

The original documents are located in Box 7, folder “Goodell - Trip to Portland, OR: Briefing Book” of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

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ITINERARY FOR CHARLES GOODELL

2/13 - 2/17

2/13
Washington, D.C.

5:55 pm Depart Dulles, NW 79
(One stop- 40 minute layover, Seattle)

Portland, Oregon

9:48 pm Arrive Portland
Hotel Reservations are at Benson Hotel, Portland, 228-9611
Reservations 2/13, Thursday and 2/14 Friday

2/14

10:30 am Newspaper interview with Todd Engdahl and Photographer
in Benson Hotel (1/2 hour interview)

12:00 noon Arrive, Mayfair Room, Mezzanine Level, Benson Hotel
Guest speaker at Luncheon, City Club of Portland
Contact: Marilyn Day, Executive Secretary, City Club
228-7231

12:15 pm Lunch Served (approximate)

12:40 pm Begin Speech (approximate)

to

1:15 pm Wrap-Up Speech (definite)

1:15 pm

Question and Answer from audience

to

1:30 pm

1:30 pm

Meet with Press, Radio, and TV in adjoining room
Marilyn Day will show you which room

to

2:00 pm

3:45 pm

Take Cab to KGW-TV, 1501 S W Jefferson, 224-8620

4:00 pm

Taping, KGW-TV for VIEWPOINT (20 minutes studio time)
Contact : Floyd McKay, TV News

4:30 pm

Return to Benson Hotel

6:15 pm

Depart Benson Hotel for Portland Hilton
Testimonial Dinner

6:30 pm

Cocktails, Grand Ballroom Portland Hilton

7:30 pm

Testimonial Dinner
Mr. McIssacs' telephone number at Pacific Power, 243-1122



CHARLES E. GOODELL

CHAIRMAN

PRESIDENTIAL CLEMENCY BOARD

202: 456-6476

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

February 13, 1975

MEMORANDUM FOR: CHARLES E. GOODELL
CHAIRMAN

FROM: JOAN VINSON

SUBJECT: Portland Press

1. Your 10:30 interview with Todd Engdahl of the Portland Oregonian is about 1/2 hour in length. The Oregonian is the largest daily in Portland. Circulation 243,279 daily.
2. Your City Club speech will be carried in complete form by three radio stations. KOAP--live. KLIQ--Saturday noon. KBPS--Tuesday 7:00 p.m.
3. All radio reporters, TV crews and wire services have been invited to the 1:30 press conference.
4. There are five TV stations in Portland. All except the educational station should cover your appearance in Portland. Your taping at KGW is for a Sunday news/interview show to be aired February 23.



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

February 13, 1975

MEMORANDUM FOR: CHARLES E. GOODELL
FROM: JOAN VINSON
SUBJECT: City Club Portland

The City Club Portland was controversial because they did not admit women but in October, 1973 they saw the light and forsook their male chauvinist rules. Their membership is now 150 women and 1450 men.

The expected luncheon attendance is between 200 and 250.

MAIL TALLIES



TALLY FOR PRESIDENTIAL CLEMENCY PROGRAM

DOD

For DOD information call:
John Becher, Director of Public
Affairs--202-0X5-0192 or
0X5-0625

January 6	2400
January 20	3279
January 31	4170--162 being processed
February 13	4603--33 being processed

JUSTICE

For Justice Information call:
Bob Vayda--202-739-4520

January 6	159
January 20	229
January 31	412
February 13	439

PRESIDENTIAL
CLEMENCY BOARD

202-456-2110 and 456-6476

January 6	862
January 20	1600 formal
January 31	5047
February 13	7289

8000

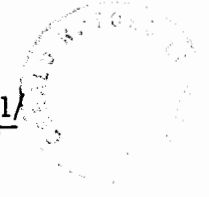
SELECTIVE SERVICE

John Barber
202-343-4238

PRESIDENTIAL CLEMENCY BOARD
 THE WHITE HOUSE
 WASHINGTON, D.C. 20500
 February 12, 1975
 STATUS REPORT

Number of Written Applications logged in today	57
Total Number of Written Applications (3185 Military 1636 Civilian)	4821*
(In addition, there are approximately 480* applications waiting to be logged in)	
Number of Telephone Applications today	58
Net Number of Telephone Applications (i. e. those who have not yet followed up their telephone applications with a written application) (assume 80% eligible)	1636 <u>1/</u>
Number of "Possibly Eligible" Written Inquiries Handled today	0
Net Number of "Possibly Eligible" Written Inquiries (assume 50% eligible)	771 <u>2/</u>
Possible Eligibles from "Jail Mail"	300*
Total Number of Pieces of Correspondence Received today	176
Total Number of Pieces of Correspondence Received this week	738
Estimated Total Number of Applicants (* + <u>1/</u> + <u>2/</u>)	7289

4821	logged
480	waiting to be logged
1302	telephone inquiries (80% of 1627) <u>1/</u>
386	possibly eligible (50% of 771) <u>2/</u>
300	"Jail Mail"



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

February 11, 1975

STATUS REPORT

Number of Written Applications logged in today 124
Total Number of Written Applications
(3133 Military 1631 Civilian) 4764*
(In addition, there are approximately 350*applications
waiting to be logged in)

Number of Telephone Applications today 24
Net Number of Telephone Applications 1453^{1/}
(i. e. those who have not yet followed up their
telephone applications with a written application)
(assume 80% eligible)

Number of "Possibly Eligible" Written Inquiries Handled today 0
Net Number of "Possibly Eligible" Written Inquiries 771^{2/}
(assume 50% eligible)

Possible Eligibles from "Jail Mail" 300*

Total Number of Pieces of Correspondence Received today 81

Total Number of Peices of Correspondence Received 562
this week

Estimated Total Number of Applicants (* + 1/ + 2/) 6962

4764 logged
350 waiting to be logged
1162 telephone inquiries (80% of 1453)^{1/}
386 possibly eligible (50% of 771) ^{2/}
300 "Jail Mail"



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

February 6, 1975

Status Report

Number of written applications logged in 2/5/75 209
Total Number of Written Applications 3671*
(2281 Military 1390 Civilian)
(In addition, there are approximately 300
applications waiting to be logged in)

Number of telephone applications 2/5/75 36
Net Number of Telephone Applications 1159*
(i.e. those who have not yet followed up their
telephone applications with a written application)
(assume 80% eligible)

Number of "Possibly Eligible"
Written Inquiries Handled 2/5/75 94
Net Number of "Possibly Eligible"
Written Inquiries (assume 50% eligible) 626^{2/}

Possible eligibles from "Jail Mail" 300*

Total Number of pieces of correspondence received
2/5/75 195

Total Number of pieces of correspondence received
this week 2271

Estimated Total Number of Applicants (* + 1/ + 2/) 5211 5047

3671 logged
300 waiting to be logged
927 telephone inquiries (80% of 1130) 1/
313 possibly eligible (50% of 626) 2/
300 "Jail Mail"



Total Written Applications:

	<u>Military</u>	<u>Civilian</u>
date:	786	484
oday:	<u>99</u>	<u>177</u>
Total:	885	661

Total: 1546

(1603)¹¹

Formal Applications:

	<u>Military</u>	<u>Civilian</u>
To date:	311	240
Today:	<u>75</u>	<u>90</u>
Total:	386	330

Total: 716

+ 300 phax²¹

Requests for Applications:

	<u>Military</u>	<u>Civilian</u>
To date:	760	410
Today:	<u>76</u>	<u>82</u>
Total:	836	492

Total: 1328

Oral Applications:

	<u>Military</u>	<u>Civilian</u>
To date:	231	122
Today:	<u>35</u>	<u>28</u>
Total:	266	150

Total: 416

Applications Mailed:

To date:	1523	
oday:	<u>221</u>	
otal:	1744	Backlog: 0

General Information:

309

Congressionals:

105

For Unconditional Amnesty

98

For No Clemency

101

In Favor of Program

56

*Civilians Furloughed who have sent in applications:

**Military Home Parole who have sent in applications:

Mass of Sat. a.m. — not including more than 400
 pieces of mail arriving over weekend
 - 51. the more than 300 "phone applications" received during
 past two weeks are now resulting in written
 applications — *

PCB STATISTICS AS OF 1/17/75

	<u>Military</u>	<u>Civilian</u>		<u>Total</u>
Written Applications	885	661	=	1546
Formal Applications	386	330	=	716
Summaries Mailed	156	79	=	235
Cases Ripe				

Board Recommendations:

Pardons & Upgrade	10		=	10
Pardons	26	24	=	50
1-3 Months A/S	41	12	=	53
4-6 Months A/S	25	10	=	35
7-9 Months A/S	12	5	=	17
10-12 Months A/S	13	6	=	19
13-18 Months A/S	2		=	2
19-24 Months A/S			=	
Commutation of Sentence		2	=	2
No Clemency	4	1	=	5
Total:	<u>133</u>	<u>60</u>		<u>193</u>
Tabled Cases:	9	5		14

Presidential Decisions:

Pardons & Upgrade				
Pardons	3	17	=	20
1-3 Months A/S	13	8	=	21
4-6 Months A/S	6	6	=	12
7-9 Months A/S	3		=	3
10-12 Months A/S	4	5	=	9
13-18 Months A/S				
19-24 Months AS				
Commutation of Sentence				
No Clemency				
Total:	<u>29</u>	<u>36</u>		<u>65</u>

THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

January 16, 1975

BOARD MEMBERS

Charles E. Goodell, *Chairman*
Ralph W. Adams
James P. Dougovito
Robert H. Finch
Theodore M. Hesburgh, C.S.C.
Vernon E. Jordan
James A. Maye
Aida Casanas O'Connor
Lewis W. Walt

PHONE: (202) 456-6176

MEMORANDUM TO: Senator Goodell.
Larry Baskir ←
Joan Vinson
Nia Nicholas

SUBJECT: Fairness Doctrine and our TV Spots

The FCC informs me of three points you should know:

1. Our spots probably don't raise a "fairness" issue, because they don't speak to the merits of the clemency program, but merely to eligibility and application procedures under it. We can informally so advise any station which calls us.

2. If the ACLU or another organization makes a "fairness doctrine" complaint, the standard which the FCC uses to arrive at a decision is whether the station acted "reasonably." The FCC does not review the merits of the station's decision, unless there is prima facie evidence that the decision was "arbitrary and capricious" or "unreasonable." This means that stations do not have to worry, if they reject the ACLU's contention that anti-clemency ads must also be broadcast if ours are broadcast, about an FCC overturning of the station's decision.

3. The controlling case is Green v. FCC (1971), which held that a station need not air anti-war ads under the fairness doctrine where that station aired public service spots on behalf of the Army's recruitment effort. The holding was that the Army was not promoting war or any other policy, but simply letting people know who could apply for enlistment and how they could apply -- an exact analogue to our spots.

cc:
Bob Horn

Rick

SENATOR:

YOU DID NOT SPECIFY WHICH CIVILIAN CASES
YOU WANTED TO REFER TO - SO THEY ARE NOT
MARKED - You may want to go thru quickly and do so.

The Military cases are marked in the next tab.

CIVILIAN
SUMMARIES
AND BREAKDOWN



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

January 6, 1975

Breakdown of attached case summaries approved by the President, Tuesday, December 31, 1974 upon the recommendation of the Presidential Clemency Board:

18 CIVILIAN CASES:

9 Unconditional Pardons

9 Pardons conditional upon completion of the following periods of alternate service:

5 cases, 3 months alternate service
1 case, 6 months alternate service
1 case, 10 months alternate service
2 case, 12 months alternate service

29 MILITARY CASES:

3 Unconditional Pardons

26 Pardons conditional upon completion of the following periods of alternate service:

13 cases, 3 months
6 cases, 6 months
1 case, 7 months
2 cases, 9 months
1 case, 10 months
2 cases, 11 months
1 case, 12 months



C-1

051-C

This black applicant, in his middle twenties, comes from a large stable home in the South. He was classified as a conscientious objector by his local board, and completed approximately eleven months of alternative service. He was convicted of failing to remain in alternative service when he failed to report to a hospital to which he had been reassigned. The hospital was located a substantial distance from his home and he lacked the financial means to make the trip and set up a residence. The applicant was convicted and originally sentenced to five years in prison. The appellate court, on appeal, remanded the case for sentence reduction. The trial judge reduced the sentence only by eleven months. He has completed 12-1/2 months of his sentence. When the applicant was released on bond during his appeal, he performed work in the public interest.

