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The Law Firm of James M. Branum

GIRightstLawyer@gmail.com - 405-494-0562 - PO Box 134, Piedmont, OK 73078

President Joseph R. Biden

The White House

1600 Pennsylvania Ave. NW

Washington, DC 20500

cc: Office of the Pardon Attorney, US Department of Justice

December 31, 2024

Dear Mr. President,

I am writing to you with an urgent, but also historically important request.

First, here is a bit of background on why I'm making this request: I am a civilian attorney who has practiced in the area of military law since 2006. In this work, I have had the honor of working with dozens of members of the US military over the years who have struggled with issues of conscience related to the wars in Afghanistan and Iraq.

Some of these clients ended up being discharged on the grounds of conscientious objection, while others found other lawful grounds to be discharged. Still others felt compelled (often due to imminent deployment orders) to leave their units without permission, with some eventually seeking asylum in third countries. Of those who did seek asylum elsewhere, some were fortunate enough to gain legal status in another country (but are still prevented from returning home even to see family members), while others wound up being deported back to the United States to face charges. Of those who were tried in this context, the range of punishments varied greatly, ranging from a Bad Conduct discharge (but no jail time), to more than a year in prison

and a dishonorable discharge --- with one of these veterans even being forced to give birth in prison after she was deported and convicted.¹

My clients are good people who took terrible risks for the sake of their beliefs, but sadly many are still suffering the consequences of their righteous actions: denied educational and vocational opportunities, a loss of basic civil rights (including voting rights in some states and the right to bear arms), and for some being denied the chance to see family members or even attend the funerals of their loved ones.

Today a majority of US Americans believe that these wars were a terrible mistake² but this change in views has not changed the lives of those who followed their conscience during these years, which is why I am urging you to look back to the example of one of your predecessors, Jimmy Carter, who in 1977, took the bold step of granting a pardon to all those who were alleged to have committed violations of the Selective Service Act.³

As President, you alone have the constitutional power to make this right, which is why I'm urging you to review and sign the attached draft pardon proclamation and executive order (modeled after the Carter administration's proclamation).

In closing, two previous administrations (Obama and Trump) both said they wanted to end the war in Afghanistan but only you had the courage to make it happen. You have another opportunity to do a bold and righteous act through taking this pardon action.

¹ "Fort Carson Soldier who gave birth in jail released" *Colorado Springs Gazette* (Dec. 13, 2013), *online at*: <https://web.archive.org/web/20160304071747/http://gazette.com/fort-carson-soldier-who-gave-birth-in-jail-released/article/1511008>.

² Brenan, Megan "A Year After Withdrawal, 50% Call Afghanistan War a Mistake" *Gallup.com* (August 29, 2022), *online at*: <https://news.gallup.com/poll/398726/year-withdrawal-call-afghanistan-war-mistake.aspx>, also see Doherty, Carroll and Jocelyn Kiley "A look back at how fear and false beliefs bolstered U.S. public support for war in Iraq" *Pew Research Group* (March 24, 2023) *online at*: <https://www.pewresearch.org/politics/2023/03/14/a-look-back-at-how-fear-and-false-beliefs-bolstered-u-s-public-support-for-war-in-iraq/>.

³ Executive Order 11967 – *online at*: <https://www.justice.gov/pardon/federal-register-executive-order-11967>

It's time to make history. Please sign the pardon proclamation.

Very respectfully,

A handwritten signature in black ink that reads "James M. Branum". The signature is written in a cursive style with a large, stylized initial "J" and "M".

James M. Branum

P.S. I have asked some of my clients to write you their own statements in support of this request (two of them are attached, others will be sent in the coming days). I will also be sending statements of support on this request from religious and peace organizations in the coming days as well.

ENCLOSURES:

Draft Presidential Pardon Proclamation

Draft Executive Order

Statements by two veterans who would be impacted by this proposed pardon.

**DRAFT PROCLAMATION
GRANTING PARDON FOR VIOLATIONS OF
UCMJ ARTICLES 85, 86 AND 87
OCTOBER 7, 2001-AUGUST 30, 2021**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of the United States, I, Joseph Biden, President of the United States, do hereby grant a full, complete and unconditional pardon to:

- (1) all persons who may have committed any offense between October 7, 2001 and August 30, 2021 in violation of Articles 85, 86 and 87 of the Uniform Code of Military Justice, or any rule or regulation promulgated thereunder; and
- (2) all persons heretofore convicted, irrespective of the date of conviction, of any offense between October 7, 2001 and August 30, 2021 in violation of Articles 85, 86 and 87 of the Uniform Code of Military Justice, or any rule or regulation promulgated thereunder, restoring to them full political, civil and other rights.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of January, in the year of twenty twenty-five of the common era, and of the Independence of the United States of America the two hundred and forty eighth.

Joseph Biden

DRAFT EXECUTIVE ORDER _____

**RELATING TO VIOLATIONS OF UCMJ Articles 85, 86, and 87,
October 7, 2001-August 30, 2021**

The following actions shall be taken to facilitate Presidential Proclamation of Pardon of January ____, 2025:

1. The Judge Advocate General of each branch of the US Military shall cause to be dismissed with prejudice to the government all pending indictments for violations of UCMJ articles 85, 86, and 87 which are alleged to have occurred between October 7, 2001, and August 30, 2021.
2. All military law enforcement agencies shall terminate all investigations now pending and shall not initiate further investigations alleging violations of UCMJ articles 85, 86, and 87 which are alleged to have occurred between October 7, 2001, and August 30, 2021.
3. Any person who is or may be precluded from reentering the United States under 8 U.S.C. 1182(a)(22) or under any other law, by reason of having committed or apparently committed a violation of UCMJ articles 85, 86, and 87 which are alleged to have occurred between October 7, 2001 and August 30, 2021, shall be permitted as any other alien to reenter the United States. Furthermore, the Attorney General is directed to exercise his discretion under 8 U.S.C. 1182(d)(5) or other applicable law to permit the reentry of such persons under the same terms and conditions as any other alien.
4. The secretary of each branch of the US military shall within 30 days of this order, promulgate regulations to require the expeditious *in absentia* administrative separation from the US military of all servicemembers who receive a pardon under this proclamation.

THE WHITE HOUSE,

January ____, 2025.