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IF A DRAFT EVADER COMES ACROSS THE BORDER AND  
DECIDES HE DOESN'T LIKE THE PROGRAM, MAY HE  
LEAVE?

NO. HE DOES NOT COME BACK WITH IMMUNITY FROM  
PROSECUTION. HE, IN FACT, SUBMITS TO THE JURISDICTION  
OF THE FEDERAL COURT.

HOW LONG DO THEY HAVE TO REPORT TO THE U. S.  
ATTORNEY?

15 DAYS.



IF A DRAFT EVADER HAS OUTSTANDING ARREST WARRANTS  
AGAINST HIM, CAN HE APPLY FOR THE PROGRAM?

YES, BUT THE WARRANTS SHOULD BE CLEARED BY THE  
US ATTORNEY BY REQUESTING THE MAGISTRATE TO RELEASE  
THE INDIVIDUAL ON PERSONAL RECOGNIZANCE.



HOW MANY DRAFT EVADERS ARE UNDER INVESTIGATION BY THE DEPARTMENT OF JUSTICE?

ABOUT 2,500 AND ROUGHLY 4,300 HAVE ALREADY BEEN INDICTED.

ISN'T THE NUMBER OF 12,500 ONLY A FRACTION OF THE TOTAL NUMBER OF DESERTERS -- 500,000?

YES, BUT ONLY 12,500 HAVE NOT RETURNED OR WHO HAVE NOT BEEN APPREHENDED.



IF AN INDIVIDUAL INQUIRES ABOUT A POSSIBLE SELECTIVE SERVICE VIOLATION, AND IF THERE ARE CHARGES AGAINST HIM, WHAT WILL HAPPEN?

WE ARE ADVISED, THAT HE WILL BE PURSUED, IF HE DOES NOT REPORT.

WHAT IF AN INDIVIDUAL IS NEITHER UNDER INDICTMENT NOR INVESTIGATION FOR A SELECTIVE SERVICE VIOLATION AND THEN REPORTS AND ADMITS TO SUCH AN OFFENSE?

HE WILL BE SUBJECT TO PROSECUTION UNLESS HE MAKES AN AGREEMENT TO DO ALTERNATIVE SERVICE.



IF THE INDIVIDUAL REFUSES TO SIGN AN AGREEMENT WITH  
THE DEPARTMENT OF JUSTICE, WILL HE BE PROSECUTED?

YES, ELIGIBLE DRAFT EVADERS WHETHER OR NOT RETURNING  
FROM OUTSIDE THE UNITED STATES, ARE SUBJECT TO PRO-  
SECUTION IF THEY DO NOT MAKE AN AGREEMENT TO PERFORM  
ALTERNATIVE SERVICE WITH THE UNITED STATES ATTORNEY



IF AN ALLEGED VIOLATOR IS APPREHENDED BEFORE  
JANUARY 31, 1975, WILL HE BE ALLOWED TO APPLY  
FOR THE CLEMENCY PROGRAM?

YES. HE WILL BE TREATED AS IF HE VOLUNTARILY  
PRESENTED HIMSELF TO THE U.S. ATTORNEY.



IN THE DETERMINATION OF ALTERNATE SERVICE WILL  
THE APPLICANT HAVE RIGHT TO COUNSEL?

YES. (1) HE WILL BE PERMITTED TO HAVE COUNSEL  
PRESENT, (2) PRESENT WRITTEN INFORMATION ON HIS  
BEHALF, (3) MAKE AN ORAL PRESENTATION AND (4) HAVE  
COUNSEL MAKE AN ORAL PRESENTATION.





THE DRAFT CAME TO AN END, JULY 1, 1973. DOES THIS  
MEAN THERE WILL BE NO PROSECUTIONS FOR FAILURE  
TO REGISTER AFTER THAT DATE?

NO. ABSENT COMPELLING REASONS WHICH MAY MITIGATE  
THE OFFENSE, THE CASE WILL BE PROSECUTED.

WHAT WOULD BE SOME MITIGATING FACTORS?

IF A REFUSAL TO REGISTER WAS NOT OPEN, NOTORIOUS  
OR OF LONG DURATION, ALSO IF THERE IS CONTRITION  
AND THE INDIVIDUAL DOES REGISTER. IGNORANCE OF  
THE LAW IS ALSO A MITIGATING FACTOR.



