

The original documents are located in Box 6, folder “Clemency Program - Requests for White House Guidance (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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copy to
Jay

THE WHITE HOUSE
WASHINGTON

March 20, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: JACK MARSH *JM*

You will recall the matter that Charlie Goodell brought to our attention involving special Presidential consideration for certain veterans clemency cases where the veteran had a distinguished combat record in Vietnam. Goodell and the Board want the President to award general discharges under honorable conditions.

This matter has become quite aggravated in the last week or so and allied with Charlie, as a strong supporter, is General Lou Walt. Goodell and Walt both want an audience with the President to address this particular problem. General Walt is particularly strong in his view on this question.

The problem is occurring at the Department of Defense where it seems they are digging in their heels to resist the recommendations of the Clemency Board. The Clemency Board recognizes that the matter should be handled at Defense rather than through the President, but it seems they are at loggerheads and want specific guidance from the President to Defense addressing this special case.

It is felt that if you were to give a call to Marty Hoffman this might be sufficient to get them to change their view.

Jay French has followed this matter closely and can give you additional information.



THE WHITE HOUSE

WASHINGTON

February 10, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAY FRENCH

SUBJECT:

RECOMMENDATIONS OF THE
PRESIDENTIAL CLEMENCY BOARD

Background

The Presidential Clemency Board (the "Board") requests your comments on the Board's recommendations (See Tab A) that

- (1) the President direct the issuance of honorable discharges¹ in five exceptional military cases, and
- (2) the President direct the discharge review boards of each military department² to automatically review each case processed by the Board to determine if an honorable discharge is appropriate.

The President approved these recommendations in an unstaffed decision paper from the Board to the President dated December 21, 1974 (See Tab B). Subsequently, the Department of Defense ("Defense") raised certain objections (See Tab C) which caused the Staff Secretary to withhold return of the decision paper to the Board.

The Board would like to resolve these issues.

¹ The words "honorable discharge" refer to both an Honorable and General Discharge which are given for honorable service.

² Each military department has two existing statutory discharge review boards which have authority to review military records and upgrade discharges.



Positions

(each number below corresponds to the numbered recommendation above)

Presidential Clemency Board

- (1) The five cases are especially meritorious and a clemency discharge is simply inadequate. All five men served in Vietnam. The Board believes such presidential action will win greater support for the program from its critics, and it is believed this action will attract more applicants. The military members of the Board have signed a memorandum to the President urging approval of these discharges. (See Tab D).
- (2) Automatic review of the Board's cases by the discharge review boards of each military department is a natural consequence of the President's grant of clemency. If an individual has been pardoned (forgiven) his military record should be reviewed to determine if, in light of the pardon, he deserves an honorable discharge.

Department of Defense

- (1) The Board is exceeding its authority in recommending honorable discharges and, even assuming it is not, the facts of these five cases do not justify honorable discharges. Also, such treatment is inconsistent with that given similar cases at Ft. Benjamin Harrison (Defense's point of return).
- (2) The President's Proclamation states the kind of relief which was intended for those who applied for the program. Any further review and greater relief would destroy this original intention.

Discussion

- (1) The true issue raised by the Board's first recommendation



is whether the earned return program should be expanded to allow recommendations for honorable discharges.

Defense's position that the Proclamation does not permit such recommendations is easily overcome because the President has the authority to amend it. Similarly, the Board's position incorrectly implies that if these five cases are meritorious then the President must expand the program to allow the Board to issue honorable discharges. The President, if he agrees with the Board's position, has an alternate course available; he can request a review of these cases by the regular military department review boards.

- (2) The Board's second recommendation creates a double review of every case for the purpose of allowing the Board's applicants to obtain honorable discharges.

The Board's recommendation is based upon this assumption: If the military department discharge review boards consider the case of one who has been pardoned by the President (upon the recommendation of the Board), the legal effect of the pardon is to prohibit the boards from considering the record of wrong doing for which he was pardoned. Therefore, the boards will have to recommend an honorable discharge in every case.

Also, double review (for the Board's cases) would cause a significant inequity in the program because Defenses's cases would not be eligible for double review and honorable discharges.

Finally, a double review would probably be viewed as a "back door" by which the President approves the issuance of honorable discharges in cases handled by the Board.

Conclusion

It is not desirable to adopt either recommendation.

- a. These recommendations are a major expansion of the program and a significant deviation from its original purpose.



