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03 Summaries - Standard form
50% of Qual Control sh be action.

02 soliciting applies -

A/S - "charade" w/o Sel. Serv. jobs - Not w/in their purview.

V.D.'s - already decided.

e.B. submit revised expenses.

Ord inquiries & possibly eligible
18 25 30 26

Dpy HC → Chief Operating Ofcl for Production,
Head of Admins.

Elevate N.C. to F.B.

4 or 5 HC's to panels full time.

Prod. rates extremely conservative,
w/draw additional 100 interns request.

40% BQD's or DD's.

Final file disposition plan.

Bd Precedent for Disposition - a luxury we can't afford.

Certify ~~ally~~ →



No jurist - A.C. & Chm.

Pay & Precedent Analysis



Honorable Charles E. Goodell
Presidential Clemency Board
2033 M Street, N. W.
Washington, DC

DRAFT

MEMORANDUM

TO : Paul J. O'Neill, Deputy Director
Office of Management and Budget

FROM : Charles R. Work, Chairman
Interagency Team to Survey the
Presidential Clemency Board

Attached please find the report of the Interagency Team to Survey the Presidential Clemency Board. The recommendations contained in the report fall into six broad areas of consideration:

- (A) Major Policy Issues
- (B) General Management within the Presidential Clemency Board
- (C) The Role of the Clemency Board
- (D) Case Processing
- (E) The Role of the Action Attorney, and
- (F) Quality Control.



In the area of Major Policy Issues, the Survey Team has only "red-flagged" for your attention the following issues which we believe merit your immediate consideration:

- (1) Present difficulties being experienced by the Selective Service in locating alternative service positions;
- (2) The issue of Presidential Pardons for former members of the Armed Services with undesirable discharges; and
- (3) The fact that even if the Clemency Board completes

disposition of its present caseload by September 15, 1975, there will be a limited workload carry-over beyond that date.

The major recommendations in each of the other areas outlined above are as follows:

GENERAL MANAGEMENT

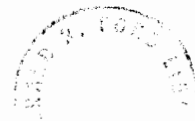
— The Clemency Board (CB) in conjunction with the OMB should begin looking for an experienced senior federal manager at the GS-16 level to act as head of their administration.

— Effectively immediately, the current Deputy General Counsel should develop by May 23, 1975, a plan for implementing the thrust of the recommendations of the Survey Team.

— The OMB should extend the life of the Survey Team until July 6, 1975 in order to monitor and report on the program of the Deputy General Counsel in directing the implementation plan.

— In order to emphasize the clemency program as a Presidential program of high national visibility, at an early occasion, the President or Vice-President should meet with the entire CB staff.

— OMB should standardize upon all contributing agencies a liberal set of rules for all CB employees regarding reimbursement for parking, overtime payment and/or compensating leave.



CASE PROCESSING

-- OMB should issue to each of the agencies supplying details to CB an announcement of a general freeze until August 1, 1975. Also OMB should initiate now an additional 50 clerical position tap upon the Federal agencies contributing details to the CB.

-- The OMB in concert with the CB should direct the DOD and the GSA to give a "high priority" status to all requests for military personnel files and court martial trial records originating from the CB.

THE ROLE OF THE ACTION ATTORNEY

-- The CB should implement use of a standard form for case summaries.

-- CB should integrate its Quality Control function with the Action Attorney team function, assigning three Quality Control Attorneys to each Action Attorney team. Approximately 50% of the present Quality Control attorneys should become Action attorneys.

QUALITY CONTROL

-- CB should consider creating a small unit of six to nine individuals reporting directly to the Office of the General Counsel with responsibility for policy and precedent analysis.

The recommendations outlined above represent only a small portion of the total number of recommendations contained in the report. Each of the report recommendations is

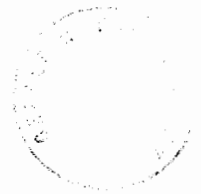
in addition supported by considerable discussion and analysis.

We wish to emphasize that this report is not an indepth analysis, nor does it contain a detailed description of the present activities of the CB. It is also important to note that the data contained in the report is soft. We also wish to stress that reasonable men could differ on the details of these recommendations. We believe, however, that the staff of the CB understand and agree with the thrust of the recommendations and will make a good faith effort to implement them. The key is the implementation plan to be developed by the CB.

The Interagency Team was composed of the following ten individuals representing six different Federal agencies:

Charles Work (Team Leader)	LEAA
Bert Concklin	FEA/DOL
William Doyle	LEAA
Chris Griner	DOD
Bert Lewis	DOL
Joseph Malaga	NASA
Dave Smith	DOD
Bland West	DOD
Donald Wortman	HEW

We would be happy to discuss with you our findings and recommendations at your convenience.



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REPORT OF THE
INTERAGENCY TEAM TO
SURVEY THE
PRESIDENTIAL CLEMENCY BOARD

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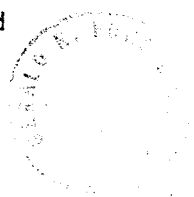
I. INTRODUCTION

On May 9, 1975, an Interagency Team was established by OMB at the request of the President to survey the Presidential Clemency Board (CB). The team was asked to review organization structure, management, staffing and case processing procedures with the specific objective of identifying changes that could be implemented rapidly in order to aid the CB in meeting the President's deadline for Board resolution of the existing case workload of September 15, 1975.

The Team accepted the following as basic working assumptions:

- * There was an approximate workload of 20,000 cases.
- * September 15 was the deadline to complete all case processing work.
- * Given the present case workload, time constraints, and organization structure of the CB any recommendations of the Team would have to address the realities of the present CB situation.
- * Team recommendations or modifications for improving staff productivity and processing procedures should not result in a decrease of the stringent quality control instituted by the CB.

Since January, 1975, the CB has witnessed a dramatic increase in the number of applications for clemency which it must review and process. Applications have increased from an initial workload of



approximately 850 cases in January to well over 19,000 presently.

This increase has been due in large part to the very active role which the CB has played in *notifying potential applicants of their eligibility for* soliciting applications to the program as well as to the extension of the application submission deadline first to March 1, 1975 and then later to March 31, 1975. Although the submission deadline has now passed and although the CB has been staffed to a complement of approximately 175 action attorneys and 50 quality control attorneys, the Board of the CB has actually disposed of only approximately 1,100 individual's cases.

It should be noted that the CB has gone from an initial staff of eight to its present complement of 403 in a very short period of time. This large infusion of staff into CB operations has contributed significantly to many of the present administrative problems facing the CB staff.

During the last seven days, the Survey Team has examined the CB organization, management, staffing and case processing procedures. In particular, the Team focused on the following areas for this review:

- * Major Policy Issues
- * General Management Considerations
- * The Role and Function of the Board
- * Case Processing
- * The Role of the Action Attorney
- * The Role of Quality Control

From the outset, the OMB and CB staffs were most cooperative in providing briefings and requested information to the Team as well as candid observations on existing operational difficulties. The Team was

able to complete its review in a brief period because of the valuable assistance provided by OMB and CB staff.

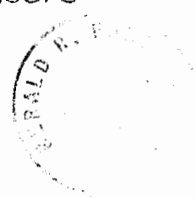
In summary, the organizational, policy and process changes recommended by the Survey Team represent a balanced package ^{the thrust of} which must be implemented ~~in all its major parts and~~ in a very timely fashion, to be effective in ameliorating the problems which now confront the Presidential Clemency Board.

The following report specifies actions which either the CB management should take or the OMB should take in support of the Board, in some cases suggesting the timing for individual actions. Many of the actions involve fundamental realignments and alterations (in organization, policy or procedure) of the current situation and by their nature require very strong management and bureaucratic sophistication to bring to fruition. In consequence of this situation the Survey Team recommends an interim mechanism to both assist the CB in initiating the steps to effect the recommended changes and to assure, through oversight, that the steps are carried out promptly and with the intended effect.

STUDY APPROACH

The approach to the study was as follows:

- * Orientation briefing by OMB and CB staff.
- * Review existing documentation prepared by OMB and CB.
- * Interview key OMB and CB personnel and pertinent members of their staffs to gather information on:
 - existing case processing procedures;



- general management issues;
- case presentation procedures to the Board;
- unresolved policy issues;
- CB quality control procedures.



