable Aliens.  
[http://www.law.cornell.edu/uscode/uscode08/usc\\_sec\\_08\\_00001182----000-.html](http://www.law.cornell.edu/uscode/uscode08/usc_sec_08_00001182----000-.html)