- b. These recommendations will encourage those who favor unconditional amnesty, veterans benefits, honorable discharges and additional extensions of the application deadline.
- c. Unfortunately, these recommendations make it appear that the President is enticing applicants to join the program.

The real issue to be resolved is how the Board will handle exceptionally meritorious cases in which an honorable discharge may be appropriate.

The solution is for the Board to submit its written recommendations, with regard to such meritorious cases, to the President with the request that he forward the cases to Defense for appropriate reconsideration by existing review boards. These boards have authority to correct gross injustices. The President could indicate that he concurs in the Board's recommendation.

This course of action would not alter the program and it would resolve the problem.





PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500
February 6, 1975

MEMORANDUM FOR: PHILIP BUCHEN

FROM: CHARLES E. GOODELL
Charles E. Goodell

SUBJECT: Action on Presidential Clemency Board
Recommendation to Grant Upgraded
Discharges to Five Special Clemency Cases

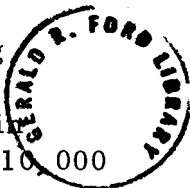
PURPOSE

I believe that it is critical for the President to take action as quickly as possible on the five recommendations for upgrading discharges that the Board forwarded to the President in December.

You will recall our discussion on these cases before the President left for Vail. We agreed, as I recall, that the cases should only be presented to the President for decision out there if they were non-controversial and agreed to by the Department of Defense. At the time, I was under the misimpression that the Department of Defense was probably going to go along with a joint recommendation from the Clemency Board and DoD for immediate upgrading of these five men. Accordingly, on December 21, 1974, I directed a memorandum to the President outlining the 47 cases for clemency, plus a reference to the contingency that, with DoD approval, we would recommend the five upgradings. I included with that memorandum summaries of all the cases, including these five special cases. The President signed off on that memorandum.

A response from the Department of Defense on the matter was solicited and received on December 24. Because of the Department's opposition, no decision was made at the time. The proposal has been pending ever since and I believe it is now more than ripe for decision.

The purpose of this memorandum is to determine what further staffing you believe is required before I present the issue to the President for decision. If the amendments which the Board recommends are made in the clemency program, we will need to immediately communicate to 110,000 veterans with "bad paper" discharges the new benefits available to them. It is my strong recommendation that the issue be decided as quickly as possible so that we can get the message across through the media, and so that we can mobilize several hundred local veterans' counselling groups to help get the message out. We have already identified and been in communication with those groups, and they stand ready to help us on a crash basis if the Board's recommendations carry.



REVIEW OF THE PROPOSAL

The Board unanimously proposed that:

1. In certain extremely meritorious cases, former servicemen should receive a General Discharge (which is "under honorable conditions" in DOD's lexicon), together with veterans' benefits.
2. All former servicemen granted clemency should thereafter have their cases automatically reviewed by the appropriate military discharge review board or records correction board to determine whether the Presidential pardon warrants an upgrading, beyond a Clemency Discharge, to a General Discharge or an Honorable Discharge. This review would be made without reference to the offenses for which the individual has received Presidential forgiveness.

Let me summarize the reasons the Board believes the President should take this action:

1. The most important reason is the nature of the cases themselves. Each of the five veterans deserve better than a Clemency Discharge because of their service in combat, and the extenuating circumstances of their AWOL. In terms of simple justice, these men deserve recognition by the country of their otherwise exemplary service.
2. The Clemency Discharge is inadequate for these cases since it does not confer benefits these Vietnam veterans truly have earned.
3. In each case, the Board's recommendation was moved by General Walt, seconded by James Dougovito and James Maye, the other two veterans of Vietnam, and agreed upon unanimously by the full Board. This fact underlines the merit of each case and effectively counters any criticism that might flow from the President's action.
4. Recognition by the President of the meritorious service of these individuals will demonstrate to critics of the clemency program that it is important as well for men who served in Vietnam



combat. A program which can do justice to Vietnam veterans cannot be convincingly opposed by veterans' groups and similar centers of opposition. At the same time, it demonstrates to prospective applicants, and to critics from the other side, the benefits available from the program. Much of the press opposition focuses on the lack of substantive remedies in the program. This criticism, however inaccurate, is widespread, and can be silenced by this proposal.