II. Policy Issues

A. ALTERNATIVE SERVICE

Based on case decision experience through May 10, 1975, a substantial percentage of the applicants will be required to perform a period of alternative service with this period being either 3 or 6 months in most cases. Although there is limited actual experience, the survey team is concerned that the Selective Service System will not be able to identify satisfactory public service positions given

- a) general economic conditions and
- b) inherent problems for an organization effectively utilizing a new employee for such a short time period.

In terms of fairness to the applicant, the system is set up so that the "clock time" for his alternative service begins 30 days after he has registered for such service with his Selective Service Board regardless of whether an alternative service job has been found. However, the inability to locate alternative service positions may be considered by some members of the public as a "charade" in which this clemency program is really viewed as a form of universal amnesty.

Recommendation

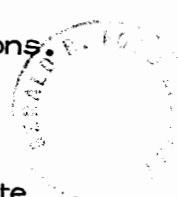
This summer, when four to five hundred clemency cases requiring alternative service have registered with Selective



Service, a critical review should be conducted to determine the actual experience in locating alternative service positions.

B. PARDONS FOR THOSE WITH UNDESIRABLE DISCHARGES

This is a major policy issue which we believe has the potential for seriously hampering the clemency program if it is not resolved at the earliest possible date. Serious disagreement has apparently arisen between the CB on the one hand and the DOD and the DOJ on the other over the CB position that it has the authority to recommend Presidential pardons to certain former members of the armed services who have not been convicted by court martial but were separated from the service administratively with an undesirable discharge. As of this date, a recommendation to the President on this matter from Mr. Phillip N. Buchen, Counsel to the President, is still pending and as a result further executive clemency actions are being delayed -- over three hundred cases await White House decision. We are "red flagging" this policy issue because we believe that a decision on this matter must be made as soon as possible in order to clarify the issue for the CB and, more importantly to eliminate this serious impediment to the final disposition of the great majority of executive clemency actions. It also has a value to the CB staff in that they need to see public evidence that their work is being handled with dispatch at the White House if they are to believe in the importance of the September 15, 1975, date for getting this job done.



Recommendation

The issue of Presidential Pardons for former members of the Armed Services with undesirable discharges should be resolved by May 23, 1975.

C. SEPTEMBER 15 CARRY-OVER WORKLOAD

We believe the CB can get its job done by September 15, 1975, if it adopts our Survey Team recommendations. Even so, there will be some carry-over workload, namely:

- 1) Section 101.11 of their regulations provides applicants a 30-day period after Board notice in which to request reconsideration. There is insufficient experience to date with only 65 Presidential actions to estimate the number of reconsiderations although we would expect them to run no more than a few hundred at most. In view of the fact that Board and Presidential decisions will probably continue to September 15, reconsideration under the present regulations will be permitted until October 15, 1975.
- 2) The CB has the responsibility for monitoring the Selective Service System's performance in providing alternative service. For any person who receives a 24-month alternative service disposition



on September 15, 1975, and does not request reconsideration, the Board would, under current policy, be required to continue in existence until October 15, 1977, to fulfill its monitoring obligation.

(Clemency Board ceases to exist on December 31, 1976 under its Presidential Order). During that two-year time period, there will be occasional situations developing about the propriety of certain forms of alternative service which the Board or some other agent of the President will have to resolve.

- 3) There undoubtedly will be several hundred or more "lost cases" in which the search for a service file or the reconstruction of a file which has been inadvertently destroyed prevents the CB staff from completing its work by September 15.

Recommendation

CB in consultation with OMB should prepare plans for the carry-over workload so that a decision how this will be handled can be made by the White House by June 30, 1975. One of the options to be considered is the delegation of the staff work for civilian cases to the Pardon Attorney at DOJ and the military cases to the Judge Advocate General at DOD with case disposition continuing under the CB as long as it exists.

D. FUND AVAILABILITY FROM JULY 1, 1975 to
SEPTEMBER 15, 1975

Currently, the CB has an allocation of \$185,000 with an additional \$55,000 pending for FY 1975 from the President's Unanticipated Personnel Needs fund. Discussions regarding FY 1976 fund availability from July 1, 1975 to September 15, 1975, have not led to a firm estimate although OMB indicated a possible allocation of \$300,000.

Allocations for both fiscal years 1975 and 1976 need to be determined by May 23 if CB is to get its job done. Reasonable estimates of Board members expense given the summer decision load and other incidental expenses can be made now.

Recommendation

CB present to OMB by May 21 its revised FY 75 and its FY 76 expenses through September 15, 1975, so that OMB can respond by May 23, 1975, and thus remove any further uncertainty about these funds and how they will be used.

* * *

Our preceding recommendations have addressed policy matters involving the White House or OMB. The following policy issues appear to be internal to the CB and will continue to "hang-over" and cloud their workload if not resolved soon.

E. LATE REQUESTS/SOFT INQUIRIES

There were _____ requests received after the March 31, 1975, deadline. Whether to honor these requests has yet to be resolved by the Board. In addition, their May 7, 1975, status report shows 1,825 telephone inquiries received prior to March 31, 1975, and 3,026 "possibly Eligible" written inquiries. All of these add up to an uncertain category of _____ inquiries for which analysis and policy to accept or reject needs to be made. Until this is done, the entire process of triggering service records cannot be initiated.

Recommendation

This uncertain category of inquiries whether it be late requests or ineligible inquiries should be analyzed and disposed of by the CB staff including Board decisions on applicable policy by May 30.



III. MANAGEMENT

A. Senior Manager

One of the two most important recommendations contained in this report has to do with this point. The Survey Team believes the Clemency Board needs to have a production oriented manager who can relate and take action on all bottlenecks in the process without impairing but in fact enhancing the quality of the action attorneys work. We have considered two options:

- a) Immediately place a senior General Manager into their structure who reports to the General Counsel but who is the chief operating official leaving the chief policy role to the General Counsel.
- b) Divide the current organization so that the current Deputy General Counsel in effect becomes the Deputy General Counsel for Operations with responsibility for case summary preparation by the teams, training, quality control, production control and the policy and precedent unit discussed in Part VII, Quality Control. Leaving all other managerial functions— budget, personnel, space and equipment, records, correspondence, official disposition recordation, etc. -- to report to a new administrative head

of a GS-16 or 17 level. In this case we would be freeing Deputy General Counsel's time to become the core, key production manager for the organization.

The debate on these options must necessarily take into account the current set of relationships and personal confidences that the senior staff of the CB have developed with each other over the last seven months. The organization is at a critical point and a major interruption in relationships could prove counter-productive.

Recommendations

- 1) Effective by no later than May 23, OMB should assign a senior, experienced federal manager at the GS-16 level to CB to act as head of their administration consistent with option number two above. (See Appendix A.)
- 2) Effective immediately, the current Deputy General Counsel should become the chief operating official for production with immediate responsibility to develop by May 23, 1975, a plan for implementing the recommendations of the Survey Team and such other organizational and operational changes as required to assure maximum operational efficiency.

3) The OMB should extend the life of the Survey Team until July 6, 1975 in order to monitor and report on the progress of the Deputy General Counsel in directing the implementation plan. Through July 6, the Survey Team should perform the following functions:

- * Review and provide advice to CB management with respect to their plans for implementing the Survey Team's recommendations.
- * Review the CB's progress in implementing the recommendations, providing advice and guidance as appropriate.
- * Evaluate and report, with remedial suggestions, to the CB Chairman and Deputy Director, OMB, on the progress of the CB in implementing corrective actions.
- * Assess key production forecasts and attendant staffing requirements.

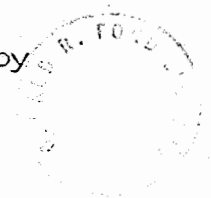
It is proposed that the Survey Team would conduct reviews in accordance with the following schedule:

- * May 23, 1975 -- Review CB's implementation plans
-- Report evaluation and recommendations to CB and OMB
- * May 30, 1975 -- Conduct progress review #1
-- Report evaluation and recommendations to CB and OMB
- * June 6, 1975 -- Conduct progress review #2
-- Report evaluation and recommendations to OMB.

B. Morale

Essential to the achievement of the workload objective is maintaining and building a strong sense of teamwork. Various factors appear to be working in that direction;

- * Presidential program of high national visibility
- * Well known and respected Chairman who is a personal friend of the President
- * Backbone of staff are professional attorneys who have interest and pride in quality of their analysis
- * General high spirits and optimism generated by senior staff in their leadership roles.