IS AN APPLICANT ADVISED OF HIS RIGHT TO COUNSEL  
BEFORE ENTERING INTO AN AGREEMENT FOR ALTERNATE  
SERVICE?

CERTAINLY. AND UNLESS I AM MISTAKEN, THE DEPARTMENT OF JUSTICE WILL ADVISE RETURNEES OF THEIR RIGHT TO COUNSEL. OF COURSE I CANNOT SPEAK FOR THE DEPARTMENT OF JUSTICE, BUT I CANNOT IMAGINE AN APPLICANT NOT BEING ADVISED.



IF A MAN LEAVES THIS COUNTRY TO AVOID THE DRAFT AND OBTAINS  
FOREIGN CITIZENSHIP, WILL HE BE ELIGIBLE FOR THE CLEMENCY  
PROGRAM ?

NO. THE PROCLAMATION SPECIFICALLY EXCLUDES DRAFT EVADERS  
WHO FLED THE COUNTRY AND OBTAINED FOREIGN CITIZENSHIP. THIS  
IS SPELLED OUT IN 8 USC 1182.



WHO IS ELIGIBLE UNDER THE DOD PROGRAM?

ALL INDIVIDUALS WHO HAVE BEEN CARRIED ADMINISTRATIVELY AS A DESERTER THAT IS - IN AWOL STATUS - OVER 30 DAYS - BETWEEN MAY, 1964, AND MARCH 28, 1973.

WHAT FACTORS ARE CONSIDERED?

1. LENGTH OF SATISFACTORY SERVICE PRIOR TO ABSENCE.
2. LENGTH OF SERVICE IN SOUTHEAST ASIA IN HOSTILE FIRE ZONE.
3. AWARDS AND DECORATIONS RECEIVED.
4. WOUNDS OCCURRING IN COMBAT.
5. NATURE OF EMPLOYMENT DURING PERIOD OF ABSENCE.
6. OTHER CONSIDERATIONS.



IF A MILITARY ABSENTEE, WHOSE CASE IS WITHIN THE  
JURISDICTION OF THE DOD, ASKS FOR INFORMATION,  
WHERE HE IS REFERRED?

HE IS GIVEN THE INFORMATION THAT HE NEEDS FROM  
THE LIST THAT FOLLOWS:

- (1) ARMY - US ARMY CLEMENCY INFORMATION POINT,  
FT BEN HARRISON, IN, 46216 (317) 542-3417.
- (2) NAVY - CHIEF OF NAVAL PERSONNEL (PERS 83).  
DEPARTMENT OF THE NAVY, WASHINGTON, DC 20320.  
(202) 694-2007.
- (3) MARINE CORPS - HEADQUARTERS, US MARINE CORPS  
(CODE MC), WASHINGTON, D.C. 20380. (202) 694-8526.
- (4) AIRFORCE - U.S. AIR FORCE CLEMENCY INFORMATION  
POINT RANDOLPH AIR FORCE BASE, TX 78148.  
(512) 652-4104.



WHAT OFFENSES DO ARTICLES 85, 86, AND 87 COVER?

1. ARTICLE 85: DESERTION
2. ARTICLE 86: ABSENCE WITHOUT LEAVE
3. ARTICLE 87: MISSING MOVEMENT (i.e., ANY PERSON WHO, THROUGH NEGLIGENCE OF DESIGN, MISSES THE MOVEMENT OF A SHIP, AIRCRAFT, OR UNIT)

WHAT OFFENSES DO SECTIONS 12 AND 6(j) OF THE MILITARY SELECTIVE SERVICE ACT COVER?

THESE OFFENSES ARE:

1. FAILURE TO REGISTER OR REGISTER ON TIME.
2. FAILURE TO KEEP THE LOCAL BOARD INFORMED OF CURRENT ADDRESS.
3. FAILURE TO REPORT FOR OR SUBMIT TO PREINDUCTION OR INDUCTION EXAMINATION.
4. FAILURE TO REPORT FOR OR SUBMIT TO INDUCTION ITSELF.
5. FAILURE TO REPORT FOR OR SUBMIT TO, OR COMPLETE ALTERNATIVE SERVICE UNDER SECTION 6(j) OF THE ACT.