Disposition: Pardon

C-2

053-C

This white applicant, in his middle twenties, was raised in a financially stable home in the Midwest. While attending college he applied for conscientious objector status, which was denied. The local board noted he did not claim conscientious objector status until he no longer qualified for any other kind of deferment. It appears this may have been an improper act by the local board. Selective Service rules allow an individual to apply for conscientious objector until the time he receives his induction notice. When he was ordered to report for induction, he appeared but refused to submit to induction. He was sentenced to three years for failing to submit to induction and has served ten months. When he was in prison, applicant's fiancée died in an auto accident while returning from visiting him.

Disposition: Pardon

C-3

072-C

This applicant, who is white, in his mid-twenties, was raised on the West Coast. His parents were divorced when he was 19. He was a good student in high school and is closely affiliated with the Catholic Church. Applicant was denied conscientious objector status and advised that he would be denied an in-service hearing for non-combatant duty. On advice of his attorney, he refused to submit for induction. He was sentenced to 6 months in prison and a 2-year probation. He was in prison 2 months. This case was reviewed by the Supreme Court of the United States. The Court held against the applicant, but stated that people in his circumstances are entitled as a matter of right to a hearing while in service.

Disposition: Pardon

C-4

102-C

This applicant is white, in his early twenties and the eldest of several children. Due to a family health problem, applicant's father was forced to leave his job and stay in the home. Consequently, the family has been receiving public assistance. The applicant is a high school graduate, and was granted conscientious objector status. Based on his Jehovah Witness belief, applicant failed to report to the Selective Service System assignment and was sentenced to 5 years in prison. He has served 18-1/2 months.

Disposition: Pardon

C-5

104-C

This applicant is black and grew up in a midwestern city. His father abandoned the family when he was quite young and his mother remarried, divorced and remarried again. He had completed one year of college and had a stable employment record before being sentenced to 3 years imprisonment for refusal to submit to induction. He fled while on bail pending appeal and was subsequently rearrested. He claims he was denied procedural due process and that he was not given a physical disability deferment. Prison records show that he was a model prisoner, and he was recommended for meritorious pay as a result of outstanding performance in prison. He has served 17-1/2 months in jail and was due for parole October 4, 1974.


Disposition: Pardon

C-6

074-C

This applicant is white, single and from the West. He is the product of a broken home. He began to have troubles when he was very young. He started drinking when he was eleven years old. He has attempted to secure help for his drinking but was unable to follow through. After reporting for his pre-induction physical, he was given a break for lunch, after which he was supposed to return for a psychiatric examination. Instead, he got drunk and did not return. According to the applicant, he always intended to go into the military but one day realized that he couldn't handle it. In fact, his records report that on several occasions he attempted to report to the authorities but each time he turned back. He subsequently pled guilty to failure to submit to induction and was given an indeterminate sentence under the Federal Youth Corrections Act. He has served one year of his sentence.

Disposition: Pardon



C-7

030-C

Applicant is a black Muslim, the second of four children, who grew up in a large city in the Midwest. He has 14-1/2 years of formal education, but he had to terminate his schooling because of financial problems. After leaving school, applicant began a career in retail sales where he rose to a managerial level. He declined to seek conscientious objector status and subsequently refused to submit to induction. He was convicted and sentenced to 18 months in prison, although he stood ready to perform alternative service if ordered to do so by the judge. His religion forbids him from accepting alternate service from Selective Service because it considers that agency part of the military. Applicant served 11 months of his sentence. Prison authorities commended his attitude, deportment and work performance during his incarceration.

Disposition: Pardon

C-8

071-C

This applicant is in his mid-twenties and is white. He was born in the Southwest and was graduated from college. He claimed conscientious objector status based on his moral beliefs and his sincere opposition to the war. However, his claim was denied and he was ordered to report for induction. He refused and was convicted. The judge placed him on probation on condition that he perform alternative service. He worked part-time in his voluntary job and supported himself in a full-time factory job. This factory went on strike and he refused to cross the picket-line. He left his part-time volunteer work because of personal difficulties although he continued to do alternative service on weekends. However, his probation was revoked because he failed to do the service as prescribed. He was sentenced to 3 years in prison. He has now served 8 months.

Disposition: Pardon

C-9

014-C

This applicant, who is white and married, was raised in a Midwestern town in a middle-class family. Following his graduation from college with a degree in accounting, he submitted a request for classification as a conscientious objector. He also attempted to meet his alternative service obligation by first teaching in a public school for 4 months, and later working for a year in a hospital. However, both his application and appeals were denied and, after refusing to submit to induction, he was convicted and sentenced to 18 months in prison. Prior to his furlough, he had served approximately 8-1/2 months.

Disposition: Pardon

C-10

080-C

This applicant is white, in his middle twenties, married, and has one child. After his father died, his mother remarried and the family moved to the West Coast. Applicant's formal education stopped at the 11th grade. He has a minor physical disability. In 1969, applicant became interested in farming and moved from the West Coast to Hawaii. Before leaving, applicant informed his draft board that he was moving. Living in relative isolation, and believing that he was physically disqualified for induction, applicant became oblivious to his legal obligations. He was convicted of failing to report for induction and was sentenced to 4-6 years under the Federal Youth Corrections Act. Applicant has served ten months of his sentence.

Disposition: Executive Clemency, three months alternate service. Upon completion of alternate service, Pardon.

C-11

095-C

This applicant is black, in his mid-twenties and single. He was born and raised in a large Midwestern city. His father died when applicant was seven and his mother, who is in a mental institution, was unable to provide any care for him. Consequently, he was raised by various relatives. He dropped out of school in the 11th grade. He was convicted of failure to report for induction, sentenced to three years and placed on immediate probation. After his conviction, he attempted to enlist in the Army but was rejected. He failed to report to his probation officer; thus his probation was revoked and he was sentenced to 4 to 6 years. He has served 19 months and 20 days.

Disposition: Executive Clemency, three months alternate service. Upon completion of alternate service, Pardon.

C-12

096-C

This applicant is black, in his mid-twenties, and was raised in a religious home in New York City. Although he and his numerous brothers and sisters were reared in a ghetto-type setting, his parents always attempted to provide support and guidance. This applicant has no prior criminal record, and, like his parents, is a Jehovah's Witness. He pleaded guilty to failure to report for induction, and was given probation contingent upon 24 months alternate service. Because he did not find the requisite employment, probation was revoked, and an indeterminate sentence, under the Federal Youth Corrections Act, was imposed. He has served over 13 months imprisonment.

Disposition: Executive Clemency, three months alternate service. Upon completion of alternate service, Pardon.

C-13

097-C

This applicant is black and in his mid-twenties. Although his father died when the applicant was an infant, his mother remarried, and he was raised in a stable environment in the South. This applicant is a Jehovah's Witness who was assigned by his local draft board to civilian work. He failed to report. When he agreed subsequently to perform civilian employment he was placed on probation. After performing his required alternate service for over one year, the applicant left his job. The applicant was sentenced to three years in prison of which he has served almost six months.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Pardon.

C-14

093-C

This applicant is in his mid-twenties and comes from a broken home. He lived with many different relatives, in the South and in New York, during his early years. His parents separated when he was 13 and his mother had difficulty supporting him and herself. He was tried for failing to report for induction. He said that, when he reported, he was told that he had a felony conviction which was being investigated. He said that the Marines told him the same thing when he tried to enlist. The refusal to accept him arose from an unsealed juvenile conviction. He was sentenced to an indeterminate term of four to six years and has now served three years.

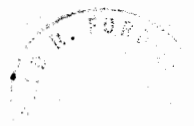
Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Pardon.

C-15

090-C

The applicant is white, in his early twenties, and the eldest of four children. He was brought up in a comfortable middle class home, and had no delinquency problems. He attended a Quaker boarding school. He is committed to the Quaker religion and states that he felt a duty to oppose the Vietnam War and the military system in general. He refused to register for the draft and fled to Canada. One of his employers in Canada describes him as industrious, conscientious and capable. When he returned to the United States, he was taken into custody, he pled guilty and was placed on probation with the stipulation that he register for the draft. He again refused to do so; his probation was revoked and a six year indeterminate sentence was imposed. He spent seven months in jail. The applicant states that if faced with the same decision again, he would still refuse to go into the service, but he would accept alternate service if ordered to do so by a court.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Pardon.



C-16

101-C

This applicant is black and in his mid-twenties. He was born and raised in New York City. He left school in the 11th grade and has been employed as a construction worker and mail carrier. He reported for an Armed Forces physical examination and was found acceptable; however, he claimed he was inadequately examined but never submitted any substantive proof of that fact to his local draft board. Later he communicated with his draft board and claimed conscientious objector status which was denied. He failed to report for induction and was declared delinquent. Although for a time he was classified as ineligible for induction, he was subsequently reclassified 1-A and he failed to show up for another physical. Several months later he again requested conscientious objector status; again he was refused. He was convicted of failure to report for induction and sentenced to four months in prison, followed by two years probation. He has served 3-1/2 months.

Disposition: Executive Clemency, 10 months alternate service.
Upon completion of alternate service, Pardon.

C-17

081-C

This applicant is Puerto-Rican; his family moved to New York when he was four years old. He dropped out of school in the eighth grade and has four children by his common-law wife. He attempted to enlist in the Army when he was eighteen but was refused. The applicant was charged and pled guilty of failing to report for induction. He expressed remorse for this offense, explaining that he was not refusing induction but just attempting to postpone it in order to settle some personal problems. He has a previous criminal conviction for a minor offense. After being sentenced to a four to six year term under the Federal Youth Corrections Act, he served four months in prison.

Disposition: Executive Clemency, twelve months alternate service.
Upon completion of alternate service, Pardon.

C-18

012-C

The applicant is white and came from a broken home in New York State. He was raised under very deprived socio-economic conditions. He left school during the ninth grade when he was sixteen years old. Applicant registered for the draft during a period when he was having difficulty providing for his family which included his wife, his wife's mother, and a daughter burdened with a birth defect. He attempted to obtain a hardship classification but was classified I-A when he failed to submit proof of his claim. He failed to report for induction and shortly thereafter became separated from his wife. He was sentenced to four to six years under the Federal Youth Corrections Act and has served three months in prison.

Disposition: Executive Clemency, 12 months alternate service.
Upon completion of alternate service, Pardon.

SENATOR:

THE CASES YOU ESPECIALLY WANTED TO REFER TO
ARE:

M2	251-M
M5	247-M
M6	201-M
M7	193-M
M12	122-M
M13	112-M

MILITARY
SUMMARIES



M-1

227-M

This applicant is white and grew up in an unstable New England family. He has a ninth grade education. He was inducted into the Army despite his disclosure of a congenital birth defect of the spine which caused disability and pain during vigorous physical activity. During basic training, he suffered severe problems because of this physical defect. On leave at home after five months in the Army, he discovered that his father had cancer. He stayed AWOL to tend to his father who died five months later, and he remained AWOL for four years and ten months. In a court-martial, he was sentenced to a Bad Conduct Discharge and imprisonment for six months, four months of which he has served.

Disposition: Pardon. Clemency Discharge.

M-2

251-M

This applicant is white, in his early twenties, and has a 12th grade education. He was adopted at an early age by his aunt and uncle. When he was 17, his stepparents threatened to turn him out unless he enlisted in the Army. He did so, served more than eight months and then was honorably discharged in order to effect his re-enlistment for Vietnam duty. He served there for 14 months as an ammunition specialist and was awarded the Vietnam Service Medal, the Vietnam Campaign Medal and two overseas service bars. In 1972, he learned the identity of his natural mother. He went AWOL in an effort to find her. After 16 months of AWOL, he was sentenced to a Bad Conduct Discharge, and confinement at hard labor for nine months and total forfeitures. He has served more than eight months in jail. He has 22 months of creditable service.

Disposition: Pardon. Clemency Discharge.