However, assimilating detailees, many of whom did not "volunteer" for this assignment, from various federal agencies along with a 100 or so summer legal interns, with likely interruptions to family vacation plans is a severe test to any set of managers. In view of this, the Survey Team believes the following set of recommendations are important to the success of this effort.

Recommendation

- 1) The Chairman must take time to become known to the staff at all levels
- 2) The Board members should individually praise the staff as evidence of quality work and outstanding production by Teams become known to them.
- 3) At an early occasion, the President or Vice-President should meet with the entire CB staff
- 4) OMB should standardize upon all contributing agencies a liberal set of rules for all CB employees regarding reimbursement for parking, overtime payment and/or compensatory leave, extension of lost leave into FY 76 and any other personnel inconveniences that are likely to become matters of irritation as the summer progresses.

C. TEAM LEADERS/ASSISTANT TEAM LEADERS

The front-line supervision of the action attorneys is critical in terms of both quality and quantity of work. There is no time to develop and train Team Leaders or Assistant Team Leaders. They will either prove they can perform in a week or two or have to be replaced. There is considerable evidence within the existing Teams as to what this means with one Team already producing 12 cases per week per attorney.

Recommendation

The Deputy General Counsel should adopt a philosophy of replacing promptly Team Leaders or Assistant Team Leaders if production goals and quality standards are not met. By the same token, this type of action should not be reflected in the permanent records of these employees because the CB workload environment is in no way a fair judgment over the longer term of an individual's supervisory capacity. It is just that this job does not permit CB management any time for "developing" supervisory skills.

D. AUTHORITY FOR MINOR EXPENDITURES

It appears that CB does not have any authority for obligating funds for emergency services or supplies. Assuming that funds beyond those needed for Board member reimbursement are available within their allocation from the President's Unanticipated Needs fund, authority to move expeditiously on purchase

of critical services or supplies would greatly assist them.

Recommendation

OMB should resolve this authority question by May 23, 1975, by either granting that authority or instructing GSA to handle this responsibility at the direction of the CB General Counsel.



IV. THE CLEMENCY BOARD

It is evident that Chairman Goodell has done a commendable job in leading the Board through a number of critical phases in its existence. The public education campaign undertaken by the original members of the Board was successful in increasing the number of applicants from 850 in January to 19,500 by the end of March. This was an outstanding contribution in keeping with the intent of the President in creating the clemency program.

The Board feels that individual case decision by panels of Board members is basic to the discharge of their responsibilities and they are prepared to devote the necessary time to do this.

The Chairman's plan is to operate with an 18 member Board (the original nine members with one replacement and nine relatively new members). If the decision workload bunches up in such a way that he needs additional Board Panels of three members each, he is prepared to quickly appoint additional members.

Of the present Board members, three are clearly part-time but one of those has asked to be replaced. Once that is done the Chairman has a total of 16 members who are prepared to work full-time beginning June 1st on deciding cases. With that availability,

he should have no trouble manning four 3 member decision panels every work day and going to five if need be..

The Review Team's analysis, based in part on the Chairman's judgment, which is included as appendix B, shows that Panel decision workload should not be a barrier.

For the Panels to do their job, we are making a number of assumptions and a number of recommendations.

The assumptions are:

- 1) Referrals to the full Board will be very few possibly 1%. On May 8 and 9, with new members participating for the first time there were 24 referrals out of 363 cases reviewed. However, 14 of the 25 were on one issue from one panel and that issue in terms of general policy was resolved by the full Board the following day. As the Board spells out policy during the remainder of May and early in June, the necessity for referrals to the full Board should reduce to a trickle during the summer. This is the view of the Chairman.

Note: In Part VII, Quality Control, we recommend the creation of a Policy/Precedent unit under the Deputy General Counsel for Operations. This unit will not only assist the staff by giving them prompt feedback of Panel and Board policy and "style" developments, but should assist the Chairman in

determining when referrals of a certain type need a general policy resolution. The emphasis at the full Board has to be on generating policy guidance for its members as they function on decision panels and for the staff and not on individual case review.

- 2) Reconsideration workload will not be a significant workload factor. There may be a tendency for the Board to want to hear all reconsiderations as an 18 member body and that should be avoided. If time permits, a better investment of their time in the Review Team's judgment would be to elevate all Panel "no clemency" decisions to the full Board for review.

Our recommendations are discussed in the following subsections of this Part.

A. POST AUDIT OF PANEL DECISIONS

With a workload of this magnitude and as many as ten relatively new members, the Panels are bound to make individual case decisions occasionally which are inconsistent with the vast majority of decisions they've made on similar cases. The Chairman and the CB staff are aware of this although the Board does not appear to be sensitive to this concern as yet. Already, the Chairman

and General Counsel receive staff analyses on the mitigating and aggravating factors as to those decisions which appear to be outside the normal distribution. Thus far, the Chairman has individually re-reviewed those cases and already has taken 25 back for Board re-review.

Recommendation

- 1) The Policy/Precedent unit be assigned responsibility to perfect and perform this post audit of panel decisions.
- 2) The Chairman obtain Board approval by end of May for instituting this system with understanding that small percentage of cases will be returned to Panels for re-review.

Note: The recommendations for adding an entry on the case summary for "Board Precedent for Disposition" (see recommendation No. _____ under Part IV, ACTION ATTORNEYS) should also help assure consistency of decisions by the four or five panels.

B. DOCKETING OF CASES BEFORE PANELS

The key commodity in meeting the September 15 deadline is the time of the Action Attorneys and their immediate supervisors. Although some time

for new staff can be justified for training and orientation purposes, the number of action attorneys "cooling their heels" waiting for the Panel to hear their cases must approximate zero if this job is to get done. That is currently not the case and the Board members have not been sensitized to this.

The major burden, however lies with the CB staff in scheduling and controlling this activity although they will need the full cooperation of Panel Chairmen every step of the way. For example, once the schedule of cases batched by Action Attorney is posted for each Panel then it is critical that each Panel meet for scheduled time periods. One or more Panels deciding to meet at hours "more convenient to their individual members" will invalidate every time factor we have put into this report and would make it impossible for the CB General Counsel to even figure out how many people he would need to meet such an unpredictable workload.

Recommendation

- 1) CB staff develop system for docketing cases before individual panels that permits each Action Attorney to present all of

his or her cases that are ready for disposition that week (or that can be handled by the Panel that week) during:

(a) one continuous time period on one day and (b) before one Panel only. This should permit an Action Attorney to plan his or her work effectively so that once they have refreshed their memory about an individual case they do not have to repeat that process a week or two later. It will also permit the law of averages to work benefitting Action Attorney time in that the probabilities of decision time averaging five minutes per case are much greater with 10 cases up for disposition than one or two.

- 2) Chairman should instill in Board members generally and Panel Chairman specifically the importance of protecting Action Attorney time. Both Chairman and General Counsels of Panels will need to be continuously alert and phone Assistant Team Leaders when delays are developing on Panel dockets.

B. GENERAL COUNSEL ROLE AT PANELS

This responsibility is currently performed by Team Leaders or Assistant Team Leaders. This is the wrong application of these key supervisors time given the workload. Our recommendation for production per attorney plus holding professional attorneys accountable - once trained - for the accuracy/quality of their work require that the Team Leaders at all levels devote their time to being supervisors. It does appear that the impartial, technical expertise of a more experienced attorney is needed as Panels deliberate. Come June first when four panels will be meeting continuously, this General Counsel function essentially becomes a full time job for four (occasionally five) experienced attorneys.

Recommendation

Effective June 1st, Team Leaders and Assistant Team Leaders will no longer serve as General Counsels at Panels. Four experienced attorneys will be designated to serve in this important role so that the Team Leaders can devote their time to supervision. Four experienced attorneys advising the panels on a continuous basis should also facilitate the objective of consistent decisions on the part of the Panels.



D. RECORDING PANEL DECISIONS

It appears that the recording of Panel disposition's is currently being done by the Chairman of the Panel, the General Counsel and by two executive secretariat staff members.

Recommendation

Effective June 1st, the responsibility for recording Panel dispositions should be placed primarily on the General Counsel with the secondary verification done by the Chairman who will undoubtedly want to do this anyway for his personal assurance. CB staff to have in place by that time an executive secretariat function which takes the General Counsel's disposition sheets at the close of each day and runs a 100% verification against the Chairman's records on the day following a Panel meeting so that any discrepancies can be resolved by the Chairman and the General Counsel of that Panel within 24 hours.