PARDON RE MILITARY

CAN THE PRESIDENT PARDON MILITARY OFFENSES?

YES, HE CAN PARDON ALL OFFENSES AGAINST THE UNITED STATES, JUDICIAL AND NON-JUDICIAL. HE MAY REMIT ALL PENALTIES INFLICTED BY A SENTENCE OF COURT-MARTIAL, OR BY ADMINISTRATIVE ACTION. HE CANNOT, HOWEVER, RE-INSTATE A MEMBER OF THE ARMED FORCES ONCE HE IS SEPARATED.

WHAT EFFECT DOES A PARDON HAVE ON THE CHARACTER OF A MILITARY DISCHARGE?

A PARDON DOES NOT ITSELF CHANGE THE CHARACTER OF A DISCHARGE. THE ARMED FORCES HAS ADOPTED THE RULE OF LAW SET FORTH IN CIVILIAN CASES THAT A PARDON DOES NOT MAKE AMENDS FOR THE PAST. THE PRESIDENT DOES HAVE STATUTORY AUTHORITY AS COMMANDER IN CHIEF TO UPGRADE DISCHARGES, BUT THAT AUTHORITY DOES NOT DERIVE FROM HIS PARDONING POWER.



WHAT IF A RETURNEE DRAFT EVADER DOES NOT THINK HE HAS BEEN  
TREATED FAIRLY?

IF HE REFUSES ALTERNATIVE SERVICE, HE WILL BE PROSECUTED.

WHAT OPTIONS DOES A DESERTER HAVE WHEN HE TURNS HIMSELF IN?

1. OPPORTUNITY TO REQUEST DISCHARGE FOR GOOD OF SERVICE.
2. MAY APPLY FOR AND BE RETURNED TO DUTY.
3. IF AN OFFICER, HE WILL BE GIVEN OPTION OF RESIGNATION  
IN LIEU OF TRIAL BY COURT-MARTIAL.
4. IF TERMS OF CLEMENCY PROGRAM ARE REFUSED, HE WILL BE  
PROCESSED IN ACCORDANCE WITH PRESENT SYSTEM.





A MAN WITHOUT A CONVICTION WHO DOES ALTERNATIVE SERVICE  
WILL NOT HAVE A CRIMINAL RECORD. YET A CONVICTED DRAFT  
VIOLATOR MUST LIVE WITH HIS RECORD EVEN AFTER HE RECEIVES  
HIS PARDON. IS THAT FAIR?

NO. BUT AS A MATTER OF LAW, A PARDON DOES NOT EXPUNGE A RECORD  
AND ULESS THERE IS A CHANGE IN THE LAW, IT IS AN INEQUITY THAT  
WE WILL HAVE TO LIVE WITH.

IF AN INDIVIDUAL BECOMES A CITIZEN OF CANADA, IS HE INELIGIBLE  
TO APPLY FOR CLEMENCY?

YES. THE PRESIDENT'S PROCLAMATION SPECIFICALLY EXCLUDES THOSE  
PERSONS WHO LEFT THE COUNTRY TO AVOID THE DRAFT AND WHO HAVE  
BECOME CITIZENS OF A FOREIGN COUNTRY. THEY ARE EXCLUDABLE  
ALIENS UNDER 8 U.S.C. 1182.



DOD

HOW MANY DESERTERS ARE STILL AT LARGE?

12,500

HOW MANY HAVE HAD OTHER CHARGES AGAINST THEM?

ABOUT 2%



HOW MUCH ALTERNATIVE SERVICE GIVEN IN DOD PROGRAM?

NORMALLY, 24 MONTHS. BUT THIS MAY BE REDUCED DEPENDING ON CERTAIN FACTORS.



ARE ELIGIBLE RETURNEES PAID TRAVEL EXPENSES  
TO TURN THEMSELVES IN?

YES. FROM POINT OF RETURN TO MILITARY CONTROL  
AND THEN TO THE SEPARATION POINT.

WHAT DOES A CLEMENCY DISCHARGE DO FOR A MAN?

IT IS GIVEN IN RECOGNITION OF SATISFACTORY COMPLETION  
OF ALTERNATIVE SERVICE PURSUANT TO PRESIDENTIAL  
PROCLAMATION NO. 4313.