M-3

117-M

This applicant is black and grew up in a broken home in the Midwest. He and four other children were raised by his mother, who has become disabled. He dropped out of high school after his freshman year, and two years later enlisted in the Marines. While he was home on leave, his mother lost her eyesight and was hospitalized. He remained to support the family, but he turned himself in when his mother returned from the hospital. While awaiting trial for his four-month AWOL, he learned that his brother had been hospitalized after being hit by a taxi. He again went AWOL. This time he remained absent about two and one-half years before turning himself in. He was sentenced to a Bad Conduct Discharge and 18 months confinement. Prior to his release, he had served almost ten months in prison.

Disposition: Pardon. Clemency Discharge.



M-4

187-M

This applicant is white and grew up in a middle-class midwestern family. After completing the 10th grade, he quit school but has completed his GED. He worked as a truckdriver to help support his family until he was drafted. He served four months in the Army before going AWOL. He left the Army due to his strong family ties and a feeling of responsibility for his family's financial well-being. During his absence, he was gainfully employed and contributed to the support of his family. He was apprehended 3-1/2 years later. In a court-martial, he was sentenced to a Bad Conduct Discharge and five months confinement. He has served three months of that sentence, plus two months pretrial confinement.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-5

247-M

This applicant, in his middle twenties, is black, single and the youngest of five children. He grew up in the South in a closely-knit family. His father died when he was 15, and he was thereafter raised by his mother. He did not finish the 11th grade. He was then inducted into the Army. He went AWOL twice, but he has fifteen months of creditable service. During his over four years of AWOL, he helped provide for his mother and his blind grandmother. He was given a Dishonorable Discharge and two years of confinement, of which he has served seven months.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-6

201-M

This applicant is white, in his early thirties, and one of nine children raised in the rural South. He has graduated from high school. He enlisted in the Army in 1965, and later re-enlisted. He served creditably until 1969, when he learned that his wife was ill. He went AWOL for a few days to find someone to help take care of his four children. He returned to the Army and requested leave in order to go back to his family. He was refused and again went AWOL and remained absent for almost 4-1/2 years until he voluntarily turned himself over to military control. In a court-martial, he was given a Bad Conduct Discharge and sentenced to ten months confinement, six months of which he has served.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-7

193-M

This white applicant in his mid-twenties is the product of a stable home. Having completed high school, he entered a three-year enlistment in the Army, specifying a certain job preference. He was trained in his job preference but nevertheless ordered to a duty assignment unrelated to his skills. He went AWOL four times due to family financial difficulties caused by his father's loss of employment. He lived openly during over two and one-half years of AWOL. He has over a year of creditable service. He was sentenced to a Bad Conduct Discharge and confinement for twelve months. Including pretrial detention, he has served nearly 14 months in jail. While confined, he suffered a hand injury which resulted in permanent disability.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternative service, Clemency
Discharge and Pardon.

M-8

167-M

This applicant is white, in his early twenties, and one of three children. His father was prevented from working because of a heart condition. Having dropped out of school in the ninth grade, he was the sole support of his father and sister before he was drafted. One month after his induction, he attempted to obtain a weekend pass because of his father's worsening condition. When the pass was refused, he went AWOL. He was absent for over three years, as he worked to support his family and his father. He is married and has two children, but his wife suffers from curvature of the spine and is unable to work. He was sentenced to seven months confinement and a Bad Conduct Discharge. He served nearly six months in prison.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-9

129-M

This applicant, in his early twenties, is Puerto Rican and is one of 15 children. He was born and raised in New York and completed the 8th grade. He enlisted in the Marine Corps and has 11 months creditable service. He went AWOL twice for a total of three and one-half years. These absences were caused by his drug problem, for which he sought assistance, and by family problems. He received a Bad Conduct Discharge and a seven month sentence of which he has served five months.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-10

123-M

This applicant is white and was born and raised in the northeastern United States. After the age of twelve, he was reared by his grandmother. He left high school before graduation, worked for some years for a moving company, and then joined the Marine Corps. He went AWOL three times because he wanted to help his parents reconcile their marriage. He was absent for a total of one year and seven months. During his three and one-half months of creditable service, he accumulated good conduct and proficiency reports. The applicant was court-martialed and sentenced to a Bad Conduct Discharge and four months confinement. He has served approximately two months of his sentence and was in pretrial confinement over two months.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-11

231-M

Applicant is of Spanish surname, is in his late twenties, and he was one of 12 children in a stable but low-income family. He completed nine years in school. Inducted into the Army, applicant completed basic and advanced individual training and was assigned to the Republic of Vietnam. He served as a light vehicle driver in an artillery unit for a full tour in Vietnam, and he returned with his unit to the United States. He had excellent conduct and proficiency ratings and one year and seven months of creditable service. With his father facing prison for vehicular homicide and his girlfriend pregnant, he went AWOL to deal with these problems. He remained absent for nearly three years. In a court-martial, he was sentenced to a Bad Conduct Discharge and imprisonment for six months, two and one-half of which he has served.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-12

122-M

This white applicant, in his mid-twenties, was born and raised in a small midwestern town. Applicant's father was extremely strict with him and the other children in the family. His parents eventually were divorced. He completed high school by passing the GED test. After enlisting in the Marines in 1969, he volunteered for overseas duty but was rejected because of high blood pressure and bleeding feet. He went AWOL because an automobile rental agent threatened to have him placed in the brig. He was absent from the Marines for three years. At his court-martial, he received a sentence of Bad Conduct Discharge and nine months imprisonment. He has served approximately ten months in prison, including pretrial confinement. He has ten months of creditable service.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-13

112-M

This applicant is white, in his early twenties, and grew up in an economically-deprived midwestern family. He has completed only two years of high school. He enlisted in the U.S. Marine Corps at the behest of his stepfather, but with the reluctant consent of his natural mother. He served honorably for 18 months before going AWOL because of an overwhelming family crisis. During his absence, he became a religious convert. Finding that his religious conscience could no longer cope with his disregard of his legal obligations, he surrendered to the military authorities. He was prosecuted before a general court-martial and sentenced to a Bad Conduct Discharge and imprisonment for five months. The applicant was successful in rehabilitating himself upon release from confinement by finding employment in industry.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-14

219-M

This applicant is white and the oldest of two children. He has only a 7th grade education. Enlisting in the Army, he was trained as an armor crewman and assigned to Germany. He served for over one year until he went AWOL to attend to some marital problems. His emotional distress caused him to commit two other unauthorized absences. His second and third absences lasted for four years and eight months. After apprehension, he was sentenced by a court-martial, given a Dishonorable Discharge and imprisoned for eight months. He has served over six months of confinement. He has over one year and four months creditable service.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-15

242-M

This applicant is black, married and has two children. He was born and raised in a large city in the Midwest and is the second of three children. His parents were separated when applicant was ten years old. Because his mother suffered from heart trouble, applicant began working part-time at the age of twelve and eventually quit school after completing the 10th grade to support his family. At the time of his induction into the Army, applicant was married, had a child and was the sole support of his invalid mother. Applicant's AWOL was precipitated by the medical and financial problems suffered by his family. He was absent six and one-half years. He was sentenced to a Bad Conduct Discharge, to forfeit all pay and allowances and to be confined at hard labor for five months. He served four months of the sentence. He has five months creditable service.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency

M-16

175-M

This applicant is black and grew up as one of ten children in a low-income family in the South. His father is a disabled farm laborer. He quit school after the 8th grade to work as a farm laborer also. He was drafted into the Army, where he has received excellent conduct and proficiency ratings. He served over one and one-half years of creditable service, including a full tour of duty in Vietnam. He then went AWOL and he worked as a farm laborer to support his family during his six and one-half year absence. In a court-martial, he was given a Bad Conduct Discharge and sentenced to two and one-half months in confinement. He was confined over four months, including 48 days or pretrial confinement.

Disposition: Executive Clemency, 3 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-17

113-M

Applicant is white and the product of a low-income background and family instability; his formal education is limited. He withdrew from school to become self-sustaining because his relatives were unable to help him. After enlisting in the Marine Corps, he volunteered for service in Vietnam. He then married and encountered financial problems. He returned home on emergency leave to discover his pregnant wife could no longer live with her sister. He then absented himself for almost five years to provide her support and a home. After apprehension, he was sentenced to a Dishonorable Discharge and six months confinement. At his trial, numerous associates attested to his outstanding character and reputation in his community. In confinement, he was a model prisoner. He has served four months of his sentence and has completed approximately six months of creditable service.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-18

106-M

This black applicant was born and raised in Texas in a stable home environment. He completed one year of college. He is married and has two children. He was drafted into the Marines in 1969. Prior to being drafted he worked as a truck driver. He states that he went AWOL in 1971 to be with his family and help them resolve several serious problems. One of his children died in 1972, and his father is in poor health. He was employed during his unauthorized absence. Apprehended in 1974, he was sentenced to a Bad Conduct Discharge and imprisonment for nine months. He has seven months of creditable service and has served three months of confinement.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-19

232-M

Born in a stable midwestern Caucasian family, applicant is the oldest of three children. His formal education is very limited. Inducted into the Army, applicant was trained as an infantryman. On leave, pending assignment overseas, applicant discovered that his wife was contemplating divorce. Emotionally disturbed, he overstayed his leave. Applicant remained AWOL for four years and eleven months. He was court-martialed, sentenced to a Bad Conduct Discharge, and ten months confinement. He has served over three months of that sentence. He has nearly five months of creditable military service.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-20

170-M

This applicant, who is white and 26 years old, was born and raised in the Northeast in a family of poor financial circumstances. After the 11th grade, he dropped out of school to get a job. The following year he enlisted in the Army and obtained his GED. During his first year he had two lengthy periods of AWOL for which he was sentenced to six months confinement. The third time he remained absent for over seven years. During this time both his father and his brother had health problems and he worked in a factory to help support the family. After turning himself in, he was convicted and sentenced to a Bad Conduct Discharge and three months confinement. Including pretrial detention, he has served four months and ten days in confinement.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-21

162-M

This applicant is black, in his mid-twenties, and grew up in an intact family with seven children. He dropped out of high school in the 11th grade and thereafter enlisted in the Army. He has nine months, 20 days of creditable military service, during which his conduct and efficiency were rated excellent. He went AWOL after injuring his arm in a parachute jump and being unable to relieve the pain. He married while AWOL and now has three children. He was convicted for two months of AWOL; he received a Bad Conduct Discharge and six months confinement. He has served three months of his sentence.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-22

120-M

This applicant is white, in his early twenties, and was raised in a stable home environment in the South. After completing nine years of education he went to work for a construction company and later enlisted in the Marine Corps. He has over five months creditable service. During Infantry Training School he experienced back problems, and, unable to obtain satisfactory medical treatment, he went AWOL. Thirteen months later he surrendered but again went AWOL during his trial. He was sentenced in absentia to a Bad Conduct Discharge and six months confinement. He later surrendered and has served two months of his sentence.

Disposition: Executive Clemency, 6 months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-23

125-M

The applicant is white and lived in a large New England family. His family was on welfare, and he completed only eight years of school. He is now married and has two children. After enlisting in the Marine Corps, he had eight months of creditable service. His two incidents of AWOL totaled almost fifteen months. The first time, he and a friend went on leave, and he was afraid to return when his friend went AWOL. The second offense occurred when he was having marital troubles. At his court-martial he received a Bad Conduct Discharge and a seven month sentence. He has served over five months of that sentence.

Disposition: Executive Clemency, seven months alternate service. Upon completion of alternate service, Clemency Discharge and Pardon.

M-24

176-M

This applicant is black, is the youngest of nine children, and was raised by his mother in a stable but low-income midwestern home. He graduated from high school and worked as a laborer and painter until he was drafted. After almost six months service, he went AWOL rather than report to an overseas replacement station because of his opposition to the Vietnam War. He had never applied for conscientious objector status because he had no religious justification for doing so. He returned but went AWOL again, making him absent for a total of over four and one-half years. After a court-martial and sentence review, he was given a Bad Conduct Discharge and sentenced to four months confinement. He has served that sentence, plus two months of pretrial confinement.

Disposition: Executive Clemency, nine months alternate service. Upon completion of alternate service, Clemency Discharge and Pardon.