V. PROCESSING

A. Staffing Requirements

Under Processing we include the activities beginning with the receipt of an application and ending with final case disposition and action by the President. The principal activities are logging, securing case records from various locations, case preparation, quality control, board action and file disposition. Without question, the critical path leading to final case disposition is case preparation by the action attorney. The key issue is the rate at which action attorneys can prepare cases for action by the Board.

Although the preparation of cases has barely begun at the CB, the amount of time it takes to process a case is known today and substantial learning is evident as the action attorney gains experience. The projected size of the staff at CB is extremely sensitive to the production rates achieved by the action attorneys since they comprise the largest component of the staff and all other staffing requirements are derivatives of this component.

The case load is bounded in the lower limit by the number of bonafide applications logged in and in the upper limit by the applications logged plus the number of written and verbal applications which have not matured to a point where they may be considered as bonafide applications. These



values are 15,484 and 21,175 respectively. On the basis of experienced maturing rates for incomplete applications, a case load of 19,200 is set as the most probable case load and it is this value upon which CB planning and estimates for staffing are based. With approximately 1,200 cases completed at this point, 18,000 remain to be processed between the week of May 12 and the week ending August 1. The current CB estimate for staffing indicates that 528 professional and 264 supporting personnel, totaling 792, are required to get the job done. This estimate is based on a learning period for each action attorney of four weeks at which point a maximum production rate of eight cases per week is achieved on the average. This maximum rate is reduced to five per week during the first week of June when daily panel meetings begin, on the assumption that a significant portion of the action attorney's time will be spent in presenting cases to the panels. Based on the Team's discussions with team leaders, assistant team leaders, quality control people and numerous action attorneys, we are persuaded that the CB estimates are extremely conservative and that significantly higher production rates are possible. Based on our assessment of the situation, we believe an average production rate of ten cases per week can be achieved and that during the periods of intense panel activity a rate of eight cases per week can be maintained. With these production rates, the requirements for professional staff would be 322, with

clerical support of 161 for a total CB staff of 483. The table below summarizes the CB estimates, the Team recommendations, and an alternative which, in our view, reflects the upper--and perhaps doubtful--limit of production.

	PR <u>Professional Staff</u>	<u>Alternatives</u>	
		<u>CB</u>	<u>Max. Prod.</u>
Action Attorney	305	131	195
Quality Control	122	52	40
Supervision	61	26	47
Central Staff	<u>40</u>	<u>40</u>	<u>40</u>
Total			
Add Support	<u>264</u>	<u>125</u>	<u>161</u>
Total CB Staffing	792	374	483

In terms of total numbers, the assumed staffing commitment to CB appears more than adequate but there is some skill imbalance between professional and clerical support. The Survey Team's proposed staffing commitment to CB is developed on the following table:

<u>Current Staffing</u>	
On board 1 May	408
Plus: DOD Interns	+100
Clericals	<u>+ 50</u>
Total Commitment to CB	558
Most Probable Requirement	<u>483</u>
Overage	75

In our memorandum of May 13, 1975 we recommended as an interim measure that 100 more interns over and above the 100 DOD interns be authorized for the CB. We now withdraw that recommendation and instead recommend that all personnel presently on board be frozen until August 1. Under such a freeze no person presently detailed to CB would be allowed to return to their agencies until August 1, 1975 without an individual waiver requesting such a return before the fact. This recommendation must take into account and be coordinated with the low productivity detail return policy recommended in our memorandum of May 13, 1975. In each case, whenever a detailee is replaced, his replacement should be on board two weeks before the detailee's scheduled departure.

In addition, the CB is at present experiencing a very serious clerical personnel deficit. This deficit could become quite critical if the case processing recommendations presently envisioned for inclusion in our final report were to be implemented. The present professional to clerical ratio for the CB is 3 to 1. Case typing backlogs are already beginning to develop. This situation will become even more critical as case preparation is accelerated by the development of improved case processing procedures, the stabilization of existing detailed personnel and the commitment increase in case attorney productivity through increased experience on the job. See Appendix D for overall workforce calculation.

Recommendation:

OMB should issue to each of the agencies supplying details to CB an announcement of a general freeze until August 1, 1975. Also OMB should initiate now an additional 50 clerical position tap upon the Federal agencies contributing details to CB.

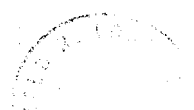
B. Production Control

As a general comment concerning processing activities at CB, the Survey Team is impressed with the attempts by the CB staff to understand and make visible each step of the process, especially productivity. A surprising amount of work has been done on productivity and this has put the CB in a strong position now to measure very closely the performance of each team and each action attorney. This information has proven invaluable not only in translating current and projected workload into staffing requirements but also in increasing productivity. The Team does have a concern, however, that an integrated production control system is not on line. There is not today a clear understanding of the pipeline inventory at each major stop in the process.

This is essential if workload is to be expedited through backlog management and timeline controls. For example, it is obvious that the concentration of effort in each of the teams is in preparing cases to the point of submission to quality control-- at which time a case is considered a unit produced--and attention turns back to getting other cases "produced." The result is that a backlog of cases in the final preparation stage exists and is growing. Although this results in higher production, this backlog must be managed and it is our feeling that additional clerical support is needed to take cases to final without turning attention away from case preparation. Although several organizational configurations are workable, it seems important to have a small but separate unit reporting to the Deputy GC whose principal function would be production control on a day-to-day basis.

Recommendation:

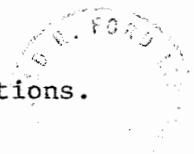
CB should continue to gather production control data. A small production control unit should be established in the Office of the Deputy General Counsel to monitor production on a day-to-day basis.



C. Front End Processing

There are several real and potential major problems in front end processing (logging applications, completing information on applications, and records). 15,484 applications have been logged. An additional 2,281 telephone applications have not been followed up by the applicant in writing and approximately 3,000 incomplete written inquiries represent other possible eligibles. It is not expected that all of the latter two categories will be eligible, and some discount based on experience has been applied to arrive at the working case load of 19,200. It is our understanding that after considerable delay follow-up letters will be sent this week to those who have not submitted complete applications with a deadline of June 1 for receipt of properly prepared forms. While no further action is indicated, at this time, some thinking must be done soon about the disposition of cases in which a response is not received by June 1. This has been identified as a possible carry-over workload.

Of the 15,484 applications logged in, 14,545 have been sent to the records section to secure personnel files and other needed records. At this point, 12,170 records have been ordered. The balance, 2,375, represents mainly applications which do not contain sufficient information to order records. We understand that follow-up letters on these cases will also be sent out this week in an attempt to complete these applications.



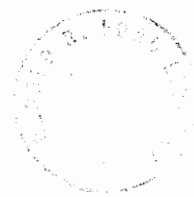
These cases also represent potential carry-over, possibly raising that workload to above 7,000 cases. Of the total files requested, approximately 6,400 have been received, with approximately 5,000 assigned to attorneys and approximately 1,200 sent to docketing.

There are serious problems with respect to cases involving military trial records. Approximately 40% of the military cases involve BCD's or DD's, necessitating the review of a trial record. Personnel records are ordered from St. Louis and are received within 10 to 14 days. For cases involving BCD's and DD's, requests cannot be made for the record of trial until receipt of the personnel file from St. Louis. We understand that this is necessary since sufficient identifying information is not available on the application and must be extracted from the personnel file. Another 10 to 14 days are consumed awaiting records of trials which means that in these kinds of cases it takes approximately four weeks to complete the case file. Although all trial records are kept in Suitland, Maryland, they must be requested from the Navy Yard for Navy and Marine applicants, from the Forrestal Building for Air Force applicants, and from the NASSIF Building for Army applicants.

In each center, the CB request is handled only as a "routine request" for military personnel and trial records. Given the priority of the President's Clemency Program such delays caused by the routine handling of requests is simply unacceptable.

Recommendation:

The OMB concert with the CB should direct the DOD and the GSA to give a "high priority" status to all requests for military personnel files and court martial trial records originating from the CB.