5. The Department of Defense opposition may be influenced by the implicit criticism of their procedures inherent in special corrective action by the President. Of course, since the entire clemency program is special, and supplements prior courts-martial and Undesirable Discharges, there is no reason why the Services should feel themselves criticized by Presidential action. Rather, all Americans should take pride in the recognition the President will make of these veterans' services to their country. Further, the action could be ordered by the President but implemented by the Services themselves. Although this detracts from the impact of action by the President, our senior military commander, it is an acceptable approach.

6. The Department's opposition to an automatic review of all other military cases by pre-existing service procedures is only technical. Even absent action by the President, each serviceman has the right to apply to the Services after receiving clemency. This is a statutory right which cannot be affected by the clemency program. All this proposal does is, in effect, make an application to the Presidential Clemency Board serve as an application to the Service review boards. Nothing new is imposed on the Services, but what is gained is significant. Most former servicemen do not know of their discharge review opportunities, even though they all have them as a right. Those with less sophistication, or less access to counseling, lose the review right because of ignorance. The Board proposal is fully in the spirit of the President's program because it helps those most in need and least in a position to help themselves. And it does that by a simple administrative gesture.



7. The further review of these cases by the military boards without regard to the pardoned AWOL is a natural consequence of the President's grant of clemency. Since the offense has been pardoned, it is only logical that any review of the original discharge (whether automatic or not) be made without regard to that now-forgiven act. Further, it is certain that this issue would be raised in a court test of discharge review procedures if the boards were to disregard the impact of a prior Presidential pardon. The courts might well rule that failing to give effect to the pardon is a denial of due process because it makes the pardon an empty act. There is no reason to take the risk of such a decision, with its unforeseen consequences, when simple fairness dictates the result now.

8. The question of benefits after the military review is not necessarily an issue now. First, many persons would not be eligible for benefits either because of other aspects of their service record or insufficient creditable service time. We estimate this figure to be about 50% of the cases before the Board. Second, the Board by no means recommends that all persons eventually receiving discharges under honorable conditions after review should receive veterans' benefits. It is well within the power of the President to order that no discharges upgraded by the review boards by reason of a pardon should receive veterans' benefits. This would be consistent with the Proclamation. Alternatively, he could leave the decision on benefits to the Service boards or the Veterans Administration on a case-by-case basis.

DEFENSE DEPARTMENT VIEW

These proposals were informally discussed with Defense General Counsel, Martin Hoffmann, before being forwarded to the President at Christmas. The official Defense position is that it opposes these recommendations. In its December 24 memorandum, the Department, through Army Secretary Callaway, stated three objections. First, that the five cases recommended by the Board did not justify such



action on the merits; second, that the Clemency Proclamation does not provide for such dispositions; and third, that the recommendations are inconsistent with the manner in which the military now handles similar cases at Fort Harrison.

Attached to this memo is a review by the Board staff of the factual issues raised by the Department in the five cases. In every instance, the memo raises insignificant factual discrepancies which were considered by the Board. In each case, as moved by General Walt, the Board understood the facts as presented by the Department and nonetheless unanimously recommended upgrading.

I believe that the argument that the President cannot upgrade the discharges in these cases because the Proclamation does not specifically authorize such action does not require an extended comment. It is obvious that the Proclamation does not provide for upgrading, and for the simple reason that no one anticipated cases with these special characteristics would be involved. It was because of their unusual nature that we consulted with the Defense Department. Although the Proclamation may be silent, there is no question that the President has the power to take this action and the Board unanimously believes that he will be persuaded to do so by the facts in the cases.

The last objection is that these cases do not warrant upgrading because it is inconsistent with the way the military treats similar cases. First, I believe that the cases speak for themselves. Further, I am informed that while the operation at Fort Harrison has not ordered upgraded discharges, in a number of meritorious cases former AWOLs and deserters were diverted from the clemency program at Fort Benjamin Harrison, and instead have been given General Discharges or Honorable Discharges through military processing at other bases. The fact that the Services have themselves awarded upgrades is an additional reason why these Board recommendations should be approved.