ALTERNATIVE SERVICE

WHO ADMINISTERS THE ALTERNATIVE SERVICE PROGRAM?

THE DIRECTOR OF SELECTIVE SERVICE HAS BEEN DESIGNATED BY THE PRESIDENT TO ADMINISTER WHAT SELECTIVE SERVICE CALLS THE RECONCILIATION SERVICE PROGRAM.



SELECTIVE SERVICE:

WHO IS RESPONSIBLE FOR PLACING PEOPLE IN ALTERNATIVE SERVICE  
WORK?

THE STATE SELECTIVE SERVICE DIRECTORS.

WILL AN APPLICANT HAVE AN OPPORTUNITY TO WORK WHERE HE WANTS TO?

EVERY OPPORTUNITY WILL BE MADE TO ACCOMMODATE THE APPLICANT.



WHEN DOES A RECIPIENT OF CLEMENCY REPORT FOR  
ALTERNATIVE SERVICE?

ONCE AN APPLICANT'S ALTERNATIVE SERVICE REQUIREMENT HAS BEEN DETERMINED, THE ORGANIZATION THAT ACTED UPON HIS CASE WILL WRITE TO HIM. IT WILL INFORM THE RECIPIENT OF CLEMENCY OF THE AMOUNT OF ALTERNATIVE SERVICE THAT HE SHOULD PERFORM. IF THERE IS ANY, THE LETTER WILL STATE ALSO THAT HE HAS 15 DAYS TO REPORT IN PERSON TO A SELECTIVE SERVICE OFFICE. WHEN THE PERSON REPORTS AND ENROLLS IN THE RECONCILIATION SERVICE PROGRAM, HE WILL HAVE TO INDICATE HIS PLACE OF RESIDENCE. THE STATE DIRECTOR OF THE STATE WHERE THE PERSON LIVES WILL HAVE PRIMARY RESPONSIBILITY FOR THE MAN'S PLACEMENT INTO AN ALTERNATIVE SERVICE JOB.



WHAT IS THE PROCESS FOR ASSIGNING A RECIPIENT TO  
ALTERNATIVE SERVICE?

A RECIPIENT OF CLEMENCY WILL HAVE 30 DAYS TO START WORK ON AN APPROVED JOB AFTER THE DATE OF HIS ENROLLMENT. IF HE WISHES TO LOCATE AN APPROVABLE JOB OF HIS OWN CHOOSING, HE WILL BE GIVEN 20 DAYS IN WHICH TO DO SO. THE STATE DIRECTOR WILL BE GLAD TO ASSIST HIM IN LOCATING HIS OWN JOB DURING THIS PERIOD.

THE JOB MUST BE WITH AN ELIGIBLE EMPLOYER AND MUST BE A REGULAR FULL-TIME JOB. HE WILL NOT BE PERMITTED TO WORK ON AN "ON CALL" OR "PERSONAL CONVENIENCE" BASIS.

IF HE FINDS A JOB, THE EMPLOYER AND THE JOB MUST BE APPROVED BY THE STATE DIRECTOR OF SELECTIVE SERVICE. ONLY SELECTIVE SERVICE CAN GIVE SUCH APPROVAL.

IF THE RECIPIENT DOES NOT SUBMIT AN APPROVABLE JOB TO THE STATE DIRECTOR WITHIN A 20-DAY PERIOD AFTER HIS ENROLLMENT, THE STATE DIRECTOR WILL ASSIGN THE RECIPIENT TO ONE OF THE JOB OPENINGS AVAILABLE. THE STATE DIRECTOR WILL DO THIS WITHIN 30 DAYS.





WHAT ARE THE GUIDELINES FOR APPROVABLE ALTERNATIVE SERVICE EMPLOYMENT?

THAT THE EMPLOYMENT: (A) PROMOTES THE NATIONAL HEALTH, SAFETY, OR INTEREST, (B) THAT IT IS WITH A NON-PROFIT ORGANIZATION, AND (C) THAT IT DOES NOT INTERFERE WITH THE COMPETITIVE LABOR MARKET. IF ANY PERSON, OTHER THAN ANOTHER RECIPIENT OF CLEMENCY WHO HAS TO PERFORM ALTERNATIVE SERVICE, WANTS THE JOB, THE PERSON WHO IS PERFORMING ALTERNATIVE SERVICE CANNOT HAVE IT.