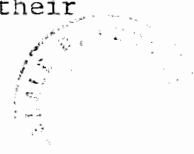


D. Final File Disposition

A plan must be prepared to provide for an orderly and timely return of the case files to the originating agencies and the disposal by destruction of archival storage of the Presidential Clemency Board internal records. The problem with regard to the return of the case files stems from a lack of guidance to the action attorneys and the record section concerning the necessary final processing of the files.

The staff of the Presidential Clemency Board must act quickly to prepare a final file disposition plan. They must advise all action attorneys that once a file has been reviewed by the panel or Board and no appeal is likely the attorney must strip the file of all extraneous material. A decision must be made and the action attorneys informed about which material will remain in the file so that no reprocessing of files is necessary to satisfy records disposition requirements. Additionally, a decision must be made by the CB after discussions with the file originating agencies as to what if any indication there will be in the individual's return file that that person's case was reviewed by the Presidential Clemency Board.

After the above decisions are made files can be processed by the action attorneys, retained by the records section for the requisite thirty days after a decision by the Board for an appeal to be made and then returned to the agencies. A proper system must exist containing file and court record numbers plus their



location for the retrieval of these files if at any time a question is raised on the case.

Recommendation:

A plan must be prepared for the orderly disposal of the internal records of the Presidential Clemency Board. A working agreement should be reached with National Archives to guide the Presidential Clemency Board in the determination of which records must be kept and which can be destroyed.



VI. ACTION ATTORNEYS

A. Organization and Completeness of Case Files

Case files assigned to action attorneys often are incomplete and/or in a state of disarray. This causes the action attorney assigned to the case to lose valuable processing time in organizing materials in the files and, where necessary, in attempting to augment that material sufficiently to permit completion of a case summary.

Recommendation

CB policy should be announced that a case file will not be turned over to an action attorney until it is properly organized and is as complete as possible. Further, action attorneys should be instructed to prepare case summaries on the basis of the files submitted to them and to limit their efforts to obtain additional case material to telephone calls or letters to clarify essential matters.

B. Use of Standard Forms

~~Action attorneys all use a standard form for recording aggravating and mitigating circumstances, but use a variety of forms for preparation of the case summary proper.~~ Several proposals to standardize the case summary forms have been studied by CB staff, but no decision has been made. Use of a standard form should shorten learning time and save time in preparation of summaries.

Recommendation

CB should implement use of a standard form for case summaries.

C. Action Attorney Incentives

a. Writing of case summaries day after day is a dull and frustrating experience, particularly for attorneys who are accustomed to more dynamic activity. Much of the work does not require an attorney's expertise. Morale building incentives are considered vital to maintain the production efficiency of the AAs. One such incentive would be to permit the attorney to participate in the disposition of each case by making a recommendation as to the clemency to be granted, if any. The Board is however, known to be opposed to receiving disposition recommendations from the action attorney. An alternate incentive for the AA would be to add a final line to the case summary in which the AA would enter a "Board Precedent for Disposition _____." This would serve to inform the Board of how it has acted on similar cases previously presented and should be of material assistance to the Board in arriving at its decisions. Where the AA believes there is no applicable precedent for disposition of a particular case he should so indicate by a statement such as "No Applicable Precedent Found." The effectiveness of this new procedure will depend upon the adequacy of records of past Board actions on cases. The need for improvement in recording

Board precedents is discussed elsewhere.

Recommendation

CB should add a final line to case summary: "Board Precedent for Disposition _____."

b) Another production incentive would be to promise action attorneys a week's leave or some other award upon his production of 100 case summaries. Elsewhere in this paper it is proposed that Quality Control be integrated into action attorney activity and that completion of a final draft of the case summary become the AA production unit. In either case, the 100 case goal should be a challenging and stimulating incentive to the action attorney.

Recommendation

CB should implement immediately some sort of production incentive system.

C. Certifying Action Attorneys

It is standard policy at present for the case summaries of all action attorneys to be reviewed by Quality Control attorneys for changes and corrections which they consider required. Experience establishes that some action attorneys are so competent that their work needs little or no review by Quality Control. It would save processing time and would boost morale of action attorneys for a policy to be established under which action attorneys would be certified by Team Leaders as qualified to complete case summaries without

review by Quality Control. An acceptable alternative would be to have Quality Control merely spot-check the work of certified AAs.

Recommendation

CB should consider implementing a policy of certifying action attorneys.

D. Integration of Quality Control with AA Teams

There are 52 attorneys in Quality Control occupied with reviewing case summaries prepared by AAs. The type of review accomplished by Quality Control duplicates to a considerable extent the review of case summaries accomplished by AA team leaders and assistant team leaders. Quality Control receives case summaries for review upon completion of the initial draft. At this point the AA team leader loses control over the time spent in processing a case to completion. Experience has shown that backlogs accumulate in Quality Control and that return of cases to AA teams is erratic and unpredictable. Working relationships between AA teams and Quality Control attorneys vary from formal, arms-lengths dealings to close, friendly working relationships with Quality Control attorneys stationed with AA teams. Integration of the Quality Control function with the AA team function is discussed elsewhere. Accomplishment of this change would permit AA team leaders to gain control of processing of cases to completion and make a more realistic production unit possible. It also would free enough Quality Control attorneys to

permit formation of an additional AA team, which in turn would increase production of case summaries.

Recommendation

CB should integrate Quality Control function with AA team function, assigning three Quality Control attorneys to each AA team.

E. Establish an Additional AA Team

There are seven AA teams at present, as indicated above. If the Quality Control function should be integrated with the AA team function by assigning three Quality Control attorneys to each AA team, this would leave enough Quality Control attorneys to make up an 8th AA team, which would in turn increase production.

Recommendation

Establish an 8th AA team using Quality Control attorneys.

F. No-Jurisdiction Cases

Each team is identifying cases in which it seems clear that the Board has no jurisdiction to act on the particular application for clemency. Because no policy has been established as to disposition of these cases, they are accumulating within the teams and there are approximately 200 such cases at present. It is believed that these cases should be disposed of by Board action so that it is clear that the applicants concerned have received due process. Special sessions of the Board, possibly acting in panels to dispose of these cases would seem advisable.



Recommendation

Periodically dispose of accumulated no-jurisdiction cases by special sessions of the Board.

G. Reorganization of AA Teams

The AA teams should be reorganized to reflect organizational and functional changes recommended throughout this report. Attached is a chart which reflects these recommended changes.

Recommendation

Reorganize the AA teams as soon as possible in accordance with attached charts. (See Appendix "X".)



VII. CB QUALITY CONTROL

The development of individual cases and the case-by-case decision making by the CB panels/board in simplest form is a quasi-judicial process within which very critical decisions are made by the panel/board members. These decisions literally can have a permanent impact on the welfare reputation, employability and social standing (generally) of the individual who has petitioned for clemency. In recognition of the enormous imperative for quality and equity in carrying out this analysis and decision process, the CB in its formative period, established an extraordinary case development process for providing the maximum assurance that individual cases were thoroughly developed, free of errors, and therefore susceptible to the most informed and equitable decision on the part of the panels/board.

The particular approach referred to above involves the development of individual cases by an Action Attorney within the General Counsel operational organization, which in turn is referred to a separate "Quality Control" group that virtually re-processes by checking essentially every detail of the "Case Summary" (the vehicle for presenting a case to the panel/board). This was appropriate in the initial period of the Board's existence and can be credited with materially upgrading the quality of the cases presented to the panel/board for decision.

The Quality Control Unit consists of approximately 52 case analysts in contrast with an estimated 174 Action Attorneys who initially prepare the cases for review by Quality Control. There is, therefore, a ratio of slightly less than one Quality Control review professional to three Action Attorneys who originally prepare case summaries.

The organization, systems, and processes of the CB have matured and expanded rapidly in the past one-month period to the extent that there is a demonstrable increase in productivity and quality of case work. The organization and staffing are beginning to stabilize and the panel/board has demonstrated an ability to make reasonably uniform decisions while at the same time deciding cases at a rate consistent with the overall backlog, if the decision rate is perpetuated. The major deficiency in the overall CB production capability is an inadequate number of Action Attorneys (or their equivalent) to perform the individual case analysis and development at a rate that will discharge the current case backlog. The practice of assuring a high quality of case work can be characterized by the following observations:

- * Generally the Teams with the highest production also have the lowest Quality Control rejection rate.
- * The Teams that achieve high productivity and quality are exercising internal Quality Control through Assistant Team Leaders, which substantially obviates the need for

additional review by the independent QC Unit. This provides an opportunity to speed up the case flow and release QC staff to either concentrate on the Teams with low productivity/quality or, in fact, become an integral part of the production operation -- that is, Action Attorneys developing case summaries.

