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To Forgive or Not to Forgive? A Reappraisal of Vietnam War Evaders and Deserters in President Gerald Ford's Clemency Program

Courtney Carver

University of New Orleans, cc06881@gmail.com

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To Forgive or Not to Forgive? A Reappraisal of Vietnam War Evaders and Deserters in
President Gerald Ford's Clemency Program

A Thesis

Submitted to the Department of History
University of New Orleans
in partial fulfillment of the
requirements for the degree of

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in
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by

Courtney Carver
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Dedication

To my parents, David and Jamica Carver.

Acknowledgments

This thesis was possible because of the amazing guidance and support of many people around me. First, I have to thank the faculty of the History Department at the University of New Orleans, most notably Dr. Connie Atkinson who had been an incredible mentor to me. I also have to thank all the other professors who have inspired me through their classes and supported me through the thesis process; Dr. Andrea Mosterman, Dr. John Fitzmorris III, Dr. Günter Bischof, Dr. James Mokhiber and Dr. Robert Dupont. I also have to thank the President Gerald R. Ford Library and Museum and the National Archives in College Park, Maryland for being incredibly helpful in my research. I also have to give credit to God and my family. Without their support I would not be here today. My parents, David and Jamica Carver, deserve special recognition for igniting my love of history and always supporting my dreams. Finally, to Céline Dion whose music kept me motivated to finish this thesis.

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Abstract

In 1974, President Ford began the arduous task of healing the wounds sustained by the United States during the Vietnam War. His controversial clemency plan gave those who had either deserted the military or those who evaded the draft the chance to earn their way back into American society. President Ford was willing to face this opposition to move the country closer to resolving an issue that was tearing the nation apart. In the applications to Ford's Presidential Clemency Board, thousands of deserters and evaders reveal their motivations, and in doing so present a large body of evidence that contradicts the usual perception of the Vietnam "draft-dodger" and deserter. In the transition between the hardline anti-clemency position of President Nixon, and the full clemency position of President Carter, Ford took strong measures to achieve resolution, and the evidence herein could suggest a reappraisal of the Ford presidency.

Keywords: President Gerald Ford, Clemency, Vietnam, Draft Evaders, Deserters, President Ford's Clemency Board

Introduction

In Article II, Section 2, of the United States *Constitution*, the President of the United States is granted the power to issue pardons.¹ At least one third of America's commanders-in-chief have utilized these powers either by granting pardons or by granting amnesty.² *Pardon* and *amnesty* are often used interchangeably, but they do not share the same meaning. A pardon, as mentioned in the *Constitution*, usually favors one person or a small group of offenders. Amnesty, which is not mentioned in the *Constitution*, falls under the blanket of pardoning power and usually favors a large group of people. There are two types of amnesty: absolute and conditional. An absolute pardon is forgiveness without penalty and a conditional pardon has conditions that must be met. Both pardons and amnesties have been granted from President George Washington to the present day.³

In 1974, after taking office, one of President Gerald R. Ford's first goals was to heal the divided United States. However, he was unsure of what steps to take to start the slow process of healing after a long, unpopular war and the Watergate Scandal that had resulted in his presidency. Secretary James R. Schlesinger suggested he "do something about the fifty thousand draft evaders and deserters."⁴ Both Presidents Lincoln and Truman had used their presidential pardon power to heal divides in the country after the Civil War and World War II. The programs of these two presidents would become blueprints for The President Ford Clemency Program.

President Ford knew that his program would be met with resistance from a large sector of the American public. He looked first to the pardon strategy of President Lincoln, who was also met

¹ U.S. Const. art. II § 2.

² Charles Shanor and Marc Miller, "Pardon Us: Systematic Presidential Pardons," *Federal Sentencing Reporter* 13, no. 3-4 (November/December 2000-January/February 2001): 139.

³ "A Review of Related U.S. Actions: 1795-1974," *Congressional Digest* 53, no. 10 (October 1974): 228.

⁴ Gerald R. Ford, *A Time to Heal the Autobiography of Gerald Ford* (New York: Harper & Row, 1979), 141.

by resistance. In his autobiography, *A Time to Heal*, President Ford wrote that Lincoln was “criticized for being too lenient, but his was probably the right decision at the time.”⁵ The Ford Clemency Program would echo Lincoln’s program and his reasons for pardoning.

On December 8, 1863, President Abraham Lincoln issued a “Declaration of Amnesty and Reconstruction.”⁶ In this document, Lincoln offered conditional pardons to those who had participated in the southern rebellion, with the exception of members of the Confederate government and those who had served as officers above the paygrade of colonel in the Confederate military. A condition of the pardon was that everyone who chose to take advantage would have to take an oath of allegiance to the United States and uphold it to the best of their abilities. Lincoln, in an effort to assuage criticism about his amnesty policy, made two points. The first was making it clear that it was within his rights under the *Constitution* to implement this policy. Second, he emphasized that no one would be *forced* to affirm loyalty to the Union.⁷ Many of the circumstances faced by Lincoln in 1863 would be echoed in 1974 with the implementation of the Ford Clemency Program. Lincoln and Ford would both face mixed reactions toward their programs and both programs would prove to be difficult to administer.⁸ President Lincoln’s program was based upon a conditional amnesty policy, and Ford could relate to and take pointers from Lincoln. However, it would be President Truman’s Amnesty Board that would more closely serve as a general template for the Ford Clemency Board.

On December 23, 1946, soon after the end of World War II, Truman announced Executive Order 9814. This order created a three-person board to review the cases of people who had been

⁵ *ibid.*

⁶ P.S. Ruckman Jr. and David Kincaid, “Inside Lincoln’s Clemency Decision Making,” *Presidential Studies Quarterly* 29, no. 1 (March 1999): 86.

⁷ *ibid.*

⁸ *ibid.*, 87.

convicted of violating the Selective Service Act of 1940. This board would function in a three-step process. In the first step, the board would review the case and determine whether or not to make a determination for executive clemency. Then the findings would be sent to the United States Attorney General who would review the case and make a final recommendation to President Truman. Finally, the president would take all evidence into account and make the final decision on whether clemency would be approved or denied.⁹

Truman's Executive Order was a victory for many conscientious objectors and their supporters. A sizable number of men had chosen not to fight in World War II. According to Andrew Dunar, from October 16, 1940 to July 1, 1945 there were 13,986 convictions for violations of the Selective Service Act.¹⁰ Out of those convicted, 5,516 claimed religious or conscientious objector status.¹¹ By 1945, organizations such as the War Resisters League and the Committee for Amnesty began bringing organization to the movement for complete amnesty.¹²

With the growing call for amnesty, Truman begrudgingly announced the model of his amnesty board. By December of 1947, 3,041 people had been granted executive amnesty.¹³ President Truman's Amnesty Board became the foundation for the Ford Clemency Board; however, many changes had to be made in order for it to work in the post-Vietnam era. In a 1972 letter from Thomas M. Susman, the Chief Counsel of the Subcommittee on Administrative Practice and Procedure, to Senator Edward Kennedy, Susman points out some of the shortcomings of Truman's Board. He mentions that one of the biggest issues with Truman's

⁹ Journal article, National Archives of The United States Federal Register, December 25, 1946, folder: Truman Amnesty Board, box 10, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/1506038.pdf>

¹⁰ Andrew J. Dunar, "Harry S. Truman and The Issue of Amnesty for Conscientious Objectors," *Peace & Change* 16, no. 3 (July 1991): 289.

¹¹ *ibid.*

¹² *ibid.*

¹³ *ibid.*, 295.

Board was the narrow scope of the cases that were reviewed. Truman's amnesty board almost exclusively looked at cases involving conscientious objectors, whereas Ford's Board was also going to be looking at the cases of deserters, expatriates, and domestic fugitives.¹⁴ Chief Counsel Susman sums up his analysis by saying many soldiers in previous American conflicts were sincere in why they chose not to serve. He ends his letter by asking "Are they, and future refusers in some popular war, to be denied amnesty for equally deeply held beliefs with little or no distinction beyond the fact that the majority thinks their ideas are wrong?"¹⁵

Both the Lincoln and Truman models would have to be altered to fit the realities of the Vietnam era. Despite the difficulties and objections to clemency by a substantial number of the American public, Ford persisted with his goal to heal the nation. The result would be a program that was perhaps flawed but also provided a way of healing to many evaders, deserters, and their families. In the postwar period, Ford's program would result in thousands applying and receiving clemency discharges. This thesis will use a sample of the almost 22,000 applications to Ford's Presidential Clemency Board to argue that the applications produced by the program reveal a much more complicated set of reasons than have previously been revealed and for this reason alone, Gerald Ford's Clemency Program, though flawed in many ways, can be considered a success. It will also show that in the transition between the hardline anti-clemency position of President Nixon and the full clemency position of President Carter, Ford took strong measures to achieve resolution, and the evidence could suggest a reappraisal of the Ford Presidency.

¹⁴ Letter, Thomas M. Susman to Senator Edward Kennedy, February, 29, 1972, folder: Truman Amnesty Board, box 10, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/1506038.pdf> .

¹⁵ *ibid.*

Historiography

The Presidential Clemency Program was arguably one of the defining moments of President Ford's administration. Despite the subject's importance, historians have largely ignored the subject. Even Ford barely mentions the program in his autobiography. In *A Time to Heal; The Autobiography of Gerald Ford*, he only devotes five paragraphs to the program. Douglas Brinkley follows this same pattern in his book *Gerald Ford*. He briefly mentions the program, but mostly in conjunction with the former Nixon administration.¹⁶ John Robert Greene, in *The Presidency of Gerald R. Ford*, mentions the program in the most detail.¹⁷ In four pages in his book, he provides a brief description of the program, as well as the final statistics. However, he argues that the program was a "well-run and dutiful commission, the PCB was true to Ford's promise of 'earned reentry' for draft evaders."¹⁸

William A. Strauss and Lawrence M. Baskir disagree with Greene's interpretation of a well-run program. In their first book, *Reconciliation after Vietnam: a Program of Relief for Vietnam-era Draft and Military Offenders*, both authors argue that the program could be considered a failure.¹⁹ They stated "The Clemency Program had such major defects in design and administration that the low numbers [of participants] reflect more on it than on the people it purported to help."²⁰ They used their book to both point out the Ford program's flaws and suggest improvements for a new program to help draft deserters and draft evaders. In Strauss and Baskir's second book, *Chance and Circumstance of The Vietnam Generation*, the authors created

¹⁶ Douglas Brinkley, *Gerald Ford* (New York: Henry Holt and Company, LLC, 2007).

¹⁷ John Robert Greene, *The Presidency of Gerald R. Ford* (Lawrence, KS: The University Press of Kansas, 1995).

¹⁸ *ibid.*, 42.

¹⁹ Lawrence M. Baskir and William A. Strauss, *Reconciliation after Vietnam: A Program of Relief for Vietnam Era Draft and Military Offenders* (Notre Dame, IN, University of Notre Dame Press, 1977).

