

HISTORICAL SURVEY OF U.S. AMNESTY

Terms:

Pardon-indicates a remission of punishment or penalty without indicating exoneration from guilt.

Amnesty-indicates a general remission of punishment, penalty, retribution, or disfavor to a whole group or class; it may imply a promise to forget. (Webster's Third New International Dictionary)

The power of pardon and, implicitly, amnesty is granted to the Executive by Article II, Section 2 of the Constitution: "The President...shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." The Supreme Court ruled in 1896 that Congress can also exercise such authority.

Significant instances:

1. **10 Jul 1795** The first grant of pardon or amnesty was by Pres. Washington to Whiskey Rebellion insurrectionists.
2. **20 May 1800** Pres. Adams pardoned Pennsylvanians who opposed property laws.
3. **1807-1814** A series of pardons to those Army deserters who would surrender within four months and return to duty.
4. **1830** Deserters then in confinement were returned to duty by Pres. Jackson, whereas those at large and those awaiting the death penalty were to be discharged and forbidden further service.
5. **1862** Pres. Lincoln pardoned political prisoners who had been jailed at the beginning of the war, requiring them to render no aid to the enemy.
6. **1862** Congress involved itself in amnesty with the Confiscation Law of 1862, which authorized the President to extend pardon and amnesty to rebels "on terms he deemed expedient."
7. **1862-1865** Pres. Lincoln issued several pardons to deserters, usually with the requirement that they return to duty within a specified time.
8. **8 Dec 1863** Lincoln issued a proclamation of pardon to rebels who resumed allegiance to the U.S. It was modified in the following war years.

9. **29 May 1865** Pres. Johnson tried to continue Lincoln's policy of reconciliation via his "Proclamation of Amnesty and Reconstruction," i.e., full pardon to all Confederates (except certain leaders) who pledged allegiance to the U.S. It was broadened on 25 Dec 1868 to full amnesty for all former rebels. Congress, however, declared the action unconstitutional, and did not weaken in its anti-South resolve until 1872, with a limited amnesty, followed by a universal amnesty in 1898.

10. **1924** Pres. Coolidge granted amnesty and restored citizenship to about 100 men who had deserted after the World War I armistice of November 1918 and before the final peace treaty.

11. **1933** Pres. Roosevelt granted amnesty and restored citizenship to violators of draft laws who had completed their sentences.

12. **23 Dec 1946** Pres. Truman created the President's Amnesty Board to review cases of 15,805 violators of the Selective Service Act of 1940. On 23 Dec 1947, adhering to the Board's recommendation, he pardoned 1,523.

13. **24 Dec 1952** Pres. Truman issued proclamations of pardon to ex-convicts who had served at least one year in the Korean War and amnesty for those who deserted between 14 Jul 1945 and 25 Jun 1950.

There is no record of Presidential pardon or amnesty for draft evaders or deserters from 1952 until Pres. Ford's conditional clemency of 1974.

Sources:

Schardt, Arlie, et al. Amnesty? The Unsettled Question of Vietnam. Lawrence, MA: Sun River, 1973. pp. 132-36. DS557.5A5.

Congressional Record, 13 Jun 1972. pp. 20589-90, Photocopy in BibFile (Law).

See also:

-Bibliographies on Military Service.