HOW DOES A PROSPECTIVE EMPLOYER APPLY FOR AN  
ALTERNATIVE SERVICE EMPLOYEE?

IF A NON-PROFIT ORGANIZATION WISHES TO BE CONSIDERED AS AN ALTERNATIVE SERVICE EMPLOYER, A REPRESENTATIVE OF THAT ORGANIZATION SHOULD CONTACT A STATE DIRECTOR. IF THE EMPLOYMENT MEETS THE ALTERNATIVE SERVICE REQUIREMENTS, THE JOB WILL BE PUT IN THE STATE DIRECTOR'S "BANK" OF JOBS.



HOW MANY PEOPLE HAVE BEEN PLACED SO FAR?

AS OF NOVEMBER 18, THERE WERE 1218 ENROLLED WITH SELECTIVE SERVICE; 177 ACTUALLY AT WORK; 414 RETURNED TO WORK; AND 477 SEEKING THEIR OWN POSITIONS.

SELECTIVE SERVICE ALLOWS REGISTRANT TO FIND HIS OWN JOB?

YES, IF HE MEETS THE CRITERIA ESTABLISHED BY SELECTIVE SERVICE.



WHAT HAPPENS UPON COMPLETION OF ALTERNATIVE  
SERVICE?

WHEN A PERSON SATISFACTORILY COMPLETES HIS RECONCILIATION SERVICE, THE DIRECTOR OF SELECTIVE SERVICE WILL ISSUE A CERTIFICATE OF COMPLETION TO THAT PERSON AND SEND A COPY OF IT TO THE ORGANIZATION THAT CONSIDERED THE PERSON'S CASE.



IF AN APPLICANT REGISTERS FOR ALTERNATIVE SERVICE,  
WILL HE BE GIVEN CREDIT FOR THAT PERIOD OF TIME  
SPENT WAITING FOR EMPLOYMENT THROUGH SELECTIVE  
SERVICE?

THE STATE DIRECTOR WILL ASSIGN A RETURNEE TO A RECONCILIATION JOB WITHIN 30 DAYS AFTER HE REPORTS IN PERSON TO SELECTIVE SERVICE. IF HE IS NOT PLACED IN THAT PERIOD OF TIME HE WILL BE GIVEN "GOOD TIME" FOR THE DELAY. HE WILL BE GIVEN "GOOD TIME" FOR PERIODS BETWEEN RE-ASSIGNMENT PROVIDING HIS FORMER SERVICE SATISFACTORILY.



WHAT KINDS OF JOBS WILL BE AVAILABLE TO THESE MEN?

THE PROGRAM REQUIRES THAT EMPLOYMENT MUST INVOLVE NATIONAL HEALTH, SAFETY OR INTEREST, NAD (2) THERE MUST BE NO INTERFERENCE WITH THE COMPETITIVE LABOR MARKET. THE APPLICANT CANNOT BE ASSIGNED TO A JOB WHERE THERE ARE MORE NUMEROUS QUALIFIED APPLICANTS THAN THERE ARE SPACES AVAILABLE. THIS RESTRICTION DOES NOT PROHIBIT THE APPROVAL OF SPECIAL PROGRAMS ESTABLISHED BY THE DIRECTOR OF SELECTIVE SERVICE.

HOW WILL THE REGISTRANT BE COMPENSATED?

THEY WILL BE COMPENSATED ENOUGH TO PROVIDE A STANDARD OF LIVING COMPARABLE TO WHAT THAT PERSON WOULD HAVE RECEIVED IN SERVICE.



WHAT ABOUT WAGES?

THE WAGES THAT THE RECIPIENT OF CLEMENCY RECEIVES WILL BE PAID BY HIS EMPLOYER. NO SPECIFIC PUBLIC FUNDS ARE AVAILABLE TO PAY FOR ALTERNATIVE SERVICE JOBS; HOWEVER, IF PUBLIC FUNDS HAVE BEEN ALLOCATED FOR A JOB AND AN INDIVIDUAL WHO IS DOING ALTERNATIVE SERVICE IS THE ONLY ONE WHO WANTS THE JOB, HE MAY BE PAID WITH THE ALLOCATED PUBLIC FUNDS.