²⁰ *ibid.*, 45.

a portrait of the young people of the Vietnam era.²¹ Instead of writing about those who fought, they wrote about those who did not fight. They state the purpose of the book is to “show who they were and how they escaped the war—and yet, did not escape it.”²² Both books by Strauss and Baskir are useful resources and provide the backbone for almost every succeeding study of the Ford Clemency Program.

Joshua Dunton uses Strauss and Baskir throughout his thesis, “To Heal the Nation: the Creation of President Ford’s Clemency Program.”²³ Dunton argues that the clemency board’s creation was influenced by many different factors including “the offenders themselves, the amnesty debate, including its coverage in the news media and the symbolic nature of the debate, public opinion and President Ford’s personal and political influences.”²⁴ His is an interesting thesis; however, his lack of primary sources decreases the validity of his argument. He uses Baskir and Strauss in place of primary research regarding the statistics of who applied and the final numbers of the program. The problem with using these numbers is addressed by Strauss and Baskir in the preface of *Reconciliation after Vietnam*. The authors state they “must caution the reader not to interpret our statistics as precise measures of the scope of the issue. Although we have presented the best available amnesty data in this report, almost none of the statistics can be established with certainty.”²⁵ Dunton also argues that the “draft offenders were a diverse group that chose to defy the Selective Service System in an attempt to avoid military service in Vietnam.”²⁶

²¹ Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance of The Vietnam Generation* (New York: Random House Inc., 1978).

²² *ibid.*, xv.

²³ Joshua Dunton, “To Heal the Nation: the Creation of President Ford’s Clemency Program” (MA thesis, University of Waterloo, Waterloo, 2009).

²⁴ *ibid.*, 5.

²⁵ Baskir and Strauss, *Reconciliation after Vietnam*, xiv.

²⁶ Dunton, “To Heal a Nation,” 14.

Announcement of the Clemency Program

In August of 1974, after President Ford had decided that he would grant conditional amnesty to draft evaders and deserters, a discussion began as to where he should announce his plan. This topic was debated among Ford; Jack Marsh, who served as an advisor to the president; Alexander Haig, the Chief of Staff; and Phillip Buchen and Robert Hartmann, who both served as White House counselors.²⁷ The easy route would be to reveal his plan to an audience that would support his decision. Instead, Ford chose the annual Veterans of Foreign Wars (VFW) Conference on August 19. According to Ford, he believed that announcing the plan in front of this audience would “indicate strength on my part.”²⁸ In her diary, Betty Ford wrote that the morning that they headed to the VFW convention, the President knew the veterans would not be supportive of the plan. However, he told his wife that “it would have been a little cowardice, I think, if I’d picked an audience that was ecstatic. You can’t talk about healing unless you are going to use it in the broadest context.”²⁹

The text of Ford’s speech was not included in the information sent to the conference ahead of time, and the reporters who flew with the president to Chicago were also not told about Ford’s announcement. According to Ford, this was done to curtail any demonstrations that may have occurred.³⁰ He began his announcement to the veterans by reaffirming that he was against blanket amnesty for those who were considered draft dodgers. However, he also acknowledged that “like President Truman and President Lincoln before me., I found on my desk, where the buck stops, the urgent problem of how to bind the nations wounds. And I aim to do that.”³¹ He

²⁷ Ford, *A Time to Heal*, 141.

²⁸ *ibid.*

²⁹ Betty Ford and Chris Chase, *The Times of My Life* (New York: HarperCollins, 1978), 164.

³⁰ Ford, *A Time to Heal*, 142.

³¹ Speech, Veterans of Foreign Wars Convention, 19 August, 1974, folder: 8/19/74—Veterans of Foreign Wars Convention, box 1, President’s Speeches and Statements, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0122/1252058.pdf> .

then told the crowd of veterans that he had given Secretary of Defense Schlesinger and Attorney General William Saxbe until September 1 to compile a report of those who had been charged with *draft evasion*. Ford did not villainize those who had chosen not serve. In contrast he said that they could be considered “casualties, still abroad and absent without leave from the real America.”³²

Ford finished his announcement by saying, “I am throwing the weight of the Presidency into the scales of justice on the side of leniency. I foresee their earned reentry—*earned* reentry—into a new atmosphere of hope, hard work, and mutual trust.”³³ During the speech a wave of silence fell over the crowd of veterans. It came as a great shock that the president had changed the policy of his predecessor, Richard Nixon, who had been vehemently against amnesty. The next day, on August 20, 1974, the VFW responded to the amnesty plan by passing two resolutions. The first motion reaffirmed the organization’s long-held position to oppose any kind of amnesty. The second resolution was to stand strong in their position and to oppose amnesty publicly.³⁴

The Veterans of Foreign Wars may have taken an immediate, firm stance against amnesty. However, the rest of the country was less sure on where it stood. The Vietnam War had divided the country and as a result revealed the differences between the Vietnam and World War II generations. In *The Warrior Image: Soldiers in American Culture from the Second World War to the Vietnam Era*, Andrew J. Huebner argues that the Vietnam War killed the image of the heroic World War II soldier. The image of the valiant World War II soldier was replaced by the Vietnam soldier, a man who needed to be pitied and commiserated.³⁵ Many of the old guard

³² *ibid.*

³³ *ibid.*

³⁴ “Amnesty Rejected by VFW,” *Baton Rouge Advocate*, August 21, 1974.

³⁵ Andrew J. Huebner, *The Warrior Image: Soldiers in American Culture from the Second World War to the Vietnam Era* (Chapel Hill: The University of North Carolina Press, 2011), 175.

viewed those who deserted during the Vietnam War as being cowards. However, there were only twenty-four men convicted of battlefield desertion during the Vietnam era compared to the 20,000 men who were convicted during World War II.³⁶

Many newspapers around the country began polling readers, many of them citizens who had never served in the military, asking how they felt about the Ford announcement. *The Greenville News* poll of the residents of Greenville, South Carolina, illustrated these mixed feelings. The responses were varied and diverse. Sam Baston disagreed with blanket amnesty but thought that “they should be brought back into our society but should have to pay in some way for their desertion.”³⁷ Within the same article, Aldean Howard was quoted in saying “I don’t approve of the President’s action. If they had loved their country they wouldn’t have deserted in the first place.”³⁸ Then there were some people like Kim Jones, who advocated for total amnesty and told the reporter that “they should be put back free on the streets because they refused to fight a war that was never declared.”³⁹ This mixed sentiment was felt all over the country. So in 1974, as the country was disagreeing on whether amnesty should be considered for draft evaders, Secretary of Defense Schlesinger and Attorney General William B. Saxbe were already researching how the amnesty board would work.

Schlesinger and Saxbe’s report reached Ford’s desk on August 30, 1974. The report was divided into *three parts*: a numerical breakdown of draft evaders and deserters, the country’s opinion on amnesty, and a proposed program. Part one, the numerical section, was broken into two categories. The first category included the 8,700 men who had been convicted of violating

³⁶ Baskir and Strauss, *Chance and Circumstance*, 112.

³⁷ “*The Greenville News*, August 21, 1974. This and all future newspaper references were obtained through Newspapers.com, unless otherwise noted.

³⁸ *ibid.*

³⁹ *ibid.*

the Selective Service Act. The second group was comprised of 6,100 men who were under investigation for violating the act. As of August 1974, 15,500 evaders were potentially eligible for the Clemency Program.⁴⁰ In the next section, the term *deserter* was defined as anyone absent from the U.S. military for 30 or more days without proper authorization. During the war, approximately 500,000 incidents of desertion were recorded and processed through the military system. However, Schlesinger and Saxbe found around 12,500 deserters were at large in the United States and around 1,500 deserters were living in Canada.⁴¹ Those who had deserted to countries in Europe, most notably Sweden, were not included in the report. This might be because countries such as Sweden and Canada did not keep accurate counts of those who came into their country. Canada, for example, did not distinguish between fugitives and evaders.⁴² Schlesinger and Saxbe also determined that “a profile of the typical deserter indicated that he was an enlistee, a non-high school graduate, was from 18-21 years old, was single, and was in one of the four lowest enlisted pay grades.”⁴³

The second part of the report analyzed the American public’s view on amnesty. Saxby and Schlesinger found that many people were in favor of some sort of amnesty. Within that group, it was found that most supported the idea of a conditional amnesty. This attitude was mirrored in the U.S. Congress.⁴⁴ This part concluded that amnesty had its objectors; however, most Americans seemed to be in favor of beginning to bring the country back together with the condition that there would be consequences for the deserters and evaders.

⁴⁰ Memo, A Program for the Return of Vietnam Era Draft Evaders and Military Deserters, August 30, 1974, folder: Amnesty-White House Meetings, box 2, John Marsh Files, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0067/1562812.pdf> .

⁴¹ *ibid.*

⁴² Baskir and Strauss, *Chance and Circumstances*, 180.

⁴³ Memo, A Program for the Return of Vietnam Era Draft Evaders and Military Deserters, August 30, 1974, folder: Amnesty-White House Meetings, box 2, John Marsh Files, Gerald R. Ford Library.

⁴⁴ *ibid.*

The third part of the report contained a proposed plan for a reconciliation program, which was broken down into two sections. The first section applied to the individuals who were either “at-large” or who were under investigation. The men who fell into this category would not be prosecuted for their offenses if they agreed to do alternative service. The amount of leniency in the program was based on several factors that the board would have to determine:

(1) whether to indict a returning evader; (2) the type of discharge received by a returning deserter; (3) the nature and length of the commitment to perform alternative service, the degree of latitude in the type of alternative service, and the degree to which this performance will be monitored and enforced; (4) the nature, if any, of a reaffirmation of allegiance, including acknowledgment of absence; and (5) the degree of exoneration which will be afforded upon successful completion of a period of alternate service.⁴⁵

The list of variables could also be added to, based on the applicant. Those who were accepted into the program would have to take an oath of allegiance to the country and would be required to perform alternative service for a maximum of eighteen months.⁴⁶

The second section involved the time aspect of the program. Schlesinger and Saxbe determined that the new program should accept applications for 120 days. They also recommended that the participants of the program could only apply if their convictions fell between August 4, 1964 (Tonkin Gulf Resolution) and March 28, 1973 (the day all American troops were withdrawn). This plan evolved as the program developed. However, the basis of President Ford’s Clemency Board would owe its structure to Saxby and Schlesinger.

