

Ford's Clemency Signup

DRIFT evaders and military deserters who surrender under President Ford's clemency program will be required to sign this document "Agreement for Alternative Service," or face prosecution, the U.S. Attorney's office said here yesterday.

James L. Browning Jr., U.S. attorney for the Northern California district, said the document was drafted by the Justice Department and sent to him after Monday's clemency announcement.

Re: United States v. _____

Criminal File No. _____

Dear _____:

This letter concerns reports received by this office that you have committed an offense against the United States on or about _____ in violation of Section 12 of the Military Selective Service Act.

In accord with the President's policy of granting leniency to certain individuals who are charged with violating Section 12 of the Military Selective Service Act, you are eligible for diversion to an alternate service program. Should you agree to undertake acceptable alternate service as an acknowledgement of your allegiance to the United States this office will refrain from prosecution. Note, however, that if no agreement is reached the United States will be free to prosecute you for the Section 12 charge. If the Director of Selective Service certifies to us that you have successfully completed your service, the pending charge against you will be dropped. However, failure satisfactorily to complete the alternate service will probably cause us to resume prosecution of the Section 12 charge.

A decision to seek acceptance into this program is one that must ultimately be made by you. Nevertheless, it is important that you immediately discuss this matter with your attorney inasmuch as your participation in this program will require a waiver of certain rights afforded to you by the Constitution. For example, you must waive your right to a speedy trial and right to have an indictment presented to the grand jury, if one has not already been obtained, within the prescribed statute of limitations. We suggest that you consult with your attorney who will explain the program to you and the nature of the waivers mentioned above.

Very truly yours,

United States Attorney

By: _____

This letter accompanied the form

UNITED STATES OF AMERICA

VS.

Name _____

File No. _____

Street Address _____

Telephone No. _____

City and State _____

AGREEMENT FOR ALTERNATE SERVICE

It appearing that you have committed an offense against the United States on or about _____ in violation of Title 50 App. United States Code, Section 462, in that

Therefore, on the authority of the Attorney General of the United States, by _____, United States Attorney for the District of _____, prosecution in this District for this offense shall be deferred for the period of _____ months from this date, provided you sign the following agreement:

Agreement

I, _____ understand that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy trial. I understand that the Fifth Amendment prohibits double jeopardy for the same offense. I understand that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the grand jury, filing an information or in bringing a defendant to trial. I understand that constitutional due process may require dismissal of an indictment that has been unfairly delayed.

As an acknowledgement of my allegiance to the United States of America, I agree to perform alternate service for a period of _____ months in a job acceptable to the Director of Selective Service as provided in President's Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters. I will report to the Director within _____ days. I also knowingly and voluntarily agree to waive the constitutional right against double jeopardy and the right to use any delay during the period of my alternate service to establish a defense based upon Rule 48(b) of the Federal Rules of Criminal Procedure, the constitutional right to due process or a speedy trial, and the statute of limitations in a prosecution initiated because of my violation of this agreement. I understand that I may be prosecuted if I violate this agreement.

In exchange for the promises of _____, the United States will defer any prosecution of _____ for violation of Title _____, United States Code, Section 462 for a period of _____ months. The United States also agrees to drop any investigation or indictment of _____ for violation of the aforesaid offense with prejudice upon receipt by the United States Attorney for the District of _____ of a certificate from the Director of Selective Service indicating that _____ has satisfactorily completed his period of alternate service.

In the event _____ is prosecuted under 50 U.S.C. App. 462 if he violates this agreement, nothing stated herein shall be used against him during the trial of such offense.

Name of Alleged Violator _____

Name of Attorney for Alleged Violator _____

Date _____

Date _____

Name of United States Attorney _____

Date _____

This is the form that must be signed