FURTHER STAFF WORK

Since the Department has expressed itself already, it is my belief that it is not likely to modify its position. Of course, I would welcome discussions with Marty Hoffman and yourself and any other appropriate persons to see if agreement can be reached. However, this should



be done as quickly as possible. There is little more than three weeks remaining before the new deadline expires. Even if the matter is ready for Presidential action by early next week, there will still be only two weeks left before the end of the month--only two weeks for us to mobilize the veterans' counselling grass-roots groups and to communicate through the media. This is precious little time for the decision to have an impact on the program.

cc:
John Marsh

Enclosure

ATTACHMENT I - December 21, 1974 PCB Memo
ATTACHMENT II - December 24, 1974 Reply from DOD
w/PCB Case Summaries
ATTACHMENT III- December 24, 1974 PCB Memo





PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
December 21, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: First Recommendations for Clemency: Persons
Convicted of Military Offenses; Further
Recommendations for Selective Service Cases

Summary of Recommendations

On behalf of the Presidential Clemency Board, I am pleased to submit to you a second group of recommendations for executive clemency for persons convicted of draft-evasion by federal civilian courts, and for persons convicted by courts-martial of Articles 85, 86, or 87 of the Uniform Code of Military Justice.

Attached to this memorandum as Exhibit 1 is a list showing the distribution of recommendations for the civilian and military cases.

Additional cases will be forwarded to you in the Tuesday pouch, along with the necessary formal documents and suggested language for a statement, should you wish to make one.

As was your procedure when you reviewed the initial collection of recommendations, I suggest that you set aside only cases in which you have questions or which you wish to discuss with me further.

Discussion of Proposed Military Dispositions

There are two matters with respect to the military cases which should be brought to your attention. First, in five instances the Board, upon motion of those members with Vietnam service, unanimously recommends that instead of a Clemency Discharge, you order either a General Discharge or an Honorable Discharge.

The Board has in its review of military cases, found that some individuals performed well and faithfully their military duties prior to their offense. Many served courageously in Vietnam. Some were



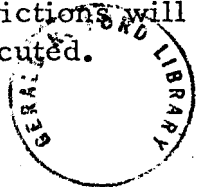
awarded decorations for valor in combat. Often they suffered severe psychological injuries from their experiences, and these led to the commission of the military offenses for which they were discharged under other than honorable circumstances.

Because the Clemency Discharge does not adequately reflect the prior faithful service of these individuals, and does not confer entitlement to the benefits which that prior service otherwise earns, the Board believes that further action is required in these cases.

We recommend that pursuant to your authority as Commander-in-Chief and consistent with existing statutory authority; you should order the immediate issuance of an Honorable Discharge or General Discharge in these special cases. The issuance of such discharges will result in the removal of such impediments to benefits that may accompany the issuance of a Clemency Discharge. Such further action is not precluded by the terms of the Proclamation and is entirely consistent with the spirit of your act. The Board has consulted with representatives of the Department of Defense and there is complete agreement that you have the authority, both constitutionally as Commander-in-Chief, and statutorily under Title 10 of the U.S. Code, to order such discharges.

Pursuant to discussions with representatives of the Department of Defense, the records of these cases have been temporarily returned to the appropriate service Secretaries for their review under existing military procedures. I have been informed that the Department will be able to advise me prior to the time of your anticipated action whether it concurs in the Board's recommendations and, if so, whether in each case you should order either a General or an Honorable Discharge. Summaries of these five cases have been included with this memorandum for your preliminary review.

Each of the military recommendations pertain to persons who were in military custody at the time of the announcement of your clemency Proclamation on September 16. Pursuant to your direction, they were then released. However, in each instance they remain under the jurisdiction of their appropriate military service until the completion of all avenues of review of their convictions and of the less than honorable discharges ordered in their cases. This review is not yet complete and in some instances may continue as long as until mid-1975. It is possible, although highly unlikely, that some of these convictions will be reversed or that the punitive discharges will not be executed.



In order not to foreclose procedural rights of these individuals which may possibly result in a disposition more favorable than a pardon and a Clemency Discharge, the Board recommends that you announce your grant of clemency now, but make it contingent upon the completion of available military review, the ultimate approval of the conviction, and the execution of the less than honorable discharge. The Uniform Code of Military Justice, in Article 74, authorizes the Secretaries of the military departments to upgrade or set aside unexecuted punitive discharges as an act of clemency. When presented with similar circumstances, the Secretaries also make their acts in mitigation contingent upon the final results of the courts-martial review. The Board believes that its recommended approach best accomplishes your desire to act promptly in the disposition of military cases, while not precluding the rights of review available to those individuals under military law.