The Charge of the Clemency Board

On September 8, 1974, in a speech given at the White House, President Ford signed a proclamation and two executive orders that put his Clemency Board into action. Executive Order 11803 established the clemency board, and Executive Order 11804 gave Director of Selective

⁴⁵ *ibid.*

⁴⁶ *ibid.*

Service the power to help with finding alternative service opportunities for applicants. In his speech, Ford once again declared the goal of the Clemency Program was “the reconciliation of all our people and the restoration of the essential unity of Americans within which honest differences of opinion do not descend to angry discord and mutual problems are not polarized by excessive passion.”⁴⁷ Despite the popularity of the amnesty decision in America, this passion was reflected in the editorial pages of newspapers across the country. In *The Philadelphia Inquirer*, H.W. Fullerton, a VFW member and veteran, wrote to the editor that “to take the side of gutless cowards who would rather run than serve is as low as you can get.”⁴⁸

Before signing Executive Order 11803, President Ford proclaimed in his speech that all deserters and draft evaders were eligible to apply to the program regardless of whether the applicant had been convicted or not. The applicants who had been convicted of violating the Selective Service Act of 1940 would have their cases referred to a nine-person clemency board. Those applicants who were not in the process of being convicted would have their sentences commuted and be given twenty-four months of alternative service.⁴⁹ This length of time could be altered based upon circumstances of the applicant’s offense. In some cases, men would have their cases upgraded to a general discharge and the AWOLs would be ignored.

The nine-person clemency board included people from various walks of life including retired military, attorneys, and former and current representatives of various government boards. The representatives from the military included Gen. Lewis W. Walt, James Dougovita, and Dr. Ralph Adams. The military group comprised both the youngest and the oldest members of the board.

⁴⁷ “President Gerald R. Ford’s Remarks Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters,” September 16, 1974, Gerald R. Ford Presidential Library, <https://www.fordlibrarymuseum.gov/library/speeches/740077.asp>.

⁴⁸ *The Philadelphia Inquirer*, September 3, 1974.

⁴⁹ “President Gerald R. Ford’s Remarks Announcing a Program,” September 16, 1974, Gerald R. Ford Library.

General Walt, a retired 61-year-old U.S. Marine, brought 34 years of military experience to the board. He was awarded many accolades over his long career, including the Navy Cross and numerous Purple Hearts. James Dougovita, the youngest on the board at 28, was a Vietnam veteran and a captain in the Michigan National Guard. After serving in Vietnam and earning many accolades, he worked with minority students at Michigan Tech as a teacher's aide. Another member of the clemency board who intermingled education and a military career was Dr. Ralph Adams, the 59-year-old president of Troy State University. He also had a law degree and served as a Brigadier General in the Alabama Air National Guard.⁵⁰

In 1974, five of the nine members of the board had law degrees; however only three were currently practicing law. The practicing attorneys included the Honorable Robert H. Finch, a 52-year-old practicing lawyer and the former Secretary of Health, Education, and Welfare (HEW) who had also served as a White House counselor under President Nixon. Aida Casanas O'Connor, an attorney and the assistant counsel to the New York State Division of Housing and Community Renewal in New York City, served as the only woman on the board as well as being the only Hispanic representative. The other practicing attorney on the board was Charles E. Goodell, chairman of the Presidential Clemency Board. At 48 years old, the former New York senator had been an outspoken critic of the Vietnam War. His anti-war views earned him criticism from the Nixon administration.⁵¹ When announcing the board, Ford told members of his cabinet that hiring Goodell "would be controversial, but I think he will do a good job."⁵²

⁵⁰ Press notice, Members of the Presidential Clemency Board, September 16, 1974, folder: September 6-25, 1974, box 2, the White House Press Releases, Gerald R. Ford Library.

⁵¹ *The Palm Beach Post*, September 17, 1974.

⁵² Press notice, Members of the Presidential Clemency Board, September 16, 1974, folder: September 6-25, 1974, box 2, the White House Press Releases, Gerald R. Ford Library.

The final three members of the board were either current or former members of national organizations. Father Theodore Hesburg, president of the University of Notre Dame, had served both as the chair of the U.S. Civil Rights Commission and a member of the All-Volunteer Armed Force Committee. Vernon E. Jordan was the only African American member of the board. At 39 years old, Jordan was the Executive Director of the National Urban League and served in many other directorial positions. The final person on the board was James Mave; in 1974, he was the Executive Director of Paralyzed Veterans of America.⁵³

The Public's Response

After Ford's announcement to the public of his Clemency Program, newspapers across the country picked up the story. The letters to the editor of these papers soon followed, displaying the public's reaction to the news. It soon became evident that Americans were still divided on the issue. A good example of this divisiveness can be found in the September 21, 1974, issue of the *Tampa Bay Times*, in letters from two veterans of the World Wars. Letter writer Henry Wohnsen, a veteran of World War II, was in favor of leniency toward those who evaded service. After mentioning his own honorable service, he said, "This last Vietnam mess was a disgrace and I would have had the courage to tell Uncle Sam to go to hell and try to find me."⁵⁴ This position was countered and disputed by Harry E. Gibson, a veteran of World War I, who hoped that he did not live to see the day when he would "see a bunch of shirt tails going over the horizon."⁵⁵

The veterans of the World Wars were not the only group conflicted about whether or not deserters and evaders should be given amnesty. Vietnam veterans also debated the topic within the nation's newspaper editorial section. John T. Hader Jr., a veteran who had spent seven

⁵³ *ibid.*

⁵⁴ *Tampa Bay Times*, September 21, 1974.

⁵⁵ *ibid.*

months in a military hospital, was one of many veterans who considered deserters and evaders to be cowards. In his letter to *The Daily Inter Lake* of Kalispell, Montana, Hader wrote, “It is a sad day in American history when a coward is made welcome and our great country is not worth defending. For his own safety I hope I never meet such a coward face-to-face.”⁵⁶ Across the country, in Rhode Island, Mike Harris shared that sentiment. Harris, an infantry veteran, wrote that he did not believe the draft evaders and deserters should be let back into the country. In his letter to *The Daily Herald*, he wrote to the editor that for him “The draft dodgers and deserters are another caliber of people that our country is better off without. If they feel they can’t serve their own country they shouldn’t live in it.”⁵⁷

Although this sentiment was featured in many newspapers across the country some pro-amnesty Vietnam veterans expressed their views as well. Emil G. Best, a Vietnam veteran from Chicago working in the pro-amnesty movement, believed the politicians were at fault instead of the deserters and resisters. He believed the resisters should be commended, because their actions had forced the public to face what was happening in Vietnam. In Best’s letter to the editor of the *Chicago Tribune*, he wrote that it was “an open secret that our participation in Vietnam was based on massive, unscrupulous deceit by L.B.J., Nixon, the joint chiefs, and their henchmen. They orchestrated this disaster and let it go on and on, year after year.”⁵⁸ Not all pro-amnesty veterans blamed the government in their letters. Letter writers such as Kenneth R. Hays from San Mateo, California, took a religious approach. Hays, a veteran who served a year and a half in Vietnam felt that those who resisted or deserted were following the commandment that says “Thou shalt not kill.” He praised the resisters and believed that “All they ever did was to express

⁵⁶ *The Daily Interlake*, September 24, 1974.

⁵⁷ *The Daily Herald* (Providence, Rhode Island), September 27, 1974.

⁵⁸ *Chicago Tribune*, November 30, 1974.

the love for their fellow man and refuse to take part in their brother's murder, for this is wrong."⁵⁹

Individual veterans may have been divided on what should become of the draft resisters and evaders, but many organized veterans' groups across the country made it clear that they were opposed to amnesty. Members of the Veterans of Foreign Wars (VFW) wrote many letters to the editor voicing their anti-amnesty opinion. This attitude was foreshadowed in the chilly reception to Ford's speech on amnesty. In 1974, after Ford officially announced the creation of the clemency board, members of the V.F.W. once again took their opinions to print. Doane Yeager, a veteran who signed his letter as the Department of Arkansas V.F.W. Americanism Chairman, expressed his disdain for amnesty to the editor of the *Northwest Arkansas Times*. He asked if someone would explain to him "how granting amnesty of any kind to a bunch of hippie, drop-out traitors is going to pull this country together?"⁶⁰ Yeager believed that more resources should have been funneled to the families of those soldiers who were missing in action (M.I.A). Many letter writers who were anti-amnesty also expressed that the Ford administration should have focused on those who were MIA or prisoners of war before worrying about draft dodgers.

A letter writer from Troy, New York, was another member of the VFW who opposed amnesty. An infantryman during World War II, after serving over five years in the military, had received an honorable discharge, he believed, like many, that giving amnesty to those who resisted or deserted would set a precedent for future wars. In his letter to *The Times Record* he stated "I will accept these traitors back into this country provided they serve two nice, safe years in poverty paying jobs and have no citizen's rights."⁶¹ The VFW was not the only organization

⁵⁹ *The Times* (San Mateo, California), September 23, 1974.

⁶⁰ *Northwest Arkansas Times*, September 21, 1974.

⁶¹ *The Times Record* (Troy, New York), October 26, 1974.

opposed to amnesty. The Disabled American Veterans (DAV) of Nevada were opposed to the idea of draft dodgers and resisters being given priority over disabled veterans in the job market. In a statement to the *Reno Gazette-Journal*, Larry R. Thorpe, the national service officer for the DAV office in Reno, Nevada, wanted written assurances that “evaders and deserters will not have preference over other veterans after they have served the one or two-year alternate service period.”⁶²

Across the country, those who had not served in the military showed both positive and negative reactions to the idea of a Clemency Program. The majority of these letters seemed in favor of moving forward with Ford’s plan to heal the nation’s wounds. An example of this opinion can be found in the September 21, 1974, edition of the *Detroit Free Press*. In this issue, of nine letters related to the clemency board, seven either approved of Ford’s plan or proposed some other kind of alternative service. Many compared the Clemency Program to the pardon of Richard Nixon. For example, Ronald C. Hoffman believed war resisters should be given unconditional amnesty. In his letter to the editor he said, “I think it is grossly unjust that resisters receive only conditional amnesty when former President Richard Nixon has received full and unconditional amnesty for his high crimes against democracy.”⁶³ This comparison of the Nixon pardon to the Clemency Program would appear in the majority of public opinion pieces about the program. On September 23, 1976, Jimmy Carter defined this unfairness as the difference between white collar and blue collar crime. During a presidential debate with Ford, Carter argued that those who were influential and had money such as Nixon were seldom punished, however,

⁶² *Reno Gazette-Journal*, November 20, 1974.