M-25

221-M

This applicant, in his early thirties, is the third of five children born to a stable but low-income white family in the South. He dropped out of school in the 10th grade. After being drafted into the Army, he enlisted for a regular term of service. His total creditable service is two years and four months. He went AWOL shortly before the termination of his enlistment because of frustration about his inability to ascertain his projected date of discharge, his concern for his ailing father, and the financial plight of his family. During his absence he worked in construction. After an absence of five years and nine months, he was sentenced to a Dishonorable Discharge and imprisonment for four months. He has served over three months of that sentence.

Disposition: Executive Clemency, nine months alternate service. Upon completion of alternate service, Clemency Discharge and Pardon.

M-26

255-M

This applicant, in his mid-twenties, is of Hawaiian ancestry. He was drafted into the Army after leaving high school, but he claimed to be unfit for military service because of his bad back. His claim was rejected, and he later went AWOL to get medical treatment for his back problem. After 3 1/2 years of AWOL, he surrendered to civil authorities. He has nine months of creditable service. In a court-martial, he was sentenced to a Bad Conduct Discharge and confinement for ten months. He was incarcerated for nearly six months.

Disposition: Executive Clemency, ten months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-27

196-M

This applicant is white, in his mid-twenties, and was raised in a large family in the West. Although the family was not well off financially, a very good family relationship existed. This applicant completed one year of college before leaving because of a drug problem. He married and with his wife's help stopped taking drugs. He was subsequently drafted and, due to the availability of drugs in the Army and the pressure that he was under, he began taking them again. To receive treatment for his drug problem and to be with his wife who was eight months pregnant, this applicant went AWOL. After being AWOL for over 2 1/2 years, he was court-martialed and sentenced to a Bad Conduct Discharge with eight months confinement. He has served four months in prison. He has four and a half months creditable service.

Disposition: Executive Clemency, eleven months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-28

111-M

This applicant, in his early twenties, is white and the third of five children born to a low-income and very unstable family. He only completed the eighth grade. When he was young, his mother divorced his father because of physical cruelty. He continued to live with his natural father, a farm laborer. At the age of twelve, he resumed living with his mother who had remarried. He lived with this family unit until age fifteen when he separated because of conflict with his stepfather. At the age of eighteen, he enlisted in the USMC. Although achieving satisfactory proficiency and conduct ratings during his four months of creditable service, he went AWOL twice for a total of over two years. He was sentenced to a Bad Conduct Discharge and imprisonment for 8 months, two months of which he has served.

Disposition: Executive Clemency, eleven months alternate service.
Upon completion of alternate service, Clemency
Discharge and Pardon.

M-29

205-M

This applicant, who is white and in his late twenties, was born and raised in New England. He dropped out of high school prior to graduation due to his marriage and the birth of a child, and joined the National Guard. Two years later, he was discharged for failure to attend meetings and, two years after that, was ordered to active duty. In the meantime, he had obtained his GED Certificate and worked as a truckdriver, accountant, salesman, and sales manager. He explains his AWOL was because he was unable to obtain a medical discharge for a back problem. He was apprehended after six months, but three weeks later again went AWOL and this time remained absent over four and one-half years. Part of the time, he was in a Canadian prison for a bigamy conviction, due to his mistaken belief that his first marriage had been annulled. After being released to U. S. authorities, he was convicted and sentenced to ten months confinement and a Bad Conduct Discharge. The applicant has served eight months and twenty days in prison. He has almost ten months creditable service.

Disposition: Executive Clemency, twelve months alternate service.
Upon completion of alternate service, Clemency Discharge
and Pardon.

PUBLIC SERVICE SPOTS
Letter-Release-Copy in
English & Spanish &
Production Information

January 5, 1975

MEMORANDUM FOR: CHARLES E. GOODELL
Chairman

FROM: Joan Vinson

SUBJECT: Public Service Announcements

Listed below are details concerning the production and distribution of the public service announcements.

1. They are being distributed to 2100 radio station plus 71 Spanish stations
2. They are being distributed to 268 television stations in the largest 100 cities.
3. The spots were filmed and taped at the studio at the Department of Defense.
4. As a public service, Grey Advertising has assisted the Presidential Clemency Board in the production and distribution of these spots.
5. The cost of these spots has included processing the radio tape and the television film and the reproduction of these tapes and film in sufficient quantity to distribute.



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

January 6, 1975

Dear Public Service Director:

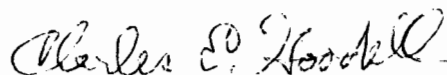
The Presidential Clemency Board at the White House needs your help. Our request is a matter of urgency. Your station can aid thousands of young Americans of the Vietnam era by letting them know of the President's clemency program--but they must apply prior to January 31. The Clemency Board deals only with those who have already been convicted and punished.

For their sake, I ask that you play the enclosed PSA s featuring Father Theodore Hesburgh and General Lew Walt. Your station will provide a valuable public service by conveying the Board's message. We have until the end of the month.

The Public Service Announcements are enclosed along with a fact sheet, press release, script and "live" copy. Your cooperation in scheduling public service air time during the crucial month of January will help inform the potential applicant of how and where to apply and the deadline. Time for application is short. It must be done prior to January 31. It would be an additional service if your station announcer could do a countdown--i. e., only 14 days left to apply to the Presidential Clemency Board. Time is running out.

We appreciate your help. By donating some of your valuable time, many young Americans can benefit.

Sincerely,



Charles E. Goodell
Chairman

Enclosures



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
Office of Public Affairs Director - Room 360
Washington, D. C. 20500

FOR IMMEDIATE RELEASE
January 6, 1975

Contact: Joan Vinson 456-2791
Nia Nickolas 456-6476

Charles E. Goodell, Chairman, Presidential Clemency Board, today announced a public service campaign directed to Vietnam era young men.

The Presidential Clemency Board has made available to the electronic media public service spots directed to potential applicants. The Clemency Board deals only with those who have already been convicted and punished. These spots inform young men of how and where to apply and of the January 31 deadline.

Mr. Goodell said, "I urge the media to cooperate in this endeavor. For the sake of the young men who will benefit from the Board's program, help us convey our message. We have until the end of the month. Time is running out. Applications must be in prior to January 31. Many young Americans can benefit from the President's program if they just know about it."

The PSAs feature Father Theodore Hesburgh and General Lew Walt. There are Spanish language spots with Mrs. Aida Casanas O'Connor. These individuals serve on the Presidential Clemency Board. General Walt, Ret., commanded our Marines in Vietnam for two years and Father Hesburgh, President of Notre Dame, spoke out against the war. They believe in the fairness and necessity of the program. The Board will continue to deal fairly and compassionately with the individuals under its jurisdiction.

The Presidential Clemency Board has jurisdiction over persons who have already been convicted for a draft evasion or unauthorized absence, desertion or missing movement offense from the military. A civilian applicant has the possibility of receiving an unconditional pardon or a pardon conditioned upon completion of a specified period of alternate service, thereby, restoring his full civil rights. To the former military applicant, the Board offers a pardon, plus an upgrading of his discharge to at least a clemency discharge, either unconditionally or conditioned upon a specified period of alternate service.

So far, applicants before the Board have not been sophisticated. These people did not know how to take advantage of their rights under our legal system. They need help now in applying to the Clemency Board. The President's program offers very real benefits.

In making the announcement, Mr. Goodell said, "We want all the individuals who can benefit from the President's program to know of its existence. They can benefit from it. We want to make it easier for young men to integrate themselves fully, with dignity and with pride, as Americans and as members of their community again."



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

THE PRESIDENTIAL CLEMENCY PROGRAM
WHAT IS IT? HOW DOES IT WORK?

On September 16, 1974, President Ford announced a program of clemency for persons with Selective Service draft violations or desertion or AWOL from the armed services.

Why did the President announce the Program?

President Ford wishes to heal the divisions caused by the Viet Nam War and to enable persons with draft-evasion or AWOL offenses to gain their way back into society.

Who is Eligible?

Any person who committed a draft-evasion offense or went AWOL or deserted from the armed forces between August 4, 1964 and March 28, 1973.

Who Runs the Clemency Program?

Three agencies administer the program:

The Presidential Clemency Board administers the program for people who have been tried and convicted for a draft-evasion offense. It also deals with cases of people who have been court-martialed for desertion or AWOL, or who have an undesirable discharge for AWOL.

The Department of Defense runs the program for persons who are now absent without authority from the armed services.

The Department of Justice runs the program for people who committed a draft-evasion offense but who have not been tried and convicted.

How Do You Apply?

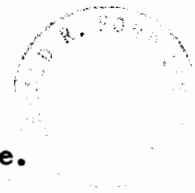
That depends on your own case.

If you are now Absent from the Armed Services - Contact any military base or Fort Benjamin Harrison, Indianapolis, Indiana. (317) 542-3417

If you Think you Violated the Draft Laws but have not been Convicted - Contact any U.S. Attorney's office, or the Department of Justice, Washington, D.C. (202) 456-6476.

How Long Do you Have to Apply?

You must apply before January 31, 1975, whatever your case.



What will Happen?

If your case belongs to the Justice Department or Defense Department, you will make an agreement to perform alternative service for up to 24 months.

If you were AWOL, you will receive an undesirable discharge. After you satisfactorily perform your alternative service, you will get a clemency discharge.

If you have a draft-evasion case, it will be dismissed and you will not be prosecuted after you complete the alternative service.

What Happens If you Were Discharged for AWOL or Desertion or Convicted of Draft-evasion?

You write to the Presidential Clemency Board, The White House, Washington, D.C., and ask to be considered for clemency. The Board will review your case. It will decide whether to recommend clemency to the President.

What Kind of Clemency Can You Get From The Presidential Clemency Board?

In special cases, the President can grant an immediate, full and unconditional pardon.

In other cases, he will grant Conditional Clemency. This means you will have to perform up to 24 months alternative service before the President grants a full pardon.

In some cases, the President may decide not to grant a pardon or conditional clemency.

What is Alternative Service?

This is not punishment, but a means of earning clemency. It consists of working for qualified employers such as hospitals, charities, and other kinds of public service jobs.

Where Can You Find Out More About the Clemency Program?

If you have any questions call the Presidential Clemency Board, The White House, Washington, D.C. (202) 456-6476.

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

PUBLIC SERVICE RADIO ANNOUNCEMENT 30 (Secs.) Date: Jan. 2-31, 1975

RECORDED Title: Father Theodore Hesburgh

Father
Hesburgh:

I have a message for those convicted of draft evasion or given discharges for AWOL offenses. You may deserve clemency. I'm Father Ted Hesburgh of Notre Dame. And I'm working with the President's Clemency Board.

It's conceived in the tradition of forgiveness and protects your rights and integrity. You need not contact us personally. A friend, family member or lawyer may inquire for you.

If you don't have a lawyer, we'll help you get one.

For information, just write or call the Presidential Clemency Board at the White House, Washington, D. C., before January 31.

Local
Anncr.:

A public service message brought to you by this station.



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

PUBLIC SERVICE RADIO ANNOUNCEMENT 60 (Secs.) Date: Jan. 2-31, 1975

RECORDED Title: Father Theodore Hesburgh

Father
Hesburgh:

I have a message for those convicted of draft evasion or given discharges for AWOL offenses. I'm Father Theodore Hesburgh, President of the University of Notre Dame. You may recall that I spoke out for a long time against the Vietnam War. Now I'm also working with the President's Clemency Board.

Most important to me as a priest and an educator, our program is conceived in the tradition of forgiveness. The best evidence of this is to read the decisions made thus far.

It's an honest program that protects your rights and integrity, or I wouldn't be a part of it. If you were convicted of draft evasion or given discharges for AWOL offenses, you may now qualify for a pardon or clemency discharge that will help clear your record. A friend, family member or lawyer may inquire for you.

If you don't have a lawyer, we'll help you get one. You will have full access to your files and you may add anything you think is important.

For information, just call or write the Presidential Clemency Board, the White House, Washington, D. C. But do it now. You have only until January 31.

Local
Annncr:

A public service message brought to you by this station.