Timing of Your Announcement

I recommend that you announce your decisions in this second collection of cases during Christmas week. This will serve to highlight your decisions and to bring further attention to the program. Prompt action is also desirable because of the imminent end of the application period on January 31, 1975. Persons eligible for the Board's jurisdiction have already been convicted of their military or civilian offenses and are under no further threat or jeopardy if they apply to the Board. To the contrary, they stand to gain substantial legal and practical benefits if they apply. Nonetheless, the Board is convinced that the low level of participation thus far in its program is due to the lack of knowledge and to the substantial confusion on the part of those eligible. The Board has begun steps to remedy this situation to the extent within its capabilities. An announcement by you during Christmas week will further help to explain the program and focus needed attention on it.

The Contents of Your Christmas Announcement

I recommend that your announcement stress, among other matters, the general nature of the military cases you are awarding General and Honorable Discharges. This will give further credence to the value of the program for former military personnel. Because of the appealing nature of these cases it will also serve to ease the doubts of those who have expressed concern over the advisability of granting clemency to persons who left military service in time of national need. Finally, and perhaps most important, your special recognition of service



men who served with valor in Vietnam will be another and much needed expression of national gratitude to all those who served in this controversial, misunderstood and painful war.

Decision on Board's Recommendations

1. We recommend after your examination of the cases, that you sign the grants of clemency in the civilian cases (Tab A).

Approve _____ Disapprove _____

2. We recommend that you approve and sign the grants of clemency in the military cases involving Clemency Discharges (Tab B).

Approve _____ Disapprove _____

3. We recommend that you announce your action during Christmas week.

Approve _____ Disapprove _____

Enclosures:

Exhibit 1

Tab A

Tab B





ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00667

Collection/Series/Folder ID No. : 001900103
Reason for Withdrawal : DR,Donor restriction
Type of Material : MEM,Memo(s)
Creator's Name : Howard Callaway
Receiver's Name : President
Description : several memoranda dealing with re
commendations of the Presidential Clemency Board in specific cases
Creation Date : 12/24/1974
Date Withdrawn : 05/10/1988



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
December 24, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: Announcement of Grants of Clemency
During Christmas

In my memorandum to you of December 21st, I proposed that you make additional grants of clemency to 19 civilians and 34 servicemen. I was informed yesterday that you had approved that proposal.

We will have the formal documents, concurred in by the Department of Defense and the Office of the White House Counsel, sent to you this afternoon. I recommend that you sign them on Christmas Day, and that you issue at that time a brief statement which will also come to you this afternoon. That statement is being worked on by my staff and your editorial staff right now.

Representatives of the Office of General Counsel of the Department of Defense have advised us that they oppose your directing a discharge under honorable conditions for any of the 5 individuals for whom the Board has unanimously recommended such a discharge. The Department bases its position on the fact that such action will not be consistent with the treatment of comparable cases which they are processing at Fort Benjamin Harrison.

I am also informed by representatives of the Department, however, that in those cases which the military itself believes should receive better than the Clemency Discharge, it has diverted the processing from the clemency program at Fort Harrison into other procedures at other bases so that those individuals can receive at least a General Discharge. Although the military's part of the clemency program under the Proclamation does not provide for an upgrading beyond the Clemency Discharge, they also have separated out particularly deserving cases for different treatment with a better outcome.



I should emphasize that all 5 of these actions were moved by General Walt and approved unanimously by the Clemency Board. I am not concerned at this point by bureaucratic amenities. I believe that it is imperative that you take dramatic action which will carry a message to the American people and to those potential applicants out there who don't understand that this program really offers them significant benefits. We can argue within the government for months about conforming decisions in the various clemency programs, but you have only one opportunity to announce dramatic actions of clemency in the Christmas Season of 1974.

I must advise you that I met with Phil Buchen prior to your departure for Colorado and his departure for Michigan. He strongly advised that you not be required, under circumstances of non-concurrence by the Defense Department on the five cases, to make this kind of decision until after your return from Colorado. Normally I would agree with and abide by Phil's judgment on this matter. In this instance, however, I believe that normal bureaucratic procedures would delay your decision beyond the time when you can most effectively make the announcement. Christmas is the time to do it. I, therefore, believe that this matter should be presented to you for decision now.

Separately from the question of whether these 5 individuals should receive discharges under honorable conditions, I should advise you that the Department of Defense has indicated that it prefers to order through its normal procedures any discharge more advantageous than a Clemency Discharge, rather than your directing that such a discharge be granted. This procedural point is separate from the substantive question of whether the upgraded discharge should be given. You may therefore choose not to make the decision at this time but to allow the services discretion on whether to order them or not. I disagree with this course of action.