⁶³ *Detroit Free Press*, September 21, 1974.

those with little influence and who had less money such as deserters and resisters were almost always punished.⁶⁴

Although editorials such as Hoffman's show that many were supportive of some sort of amnesty program for draft resisters or evaders, it is clear that division on the issue existed. In one extreme example, Robert J. Knodell wrote the *Chicago Tribune* that "unless we accept surrender to Communist domination, we should place patriotism before humanitarianism and refuse amnesty to draft resisters."⁶⁵ The view that granting amnesty would lead America to communism was not a popular one. However, like Knodell, many opponents of the amnesty plan put patriotism at the core of their arguments. In the September 8, 1974, edition of *The Orlando Sentinel*, Gene C. Mullen wrote that granting amnesty to those who deserted or resisted the draft dishonored those who lost their lives in Vietnam. Mullen asked the editor, "Why dishonor those young men who died by granting amnesty to those who let them die?"⁶⁶

Another way people chose to voice their opinions about the Clemency Program was through letters written directly to President Ford and Charles Goodell. These, like the letters to newspapers, were varied in content and reasons for either supporting or not supporting clemency. Like in the newspapers, most of the letters were at the extremes of the spectrum, either strongly opposing to any form of amnesty or only accepting blanket amnesty. Another similarity between the letters to the newspapers and the letters directly sent to the administration was the mention of patriotism. In many of these letters, the writers implied that a person could not be patriotic if he evaded the draft or deserted. An example of this opinion is a letter to Ford from George D. Conrad, who had served as a soldier during World War II. He believed that any who wanted to

⁶⁴ Gerald R. Ford: "Presidential Campaign Debate," September 23, 1976. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=29404>.

⁶⁵ *Chicago Tribune*, September 28, 1974.

⁶⁶ *The Orlando Sentinel*, September 8, 1974.

resist the war should have done it through proper channels. This process, he believed, should have included a hearing in front of the individual's draft board and in the case of an unfavorable judgment, it could be appealed. Conrad believed that those who chose to leave the service rather than go through proper channels were "contemptible cowards who were willing to let someone else suffer or die in their place."⁶⁷ During the Vietnam War, he had visited Canada and witnessed a group of resisters. In his letter, he described those he saw as "dirty hippies who were completely lacking in patriotism."⁶⁸

Conrad was not the only anti-clemency veteran who wrote to the president. A very persistent retired U.S. Army lieutenant colonel questioned the effects of clemency on future wars. Lt. Col. James J. Mullen wrote four letters to President Ford regarding the program over the course of a year. On September 24, 1974, he sent his first letter to the president asking eight questions to which he asked for a "detailed reply."⁶⁹ In the first half of the letter he posed questions that pertained to the cost and possible results of the program. The second half of the letter deviated into questions such as "if we allow people to hide and then, when danger is past, to be accepted and forgiven, what will happen to the sense of civic duty and responsibility next time?"⁷⁰ His questions slowly devolve from reasonable questions to direct criticism of the president. This criticism is best displayed when he asked if the president if he "was aware that he may be underwriting the disaster of our nation?"⁷¹ Mullen argued in his letters that most conservative military members would be opposed to the clemency board. This opinion is evident in the direct

⁶⁷ Letter, George D. Conrad to President Ford, September 4, 1974, folder: Amnesty-Public Opinion Mail, box 2, John Marsh Files, Gerald R. Ford Library.

<https://www.fordlibrarymuseum.gov/library/document/0067/1562810.pdf>

⁶⁸ *ibid.*

⁶⁹ Letter, James J. Mullen to President Ford, September 24, 1974, folder: Correspondence (4), box 3, Charles E. Goodell Papers, Gerald R. Ford Library.

<https://www.fordlibrarymuseum.gov/library/document/0193/1505975.pdf>

⁷⁰ *ibid.*

⁷¹ *ibid.*

letters, in the letters to the editors, and in the response of the Veterans of Foreign Wars after the initial announcement by President Ford.

President Ford and Goodell were probably not surprised by backlash from the conservative military. At the same time, civilians such as Carol Bernstein- Ferry and W.H. Ferry wrote to Goodell and implored him to reassure the president that despite the backlash that he was sure to receive from the members of the military, “there is a large, compassionate body of citizens who look forward to a true amnesty as another refreshing breeze of post-Watergate air.”⁷² However, private citizens who were not former military also wrote in to express their disapproval of the clemency board. Barbara Tharp claimed in her letter that the Clemency Program was a waste of money and the idea must be upsetting to those who had risked everything to serve their country. She believed it was “disgusting that this government is sinking so low as to even consider clemency for even one of these persons.”⁷³ Tharp represented a very small minority of letter writers who mentioned anything about deserters being included in the Clemency Program. Most of the letters and the newspaper articles focused on the draft resisters. According to Tharp, it was important to remember that it had only been a couple of decades since desertion had been punishable by death.⁷⁴

Two categories of letters comprised those who were pro-amnesty. The first group supported the concept of the clemency board; however, the letter writers thought it should be modified. Charles A. Miller sent a letter to Goodell proposing a way that amnesty might be granted while working within the Clemency Board parameters. He suggested that all conscientious objectors be

⁷² Letter, Carol Bernstein Ferry and W.H. Bernstein to Charles Goodell, August 24, 1974, folder: Correspondence (1), box 2, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/1505974.pdf>

⁷³ Letter, Barbara Tharp to Charles Goodell, January 30, 1975, folder: Correspondence (3), box 2, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/18558763.pdf>

⁷⁴ *ibid.*

granted amnesty without having to perform alternative service. Miller argued that many Americans realized that the Vietnam War was “immoral and unconstitutional.”⁷⁵ Therefore, why should young Americans be punished for realizing it sooner and choosing not to participate? By not punishing the objectors, Miller wrote, the nation’s wounds would heal faster and families could be reunited.⁷⁶

The second group of pro-amnesty letter writers were supportive of clemency, but only in the form of complete, blanket amnesty. Emil M. Deutsch’s letter agreed with Miller, that the resisters had realized the immorality of the Vietnam War sooner than everyone else and should not be punished. In his letter, Deutsch asked “whether it was wise to punish those who, at least in their majority, recognized this earlier than the civilians, largely untouched by the war, by the heavy requirements the executive order places upon them as condition for their reentry into the U.S. society.”⁷⁷ In his letter, George Hallelt agreed with this perspective and was concerned that without amnesty, many who left the country would not return. He believed this was unacceptable considering “their only crime was to refuse to kill or risk being killed in a war, not declared by Congress, which was widely detested as unnecessary and unjust.”⁷⁸ This support of general amnesty was also shared by most of the clergy and clerical organizations in the country.

During the 1970s, the religious organizations in the country were largely in favor of general amnesty. One of these organizations was Clergy and Laity Concerned (CALC). This organization, founded in 1965, was dedicated to using a biblical worldview to advocate for peace

⁷⁵ Letter, Charles A. Miller to Charles Goodell, October 28, 1974, folder: Correspondence (2), box 2, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/18558761.pdf>

⁷⁶ *ibid.*

⁷⁷ Letter, Emil M. Deutsch to Charles Goodell, October 23, 1974, folder: Correspondence (2), box 2, Charles E. Goodell Papers, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0193/18558761.pdf>

⁷⁸ Letter, George Hallelt to Charles Goodell, September 15, 1974, folder:

in Vietnam as well as in other international and domestic issues.⁷⁹ CALC issued a statement calling for both unconditional amnesty and for Goodell's immediate resignation. Goodell had been a staunch antiwar senator, and his involvement with the clemency board seemed as a betrayal. As in many other letters and articles, the organization felt President Ford held contradictory beliefs when it came to amnesty. He had granted a general pardon to President Nixon, even though Nixon had committed a serious crime, and yet draft resisters and deserters were going to be punished for not participating in an immoral conflict.⁸⁰ The organization also criticized Charles Goodell, who had been an anti-war activist. According to a statement from the organization, Goodell should "stand with the men you led away from war, not against them. Demand an end to punitive services, trials, and all vindictive measures. Close down the Clemency Board with a statement of true amnesty."⁸¹ The organization closed its statement by declaring that the amnesty program would not bind the nations wounds. Instead, it would leave them open because many war resisters would not accept the terms of the clemency board. Instead families would still be separated and evaders' suffering would continue.⁸²

Representatives of some of the mainstream churches also wrote letters encouraging the president to issue a blanket pardon. The United Presbyterian Church in the United States of America wrote to President Ford expressing its concerns about alternative service. It wrote that alternative service is not an equitable solution. Many had been able to avoid serving in Vietnam either because they were never drafted or because they found a loophole. It would be unfair, the church argued, to punish those few who resisted or deserted when so many were able to work the

⁷⁹ "Clergy and Laymen Concerned About Vietnam (U.S.)," The King Center, last modified 2018. Accessed April 15, 2018, <http://www.thekingcenter.org/archive/theme/639>.

⁸⁰ Statement, CALC Executive Director Don Luce, September 16, 1974, folder: Correspondence (1), box 2, Charles E. Goodell Papers, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0193/1505974.pdf>.

⁸¹ *ibid.*

⁸² *ibid.*

system to their advantage. At the Presbyterian General Assembly, members had decided that “service freely given to the nation is vastly to be preferred to labor exacted to avoid further punishment.”⁸³ Included with the Presbyterian Church’s letter was a document expressing its opinions on amnesty. The document concluded,

There will be a tendency for us to want to balance the scales of justice, to compensate those who were hurt by the war by hurting others. As two wrongs do not make a right, so we must counter evil with good, healing the wounds of all who have been injured in this war. We must comfort the widow and the orphan, welcome home all veterans and restore them to full functioning in our society, and by amnesty include those with other than honorable discharges in the reconciliation we seek.⁸⁴

The church letter concluded, as CALC had, that the only way the country would start to heal was by the president issuing a blanket pardon.

The Quakers had begun advocating for blanket amnesty for draft resisters and deserters even before Ford took office. On March 11, 1974, Harrop A. Freeman testified before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice. Freeman, a professor at Cornell University, represented The Friends Committee on National Legislation. In his testimony he expressed that throughout the 300-year-history of the Quakers, they had always opposed war. Instead, they had promoted reconciliation between parties regardless of side.⁸⁵ They, like the Presbyterians, also denounced the punishment of draft evaders and deserters when so many were able to avoid serving in Vietnam by chance and connections. However, the Quakers also realized that some individuals did not have these opportunities. These individuals were often minorities, uneducated, and did not know how to work the system. In his statement,

⁸³ Letter, Stated Clerk William P. Thompson to President Ford, August 21, 1974, folder: Amnesty-Public Opinion Mail, box 2, John Marsh Files, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0067/1562810.pdf>.

⁸⁴ *ibid.*

⁸⁵ Testimony of Harrop A. Freeman to the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, March 11, 1974, folder: Amnesty-Public Opinion Mail, box 2, John Marsh Files, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0067/1562810.pdf>.