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

PUBLIC SERVICE RADIO ANNOUNCEMENT 30 (Secs.) Date: Jan. 2-31, 1975

RECORDED Title: General Lew Walt, U. S. Marine Corps (Ret)

Gen.
Walt:

I am General Lew Walt, U.S. Marine Corps retired. I commanded the Marines in Viet Nam for two years and I am now with the President's Clemency Board.

I want to speak to veterans who went absent without leave and received a punitive or undesirable discharge during the Vietnam era.

Many of you served our country well before you went AWOL. And you may deserve clemency. We can help clear your record.

Write or call the Presidential Clemency Board, the White House, Washington, D. C., before January 31.

Local
Anncr.:

A public service message brought to you by this station.



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

PUBLIC SERVICE RADIO ANNOUNCEMENT 60 (Secs.) Date: Jan. 2-31, 1975

RECORDED Title: General Lew Walt, U. S. Marine Corps (Ret)

Gen.
Walt:

I am General Lew Walt, U. S. Marine Corps retired. I commanded our Marines in Viet Nam for two years.

I would like to speak to the veterans of the Vietnam era who went absent without leave and as a result were given a punitive or undesirable discharge.


I'm a member of the President's Clemency Board at the White House. I believe that many of you men served our country well before you went AWOL. If you did, I believe you deserve clemency. Here's an opportunity for you to get your less than honorable discharge upgraded to a clemency discharge and help clear your record.

The President's Clemency Board has a very fair and honest program.

All you have to do is write or call the Presidential Clemency Board at the White House, Washington, D. C. You should act now. To qualify, you must apply before January 31st, 1975.

Local
Anncr.:

A public service message brought to you by this station.



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

PRESIDENTIAL CLEMENCY BOARD 30 (Secs.) Date: Jan. 2-31, 1975


LIVE ANNOUNCER DELIVERED COPY

Live
Annncr.:

If you were convicted of draft evasion or given a discharge for AWOL or desertion between 1964 and 1973, the Presidential Clemency Board could help clear your record. You don't even have to make the first contact yourself. A family member, friend, or lawyer can inquire for you. The Board will even help you get a lawyer.

But you must act now. The program ends January 31. Write the Presidential Clemency Board, the White House, Washington, D. C. 20500. Or call 202 456-6476. That's 202 456-6476.

A public service message brought to you by this station.



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

PRESIDENTIAL CLEMENCY BOARD 60 (Secs.) Date: Jan. 2-31, 1975

LIVE ANNOUNCER DELIVERED COPY

Live
Annncr.:

If you were convicted of draft evasion or given a discharge for AWOL or desertion between 1964 and 1973, this message may change your life. You've probably heard about the President's Clemency Board. And you probably have some questions about how it works. Well, I have some answers.

First of all, the program is conceived in the tradition of forgiveness. The best evidence of this is the acts of clemency already made.

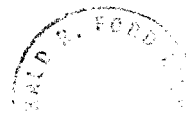
Then, it's an honest program that protects your rights and integrity. You don't even have to make the first contact yourself. A friend, family member or lawyer can inquire for you.

If you don't have a lawyer, the Board will even help you get one. You will have full access to your files and you may add anything you think is important.

But you have only until January 31 to clear your record. So call or write the Presidential Clemency Board, the White House, Washington, D. C. 20500 today. Or call 202 456-6476.

That's the Presidential Clemency Board, the White House, Washington, D. C. 20500. Or call 202 456-6476 ... before January 31.

A public service message brought to you by this station.



CALCO List

Listed below are members of CALCO:

American Civil Liberties Union Foundation

Central Committee for Conscientious Objectors

Clemency Information Center of the National Council of Churches

Friends Committee on National Legislation

Lawyers Committee for Civil Rights Under Law

National Interreligious Service Board for Conscientious Objectors

National Legal Aid and Defender Association

Public Law Education Institute

United Church of Christ, Center for Social Action

Washington Council of Lawyers



Regulations - PCB
Application-Summary Memo
Exec. Order & Proclamation

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 2—Clemency CHAPTER II—PRESIDENTIAL CLEMENCY BOARD

PART 201—ADMINISTRATIVE PROCEDURES

PART 202—SUBSTANTIVE STANDARDS OF THE PRESIDENTIAL CLEMENCY BOARD

Procedures and Standards

In order to accommodate new regulations being issued by the Presidential Clemency Board, the heading of Title 2 of the Code of Federal Regulations is changed to read: Title 2—Clemency. In addition, a new Chapter II, Presidential Clemency Board, is added, reading as set forth below.

This notice of rulemaking sets forth in Part 201 the administrative procedures and in Part 202 the substantive standards to be used by the Presidential Clemency Board (hereinafter "the Board") in accepting and processing applications from individuals subject to the jurisdiction of the Board and in the determination of its recommendations to the President concerning those individuals.

The Presidential Clemency Board has made every reasonable effort to assure to both applicants and those individuals who may be subject to the jurisdiction of any of the three parts of the Presidential clemency program every procedural consideration. Applicants will be sent notice concerning the procedures and standards used by the Board; their privacy will be respected in every way possible within the bounds of the law. All information concerning the applicant which is sought by the Board from governmental sources will be open to inspection by the applicant or his representative. The records and files concerning the applicant will be summarized by an attorney on the staff of the Board, and sent to the applicant for his amendment and correction. A sure process for the appeal of adverse determinations has been established. In the Board's discretion, the applicant or his representative may be allowed to present an oral statement to the Board prior to its determination of his case. Each applicant will have an opportunity to petition for reconsideration of the decision to recommend, grant, or deny executive clemency in his case.

Individuals who may be subject to the jurisdiction of the Department of Justice or the Departments of Defense or Transportation will be assisted in confidence in determining their status with respect to the clemency program.

Finally, it cannot be too often stated that an applicant may apply to the Clemency Board without risk. His application will be held in confidence, and he may withdraw his application at any time.

It is the intent of the Presidential Clemency Board to provide notice to applicants, and to maximize public certainty and predictability, about the substantive standards which the Board will apply in recommending to the President proposed dispositions of applications for executive clemency under Proclamation 4313 (published in the FEDERAL REGISTER on September 17, 1974, 39 FR 33293). It is further the intent of the Board to ensure equity and consistency in the way that similarly situated applicants are treated.

The Presidential Clemency Board therefore herein publishes the substantive standards to which it has committed itself in the implementation of the clemency program. Applicants for executive clemency under the program are invited to submit evidence suggesting that one or more of the mitigating circumstances listed below apply to their case, or that one or more of the aggravating circumstances listed do not apply to their case. Applicants are also invited to submit letters from third parties containing such evidence, or to ask other people to write directly to the Board on their behalf.

It is contemplated that the Board will weigh the factors listed below in each individual case. It is not contemplated, however, that any one of these factors will necessarily be dispositive of a particular case, and the Board reserves the option of considering other factors in mitigation not listed herein to be dispositive of a particular case.

Actions taken and determinations made by the Presidential Clemency Board and members of the Board's staff prior to the issuance of these regulations have been in substantial compliance with the provisions thereof.

Because of the short duration of the Presidential clemency program, and for other good cause appearing, it is hereby determined that publication of this chapter in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than thirty (30) days. Notwithstanding the abbreviated rulemaking procedure, however, comments and views regarding the proposed chapter are solicited, and may be filed to be received no later than 5 p.m. d.s.t., December 12, 1974. Comments

should be submitted in five (5) copies, and directed to:

Office of the General Counsel
Presidential Clemency Board
The White House
Washington, D.C. 20500

(Executive Order 11803, 39 FR 33297)

In consideration of the foregoing, this chapter will become effective immediately.

Issued in Washington, D.C., on November 25, 1974.

CHARLES E. GOODELL,
Chairman,
Presidential Clemency Board.

1. Part 201 is added to read as follows:

- Sec.
- 201.1 Purpose and scope.
 - 201.2 General definitions.
 - 201.3 Initial filing.
 - 201.4 Application form.
 - 201.5 Assignment of Action Attorney and case number, and determination of jurisdiction.
 - 201.6 Initial summary.
 - 201.7 Final summary.
 - 201.8 Consideration before the Board.
 - 201.9 Recommendations to the President.
 - 201.10 Reconsideration.
 - 201.11 Referral to appropriate agencies.
 - 201.12 Confidentiality of communications.
 - 201.13 Representation before the Board.
 - 201.14 Requests for information about the clemency program.

Appendix A.
Appendix B.

AUTHORITY: E.O. 11803, 39 FR 33297.

§ 201.1 Purpose and scope.

This subpart contains the regulations of the Presidential Clemency Board, created pursuant to Executive Order 11803 (39 FR 33297) concerning the procedures by which the Board will accept and process applications from individuals who avail themselves of the opportunity to come within its jurisdiction. Certain other matters are also treated, such as the assistance to be given to individuals requesting determinations of jurisdiction, or requesting information respecting those parts of the Presidential Clemency Program which are administered by the Department of Defense and the Department of Justice under Presidential Proclamation 4313 (39 FR 33293).

§ 201.2 General definitions,

"Action attorney" means an attorney on the staff of the Board who is assigned an applicant's case and is thereafter responsible for all information-gathering and communications concerning that



applicant's case from the applicant's initial filing until final disposition has been made by the Board.

"Applicant" means an individual who is subject to the jurisdiction of the Board, and who has submitted an initial filing.

"Board" means the Presidential Clemency Board as created by Executive Order 11803, or any successor agencies.

§ 201.3 Initial filing.

In order to comply with the requirements of Executive Order 11803 as to timely application for consideration by the Board, an individual must make an initial filing prior to January 31, 1975. The Board will consider sufficient as an initial filing any written communication received from an individual or his representative which requests consideration of the individual's specific case or which demonstrates an intention to request consideration. Oral initial filings will be considered sufficient if reduced to writing and received by the Board within thirty (30) calendar days.

§ 201.4 Application form.

(a) Upon receipt of an initial filing a member of the Board's staff will make a determination of probable jurisdiction. Applicants who are clearly beyond the Board's jurisdiction will be so notified in writing. An applicant who questions this adverse determination of probable jurisdiction should promptly write the General Counsel, Presidential Clemency Board, The White House, Washington, D.C. 20500, stating his reasons for questioning the determination. The General Counsel of the Board shall make the final determination of jurisdiction.

(b) An applicant who has been notified that probable jurisdiction does not lie in his case will be considered as having made a timely filing should the final decision be that the Board has jurisdiction over his case.

(c) Applicants who are within the probable jurisdiction of the Board will be sent by mail:

(1) An application form (see appendix "A");

(2) Information about the Presidential Clemency program and instructions for the preparation of the application form (see appendix "B");

(3) A statement describing the Board's procedures and method of determining cases.

(d) The applicant will be urged to return the completed application form to the Board as soon as possible. In the absence of extenuating circumstances, completed application forms must be received by the Board within thirty (30) calendar days of receipt.

§ 201.5 Assignment of Action Attorney and case number, and determination of jurisdiction.

(a) Upon receipt of all necessary information, the applicant's case will be assigned to an Action Attorney, who will make a preliminary determination of the Board's jurisdiction. If the Action At-

torney determines that the Board has jurisdiction over the applicant, a file for the applicant's case will be opened and a case number for that file will be assigned. With the opening of the file, the Action Attorney shall request from all appropriate government agencies the relevant records and files pertaining to the applicant's case before the Board.

(b) In normal cases, the relevant records and files will include for civilian cases the applicant's files from the Selective Service System and the Bureau of Prisons, and for military cases the applicant's military personnel records, military clemency folder, and record of court martial. Applicants may request that the Board consider other pertinent files, but such applicant-requested files will not be made available to the applicant and his representative as of right.

(c) Where the initial filing contains adequate information, Board staff may assign a case number and request records and files prior to receipt of the completed application form.

(d) If the Action Attorney determines that probable jurisdiction does not exist, he will promptly notify the applicant in writing, stating the reasons therefor.

(e) An applicant who questions this adverse determination of jurisdiction should write the General Counsel of the Board in accordance with the provisions of § 201.4(a).

§ 201.6 Initial summary.

(a) Upon receipt of the necessary records and files, the Action Attorney will prepare an initial summary of the applicant's case. The files, records, and any additional sources used in preparing the initial summary will be noted thereupon; no material not so noted will be used in its preparation. The initial summary shall include the name and business telephone number of the Action Attorney who prepared it, and who may be contacted by the applicant or his representative.