- * A substantial amount of the defects found by the Quality Control Unit are of a cosmetic (i.e., format, numerical, consistency boiler plate nature) character and take an inordinate amount of time to reconcile between the Action Attorney and Quality Control analysts. This is the result of a combination of having two different organizational units, a tendency of these two individuals to debate over minor points, a natural antipathy between developer and reviewer (where frequently the reviewer has no more experience or absolute knowledge than the developer), and some lack of overall agreement within the organization as to the mandatory format and content requirements of a case summary.
- * There is no systematic, uniform method of feedback, visibility and understanding of the policy and precedent implications of decisions made by the panels/board. The panel/board is in effect evolving "case law" which over time strongly impacts the approach to developing cases.

- * The Teams with the lowest productivity/quality appear to be in that state from a combination of negligible or inadequate internal Quality Control at the Assistant Team Leader level and an indeterminant combination of low motivation and relatively lower professional staff competence.

- * The implicit and explicit success measure for General Counsel Teams is the rate at which they produce cases for forwarding to the Quality Control Unit. This in subtle and direct ways places a much higher value on simply "pushing out" cases rather than the usual, traditional, balanced values of case production and assuring quality (because the line managers are fully accountable for that quality). This is considered an unhealthy situation whose negative impact is proportionately greater in the less motivated, less competent teams.

The situation described above from a management processing efficiency, and commitment/morale point of view is obviously undesirable. The notion of a group that literally checks the work, in detail, of another group actually performing the work on a case-by-case basis is unorthodox and has no credence or standing in analogous professional situations.

In the professional fields of law, consulting and systems analysis, work products (be they repetitive cases or unique, highly tailored analyses) are typically perfected through developing the case at the professional individual contributor level and subjecting it to one or two levels of supervisory, line organization, review frequently supplemented with random before or after-the-fact review by an independent group that is either responsible for policy consistency or technical quality assurance or both.

Even in the world of hardware production, (including the defense and aerospace sector with its attendant high reliability requirements) physical quality control is typically done on a random or selective basis. The random and after-the-fact nature of quality control in most organizational situations exists because: (1) It is almost uniformly not necessary to check all aspects of professional products or hardware twice, given the professional commitment and production discipline that exist in well-running operations; and (2) given scarce resources, organizations necessarily assign as many people as possible to producing and are very selective and creative in using the minimum resources for independent verification of product quality.

The operation of the CB, while unique with respect to its philosophy and mission, is not considered to be particularly distinguished from traditional professional environments (law, consulting, systems analysis) with respect to what is required in a case production process to assure a high quality work

product. In fact, individual cases, for the most part, represent straightforward extraction and summarization of historical factors with respect to an individual's behavior in connection with induction or performance within the military. The factors that constitute an adequate case summary are precisely defined including prohibitions against the inclusion of factors that could prejudice a decision. There is no requirement for building opinion or advocacy into the case summary -- in fact this is expressly prohibited since the panel/board insists on a neutral, objective, exposition of the facts and reserves unto itself the function of making the decision regarding clemency.

As previously noted, production teams with the highest output also achieve the highest quality -- that is, the lowest rejection rate from the Quality Control Unit. This once again is considered to be primarily the result of such high performing teams having substantive quality review as an integral part of the case flow within that team. Teams with low production and quality control seem to suffer from a lack of adequate internal, substantive, review and excessive time consumption in debating with the Quality Control Unit the merits of corrections proposed by the QC Unit.

The logical solution to this situation is strengthening the low performing units by insisting upon and holding their managers accountable for internal substantive review and in some cases replacing either the Team Leader and/or the Assistant Leaders if they cannot make the adjustment.

Recommendation -- There can be no compromise with respect to assuring that the work product (Case Summary) which goes to the panel/board for decision is an accurate representation of the petitioner's circumstances. This requires that the CB have an organizational and functional means to assure the quality of each case. It is strongly believed that case productive capacity can be materially increased without any loss of quality if the following are implemented:

1. Policy and Precedent Analysis -- CB should consider creating a small unit of six to nine individuals reporting directly to the Office of the General Counsel with responsibility for policy and precedent analysis. The primary functions of this office would be to observe all proceedings of the panels and the full Board, and to distribute at the immediate conclusion of such proceedings appropriate synopses of policy directions and evolving precedents emanating from the panel.

An additional function would involve analysis of any tendency on the part of Panels or the Board to render decisions that are significantly inconsistent with prior policies and precedents. Such instances would be analyzed, documented, and presented to the Chairman and if necessary, the full Board for resolution. A third function would involve a highly selective post-audit of major case decisions, with the basis for audit selectivity to be determined by this group, subject to the approval of the General Counsel. The staff for this group should be derived from the current Action Attorney Teams and the current Quality Control Unit and should include highly competent individuals, given the nature of the function.

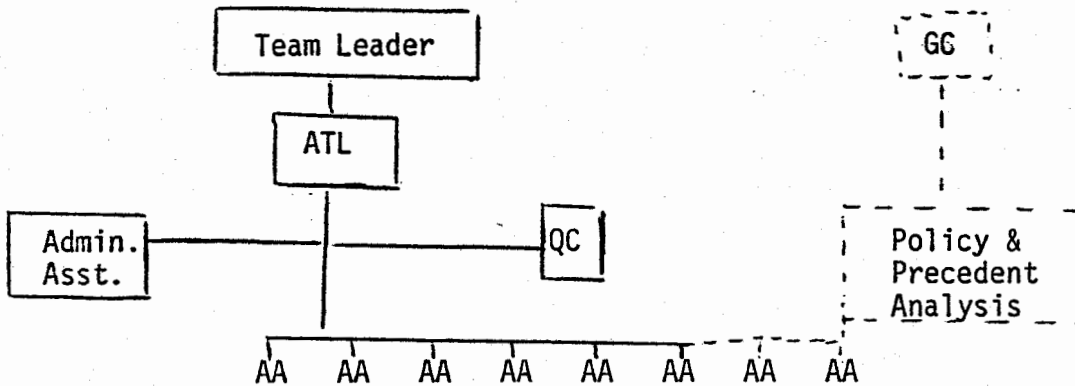
2. Staff Redeployment -- The professional staff currently constituting the Quality Control Unit should be redeployed into the Action Attorney Teams that are responsible for case development with some of the former QC staff becoming Action Attorneys and others assuming Assistant Team Leader or Team Leader supervisory positions. At least 50% of the current QC unit must be assigned to Action Attorney Teams.

3. Line Organization Accountability -- The Team Leaders and Assistant Team Leaders should have it clearly communicated to them that they are fully accountable for substantive review and resultant quality of all cases and that they must adapt internal organization and functional activity to assure the quality of work products. It is considered desirable to maintain at least one individual within each team whose primary function is quality control in response to guidance provided by the Team Leaders or Assistant Team Leaders of that team. He/she would also provide a secondary but very important function of liaison to the Policy and Precedent Analysis Unit to assure that the Team's case development was in consonance with the evolving precedence^{TS} contained in the Panel/Board's decision and otherwise to seek interpretation of anomolous issues from the policy and precedence analysis unit.

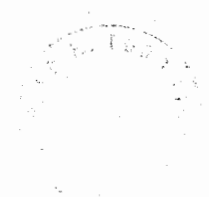
The Assistant Team Leader (ATL) is the first line of supervision and the basic production unit in the CB staff organization. Present staffing consists of the ATL, 6 to 8 Action Attorneys, in some instances and Administrative Assistant, plus clerical support.