Freeman acknowledged the feelings of many who believed a blanket amnesty would dishonor those who had given the ultimate sacrifice. However, Freeman quoted Louise Ransom who said, “The only way we can dishonor those who died is to learn nothing from them.”⁸⁶ Ransom’s son was killed in Vietnam. His death sparked both Ransom and her husband to join the anti-war movement.⁸⁷

Professors of religion also wrote private letters to the president pleading their case for blanket amnesty. Paul Deats, a professor of social ethics at Boston University School of Theology, was one such individual. He wrote that he had preached throughout Boston and was persuaded through discussion that general amnesty was the best course of action. After these discussions both at school and in church he was convinced that “there is no war to assure equality of suffering on the part of those to be granted amnesty, any more than there was equal sacrifice by all who were in the armed forces.”⁸⁸

Congressional Response

The majority of members of Congress reacted positively to the announcement of a clemency plan. However, this feeling was not unanimous and, like the general public, some members were staunchly against the program. Ford was not the first person to confront the amnesty question. Throughout early 1973, several bills had been proposed in the House of Representatives that would extend a blanket amnesty to those who had deserted or evaded the draft. These bills were referred to committees but never made it past the discussion phase. On January 3, 1973, the War

⁸⁶ *ibid.*

⁸⁷ *The Washington Post*, April, 17, 1985. Accessed May 3, 2018, https://www.washingtonpost.com/archive/politics/1985/04/17/the-families/b7723d41-ba7d-4ab3-8f44-fbb190400f8e/?utm_term=.44cbc63d63df.

⁸⁸ Letter, Paul Deats to President Ford, August 22, 1974, folder: Amnesty-Public Opinion Mail, box 2, John Marsh Files, Gerald R. Ford Library. <https://www.fordlibrarymuseum.gov/library/document/0067/1562810.pdf>.

Resisters Exoneration Act (H.R.236) had been introduced by Rep. Bella Abzug (D-New York).

This act called for general amnesty to all who violated the law by participating in

draft evasion, draft evasion abetting, and draft card destruction; advising another to desert the Armed Forces; deserting from the Armed Forces; missing the movement of a ship, aircraft, or unit with which it is required in the course of duty to move; using contemptuous words against various executive and State officials where present as a commissioned officer in the Armed Forces; concealing or assisting any person who has deserted from the Armed Forces; and attempting to cause insubordination by any member of the military of the United States, with intent to interfere with the loyalty of discipline of the military of naval forces of the United States.⁸⁹

This bill would be re-introduced twice to the House of Representatives: on January 29, 1973, the bill was reintroduced by Rep. Ronald V. Dellums (D-California), (H.R.3100).⁹⁰ However, the bill never made it to the House floor. On March 6, 1973, it was re-introduced by Rep. Bella Abzug (H.R.5195).⁹¹ Once again, the bill died without being discussed on the House floor.

On September 17, 1974, the *Bridgeport Telegram* reported that President Ford's plan had been received well in Congress. This was true; however the article also reported many conflicting opinions about the decision. Those supporting the plan, such as Senate Majority Leader Mike Mansfield (D-Montana) said that the President had his "full support...it is opening the door to a problem that has to be faced up to sometime."⁹² However, there were also those in Congress who begrudgingly accepted the plan, such as Senator James B. Allen (D-Alabama) who was against any form of amnesty but acknowledged that it was in the President's power to grant amnesty. Then there were those who were against amnesty and were not afraid to denounce the plan. Senator Barry Goldwater (R-Arizona) was a prime example. He was quoted saying that

⁸⁹ H.R.236, 93rd Cong., 1st sess. (1973), <https://www.congress.gov/bill/93rd-congress/house-bill/236?q=%7B%22search%22%3A%5B%22hr236%22%5D%7D&r=1>

⁹⁰ "H.R.3100, 93rd Cong., 1st sess. (1973), <https://www.congress.gov/bill/93rd-congress/house-bill/3100?q=%7B%22search%22%3A%5B%22hr3100%22%5D%7D&r=1>

⁹¹ "H.R.5195, 93rd Cong., 1st sess. (1973), <https://www.congress.gov/bill/93rd-congress/house-bill/5195?q=%7B%22search%22%3A%5B%22hr5195%22%5D%7D&r=1>

⁹² *The Bridgeport Telegram*, September 17, 1974.

Ford's Clemency Program was a "travesty [of] justice and an insult to every man who ever wore a military uniform."⁹³

This division could also be seen on December 18 and 19, 1974, when the Clemency Program came under review by the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, United States Senate. The purpose of this review was to "bring before Congress and the American people additional information about the current Clemency Program, its record, its successes, and its failures."⁹⁴ The oppositional opening statements by Senator Edward M. Kennedy of Massachusetts and Senator Strom Thurmond made it clear that the moderators of the committee were not in agreement about the Clemency Program. In Senator Kennedy's statement, he expressed the need for national reconciliation, not only encompassing those who evaded the draft or deserted the military, but also for veterans who did not receive a hero's welcome and the families of those who were killed in the conflict. Kennedy also made it clear that he questioned "the conditional nature of the amnesty as well as its limitations on those who would be eligible to receive it. But we [congress] welcome it as a step in the direction of reconciliation."⁹⁵

Senator Strom Thurmond looked at the clemency board through a different lens. He wanted those who avoided the draft or deserted the armed forces to be punished in a court of law. In the committee report he stated that "I don't think we provide equal protection to the citizens if we pick out this particular class of people and say although you didn't agree with the law when the law required you to serve, and therefore since you didn't agree with it you don't have to be

⁹³ *ibid.*

⁹⁴ Senate Hearing, Clemency Program Practices and Procedures, December 18 and 19, 1974, folder: Senate Hearings on Clemency Board Practices and Procedures (Published Report, box 10, Charles E. Goodell Papers, Gerald R. Ford Library. Accessed on April 17, 2018, <https://www.fordlibrarymuseum.gov/library/document/0193/1506033.pdf>.

⁹⁵ *ibid.*

punished.”⁹⁶ According to Thurmond there are many laws that people do not agree with; however if the laws are broken then people are still penalized. The same rule, he believed, should be applicable to those who broke the law regarding the Vietnam War. He claimed that in order to preserve the greatest country that people are returning to, people must be willing to fight and die for it.⁹⁷

The Clemency Board Procedures

The task of determining clemency for draft evaders and deserters would be carried out by three different organizations; The Clemency Board, The Department of Defense (DoD), and the Department of Justice (DOJ). The first organization was The Presidential Clemency Board which was created by President Ford when he announced the Clemency Program on September 16, 1974. The board was in charge of processing individuals who were either convicted draft evaders or those who were undesirably discharged.⁹⁸ Processing those with undesirable discharges would be a huge undertaking. According to a memo from Lawrence Baskir, general counsel to the board, approximately 80% of the 120,000 eligible applicants to the board were those who had received undesirable discharges.⁹⁹ There were two ways servicemembers could be issued a less than honorable discharge. The first way this could occur by an individual being charged with an unauthorized absence, also referred to as absent without leave (AWOL). This offense can proceed to a court-martial and if convicted the servicemember can face both a dishonorable discharge and up to 3 years in prison. However, the service often permitted the offender to

⁹⁶ *ibid.*

⁹⁷ *ibid.*

⁹⁸ Handbook, The Presidential Clemency Board Training Handbook, 1974, folder: Training Handbook (3), box 10, Charles E. Goodell Papers, Gerald R. Ford Library. Accessed on April 18, 2018, <https://www.fordlibrarymuseum.gov/library/document/0193/18558986.pdf>.

⁹⁹ Memo, Lawrence M. Baskir, May 7, 1975, folder: Pardons for Those with Undesirable Discharges, box 8, Charles E. Goodell Papers, Gerald R. Ford Library, Accessed on April 18, 2018, <https://www.fordlibrarymuseum.gov/library/document/0193/1506021.pdf>.

choose the option of choosing to accept an administrative discharge in order to save on court and incarceration fees.¹⁰⁰ The second way a servicemember could receive a dishonorable discharge is by being declared unfit by their superiors. This generally occurs if a servicemember has committed a series of small transgressions, that leads those in charge to view them as a disciplinary problem.¹⁰¹

In order to receive a clemency discharge through the Clemency Board, applicants who had either already been convicted of draft evading or desertion had to go through a multi-step process. The first step was to contact the board and request consideration. This could be done by mail, phone, or through a representative such as an attorney or family member.¹⁰² After initial contact, the clemency board would determine eligibility to apply for clemency or direct the applicant to another branch of the Clemency Program (i.e. Department of Defense or the Department of Justice). If the applicant was eligible, the second step involved the applicant receiving an application form that had to be returned within 60 days. After the application was returned, it was processed through the third step: being assigned a case number and an action attorney. During this step, all records are compiled including prison record, military records, and personal testimony.¹⁰³ Finally, the application is sent to the clemency board. During this step the board chose which cases would be recommended to the president for clemency. Applications could be rejected at any point in the process.

Those members of the armed forces who had gone AWOL, deserted, or missed a unit movement, but had not been prosecuted were to apply directly to The Department of Defense (DoD) for clemency. In order to receive clemency through the DoD, the applicant was required

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.*

¹⁰² Handbook, Charles E. Goodell Papers, Gerald R. Ford Library.

¹⁰³ *ibid.*

to report to the branch of the military from which he had deserted. Those who had left the Coast Guard were instructed to report to the Department of Transportation. After turning themselves in, the applicant must “reaffirm his allegiance to the United States and agree to perform alternative serve.”¹⁰⁴ After this process, he would be given an undesirable discharge, but upon completion of the alternative service it would be upgraded to a clemency discharge.¹⁰⁵ Those who went AWOL or deserted to other countries such as Canada or Sweden, would receive a fifteen-day grace period to apply for clemency after re-entering the United States.¹⁰⁶ Those who had dual citizenship with another foreign country had an extra step to take before taking advantage of the Clemency Program. They had the arduous task of proving themselves to be United States citizens, by surrendering themselves at the border and appearing before an immigration judge. If they surrendered at a land border then they would “not be paroled in the United States.”¹⁰⁷ If they surrendered at another entry point then they would be paroled in America. They could also not be extradited “until the matter of his United States Citizenship has been resolved.”¹⁰⁸

Draft evaders who had not been convicted were urged to apply to the Department of Justice (DOJ). In order to gain clemency, potential applicants were required to turn themselves in to a United States attorney, pledge allegiance to the U.S., and agree to participate in alternative service. After completing these steps, the charges against the draft evader would be dropped and those who had never been brought up on charges would have their cases closed.¹⁰⁹

After applicants received clemency from the president, they were recommended to the Director of Selective Service to receive their alternative service assignment. The only

¹⁰⁴ *ibid.*

¹⁰⁵ *ibid.*

¹⁰⁶ Senate Hearing, Charles E. Goodell Papers, Gerald R. Ford Library.

¹⁰⁷ Guidance, Treatment of Aliens Under the Amnesty Order, September 24, 1974, folder: Amnesty, box 117, Ron Nessen Papers, Gerald R. Ford Library.

¹⁰⁸ *ibid.*

¹⁰⁹ Handbook, Charles E. Goodell Papers, Gerald R. Ford Library

requirement for this assignment was that it had to “promote the national health, safety, or interest.”¹¹⁰ Using the selective service system would prove to be a mistake for several reasons. The first reason was that the organization did not want to be involved in the program. According to Baskir and Strauss, “Many of its top officials despised the people they were supposed to help.”¹¹¹ The second reason, was that the majority of those who had deserted or evaded the draft also despised the selective service. As a result, 90% of applicants never applied to receive their alternative service assignments.¹¹² The Department of Defense did not want to deal with the hassle of prosecuting individuals. Therefore, they created a clemency loophole, which involved the applicant signing a form promising that they would complete the requirements of the program. The General Counsel Martin Hoffman also warned that there would be serious consequences for anyone who committed fraud against the government.¹¹³ Despite these threats, no one was ever prosecuted.