(b) The initial summary shall be sent by certified mail to the applicant. The summary will be accompanied by an instruction sheet describing the method by which the summary was prepared, and by a copy of the guidelines that have been adopted by the Board for the determination of cases. Applicants will be requested to review the initial summary for accuracy and completeness, and advised of their right to submit additional sworn or unsworn material. Such additional material may be submitted in any length, but should be accompanied by a summary of not more than three (3) single-spaced, typewritten, letter-sized pages in length. If a summary of suitable length is not submitted with the additional material, the Action Attorney will prepare such a summary.

(c) At any time after the mailing to the applicant of his initial summary, the applicant's complete Board file, and the files from which the summary was prepared, may be examined at the offices of the Board by the applicant, his representative, or by any member of the Board. An applicant or his representative may submit evidence of inaccurate, in-

complete, or misleading information in the complete Board file.

(d) An applicant's case will be considered ready for consideration by the Board not earlier than twenty (20) days after the initial summary has been received by the applicant. Material which amends or supplements the applicant's initial summary must therefore be received by the Board within twenty (20) days to insure that it will be considered, unless within that period the applicant requests and receives permission for an extension. Permission for late filing shall be liberally granted, if the request is received prior to Board action.

§ 201.7 Final summary.

(a) Upon receipt of the applicant's response to the initial summary, the Action Attorney will note such amendments, supplements, or corrections on the initial summary as are indicated by the applicant.

(b) The final summary shall then consist of the initial summary with appropriate amendments and additions, and the summary of the materials submitted by the applicant as described in § 201.6(b).

§ 201.8 Consideration before the Board.

(a) At a regularly scheduled meeting of the Presidential Clemency Board, a quorum of at least five (5) members being present, the Board will consider the applicant's case.

(b) The Action Attorney will present to the Board, a brief statement of the final summary of the applicant's case. The Action Attorney will then stand ready to answer from the complete file any questions from the members of the Board concerning the applicant's case.

(c) At the Board's discretion, it may permit an applicant or his representative to present before the Board an oral statement, not to exceed ten (10) minutes in length. Neither applicant nor his representative may be present when the Board begins deliberations, but should remain available for further consultation immediately thereafter for a period not to exceed one hour.

(d) After due deliberation, the Board will decide upon its recommendation to the President concerning the applicant's case, stating the reasons for its recommendation.

§ 201.9 Recommendations to the President.

(a) At appropriate intervals, the Chairman of the Board will submit to the President certain master warrants listing the names of applicants recommended for executive clemency, and a list of the names of applicants considered by the Board but not recommended for clemency. The Chairman will also submit such terms and conditions for executive clemency if any, that have been recommended in each case by the Board.

(b) Following action by the President, the Board will send notice of such action in writing to all persons whose names were submitted to the President. Persons not receiving executive clemency will be so notified.

¹ Filed as part of the original document.

§ 201.10 Reconsideration.

(a) An applicant may petition the Board for reconsideration of his grant or denial of executive clemency, or of the terms and conditions thereof.

(b) Such petitions for reconsideration, including any supplementary material, must be received by the Board within thirty (30) days of the mailing of the notification in § 201.9(b).

(c) At a regularly scheduled Board meeting, a quorum being present, the Board will consider the applicant's petition for reconsideration.

(d) In appropriate cases, the Board may permit an applicant or his representative to present before the Board an oral statement not to exceed fifteen (15) minutes in length.

(e) After due deliberation, the Board may either:

(1) As to any person granted executive clemency, let stand or mitigate the terms and conditions upon which executive clemency was granted;

(2) As to any person denied executive clemency, recommend to the President that he grant executive clemency in accordance with such terms and conditions as may be appropriate; or

(3) As to any person denied executive clemency, again not recommend the applicant for executive clemency.

§ 201.11 Referral to appropriate agencies.

After the expiration of the period allowed for petitions for reconsideration, the Chairman of the Board shall forward for further action to the Secretaries of the Army, Navy, and Air Force, the Secretary of the Department of Transportation, the Director of the Selective Service System, and the Attorney General, as appropriate, the President's determination as to each recipient of executive clemency.

§ 201.12 Confidentiality of communications.

(a) The Board has determined that it will take all steps possible to protect the privacy of applicants and potential applicants to the Presidential clemency program. No personal information concerning an applicant or potential applicant and related to the Presidential clemency program will be made known to any agency, organization, or individual, whether public or private, unless such disclosure is necessary for the normal and proper functioning of the Presidential Clemency Board. However, information which reveals the existence of a violation of law (other than an offense subject to the Presidential clemency program) will of necessity be forwarded to the appropriate authorities.

(b) In order to have his case considered by the Board, an applicant need submit only information sufficient for a determination of jurisdiction, and for the retrieval of necessary official records and files. The application form will therefore require the applicant's name; date of birth; selective

service number; military service and service number, if applicable; information concerning the draft evasion offenses or absence-related military offenses and the disposition thereof; and the mailing address of either the applicant or his representative. If the applicant submits such information as part of his initial filing, the completion of the application form itself is not necessary.

§ 201.13 Representation before the Board.

(a) Although an applicant may bring his case before the Board without a representative or legal counsel, each applicant is entitled to representation and will be encouraged to seek legal counsel experienced in military or selective service law. Upon request, Board staff will attempt to refer an applicant to a skilled volunteer representative.

(b) An applicant who does not wish to file his application in person may have his representative do so on his behalf.

§ 201.14 Requests for information about the clemency program.

(a) Upon receipt by the Board of an oral or written request for information or consideration concerning an individual who is clearly beyond the jurisdiction of the Board, a member of the Board's staff shall inform the individual:

(1) That jurisdiction does not lie;

(2) Whether jurisdiction may lie within the Presidential clemency program, and if so, with which agency;

(3) That in the event the individual prefers not to contact personally such other agency that an Action Attorney will obtain from such other agency information concerning the individual's status with respect to the Presidential clemency program, and provide to the individual that information.

(b) The Action Attorney shall submit to the Executive Secretariat of the Presidential Clemency Board a summary of the communication with, and information provided to, such individuals.

APPENDIX B

INSTRUCTIONS FOR APPLICATION FOR CLEMENCY

On September 16, 1974 the President announced a program of clemency. Depending on your case, you may apply to the Presidential Clemency Board, the Department of Justice, or the Department of Defense.

You may be eligible for clemency by the Presidential Clemency Board if you have been convicted of a draft evasion offense such as failure to register or register on time; failure to keep the local board informed of current address; failure to report for or submit to pre-induction or induction examination; failure to report for or submit to or complete service, during the period from August 4, 1964 to March 28, 1973; or if you have received an undesirable, bad conduct, or dishonorable discharge for desertion, absence without leave, or missing movement, and for offenses directly related, between August 4, 1964 to March 28, 1973.

If you are now absent from military service or have a charge against you for a Selective Service violation and have not been convicted or received a discharge, you may still be eligible for clemency under another part of the President's program. If you have any questions, please contact the Board and we will try to answer your questions.

If you believe that you are eligible to be considered by the Presidential Clemency Board but are not sure, you should apply to the Board. If it turns out that you are not eligible for consideration by the Board, you may possibly qualify under another part of the clemency program. You do not have to identify your current location. We will then be able to notify you of the proper agency to contact. If you are appealing a conviction or a military discharge you may continue your appeal, and still apply to the Board at the same time.

I. The Board will not give its files to any other federal agency. It will keep any information you provide in strictest confidence, except evidence of a serious crime which is not covered in the Presidential Clemency program.

II. Although you may apply to the Board without attorney or any other representative if you wish, we encourage you to obtain the help of legal counsel. If you do not have a counsel but desire one, we will be glad to refer you to a lawyers' organization which will help you find one. These organizations will help you get legal assistance even if you cannot afford to pay.

III. To apply to the Board, you need only supply the information necessary to find your file from other departments. If you do not wish to file your application personally, you may select a representative of your own choice to do it for you, but you must tell us that he is authorized. The Board will maintain its own file on your case and that file will be available for examination by you or your own attorney.

IV. You are encouraged to submit evidence which you feel helps your case, and to submit letters from other people on your behalf. You may submit evidence in order to correct inaccurate, incomplete, or misleading information to the Board's file.

V. A personal appearance by you before the Board will not be necessary.

If you have any questions, please call or write the Presidential Clemency Board, The White House, Washington, D.C. 20500, (202-456-6476). If application is made by a representative on your behalf, it is not necessary that your home address and telephone number be included. Your representative should indicate his capacity (attorney, friend, etc.) and give us his address and telephone number.

Application for people not in custody should be completed and mailed to the Board no later than midnight, January 31, 1975. Special procedures will be established for persons incarcerated whether or not they have been released on furlough.

2. Part 202 is added to read as follows:

- Sec.
- 202.1 Purpose and scope.
- 202.2 Board decision on whether or not to recommend that the President grant executive clemency.
- 202.3 Aggravating circumstances.
- 202.4 Mitigating circumstances.
- 202.5 Calculation of length of alternative service.

AUTHORITY: E. O. 11803, 39 FR 33297.

§ 202.1 Purpose and scope.

This part articulates the standards which the Presidential Clemency Board will employ in deciding whether to recommend that the President grant executive clemency to a particular applicant, and in then deciding whether that grant of clemency should be conditional, and, if so, upon what specified period of alternative service.

§ 202.2 Board decision on whether or not to recommend that the President grant executive clemency.

(a) The first decision which the Board will reach, with respect to an application before it, is whether or not it will recommend to the President that the applicant be granted executive clemency. In reaching that decision, the Board will take notice of the presence of any of the aggravating circumstances listed in § 202.3, and will further take notice of whether such aggravating circumstances are balanced by the presence of any of the mitigating circumstances listed in § 202.4.

(b) Unless there are aggravating circumstances not balanced by mitigating circumstances, the Board will recommend that the President grant executive clemency to each applicant.

§ 202.3 Aggravating circumstances.

(a) Presence of any of the aggravating circumstances listed herein either will disqualify an individual for executive clemency or may be considered by the Board as cause for recommending to the President executive clemency conditioned upon a length of alternative service exceeding the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Aggravating circumstances of which the Board will take notice are:

- (1) Prior adult criminal convictions.
- (2) False statement by applicant to the Presidential Clemency Board.
- (3) Use of force by applicant collaterally to AWOL, desertion, missing movement, or civilian draft evasion offense.
- (4) Desertion during combat.
- (5) Evidence that applicant committed the offense for obviously manipulative and selfish reasons.
- (6) Prior refusal to fulfill alternative service.
- (7) Prior violation of probation or parole requirements.

§ 202.4 Mitigating circumstances.

(a) Presence of any of the mitigating circumstances listed herein will be considered by the Board as cause for recommending that the President grant executive clemency to a particular applicant, and will in exceptional cases be further considered as cause for recommending clemency conditioned upon a period of alternative service less than the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Mitigating circumstances of which the Board will take notice are:

- (1) Applicant's lack of sufficient education or ability to understand obligations, or remedies available, under the law.
- (2) Personal and family hardship either at the time of the offense or if the applicant were to perform alternative service.
- (3) Mental or physical illness or condition, either at the time of the offense or currently.
- (4) Employment or volunteer activities of service to the public since conviction or military discharge.

(5) Service-connected disability, wounds in combat, or decorations for valor in combat.

(6) Tours of service in the war zone.

(7) Substantial evidence of personal or procedural unfairness in treatment of applicant.

(8) Denial of conscientious objector status, of other claim for Selective Service exemption or deferment, or of a claim for hardship discharge, compassionate reassignment, emergency leave, or other remedy available under military law, on procedural, technical, or improper grounds, or on grounds which have subsequently been held unlawful by the judiciary.

(9) Evidence that an applicant acted in conscience, and not for manipulative or selfish reasons.

(10) Voluntary submission to authorities by applicant.

§ 202.5 Calculation of length of alternative service.

(a) Having reached a decision to recommend that the President grant executive clemency to a particular applicant, the Board will then decide whether clemency should be conditioned upon a specified period of alternative service and, if so, what length that period should be.

(1) The starting point for calculation of length of alternative service will be 24 months.

(2) That starting point will be reduced by three times the amount of prison time served.