With realignment and decentralization of the Quality Control function, the basic organizational unit would be structured approximately as follows:

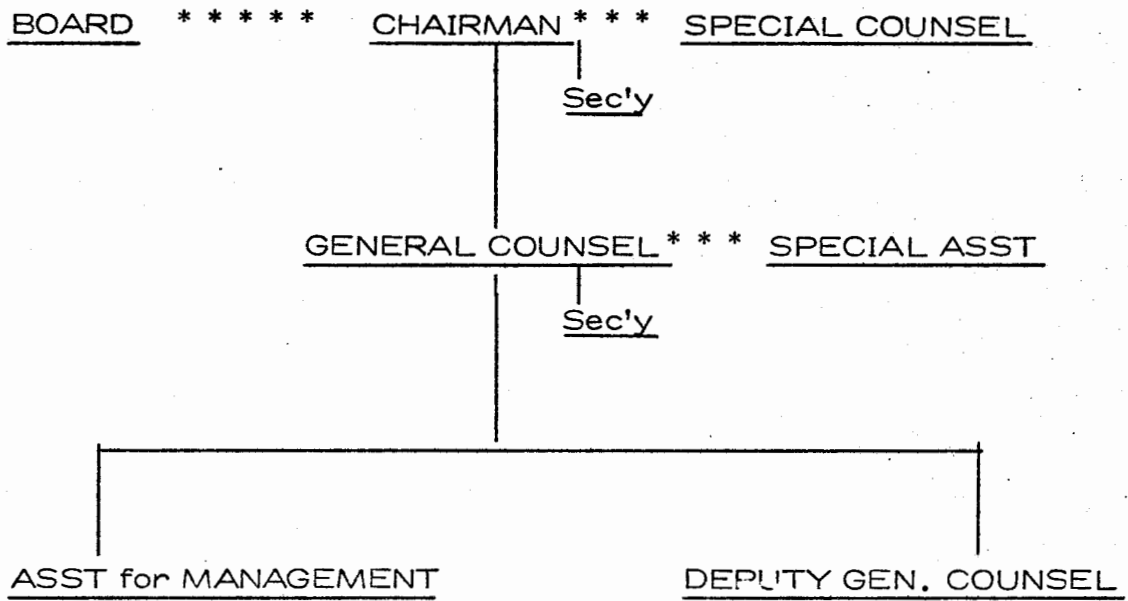


4. A formal, full time, high quality orientation and training operation should be set up for all incoming Action Attorneys and General Counsel management staff. It is estimated that training of this scope and vision might take one to two days and should include both mission and orientation with respect to the philosophy, background and operational climate within which the Board functions as well as the technical practitioner training prerequisite to developing cases. The individuals conducting the training should be engaged full time (as long as new staff are arriving) in that capacity rather than have it a collateral function of individuals who are normally performing line management or individual contributor functions within the General Counsel



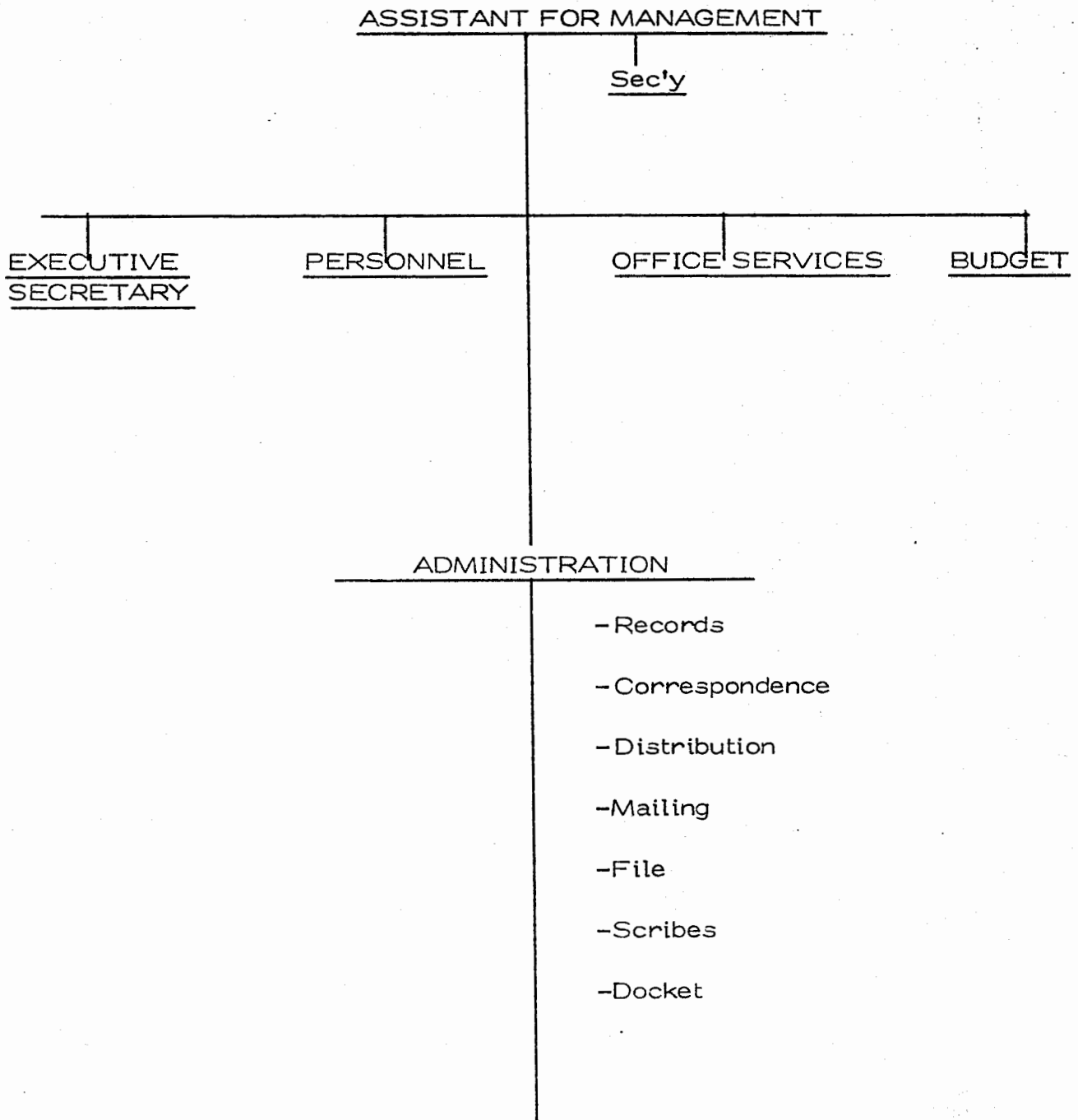
APPENDIX "A"