Participation in the Clemency Program

In December of 1974, Charles Goodell appeared before Congress to give a status report on the Clemency Program so Congress might determine if the program was fulfilling the President’s promise to heal the country’s wounds. The hearing would also result in Congress recommending an extension of the program. The program was scheduled to end at the end of January 1975. However, due to low participation, the program was extended to March 1975 by the president. In his statement to Congress, Goodell made some startling observations about who had applied to the Presidential Clemency Board. He revealed that the board had been surprised to find that “the

¹¹⁰ *ibid.*

¹¹¹ Baskir and Staruss, *Chance and Circumstance*, 216.

¹¹² *ibid.*, 220.

¹¹³ *ibid.*

applicants coming before us do not fit the stereotypes we had assumed.”¹¹⁴ Most of the applicants who were applying to the program had gone AWOL or deserted for reasons other than opposition to war. Goodell explains “for the most part, we have seen applicants with wives who were about to leave them, whose fathers had died leaving a family without any means of support, or whose mother, wife, or child had become acutely ill.”¹¹⁵ Due to the military’s low pay scales (the average monthly income started at only \$115 per month), a Department of Defense survey had found that around seventy thousand military families were living below the poverty level.¹¹⁶

Low income as a factor in desertion was not the only observation made by the Clemency Board. Low education also proved to be a factor. In his statement, Goodell reported that the applicants were not only uneducated but were “generally unsophisticated, inarticulate people.”¹¹⁷ This can be attributed to the fact that many who enlisted or were drafted during the Vietnam era did not have a high school diploma.¹¹⁸ According to Goodell, this lack of education resulted in applicants not knowing how to work the system. He called the applicants “unfortunate orphans of an administrative system in which success was determined by being educated, clever, articulate, and sophisticated, whether sincere or not.”¹¹⁹

Both draft evaders and deserters were very articulate as to why they disagreed and distrusted the program. Many felt Ford’s program was not a true amnesty. Instead, it was a form of punishment. In September 18, 1974, in a letter to the editor of *The Kane Republican*, Greg Noonan expressed, “in order for me to apply for a pardon to clear my record, I [would] have to

¹¹⁴ Senate Hearing, Charles E. Goodell Papers, Gerald R. Ford Library.

¹¹⁵ *ibid.*

¹¹⁶ Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance of The Vietnam Generation* (New York: Random House Inc., 1978), 116.

¹¹⁷ Senate Hearing, Charles E. Goodell Papers, Gerald R. Ford Library.

¹¹⁸ After the war was over, studies revealed that men with only a high school diploma had a 64 percent greater chance of going to Vietnam versus the 42 percent with a college degree. Those who did not graduate from high school had a 70 percent chance of serving in Vietnam, see Baskir and Strauss, *Chance and Circumstance*, 10.

¹¹⁹ Senate Hearing, Charles E. Goodell Papers, Gerald R. Ford Library.

admit that I was wrong, and I wasn't."¹²⁰ In the letter, Noonan continues by saying he does not believe any of those who went to Canada would take advantage of this plan.

Those who had deserted also felt having to take an oath of allegiance was an added punishment, as was the requirement for those living abroad. In order to apply to the program, those who had settled in other countries such as Canada or Sweden were required to return to the United States. Mrs. Albert C. Brunn wrote to Goodell about her son and told him her son and "many other draft evaders do not desire to return to the United States permanently."¹²¹ Her son had been living underground in Canada for six years and had been recently granted Canadian citizenship. Brunn continued by saying he "has married a Canadian girl, has a job in a very remote, primitive area and is very happy with his life."¹²²

In the Subcommittee report, Senator Goodell gave reasons to explain the initial limited participation in the Clemency Program. From the program's creation in September of 1974 to December 1974, only 800 out of 112,000 qualified had applied to the Clemency Board.¹²³ According to Goodell, there were two reasons for the low participation. The first was due to a small number of people believing they had done nothing wrong. He believed this attitude could be attributed to those in Canada because they are "making a conscious decision about whether to come back or not."¹²⁴ Education was another factor that was keeping potential applicants from applying. Once again, Goodell stressed that those who qualified for the program were the "lower educated people in the country who didn't know how to cope."¹²⁵ Senator Kennedy responded by asking Goodell if he believed the requirement to perform alternative service contributed to the

¹²⁰ *The Kane Republican*, September 18, 1974.

¹²¹ Letter, Charles A. Miller to Charles Goodell, October 28, 1974, folder: Correspondence (2), box 2, Charles E. Goodell Papers, Gerald R. Ford Library.

¹²² *ibid.*

¹²³ Senate Hearing, Charles E. Goodell Papers, Gerald R. Ford Library.

¹²⁴ *ibid.*

¹²⁵ *ibid.*

low participation? After possibly serving a prison sentence, he asked, why would someone be motivated to apply to the Clemency Board when they may have to serve more time performing alternative service? Goodell did not answer the question directly instead he spoke about the merits of having a Presidential Pardon which could provide more job opportunities or further their education, rather than a dishonorable discharge.¹²⁶

On December 19, 1974, the second day of the congressional hearing, Senator Kennedy opened by saying “Other witnesses have stated that the low rate of participation is due to the absence of procedural protections, to inequities and unfairness in the processing of applicants.”¹²⁷ Members of the American Civil Liberties Union (ACLU) were among the witnesses to the abysmal operating procedures of the Clemency Program. According to Henry Swarzschild, director of the ACLU’s Project on Amnesty, the ACLU refused to offer legal services to the Clemency Program, due to the Board’s failure to “issue rules and regulations for its own operation and had not even made clear what the remedies and relief would be that it might ultimately offer to applicants.”¹²⁸ Swarzschild stated that the ACLU would help any potential applicant who sought its help, but the organization would not be officially associated with the Board.

To combat the low participation, the Clemency Board initiated a widespread publicity campaign to invigorate the program. In January 1975, Goodell reported to the president that the campaign had resulted in a surge of applications. On January 6, 1975, the PR initiative was implemented, this resulted in the number of applications tripling over a three-week period. From September 16, 1974, to January 7, 1975, the Clemency Board had only received 953

¹²⁶ *ibid.*

¹²⁷ *ibid.*

¹²⁸ *ibid.*

applications, but from January 7, to January 27, after the launch of the campaign, the board received an additional 2,927 applications.¹²⁹ Goodell explained to President Ford that the board had implemented four initiatives to increase the number of applicants to the program. The first was mailing over 7,000 applications directly to those who had served prison sentences for draft offenses. Then the board began distributing public service announcements to 2,500 radio and television stations across the country.¹³⁰ Announcers would read these messages on air, as well as broadcasting pre-recordings of the announcements by General Lew Walt.¹³¹ Father Hesburg also produced pre-recorded announcements and traveled around the country to promote the program.¹³² Simultaneously over 27,000 circulars had been distributed to “post offices, community action agencies, unemployment insurance offices, probation officers, action agencies, and veterans’ counselors.”¹³³ Finally, five of the nine members of the Clemency Board had gone on a fifteen-city press tour.

This campaign yielded incredible success and Goodell was optimistic that the trend would continue. On February 25, 1975, Charles Goodell drafted another memo explaining to the President that since January there had been a “tenfold increase in total applications since the Board began its public information program in January.”¹³⁴ Due to this increase Goodell asked the President for a program extension. On February 28, 1975, President Ford extended the

¹²⁹ Memo, Charles Goodell to President Ford, January 27, 1975, folder: Amnesty-Presidential Clemency Board General, box 2, John Marsh Files, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0067/1562812.pdf>.

¹³⁰ *ibid.*

¹³¹ Public Service Announcement, Gen. Lew Walt, U.S. Marine Corps (Ret.), January 2-31, 1975, folder: Amnesty-Presidential Clemency Press Kit, box 2, John Marsh Files, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0067/1562807.pdf>.

¹³² Public Service Announcement, Father Theodore Hesburg, January 2-31, 1975, folder: Amnesty-Presidential Clemency Press Kit, box 2, John Marsh Files, Gerald R. Ford Library.
<https://www.fordlibrarymuseum.gov/library/document/0067/1562807.pdf>.

¹³³ Memo, Charles Goodell to President Ford, January 27, 1975, Charles Goodell Papers.

¹³⁴ Draft Memorandum, Charles Goodell to President Ford, February 25, 1975, folder: Amnesty-Clemency Program, box 1, John Marsh Files, Gerald R. Ford Library,
<https://www.fordlibrarymuseum.gov/library/document/0067/1562795.pdf>.

program until March 31.¹³⁵ This would be the last extension of the program. However, the public information campaign continued to work and the number of applicants was continuing to rise when the program ended. Around 500 applicants who heard about the program too late and had to be turned away.¹³⁶

Motivations for Desertion and Evasion

People chose to either evade the draft or desert for varied and complex reasons. The following eight cases, which were obtained from the Presidential Clemency Case files at National Archives in College Park, Maryland, are representative of the most common reasons. These case files provide background on the applicants, circumstances of their offenses, details of their service in Vietnam, and any awards they may have earned. This information can be used to determine the motivations of individuals who went AWOL or deserted.¹³⁷ This section of the thesis will be divided into three parts; conscientious objectors, those who left for financial reasons, and those who with other motivations. The first section features four soldiers who claimed they were conscientious objectors or who went AWOL because of dilemmas of conscience. They range in age from 17-22 at the time of their entrance into the military and represent four different states. Two were drafted into the army and two enlisted into the army.

The first applicant, from Milwaukee, Wisconsin, who had been drafted but failed to report for induction, had served one year in prison. He was 22 years old when he committed his offense and at the time of his application he had been released and was performing well as a student at Northwestern University. In his statement to the Board, he claimed it was his roots in the

¹³⁵ Memorandum, Jerry H. Jones to Charles Goodell, Phil Buchen, and Jack Marsh, February 27, 1975, folder: Amnesty-Clemency Program, box 1, John Marsh Files, Gerald R. Ford Library.

¹³⁶ Baskir and Strauss, *Reconciliation After Vietnam*, 28.

¹³⁷ For other scholars the applications contain a wealth of other knowledge about the applicants including socio-economics, age, race/ethnicity, education, incarceration, and more.

Presbyterian Church that formed his opposition to the war. He wrote that he was “unwilling to commit any overt or conscious acts of compliance with the system that served this dreadful mistake.”¹³⁸ This young man never filed for conscientious objector status, perhaps because he did not have a problem with the military. He states, “I believe in the need for a military...but it should be...voluntary.”¹³⁹ Disagreeing with the concept of selective service did not qualify an applicant for conscientious objector status. This case may fit or closely fit the idea of what a conscientious objector might look like in the Vietnam era.