(3) That starting point will be further reduced by the amount of prior alternative service performed, provided that a prescribed period of alternative service has been satisfactorily completed.

(4) That starting point will be further reduced by the amount of time served on probation or parole, provided that a prescribed period of alternative service has been satisfactorily completed.

(5) The remainder of those three subtractions will be the "baseline period of alternative service" applicable to a particular case before the Board: *Provided*, That the baseline period of alternative service shall not exceed a judge's sentence to imprisonment in any case; *And provided further*, That the baseline period of alternative service shall be, notwithstanding the remainder of the calculation above, not less than a minimum of three (3) months.

(6) In exceptional cases in which mitigating circumstances are present, the Board may consider such mitigating circumstances as cause for recommending clemency conditioned upon a period of alternative service less than an applicant's baseline period of alternative service.

(7) In cases in which aggravating circumstances are present and are not, in the Board's judgment, balanced by mitigating circumstances, the Board may consider such aggravating circumstances as cause for recommending clemency conditioned upon a period of alternative service exceeding, either by three (3) additional months or by six (6) additional

months, the applicant's baseline period of alternative service.

[FR Doc.74-27863 Filed 11-26-74;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVES AND COUNTY ALLOTMENTS

Section 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the State reserves and allocation thereof among uses for the 1975 crop of extra long staple cotton. It also establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26160) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

In order that farmers may be informed as soon as possible of 1975 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.562 shall be effective November 22, 1974. The material previously appearing in this section under centerhead "1974 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Section 722.562 is revised to read as follows:

§ 722.562 State reserves and county allotments for the 1975 crop of extra long staple cotton.

(a) (1) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1975 crop of extra long staple cotton pursuant to § 722.508.

(2) It is hereby determined that no State reserve is required for trends, abnormal conditions, inequities, and hardships or small farms. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529 (c) and (d) is available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1975 crop of extra long staple cotton in accordance

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON

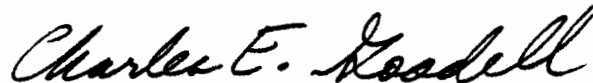
Dear Sir:

We understand that you may be interested in applying for clemency under the President's clemency program. Enclosed is an application form which you must return to us if you want your case considered by the Presidential Clemency Board. We have also enclosed materials which describe the procedure that the Board intends to use and some of the factors which it will consider in examining your case.

If you wish to apply, please complete the application form as soon as possible. You should also send us any information you consider favorable to your case. You can send it with your application, or as quickly afterwards as you can. When we receive your application and any additional papers you may want to submit, the Board will begin to review your case.

You will not have to appear personally before the Board. You may, however, call or see one of our staff and you are invited to add to your file whatever you think helpful. You do not need an attorney to apply for clemency, but we do suggest that you seek the advice of one. If you do not know how to get an attorney, we can tell you.

Sincerely,



Charles E. Goodell
Chairman

Enclosures



PRESIDENTIAL CLEMENCY BOARD
APPLICATION

I hereby apply to the Presidential Clemency Board for consideration.

NAME Last First Middle

Mailing Address City State Zip Code

Phone & Area Code Social Security No. Date of Birth

If you were convicted in federal civil court, or military court-martial, please describe the offense, give date of offense, and the date and place of conviction:

Location of prison where last confined _____

Former military personnel who were court-martialed or administratively discharged from a military service please complete the following:

Branch of Service _____ Military Service No. _____
If Soc. Sec. No., please indicate

Year entered military _____ Date of Discharge _____

Type of Discharge _____ How awarded (check one):

Court-martial () Admin. Discharge Board ()

Own request to avoid trial ()

Offenses on which Administrative Discharge based: _____

Date _____ Signature _____



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON

INSTRUCTIONS FOR APPLICATION FOR CLEMENCY

On September 16, 1974 the President announced a program of clemency. Depending on your case, you may apply to the Presidential Clemency Board, the Department of Justice, or the Department of Defense.

You may be eligible for clemency by the Presidential Clemency Board if you have been convicted of a draft evasion offense such as failure to register or register on time; failure to keep the local board informed of current address; failure to report for or submit to pre-induction or induction examination; failure to report for or submit to or complete service, during the period from August 4, 1964 to March 28, 1973; or if you have received an undesirable, bad conduct, or dishonorable discharge for desertion, absence without leave, or missing movement, and for offenses directly related, between August 4, 1964 to March 28, 1973.

If you are now absent from military service or have a charge against you for a Selective Service violation and have not been convicted or received a discharge, you may still be eligible for clemency under another part of the President's program. If you have any questions, please contact the Board and we will try to answer your questions.

If you believe that you are eligible to be considered by the Presidential Clemency Board but are not sure, you should apply to the Board. If it turns out that you are not eligible for consideration by the Board, you may possibly qualify under another part of the clemency program. You do not have to identify your current location. We will then be able to notify you of the proper agency to contact. If you are appealing a conviction or a military discharge you may continue your appeal, and still apply to the Board at the same time.

I. The Board will not give its files to any other federal agency. It will keep any information you provide in strictest confidence, except evidence of a serious crime which is not covered in the Presidential Clemency program.

II. Although you may apply to the Board without attorney or any other representative if you wish, we encourage you to obtain the help of legal counsel. If you do not have a counsel but desire one, we will be glad to refer you to a lawyers' organization which will help you find one. These organizations will help you get legal assistance even if you can not afford to pay.

III. To apply to the Board, you need only supply the information necessary to find your file from other departments. If you do not wish to file your application personally, you may select a representative of your own choice to do it for you, but you must tell us that he is authorized. The Board will maintain its own file on your case and that file will be available for examination by you or your own attorney.

IV. You are encouraged to submit evidence which you feel helps your case, and to submit letters from other people on your behalf. You may submit evidence in order to correct inaccurate, incomplete, or misleading information to the Board's file.

V. A personal appearance by you before the Board will not be necessary.

THE FOLLOWING ARE SOME OF THE FACTORS THE BOARD WILL CONSIDER IN EXAMINING YOUR CASE:

- 1) Education and ability to understand obligations under the law.
- 2) Personal and family circumstances at the time of offense and afterwards.
- 3) Mental or physical condition.
- 4) Employment and other activities since conviction or military discharge.
- 5) Service-connected disability, wounds in combat or decorations for valor in combat.
- 6) Tours of service in the war zone.
- 7) Substantial evidence of personal or procedural unfairness in your case.
- 8) Denial of conscientious objector status on procedural, technical or improper grounds.
- 9) Period of imprisonment for the offense.

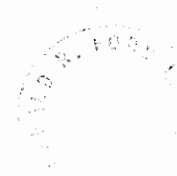


- 10) Personal statement regarding the reasons for the offense.
- 11) Any other information the applicant may wish to submit.

These factors will not necessarily be the only ones which the Board will consider. If you feel there are other facts about your case that should be considered, please submit evidence about them. ANY FALSE STATEMENT TO THE BOARD WILL BE CONSIDERED AN AGGRAVATING FACTOR HIGHLY UNFAVORABLE TO YOUR CASE.

If you have any questions, please call or write the Presidential Clemency Board, The White House, Washington, D. C. 20500, (202 - 456-6476). If application is made by a representative on your behalf, it is not necessary that your home address and telephone number be included. Your representative should indicate his capacity (attorney, friend, etc.) and give us his address and telephone number.

Application for people not in custody should be completed and mailed to the Board no later than midnight, January 31, 1975. Special procedures will be established for persons incarcerated whether or not they have been released on furlough.



THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

October 5, 1974

PHONE: (202) 456-6176

BOARD MEMBERS

Charles E. Goodell, *Chairman*
Ralph W. Adams
James P. Dougovito
Robert H. Finch
Theodore M. Hesburgh, C.S.C.
Vernon E. Jordan
James A. Maye
Aida Casanas O'Connor
Lewis W. Walt

MEMORANDUM

TO: Staff Attorneys
Presidential Clemency Board

FROM: General Counsel

SUBJECT: Preparation of Initial Summaries
of cases

The purpose of the Initial Summary is to pull together a short statement from existing governmental files summarizing all information on an applicant that may be relevant to the Board's decision regarding clemency. This form should be sent to the applicant for additions and corrections. It will be given to the Board for their detailed review, and will be the basic document for all further Presidential Clemency Board action concerning the applicant. It may well become public; this should be kept in mind when preparing the Summary.

It is crucial that the completed form contain a narrative which identifies the individual as a person and allows the Board to look behind the welter of dates and offenses. The Background paragraph especially should be carefully written to present the individual in human terms.

I. Detailed Instructions

- A. **Offense and Present Status.** The offense should be stated in correct, but not legalistic terms. Do not cite applicable statutes, regulations, or Code. Present status should be similarly clear. The remaining blocks are self-explanatory. The purpose of these blocks is to give a first impression of the individual in terms of the factors directly affecting his case before the Board.

- B. The Background blocks are to provide a narrative picture of the applicant as an individual, as mentioned above. Use as many of the entries as necessary from II. Possible "Background" entries with whatever additional information you feel helps to present the applicant. The list of "possibles" is neither inclusive nor exclusive, but should form the nucleus of the paragraph. Try to follow a roughly chronological order in presentation, such as is provided in the list of "possibles". Use only information taken from official files. Keep it factual - make no personal conclusions. Cite judgments by source. Example: Comes from broken home (probation report).
- C. Mitigating and Aggravating circumstances have been defined by the Board, and are listed in III. Additional pertinent circumstances. Include any information concerning any event in the life of the applicant which is pertinent to the defined circumstances. Be brief but use complete sentences. Minimize or omit non-criminal offenses in prior record, such as traffic offenses. Do not make subjective judgments concerning either mitigating or aggravating circumstances. All entries on the Initial Summary form must be directly traceable to an official file, in both form and content. Derivative judgments should always be cited.
- D. The Chronology should be as detailed as space permits. Start with Date of Birth and proceed through the last recorded date of interaction with the legal or military system. This date may be in the future for such events as "expiration of full term" for incarcerated prisoners, "expiration of probation" for those out on probation, and so forth. IMPORTANT: Whenever an entry is made reflecting sentencing of the applicant, provide the name of the court in standard form, "DCNC(MD)" for District Court, North Carolina, Middle District. Present the Chronology in two columns, date first. Use two lines only when necessary for clarity. All entries must be non-technical and transparently clear, as "graduated high school" or "jumped bail." The event, not its location, is usually of primary importance (with the exception of the sentencing court, as noted above). It is not unusual for conflicts to emerge from the construction of the Chronology. Asterisk possible errors and contradictions with brief explanatory note at bottom of Chronology. It is usually helpful to construct the Chronology prior to writing the Background paragraph.

II. Possible "Background" entries (in approximate order):

Age

Family size and birth order

Family background/stability

Place where raised

Educational level and test scores

Physical health and mental health

Marital status and present residence

Number of dependents

Employment history

Parole recommendation

Custody level

Type of C. O. and brief statement of belief

III. Additional pertinent circumstances.

The following mitigating and aggravating circumstances have been defined by the Board, and should be highlighted in each summary.

A. Mitigating circumstances

1. Lack of sufficient education or ability to understand obligations under the law.
2. Personal hardship, either at the time of the offense or now.
3. Acute mental or physical illness.
4. Employment of service to the public since conviction or military discharge.
5. Service-connected disability, wounds in combat, or decorations for valor in combat.
6. Tours of service in the war zone.
7. Substantial evidence of personal or procedural unfairness in applicant's case.
8. Denial of conscientious objector status on procedural, technical, or improper grounds.
9. Period of imprisonment for the same offense.
10. Personal statement regarding the offense.
11. Any other information the applicant may wish to submit.

B. Aggravating circumstances

1. Desertion under fire.
2. Use of force collateral to the desertion.
3. Other criminal record.
4. False statement to the Board.

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OR 6(j) OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF, AND CERTAIN CONVICTIONS FOR, VIOLATIONS OF ARTICLE 85, 86 OR 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Article 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted or unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such

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clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

GERALD R. FORD

THE WHITE HOUSE,

September 16, 1974.