SUGGESTED FRONT OFFICE ORGANIZATION

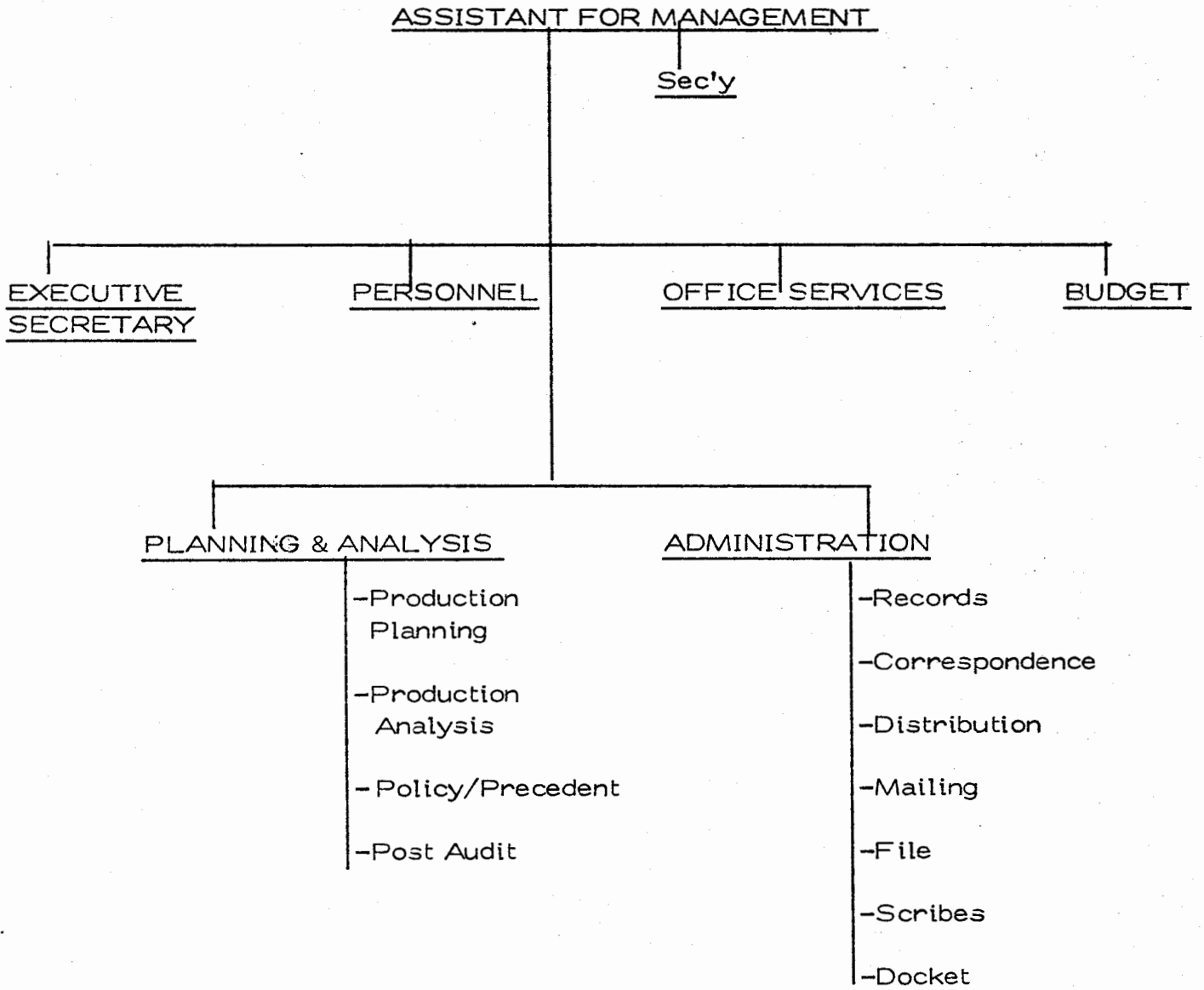


APPENDIX "A"

SUGGESTED ORGANIZATION FOR MANAGEMENT SIDE (1)



SUGGESTED ORGANIZATION FOR MANAGEMENT SIDE (2)



APPENDIX B

PANEL DECISION TIME ANALYSIS

Assumptions: *

- a) 6 hours of decision time/day
- b) 5 days a week, not necessarily Monday thru Friday
- c) 5 minutes/decision or 12 decisions/hour
- d) 15 weeks between week beginning June 1 and including week beginning Sept. 7

Therefore -

Four Panels with 120 hours of decision time per week for 15 weeks can handle 21,600 cases

Five Panels with 150 hours of decision time per week for 15 weeks can handle 27,000 cases

Workload Analysis:

a) Total Cases to be decided	19,500
b) Decided by June 2	- 1,000
sub-total	<u>18,500</u>
c) 5% recall based on further staff work or outside decision boundaries	+ 925
Total Panel Decisions	<u>19,425</u>

Points:

- 1) Chairman Goodell feels strongly that Panels will not be a barrier and he is prepared to add Board members if that is necessary.
- 2) Chairman feels time per case will definitely improve since panels are in early part of their learning curve

* Lee Beck's May 12, 1975 analysis shows:

Cases/hr.	<u>May 8 & 9</u>
	8.2
Net Cases excluding referrals	7.5

- 3) Since Action Attorneys time is key factor in this operation, Panels must adhere to firm schedule and chairman of panels must keep Team Leaders and Asst. Team Leaders advised of docket status so that Action Attorneys are not cooling their heels awaiting on the Panel.
- 4) CB Management should "bunch" cases by Action Attorney so that Attorney is scheduled to hear all his or her cases during one time segment a week.



APPENDIX

WORKFORCE CALCULATION

Weekly Production At Rate

<u>Weeks of</u> <u>Exp.</u>	<u>No. of</u> <u>Att.</u>	<u>Max</u>	<u>Reg.</u>	<u>3rd Wk</u>	<u>2nd Wk</u>	<u>1st Wk</u>
4	70	3	9	-	-	-
3	35	2	9	1	-	-
2	55	1	9	1	1	-
1	15	-	9	1	1	1
	<u>175</u>	<u>6</u>	<u>36</u>	<u>3</u>	<u>2</u>	<u>1</u>
Att. Weeks	x <u>12</u>	-	-	-	-	-
	2100	<u>335</u>	<u>1575</u>	<u>105</u>	<u>70</u>	<u>15</u>
Rate/Wk		10	8	7	4	2
Cases Produced (12 May - 1 Aug)		3350	12,600	735	280	30
Cases Completed Aug from Q. C.	20	-	10	-	-	-
Att Wks			200			
Rate/Wk			8			
Add. Prod.			<u>1600</u>			

APPENDIX

MEMORANDUM FOR: Paul O'Neill, Deputy Director, Office of Management and Budget

FROM : Charles R. Work, Chairman *CRW*
Interagency Team on the Presidential Clemency Board

SUBJECT : Interim Recommendations on the Presidential Clemency Board

Since our meeting with you on Friday, May 9, the team has been involved in two days of staff discussion with the staff of the Presidential Clemency Board (PCB) and the OMB. Based upon our initial discussions, we believe that there are several interim recommendations that should be brought to your attention immediately. These recommendations, we believe, can and should be acted upon immediately and would, if accepted, help to relieve the present intense workload and severe administrative problems being experienced by the PCB.

The Interagency Team would therefore make the following interim recommendations:

- 1) The PCB should be authorized to initiate immediately a Summer Legal Intern Program. This program would be designed to bring on board approximately 100 law school students as summer interns and would be launched immediately, before the law schools go into summer recess. These interns would be used to augment the existing staff of approximately 175 action attorneys and would be used primarily for case preparation. The DOD has already arranged for a summer intern program in support of the PCB and has already agreed to supply approximately 100 law student interns to the PCB as a 2 for 1 replacement of 50 of the DOD lawyers presently working for the PCB. The estimated cost for the DOD intern program is approximately \$300,000. The program which we are recommending would be in addition to the DOD program, i. e. an additional 100 law student interns over and above the 100 interns presently being promised by DOD. The DOD has already indicated that they would be willing to recruit an additional 100 interns through their program but that money would be the problem. The estimated cost for additional 100 interns would therefore be about \$300,000 and it is our recommendation that this sum be equitably allocated among the several agencies which are presently supporting the PCB program.



- 2) The OMB should develop and issue immediately to all agencies presently contributing details to the PCB a clear and definitive personnel policy statement that outlines for all agencies the policy which shall govern for all personnel detailed to the PCB program. In particular, this policy statement must cover the following specific topics:
- (A) Overtime compensation for detailed personnel
 - (B) Annual leave for detailed personnel
 - (C) Compensatory time for detailed personnel
 - (D) Reimbursement for parking expenses for detailed personnel

The emphasis of such a policy statement should definitely be on standardization of personnel policy for the detailees of the participating agencies and on liberalization of overtime, compensatory time and reimbursement policies in support of this high priority effort.

- 3) The OMB should inform all participating agencies presently detailing staff to the PCB that due to the tremendous workload faced by the PCB, low productivity employees who have been detailed to the PCB will be returned to their home agencies and that home agencies will be expected to supply replacement details. As of May 9, 1975, the PCB has already developed rather sophisticated workload analysis techniques and has already produced some excellent individual performance analysis. As of May 16, 1975, the PCB should be in a position to have clearly identified those particular detailed staff members whose productivity while on detail has been excessively low. The PCB should be authorized to return such individual details to their home agencies and to request replacement details for the details returned. Such a replacement program should obviously be phased so that no low productivity employee is returned before his replacement is on board.
- 4) OMB should resolve immediately the status of Ms. Gretchen Handwerger on the PCB staff. Ms. Handwerger has from all accounts been playing a critical role as the administrative officer of the PCB. Apparently, however, some confusion exist over Ms. Handwerger's status with the PCB. Her detail from DOT as an expert consultant is at an end as of this date and the GS-16 slot which was promised by OMB to the PCB and against which Ms. Handwerger was to be hired has apparently not been forthcoming. The loss of Ms. Handwerger's services at this point in time could only add to the administrative problems presently plaguing the PCB.



In conclusion, we must emphasize that the recommendations outlined above are only interim. They represent our collective opinion as to immediate actions which should be taken in order to relieve a few of the most obvious and pressing problems presently facing the PCB. In the next few days we shall be exploring the more substantive issues and we shall make more developed recommendations on those issues in our final report to be delivered to you on Friday, May 16.

cc V. Puritano, OMB
L. Baskir, PCB

SUGGESTED ORGANIZATION OF PRODUCTION SIDE (2)