In January 1970, a 20-year-old African American from Georgia was drafted into the army. After completing both boot camp and quartermaster training school, he was prepared to be shipped off to Vietnam. In May 1970, while in transport to the U.S. Army Overseas Replacement Station, he went AWOL.¹⁴⁰ On June 13, 1972, he was apprehended by the FBI and he requested to be discharged. He stated, “as a former Civil Rights activist, I cannot willingly be placed in a situation where the lives of so many people will depend on me. I am not God, so I can’t say one man must die so that another of different origin might live.”¹⁴¹ On September 26, 1972, he was granted an undesirable discharge.¹⁴² This young man explained that he had a morality issue with going to war based on his experience in the civil rights movement

As Goodell said in his statement, it is impossible to know whether claims such as these were genuine. However, racism did play a prominent role in the experiences of soldiers in the Vietnam era. This next applicant to the Presidential Clemency Board faced racism first hand. On

¹³⁸ Case No. 12835-SJC-C, Full Board Cases 6/17-6/18, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

¹³⁹ *ibid.*

¹⁴⁰ Case No. 7735-WBE-M, Full Board Cases 6/17-6/18, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

¹⁴¹ *ibid.*

¹⁴² *ibid.*

November 24, 1967, he enlisted in the army with parental consent after dropping out of high school in the 10th grade.¹⁴³ He was well liked in the military and for over a year and a half received both satisfactory and excellent ratings. In July of 1968, circumstances for the New York City native began to change. The army stationed him in North Carolina at Fort Bragg where the applicant claimed the army “violated its promise that he would get a post of his choice and it tore up his request that he be sent to Vietnam.”¹⁴⁴ He had difficulty adjusting to the Fort Bragg area because “there were certain places that he could not go to and [he] received a hard time previously at Fort Benning. He and his friends were harassed by the police.”¹⁴⁵ The army claimed this case was one of misunderstanding. The applicant had not submitted the correct information which would have guaranteed his re-assignment in Vietnam. He had gone AWOL for three days in July 1968, thirteen days in October 1968, and his last offense lasted from June 3, 1969 and ended with his capture in May of 1972.¹⁴⁶ These three individuals deserted or went AWOL before serving in Vietnam.

This next case involved a soldier who enlisted in the army when he was 20 years old and served in Germany from July 17, 1964, to January 25, 1967.¹⁴⁷ During his three years of service the Dallas, Texas, native received excellent marks in both proficiency and conduct. He received an honorable discharge and separated from the military. The applicant then experienced both marital problems and six months of unemployment. He made the decision to re-enlist in the army

¹⁴³ Case No.10004-DRW-M1, Full Board Cases 6/17-6/18, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

¹⁴⁴ *ibid.*

¹⁴⁵ *ibid.*

¹⁴⁶ *ibid.*

¹⁴⁷ Case No. 12331-HRB-M, Full Board Cases 15, Records of the Organizations in the Executive Office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

to become a warrant officer.¹⁴⁸ According the United States Army website, a warrant officer “administers, manages, maintains, operates, and integrates Army systems and equipment across the full spectrum of Army operations.”¹⁴⁹

On May 21, 1968, he was appointed as a Warrant Officer One where his duties were to “perform the primary duties of technical leader, trainer, operator, manager, maintainer, sustainer, and advisor.”¹⁵⁰ Then, on March 10, 1969, he received his orders to Vietnam and served for several months as a helicopter pilot. Later in 1969, the applicant began to rethink his decision to rejoin the military. While on a seven-day leave in Hawaii, the applicant “fully realized his opposition to the war in Vietnam and his inability to cope with military service.”¹⁵¹ The brief interaction with civilians further justified his reasoning against returning to Vietnam. While in Hawaii, the applicant stated that he had become “depressed and disillusioned about our continued involvement in the war and the attitude of the people towards the war.”¹⁵² Instead of returning to duty after his leave was over, he continued to remain in the states for another six days.

After this period of absence, he returned to his unit and requested that the army accept his resignation. When deciding on whether to accept this resignation, the army took both the period of AWOL and his previous service into account. After careful consideration it was decided he should separate from the military under less than honorable conditions. The army felt “his AWOL and subsequent attitude towards the military were treated as much more serious than similar offenses for an enlisted man.”¹⁵³ This is because they would not want his anti-military

¹⁴⁸ *ibid.*

¹⁴⁹ “Warrant Officers,” U.S. Army Symbols & Insignia, accessed April 29, 2018, <https://www.army.mil/symbols/warrantdescription.html>.

¹⁵⁰ Case No. 12331-HRB-M, Full Board Cases 15, RG 429.10, NAC

¹⁵¹ *ibid.*

¹⁵² *ibid.*

¹⁵³ *ibid.*

and anti-war attitude to influence the soldiers under his command. Before he was discharged he had earned the National Defense Service Medal, Expert Marksman award, Good Conduct Medal, Air Medal, Army Aviator Badge, Vietnam Campaign Medal, Vietnam Service Medal, 2 O/S Bars, and the Vietnam Cross of Gallantry.¹⁵⁴ These cases reveal the scope of “conscientious” objections to service that are represented in the applications for clemency.

Conscientious objectors were not the only applicants to the Presidential Clemency Board. There were also many who cited that they had experienced financial difficulties which led them to believe that they did not have the option of continuing military service. The four applicants represented here range in age from 18 to 20 years old at the time of their entrance into the military and represent three states. Two of the applicants were in the U.S. Army and the other two were in the Marines. All of the individuals became family breadwinners after their fathers either deserted the family or became ill.

The first applicant was born in Georgia and enlisted in the U.S. Marines when he was 20 years old. According to his application he came from a “low-income, broken family.”¹⁵⁵ After moving around the country with his alcoholic father, who was in the army, his family had settled in the Seattle, Washington, area. Soon after, his parents divorced and his mother remarried. According to the applicant, his step-father was unreliable and “often left the family, did not support them, and they managed poorly on welfare.”¹⁵⁶ The applicant had enlisted in the Marines on March 25, 1970, and earned good reports until September 1970. While he was in the military, his step-father left permanently, leaving his mother and three sisters. The Marine attempted to be

¹⁵⁴ *ibid.*

¹⁵⁵ Case No. 12935-WRO-M, Full Board Cases 16, Records of the Organizations in the Executive Office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

¹⁵⁶ *ibid.*

transferred near Seattle but was unsuccessful. His mother was receiving money from welfare; however, she had been unable to find permanent employment. According to his statement, he “felt a great responsibility toward assisting his mother, and acting in the capacity of father toward his sisters.”¹⁵⁷ On September 21, 1970, he reported that this burden of responsibility led the applicant to go AWOL. In January 29, 1971, the applicant returned to the Marines. However, during his absence, he began exploring religions and had converted to The Jehovah’s Witnesses. On February 18, 1971, during this period of exploring his faith, he once again went AWOL and took up the mantle of supporting his family. He was arrested on July 25, 1971, and was given a personal evaluation in November of that year. This evaluation reported,

He became a Jehovah’s Witness and his attitudes about war and the service changed. He is an admitted idealist...a young man who is probably sensitive, emotional and prone to worry. He is intelligent and is capable of clear thinking but may be rigid and hard to convince. Because of his religious conviction he is not felt to be restorable.¹⁵⁸

These findings led to a special court-martial and the young man received a dishonorable discharge. At the time of the application for clemency, the applicant had the intention to “finish the year of high school he left uncompleted, attend college, and become a Jehovah’s Witness Missionary.”¹⁵⁹

The next applicant also felt responsible for providing for his family, also on welfare. This young African American from New Jersey was nineteen when he enlisted in the Marines, he grew up the fourth of ten children and described his life before the military as “happy, but somewhat unstable.”¹⁶⁰ This instability was caused by his parents’ separation when he was 13

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

¹⁶⁰ Case No. 14686-CST-M, Full Board Cases 20, Records of the Organizations in the Executive Office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

and growing up in a low-income family. In October 1968, he enlisted in the U.S. Marines. On December 12, 1969, he committed his first AWOL offense. He claims he committed this offense because, while on a fifteen-day leave at home, he “found a number of unpaid bills.”¹⁶¹ At this time the family’s only source of income was a monthly \$218 welfare check. On October 2, 1971, he turned himself into the military authorities. He went back to the military because, “he felt his presence was no longer required at home.”¹⁶² On February 3, 1972, he committed his second AWOL offense. The applicant claimed that he had returned to service in order to obtain a discharge. When this did not occur, he once again went AWOL. He surrendered once again on February 22, 1972, and in his statement he claimed he needed a quick discharge because, “there were still bills to be paid at home and the applicant’s mother had to pay a large funeral bill for the applicant’s deceased father.”¹⁶³ From February 22, 1972, until February 9, 1973, the applicant was imprisoned.

The next applicant also had a turbulent childhood. He was born in a small Georgia town and raised as one of nine children. His father died when he was nine years old and his mother married his stepfather, a violent drunkard. The stepfather contributed little to no support to the family and the applicant quit school after the tenth grade to support his family. On October 14, 1966, at the age of 18, he enlisted in the army because he thought “in the army he could best help contribute financially to his family.”¹⁶⁴ On March 18, 1967, after serving 5 months and 12 days, he went AWOL for the first time. While he was in both boot camp and advanced individual training, the situation at home had intensified. According to the applicant, “his stepfather’s

¹⁶¹ *ibid.*

¹⁶² *ibid.*

¹⁶³ *ibid.*

¹⁶⁴ Case No. 7859-CLJ-M, Full Board Cases 6/17-6/18, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

drinking problem was causing him to become physically violent with the applicant's younger sisters. The father was not contributing to the support of the family and the mother was unable to work."¹⁶⁵ After the soldier returned, he had been advised by a chaplain to seek a hardship discharge. Unfortunately, he received orders for Vietnam before the discharge was processed. On July 19, 1967, he committed his second AWOL offense. In his official statement he claimed, "he felt that he must be in the States to protect his family from the stepfather, and because of his fear for their safety, he intended to go home only to check on them and to return to the military."¹⁶⁶ On December 27, 1967, he was arrested by the local authorities. On January 5, 1968, the applicant was confined and was not released until July 29, 1968. During that time he was court-martialed and given a bad conduct discharge.¹⁶⁷

This next case is an example of war changing a young man and his devotion to family. On September 16, 1969, a young 18-year-old from West Virginia enlisted in the army with the intention to "get it over with."¹⁶⁸ He had grown up near the coal mines, and according to his mother, the applicant was "a good boy before going to Vietnam and was never in any trouble of any kind and would give his last dime to help someone less fortunate than himself."