TOTALLY EMBARGOED
UNTIL 11:30 A.M., EDT

September 16, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

ANNOUNCING A PROGRAM FOR THE RETURN OF
VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. Millions served their country, thousands died in combat, thousands more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen -- convicted, charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice -- remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have the chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgement of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is also a serious offense. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - An individual who allegedly unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report

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for or submit to, or complete service under Section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

- (i) presents himself to a United States Attorney before January 31, 1975,
- (ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and
- (iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest. No draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

However, this program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. Military Deserters - A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

However, if a member of the armed forces has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

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Each member of the armed forces who elects to seek relief through this program will receive an undesirable discharge. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department or Department of Transportation, such individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. Presidential Clemency Board - By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories: (i) those who have been convicted of draft evasion offenses as described above, (ii) those who have received a punitive or undesirable discharge from service in the armed forces for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in this program.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

#

RESEARCH DATE &
Figures & Table - Strauss

FACTS ABOUT CIVILIAN APPLICANTS

The typical civilian applying for clemency to the Presidential Clemency Board is a white or black, 25 year-old, high school graduate with an average IQ. He grew up in below average economic circumstances and has suffered some family problems. He has never been convicted of crimes other than his draft offense or been heavily involved with drugs, but his life-style has been a bit unconventional. He is still single. He has never been deeply religious and did not claim to be a conscientious objector. He failed to report for induction for personal reasons, pled guilty to a Selective Service Act offense, and was sentenced to two years in prison. He spent seven months in prison before he was furloughed in September. Giving him credit for his time in confinement, the Board is likely to recommend that he perform three months of alternate service, to be followed by a Presidential Pardon.

Supplemental Statistics for Civilian Applicants:

50%	White
41%	Black
9%	Non-English-speaking minority
9%	Grade School Graduate
34%	High School Dropout
23%	High School Graduate
27%	Some College
7%	College Graduate
3%	Below Average IQ (85 or Below)
86%	Average IQ (86-115)
11%	Above Average IQ (116 or Above)
24%	Religious Affiliation Documenting CO Beliefs
24%	Other Evidence of CO Beliefs
52%	Little or No Evidence of CO Beliefs
70%	No Prior Adult Criminal Record
23%	Non-Violent Misdemeanor Convictions Only
7%	Violent Misdemeanor or Felony Convictions
16%	Evidence of Drug Use
84%	No Evidence of Drug Use



30%	Spent 4 months or less in jail
27%	Spent 5-8 months in jail
23%	Spent 12 months in jail
20%	Spent more than 12 months in jail

(Based upon data from reviewed cases)

Date of preparation: 12/17/74



FACTS ABOUT MILITARY APPLICANTS

The typical veteran applying for clemency to the Presidential Clemency Board is a white, 25 year-old, high school dropout, with an IQ of 90. He grew up in below average economic circumstances and enlisted in the Army under pressure of the Vietnam-era draft. He served in the lower enlisted ranks for seven months, never serving in Vietnam or anywhere else outside the U. S. During that time he received non-judicial punishment once for an AWOL offense. He then went AWOL because of family problems and stayed absent for 3 1/2 years. He was then apprehended and later convicted by a court-martial. He was reduced to the lowest ranks, given pay forfeitures, and given a Bad Conduct Discharge. He was further sentenced to nine months confinement at hard labor, later reduced to six months by a military review authority. He served five months in confinement before the President's furlough, and the Board is likely to recommend that he perform six months of Alternate Service, to be followed by a Presidential Pardon and a recharacterization of his discharge.

Supplemental Statistics for Military Applicants:

74%	White
25%	Black
1%	Other
24%	Grade School Graduate
58%	High School Dropout
11%	High School Graduate
6%	Some College
1%	College Graduate
39%	Below Average IQ (85 or below)
51%	Average IQ (86-115)
10%	Above Average IQ (116 +)
43%	Inducted
57%	Enlisted
68%	Army
29%	Marine Corps
2%	Other Services
12%	Served In Vietnam
11%	Served in other Foreign Bases
77%	Served only in the U. S.

47%	Had Served six months or less in the service
30%	Had Served more than six months but no more than 18 months
23%	Had Served more than 18 months
40%	Went AWOL once only
31%	Went AWOL twice
29%	Went AWOL three or more times
1%	Went AWOL because of Conscientious Objection to war
10%	Left when they received orders to go to Vietnam
13%	Left because they did not like military service
7%	Left because of Medical problems
44%	Left because of Family problems
25%	Left for other reasons
37%	Spent 4 months or less in jail
56%	Spent 5-8 months in jail
5%	Spent 9-12 months in jail
2%	Spent 12 months or more in jail

(Based upon data from reviewed cases)

Date of preparation: 12/17/74



PCB APPLICATION DATA

Civilians: 90 Furloughees eligible to apply
 18 Final Dispositions
 57 Reviewed 32 Tentative Dispositions
 7 Tabled

32 Not reviewed 10 Applications received
 7 probably will apply
 14 probably won't apply-- no longer on furlough
 2 probably won't apply-- still on furlough

67 applications from furloughees -- 67 probably eligible
 198 applications from other civilians -- 178 probably eligible

265 applications from all civilians -- 245 probably eligible

Military:

Reviewed 0 Final Dispositions
 74 Tentative Dispositions
 4 Tabled

155 Applications from furloughees--155 probably eligible
 408 Applications from other military--367 probably eligible

563 Applications from all military -- 522 probably eligible

Summary Totals:
 (as of 12/17/74)

	<u>Civ</u>	<u>Mil</u>	<u>Tot</u>
Written applications	265	563	828
Number probably eligible: Written applications	245	522	762
Daily rates before and after first announcements:	<u>Before</u>	<u>After</u>	
Written applications	1.2	6.9	
Requests for information	5.7	9.7	

If the present rate continues, we would have 718 military and 338 civilian applications by 1/31/75.

Date of Preparation: 12/17/74

PCB CIVILIAN ELIGIBILITY DATA AND MISCELLANEOUS DATA

28,600,000 Draft-Age Men During Period (8/64 - 3/73)
1,900,000 Drafted
5,600,000 Enlisted
4,000,000 Served in Armed Forces Before or After Period
17,100,000 Never Served in Armed Forces

145,000 Granted Conscientious Objector Status
225,000 High Lottery Numbers
4,500,000 Exempted or Rejected
205,000 Selective Service Complaints
12,025,000 Continuously Deferred or Never Registered

4,000 Indicted
2,000 Under Investigation (Definitely Indicatable)
172,500 Not Accounted For (Possibly Indictable)
21,300 Prosecuted (Peak - 4,900 in 1972)

12,600 Acquitted
8,700 Convicted (41% of those Prosecuted)

4,900 Imprisoned (39% of those Convicted)
(22 Months Average Sentence)
(105 Still in Confinement at Time of Proclamation)
3,800 Not Sentenced to Imprisonment

In 1972, 46% of Prosecutions were in 7 of 9 Judicial Districts -- those containing New York, Philadelphia, Cleveland, Detroit, Chicago, San Francisco, and Los Angeles.

21,000 U. S. Citizens Who Became Landed Canadian Immigrants During Period
7,000 The Number who would have become Landed Canadian Immigrants if the rate of the early '60s had continued through 1973
14,000 The Number who may have Immigrated as Draft Exiles or Military Absentees

PCB MILITARY ELIGIBILITY DATA AND MISCELLANEOUS DATA

28,600,000 men were of draft age during the base period (8/64 - 3/73)

4,000,000 served in the Armed Forces, but not during the base period
17,100,000 never served in the Armed Forces
7,500,000 served in the Armed Forces during the base period

1,900,000 were drafted
5,600,000 enlisted

2,500,000 served in Viet Nam
55,000 died in Viet Nam
350,000 wounded in Viet Nam

7,500,000 were discharged during the base period

7,083,000 received honorable discharges (94.4%)
225,000 received general discharges (3.0%)
192,000 received worse discharges (2.6%)

160,000 undesirable discharges (2.15%)
29,000 bad conduct discharges (0.4%)
3,000 dishonorable discharges (0.05%)

111,500 received AWOL-related bad discharges (1.48%)

85,000 undesirable discharges (1.13%)
24,000 bad conduct discharges (0.32%)
2,500 dishonorable discharges (0.03%)

Blacks and other minority-group Veterans constituted 11% of the Viet Nam era forces, yet they received 24% of all discharges less than honorable.

17,000 in-service CO applications during period

9,800 approved (58%)
7,200 disapproved (42%)

Date of Preparation: 12/17/74

PCB DISPOSITION DATA

<u>Announced Civilian</u>	<u>All Civilian</u>	<u>Military</u>	
N/A	N/A	5	General or Honorable Discharges
8	18	5	Pardons
3	11	21	1 - 3 months AS
5	8	16	4-6 months AS
0	5	9	7-9 months AS
2	6	12	10-12 months AS
0	0	2	over 12 months AS
0	1	0	commutation only
0	1	4	No clemency
18	50	74	Total dispositions
	7	4	Tabled Cases
	57	78	Cases Reviewed
6.1 mo.	6.2 mo.	6.9 mo.	Average AS for those with AS

Date of Preparation: 12/17/74



GOVERNMENT-WIDE CASE FLOW DATA

<u>Program</u>	<u>Number Eligible</u>	<u>Number of Applications</u>	<u>Percentage of Eligible Persons Applying</u>	<u>Case Dispositions</u>	<u>Number Assigned To AS</u>	<u>Number Reporting to SSS</u>	<u>Number Assigned to AS Jobs</u>
PCB							
- CIV.	8,700	265	(3.0%)	18	10	1*	0*
- MIL.	111,500	563	(0.5%)	0	0	0	0
DOJ	6,200+	142	(2.3%)	142	142	126*	25*
DOD	12,500	2315	(18.7%)	2,289	2,289	1609	306
TOTAL	138,900+	3,285	(2.4%)	2,449	2,441	1,736 *	331*

* As of 12/11/74

GOVERNMENT-WIDE ALTERNATIVE SERVICE (AS)

<u>Program</u>	<u>No AS</u>	<u>1-5 Mo. AS</u>	<u>6-12 Mo. AS</u>	<u>13-18 Mo. AS</u>	<u>19-24 Mo. AS</u>	<u>Average AS Requirements</u>
PCB						
- CIV.	10	3	7	0	0	3 months
- MIL.	0	0	0	0	0	---
DOJ	0	0	15	23	104	22 months
DOD	0	15	290	162	1,822	19 months
Total	10	18	312	185	1,926	19 months

DATA ON THE EFFECTS OF GENERAL AND UNDESIRABLE DISCHARGES

Three studies help explain the effects on veterans and employers of undesirable discharges in comparison with general discharges.

(1) A survey of 1000 businesses and schools demonstrated that 69% were influenced by undesirable discharges, and 51% by general discharges. More significantly, 30% of all businesses rejected outright anyone with an undesirable discharge, while only 12% did so for general discharges. ("The Gravity of Administrative Discharges" by Major Bradley K. Jones in the Military Law Review, Winter 1973)


(2) Congressman Seiberling sent questionnaires to the nation's 100 largest corporations. 61% admitted discriminating against veterans with undesirable discharges. Only 41% discriminated against those with general discharges. (Congressional Record, November 28, 1973, E754)

(3) A veterans' service bureau in East St. Louis surveyed almost 1000 veterans in that community to see how their discharges affected their lives. 72% of the veterans with undesirable discharges had experienced discharge-related problems, while only 30% of those with general discharges had problems. Most of the difficulties related to employment: 64% of those with undesirable discharges had discharge-related employment problems, compared with 21% of those with general discharges. Many veterans with undesirable discharges also had problems with schools, police, and landlords. One even had difficulty obtaining medical care because of his discharge. (Veterans Service Center of Southwest Illinois, Inc. -- unpublished survey)

It appears from this data that veterans with undesirable discharges have anywhere from $1\frac{1}{2}$ to 3 times as much of a handicap as those with general discharges.

Two other facts are worth noting: Both the Jones study and the Sieberling survey found that about 75% of all employers ask for discharge information, and the East St. Louis survey learned that 60% of the veterans with undesirable discharges are unemployed. (The latter statistic may be high in part because veterans with jobs have less reason to contact a service organization for help.)

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WHAT HAPPENED TO WHOM DURING THE VIETNAM ERA