Recommendation:

I recommend that you direct that these 5 exceptional cases have their discharges upgraded to discharges under honorable conditions, that



you publicly describe these five cases in your statement, and that you direct the upgrading yourself, now.

Approve _____ Disapprove _____

I enclose with this Memorandum, a formal transmittal letter from the Board.



TAB B



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
December 21, 1974

MEMORANDUM FOR THE PRESIDENT

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SUBJECT: First Recommendations for Clemency: Persons
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awarded decorations for valor in combat. Often they suffered severe psychological injuries from their experiences, and these led to the commission of the military offenses for which they were discharged under other than honorable circumstances.

Because the Clemency Discharge does not adequately reflect the prior faithful service of these individuals, and does not confer entitlement to the benefits which that prior service otherwise earns, the Board believes that further action is required in these cases.

We recommend that pursuant to your authority as Commander-in-Chief and consistent with existing statutory authority, you should order the immediate issuance of an Honorable Discharge or General Discharge in these special cases. The issuance of such discharges will result in the removal of such impediments to benefits that may accompany the issuance of a Clemency Discharge. Such further action is not precluded by the terms of the Proclamation and is entirely consistent with the spirit of your act. The Board has consulted with representatives of the Department of Defense and there is complete agreement that you have the authority, both constitutionally as Commander-in-Chief, and statutorily under Title 10 of the U.S. Code, to order such discharges.

Pursuant to discussions with representatives of the Department of Defense, the records of these cases have been temporarily returned to the appropriate service Secretaries for their review under existing military procedures. I have been informed that the Department will be able to advise me prior to the time of your anticipated action whether it concurs in the Board's recommendations and, if so, whether in each case you should order either a General or an Honorable Discharge. Summaries of these five cases have been included with this memorandum for your preliminary review.

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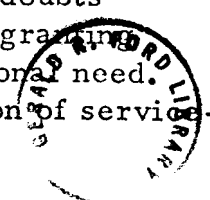
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The Contents of Your Christmas Announcement

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Decision on Board's Recommendations

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Approve _____ Disapprove _____

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3. We recommend that you announce your action during Christmas week.

Approve _____ Disapprove _____

Enclosures:

Exhibit 1

Tab A

Tab B



TAB C



ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00668

Collection/Series/Folder ID No. : 001900103
Reason for Withdrawal : DR, Donor restriction
Type of Material : MEM, Memo(s)
Creator's Name : Howard Callaway
Receiver's Name : President
Description : several memoranda dealing with re
commendations of the Presidential Clemency Board in specific cases
Creation Date : 12/24/1974
Date Withdrawn : 05/10/1988

TAB D



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON

February 7, 1975

*Pass on to Jay to put
with other material
on subject.*

NOTE FOR: PHIL BUCHEN

This memorandum from three members of the Clemency Board was written by them in the earnest hope it would have some impact on the issue.

The Board joins them unanimously.



Charles E. Goodell
Chairman

Enclosure



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON, D.C. 20500

February 6, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: LEWIS W. WALT
JAMES DOUGOVITO
JAMES MAYE

In reference to those cases of Vietnam veterans, being recommended by the Presidential Clemency Board for upgrading to a general discharge with veterans' benefits, we, as active participants of the Vietnam War and as Members of the Presidential Clemency Board, would like to express our views.

We are in favor of the upgrading for the following reasons:

- (1) These men served our Country well in Vietnam, some of them distinguished themselves on the battlefield and suffered wounds in combat.
- (2) Upon their return home, they were confronted by an anti-war - anti-military atmosphere in which they were not recognized as heroes but as individuals who had committed crimes. Their service to our Country was not appreciated.
- (3) It is always difficult for a man to adjust when he returns home from war. The general attitude of our American public made this adjustment even more difficult for these young Americans, and peer pressure forced them to do things which under normal conditions they would not have done.

We earnestly believe that an act of compassion and an expression of appreciation for their combat service in Vietnam is justified.

Mr. President, it may be helpful to you to know that each of us has spoken of these cases at various meetings with veterans and press groups around the Country. We outlined the cases and stated our recommendations. In every case, the response was very favorable. In view of the aforementioned facts, we recommend, in these specific cases, a Presidential Pardon, an upgrading to a general discharge, and the granting of appropriate veterans' benefits.

Lewis W. Walt
James P. Dougovito
James Q. Maye