On October 12, 1972, the soldier was arrested and charged with "failure to go, failure to obey, and misconduct."¹⁶⁹ After being charged, he went AWOL until he was captured on October 16, 1972. This added AWOL to his long list of charges. The applicant was given an Article 15 for all of his transgressions.¹⁷⁰ In response, he stated "My father needs me at home so he can sign up for

¹⁶⁵ *ibid.*

¹⁶⁶ *ibid.*

¹⁶⁷ *ibid.*

¹⁶⁸ West Virginia Male, Born 9/15/51 , Full Board Cases 6/17-6/18, Box 2-2, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

¹⁶⁹ *ibid.*

¹⁷⁰ An Article 15 is referred to as non-judicial punishment, and allows the commanding officer to punish offenders for less serious crimes without taking the case to trial. See "10 U.S. Section 815-Article 15. Commanding

the black-lung pension bill while I support my family-my mother, sister, and brother. If forced to stay in the army, I will continue going AWOL and be a nuisance to the army as I am needed at home.”¹⁷¹

These four cases demonstrate the importance of family and the large role financial difficulties played by desertion during the Vietnam era. The military provided help, these programs included Red Cross assistance, various forms of hardship leave and in some cases discharge for those who were having financial difficulties either in their own lives or at home.¹⁷² However, these programs were complicated and caused more confusion than assistance. Rather than attempting to wade through bureaucracy, many chose to go AWOL.

The final section provides another example of why people chose to desert during the Vietnam era. In May of 1971, this applicant, at 21, enlisted in the U.S. Marines. He was a good marine who served a tour in Vietnam and was proud of his service. He had a reason to be proud: while in Vietnam he received a Purple Heart, a Presidential Unit Citation, Meritorious Unit Commendation, RVN Meritorious Unit Citation, Gallantry Cross Color; Combat Action Ribbon, RVN Campaign medal with Device, and a VNSM with one Silver Star.¹⁷³ However, while he was back in the States on leave, his opinions began to change. He states that after he came home “He read the papers, heard the radio, saw the TV, people protesting and just felt that people didn’t care whether he lived or died.”¹⁷⁴ It was especially hard for him to accept that his friends

Officer’s Non-judicial Punishment,” Legal Information Institute, Cornell Law School, Accessed May 15, 2018, <https://www.law.cornell.edu/uscode/text/10/815>.

¹⁷¹ *ibid.*

¹⁷² Baskir and Strauss, *Chance and Circumstance*, 117.

¹⁷³ *ibid.*

¹⁷⁴ Native American from Minnesota, Born 4/2/48, Full Board Cases 6/17-6/18, Box 2-2, Records of the Organizations in the Executive office of the President, Records of the Presidential Clemency Board, 429.10, National Archives at College Park, College Park, MD.

in Vietnam may have died in vain. On April 23, 1969, the applicant went AWOL and was not captured until February 15, 1971.

The above cases, from the Presidential Clemency Files reveal the complex and varied reasons that Vietnam era soldiers deserted. They show also reveal that many of those who deserted do not fit the image of the stereotypical deserter. President Gerald Ford's program not only served to heal the nations wounds, but also to give an otherwise hidden glimpse into the motivations of these young men.

Final Statistics of the Clemency Program

On September 10, 1975, President Ford amended Section 9 of Executive Order 11803, the document that had created the Clemency Program. The new clause read, "The Board shall submit its final recommendations to the President not later than September 15, 1975, at which time it shall cease to exist."¹⁷⁵ The Clemency Board had received 15,468 applications out of 98,700 eligible participants. The Department of Defense had received 5,555 applications out of a possible 10,115 eligible participants. Finally, the Department of Justice received 706 applications out of a possible 4,522 eligible participants. In total 21,729 people applied to the Clemency Program, only representing 19% of those eligible for participation.¹⁷⁶ Goodell claimed that despite their efforts, many members of the public did not understand the Clemency Program while others associated the program with only helping those who had fled to Canada to avoid service. However, those who did flee to Canada only represented 6% of civilian applicants and 2% of military applicants.¹⁷⁷ The Clemency Program, including all three branches, had only

¹⁷⁵ Executive Order, Assigning Responsibilities Relating to Activities of The Presidential Clemency Board,

¹⁷⁶ *Presidential Clemency Board, Report to the President*, xiii,

<https://babel.hathitrust.org/cgi/pt?id=uiug.30112042696895;view=1up;seq=17;size=175>.

¹⁷⁷ *ibid*, xiv.

7,000 Canadian exiles applications and many of these had returned to the United States before the program was created.¹⁷⁸

There were conflicting opinions on whether the Clemency Program could be considered a success, even within the program itself. In a statement released by Goodell, he maintained that the program had been a “complete success for those who participated.”¹⁷⁹ Goodell gave four reasons why he believed that the program could be considered successful for those who took advantage of the Clemency Program. First, he pointed out that the president acted upon 13,133 recommendations for clemency. Of that number, 42% had received immediate pardons.¹⁸⁰

Next, he commented on the success of the alternative service program: of those who had been assigned to alternative service, 2,626 had begun their assignments.¹⁸¹ In this claim, Goodell was optimistic about the future of the alternative service program. Only about ten percent of those who were assigned alternative service would complete their assignments.¹⁸² Goodell’s next argument was the public’s positive response to a Gallup Poll on how clemency discharges were viewed. Of those polled, eighty-five percent stated they would “look upon clemency recipients on at least an equal basis.”¹⁸³ Goodell did not say whether this view was due to a favorable opinion of the Clemency Program or if the country was in the process of moving past the war. Goodell’s fourth and final argument for the success of the program was the 653 military personnel who had served in combat before they deserted and, on the recommendation of the

¹⁷⁸ *ibid.*

¹⁷⁹ Statement, Statement of Charles E. Goodell, Formerly Chairman of the Presidential Clemency Board, January 15, 1976, folder: Final Report-Goodell Statement, box 6, Charles E. Goodell Papers, Gerald R. Ford Library, <https://www.fordlibrarymuseum.gov/library/document/0193/1505992.pdf>.

¹⁸⁰ *ibid.*

¹⁸¹ *ibid.*

¹⁸² Baskir and Strauss, *Chance and Circumstance*, 220.

¹⁸³ Statement, Statement of Charles E. Goodell, Formerly Chairman of the Presidential Clemency Board, January 15, 1976, Charles Goodell Papers.

clemency board, were upgraded and either given full military benefits or partial benefits.¹⁸⁴ In closing, Goodell expresses the need for another Clemency Program to process all of those who were unable to meet the program's deadline.¹⁸⁵

This optimistic view of the outcome of the program was shared by President Ford, who believed the program had accomplished its mission. In a statement, Ford said that a result of the Clemency Board's hard work, "many deserving young Americans will have been helped to achieve full re-entry into their respective communities."¹⁸⁶ Ford does not mention the program's pitfalls or the lack of participation. According to Lawrence Baskir, this omission was because Ford was "quite willing to let his program run its course and be forgotten."¹⁸⁷ Baskir also concludes that Ford may have wanted a fair program, but he did little to ensure its success, taking a very hands-off approach to the DoD and DOJ components. This may have been because neither these organizations or the White House staff were interested in participating in the program. Instead they desired a "quick and quiet program that interfered as little as possible with their own interests."¹⁸⁸ Lawrence Baskir and William Strauss, both involved with the Clemency Program, disagreed with the president and Goodell on the success of the program. Baskir had served as general counsel and chief executive officer of the Presidential Clemency Board and Strauss worked as director of planning and management, and editor of the Board's final report.¹⁸⁹ They believed the program was a failure, and not only because of low participation. They also blamed flaws in both the design and administration of the program. It was too complex, the gains

¹⁸⁴ *ibid.*

¹⁸⁵ *ibid.*

¹⁸⁶ Statement, Statement by the President, September 16, 1975, folder: Clemency Program-Termination of the Clemency Board, box 6, Philip Buchen Files, Gerald R. Ford Library, <https://www.fordlibrarymuseum.gov/library/document/0019/4520464.pdf>.

¹⁸⁷ Baskir and Strauss, *Chance and Circumstance*, 214.

¹⁸⁸ *ibid.*

¹⁸⁹ *ibid.*, xvii.

did not outweigh the hassle for many potential applicants, and many viewed the program as being no better than going through the regular government channels.¹⁹⁰

Conclusion

On September 23, 1976, the first of three presidential debates between President Ford and Jimmy Carter took place in Philadelphia, Pennsylvania. During the debate the amnesty question was debated between the two candidates. The moderator asked whether President Ford would reconsider his position on blanket amnesty. The president responded that the program had given all deserters and evaders the opportunity to earn their way back into American society. He argued that he did not think the program should go any further or expand to include a blanket amnesty.¹⁹¹ Carter argued that although the Clemency Program had been successful, the only way to truly heal the nation was to grant an unconditional pardon. He also claimed that as president he would “bring about an end to the divisiveness that [had] occurred in our country as a result of the Vietnam War.”¹⁹²

The day after President Carter was sworn into office, he started *his* plan to heal the divisions in the country. On January 21, 1977, he signed Executive Order 11967 granting a pardon to all draft evaders.¹⁹³ Any person who had been convicted of violating the Selective Service act could apply for a certificate of pardon. However there were two stipulations to this program. The first was that the pardon did not extend to those who deserted, those who wanted pardons for desertion offenses had to follow standard pardon procedure. Also, those who had been charged

¹⁹⁰ Baskir and Strauss, *Reconciliation after Vietnam*, 45.

¹⁹¹ Gerald R. Ford: "Presidential Campaign Debate," September 23, 1976. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=29404>.

¹⁹² *ibid.*

¹⁹³ James E. Carter Jr., Executive Order 11967, “Executive Order Relating to Proclamation of Pardon,” *Code of Federal Regulations*, title 3 (1977 comp.): 91.

with using force to resist the draft were also not covered by the executive order.¹⁹⁴ The Ford and Carter programs both had the goal of healing the scars left by the Vietnam War. However, both programs were flawed and did not extend full pardons.

Historians will continue to argue whether Gerald Ford's Presidential Clemency Board was a success or failure, however, the applications to the program add valuable voices to the historical record. Through their applications to the Presidential Clemency Board, almost 22,000 deserters and evaders of the Vietnam era were able to share their individual reasons for deserting or evading. This collection of narratives support, contradict, enlarge, and enhance our understanding of the Vietnam War. For this reason alone, Gerald Ford's Clemency Program can be considered a success.

¹⁹⁴ "Vietnam War Era Pardon Instructions," The United States Department of Justice, Accessed May 15, 2018, <https://www.justice.gov/pardon/vietnam-war-era-pardon-instructions>.

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Vita

Courtney Carver was raised in Talking Rock, Georgia. She received a Bachelor of Arts with a major in anthropology from Georgia Southern University in 2013. Before attending graduate school, she served in Billings, Montana, as an AmeriCorps VISTA with the Billing Metro VISTA Project from 2014-2015. From fall of 2016 to spring of 2017 she began working as a research assistant for the Midlo Center for New Orleans Studies. Then in the fall of 2017 she became a teaching assistant in the University of New Orleans history department.