A RECIPIENT OF CLEMENCY WILL RECEIVE THE SAME PAY AND BENEFITS AS ANY OTHER EMPLOYEE WOULD WHO OCCUPIED THE SAME POSITION AND THE SAME EXPERIENCE AND SKILLS. WHENEVER POSSIBLE, A RECIPIENT WILL BE PLACED IN A JOB WHERE HE CAN USE HIS TRAINING AND EXPERIENCE.



WILL THE TALENTS OR PROFESSIONAL SKILLS OF THE REGISTRANT BE UTILIZED?

DEFINITELY, WHENEVER AND WHEREVER POSSIBLE.

WHAT IF A RETURNEE IS REFUSED EMPLOYMENT WHEN SENT OUT ON A JOB, OR HE IS TERMINATED?

A NEW JOB WILL BE FOUND. IF HE HAS BEEN TERMINATED, A NEW JOB WILL BE ASSIGNED.





GENERALLY, WHAT KINDS OF JOBS WILL BE AVAILABLE?

HOSPITALS  
MENTAL HEALTH CENTERS  
RESEARCH CENTERS  
PUBLIC SERVICE ORIENTATED PROGRAMS  
COMMUNITY CENTERS  
LEGAL SERVICE CENTERS  
FREE CLINICS  
CHURCHES  
RELIEF SERVICES  
ENVIRONMENTAL PROGRAMS

WILL IT BE DIFFICULT TO PLACE PEOPLE?

YES, BUT NOT IMPOSSIBLE.



DO YOU HAVE ANY IDEA WHAT THE AVERAGE WAGE IS?

YES. AS OF MAY, 1973, IT WAS \$402 PER MONTH FOR PEOPLE DOING ALTERNATE SERVICE.

MAY A REGISTRANT WORK PART-TIME?

NO. HE MUST PUT IN A FORTY HOUR WORK WEEK.



IF A DRAFT EVADER COMPLETES ALTERNATE SERVICE,  
WILL BE BE PROSECUTED?

NO.

ARE YOU SURE JOBS WON'T BE COMPETITIVE WITH LABOR  
MARKET?

YES. SELECTIVE SERVICE TELLS US THAT ~~NONE~~ OF THE  
13,000 PEOPLE NOW DOING ALTERNATIVE SERVICE, NONE  
ARE IN COMPETITION WITH LABOR MARKET.



Question: Mr. Goodell, you've spent a considerable amount of time describing the lack of education and sophistication of the potential applicants under the Board's jurisdiction. Originally, perhaps you may have expected that those applicants might be part of an evader and deserter communications network. What you have found, however, is that since these are frequently not ideological applicants, they are not part of such a network. Particularly given the nature of your applicants, then, is it not necessary to have an extension of the application deadline, so that more of them can become aware of the clemency program?

Answer: It is true that most of our applicants probably are not "wired in" to the evader/deserter communication network. We have, however, taken several steps to ensure that they do learn about the program.

- (1) We have disseminated our notice of proposed rulemaking to every counselling organization and every lawyers' organizations which we are aware of, down to the local level. I might add that we have sent the regulation to every Senator and Congressman for comment and for use in counselling troubled constituents who come to you asking whether they should take part in the program.
- (2) We have produced and are distributing a series of public service radio and television spots.
- (3) We have held several press conferences announcing the Board's actions, and the President held a public signing ceremony for the first set of pardons.



Question: Has your Board been operating pursuant to the Administrative Procedures Act?

Answer: Since the Board is not empowered to make final decisions, but only to advise the President with respect to clemency, the Administrative Procedures Act does not apply to us. Moreover, the pardon power is inherently discretionary, and cannot be trammelled by any procedural requirements.

Notwithstanding that legal fact, the Board has taken to heart the spirit of the Administrative Procedures Act, and has operated within its framework. We have made public every single guideline on the basis of which the Board operates. We have published a notice of proposed rule-making which summarizes all of the Board's guidelines, and have solicited comments on that proposed rulemaking. Having incorporated those comments into Board policy, we intend to publish a final regulation within the next several days.

Even before publication in the Federal Register, we had made public the Board's initial guidelines in a press conference which I held in early October, and we distributed those procedural and substantive guidelines to anyone who requested them.



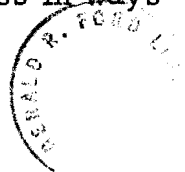
Question: It is clear that the pattern of decision-making differs radically between the three parts of the President's clemency program. Where the Board and the Department of Defense have been sticklers about due process, the Justice Department has been much less concerned about procedural rights. Where the Board has been truly clement in its substantive decisions on length of alternate service, the Department of Justice and of Defense have required 24 months of alternate service from almost all applicants for clemency under their jurisdictions.

Doesn't this suggest that a tripartite structure is unwieldy and ill-suited to carrying out the President's intent? Does it not suggest that the Clemency Board ought to be given jurisdiction over all parts of the program, at least in the form of supervisory responsibility over the way that Justice and Defense conduct their parts of the program?

Answer: If the criminal justice and military justice processes are to be maintained, we cannot have any structure besides the one which the President has promulgated. The people who come to Justice have not yet gone through the criminal justice process, and it would be a denigration of that process if it were ignored. Similarly, the people in the military's jurisdiction under the clemency program have thus far not gone through the military justice process, and that process would be dishonored if they were not brought into it. The Clemency Board's jurisdiction has been carefully drawn precisely so that the Board deals only with people who have exhausted their remedies within the criminal justice and military justice processes, and whose last resort is a plea to the President.

Follow-Up Question: But we are not suggesting, Senator Goodell, that people in the Justice and Defense Departments' jurisdiction should have their cases removed to the Board instead. Rather, perhaps the Board could simply examine Justice's and Defense's dispositions to ensure consistency with the President's intent of "clemency", and with the President's dispositions in cases before the Board.

Answer: Presidential interference in the normal criminal justice process is in part what Watergate was all about, and what the previous Administration was criticized for. We cannot very well do it on issues in which the outcome happens to be to our liking, and then expect future Administrations not to interfere in the criminal justice process in ways which we here today might not find so pleasing at all.



Moreover, it is specious to draw a comparison between the cases before the Board and the cases before the other parts of the clemency program. The Board deals only with the cases of the already convicted and discharged--those who have already been punished. Our people should have different--perhaps more clement--dispositions that the applicants under the jurisdiction of Justice and Defense, since our applicants have for the most part already paid much of their debt to society.



Question: Senator, at a time when veterans are unemployed all across the nation, how can you countenance giving alternate service jobs to evaders and deserters who probably wouldn't be able to get jobs otherwise?

Answer: The President contemplated that problem when the clemency Proclamation was initially drawn up, and the problem was resolved in such a way that clemency applicants doing alternate service can never be competitive with veterans seeking ordinary jobs. This is so for two reasons:

- (1) Clemency applicants performing alternate service are explicitly barred from receiving compensation higher than they would receive if they were entering the armed forces, and
- (2) The Proclamation specifically bars the government from placing any clemency applicant in a job for which there may be competition from anyone else not involved in the clemency program. Alternate service positions will for the most part be subsistence-pay positions in non-profit organizations which are not normally part of the labor market, and which would not be attractive to a veteran who is not part of the clemency program.





Question: Why does the Clemency Board not guarantee personal appearances before it as a matter of right? Particularly in the case of the kinds of people whom you have before your Board--the inarticulate, those who cannot well prepare legal briefs, those who may be unable to acquire a lawyer or suspicious of one--is not a personal appearance necessary to ensure that the Board really gets a sense of the whole person, and gives him a fair shake?

Answer: Assume 1500 applications, a not unreasonable number when you consider that we have 800 now. I expect that we will have many more than 1500 as the application deadline nears. Assume 15 minutes per applicant. That comes out to 375 hours of personal appearances --assuming the Board were to do no decision-making, no consideration of its rules, no other work. It's impossible.



Question: Under the Proclamation, the Clemency Board has jurisdiction not only over draft offenses and unauthorized absence offenses, but also over "related offenses." Which other offenses has the Board determined to be related, for civilian and military cases? Has the Board itself made that decision, or has it permitted Justice and Defense to make that decision for it? How many potential applicants are affected?

