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CASES WITH QUESTIONABLE BASELINES

#	BASELINE	AGE	MIT	DECISION
HCS, water, DAVIS 549	16 MO	-	-	14 MO
HCS, O.C., water, HANE 551	12 MO	-	9, 10	9 MO
" 958*	21 MO	1, 5	-	24 MO
" 737	24 MO	-	4, 9	6 MO
" 780	24 MO	5	11	24 MO
713	11 MO*		2, 10, 11	3 MO
304	21 MO		8	24 MO



* BASELINE IS CORRECT

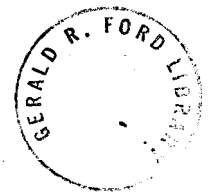
16 to 14
3 to ?

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

No Ag or M

PCB Attorney: Dancheck
Telephone: (202) 456-2110
Summary Completed: 12 Feb 75
Current Sentence: Youth Corrections Act
Two years imprisonment suspended on
probation for 5 yrs. and \$500 fine
Court: U.S.D.C., W.D. North Carolina
(Charlotte Division)
Total Time Served: None
Discharge Status: N/A
Offense: Failure to submit to induction
Total Creditable Service: N/A

Case No. 74-549-JDA-C
Branch of Service: N/A
Age: 22
Present Status: Probationer per-
forming alternate service
Date of Application: 1 Nov 74



Background:

Applicant is Caucasian, born in Detroit and reared in North Carolina. He is the third born in a family of four brothers and one sister. The family is middle-class, stable, intact and highly regarded in its community. Applicant maintains a close relationship with his parents. He graduated from high school and attended college for one and one-half years before withdrawing. Applicant states that he withdrew from college because of the apparent purposelessness of the academic regimen. He maintained a 3.0 average on a scale of 0 to 4. Applicant married on 7 Apr 73. As of the writing of the pre-sentence report there were no children. Applicant was employed as a carpenter until his probation. He is a recent convert to the Church of Latter-Day Saints. Applicant is asthmatic. He intends to return to college. He has been performing alternate service, a condition of his probation, at a state mental hospital. The duration of the alternate service condition of probation (full-time employment) is three years. The United States Attorney will interpose no objection to reduction of this requirement to two years.

Circumstances of Offense:

Applicant states in a 14 Oct 74 letter to the PCB that:

On December 6, 1972, I reported as ordered, for induction, to the Charlotte AFEES. Upon administration of the oath of induction, I did not step forward to signify my compliance with the oath.

On or about November 5, 1972, I was at the Charlotte AFEES for enlistment processing, but I was refused enlistment because I did not retract a claim of having asthma, which I had made during my pre-induction physical. My desire in enlisting was partially prompted by the six month delayed entry plan it offered.

In a 1 Nov 1974 letter to the Board, applicant states:

My ideological thinking at the time of my offense was still very confused, and I felt that no country could demand warring services of me, especially services demanded by the Vietnam type approach to foreign policy.

I know that I should observe and honor the laws and orders of our nation, as long as our Constitution stands.

* * * * *

A month prior to my induction date I had been rejected as an enlistee into the Army because of an asthma claim I had made during my pre-induction physical. To be cleared for enlistment I had to have medical proof that I was not asthmatic which was impossible, as I even today occasionally have mild attacks of asthma.

After arrest applicant sought enlistment but was denied entry because of his entanglement with the federal criminal system. After conviction, the trial judge announced that he would annul the conviction if applicant would enlist. Applicant recalls his attempted enlistment dilemma:

The recruiting officer told me that I had to be cleared first, then enlist. The judge and recruiter met, could not meet terms, and I was left to be put in the situation in which I am now in.

Case No. 74-549-JDA-C

Vietnam Service: N/AChronology:

5 Jun 52	Date of birth
Jun 69	Graduated from high school
Aug 70	Began college
Dec 71	Withdrew from college
5 Nov 72	Sought enlistment
6 Dec 72	Induction refusal
Sep 72 - Jan 73	Employment as carpenter
Jan 73 - Jun 73	Employment as carpenter on apartment construction
7 Apr 73	Married
Jun 73	Employment as carpenter with contractor
17 Oct 73	Arrested
4 Feb 74	Pleaded guilty
6 May 74	Judgment and sentence
6 Jun 74	Began alternate service
1 Nov 74	PCB application
6 May 79	Probation terminates

Awards and Decorations: N/APrior Criminal Convictions: NoneSentence History:

- 6 May 74 - Sentenced. Probation for 5 yrs., \$500 fine.
Special Conditions: Perform alternate service
at non-profit hospital or institution for 3 yrs.,
pay fine, and not violate United States or North
Carolina laws.
- 6 May - 6 Jun 74 - Negotiations to effect enlistment unsuccessful
- 6 Jun 74 - Began alternate service
- 10 Jan 75 - Letter from United States Attorney. No objection to
reduction of probation and alternate service period to
2 yrs,

Sources: PCB application; letters from applicant (1 Nov 74 and 14 Oct 74);
letter from U.S. Attorney (10 Jan 75); Pre-sentence Report

12 to 9
3 to 1

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

M 9, 10

PCB Attorney: Dancheck
Telephone: (202) 456-2110
Summary Completed: 25 Feb 75
Current Sentence: 3 yrs. probation,
\$500 fine, special
condition: 2 yrs.
alternative service
Court: U.S.D.C., D. Colorado
Total Time Served: None
Discharge Status: N/A
Offense: Refusal to submit to induction
Total Creditable Service: N/A

Case No. 74-551-KLJ-C
Branch of Service: N/A
Age: 28
Present Status: Probationer per-
forming alternative service
Date of Application: 31 Oct 74

Background:

Applicant is Caucasian, the third born in a middle class, intact family of four children in Michigan. Applicant has always maintained a close relationship with his parents. Before retirement the father had been an auditor for the federal government. Applicant had a normal childhood and adolescence. He is a high school and college graduate with a B.S. degree in sociology. He entered law school, completed less than one semester but had to withdraw after he was indicted for the Selective Service violation. He is described as being of "bright average" intelligence. Available documents disclose no mental or physical impairment. Applicant married in 1973. As of the writing of the presentence report, applicant had no children. Applicant has had a variety of employment, both part time during school and full time thereafter. His records reflect work as a stockboy, auto assembler, assistant drug store manager and parking lot claims manager. Applicant is now an assistant manager of a drug store. Applicant grounds his draft resistance on obedience to his religious and moral convictions. He is opposed to all war as a means of conflict solving.

Circumstances of Offense:

Applicant registered for the draft on or near his 18th birthday. On or about Nov 68 he applied for and was subsequently granted 1-A-0 status (Non-combatant Status). He sought his status as an accommodation to avoid a dispute with his local board. He maintains that his local board would not grant 1-0 status to Roman Catholics, a group that the local board did not accept as traditionally pacifist. After accepting 1-A-0 status, applicant

had misgivings because he had compromised his beliefs. Applicant states he began mentally preparing his case for a change in his status but his induction notice prevented a filing. Applicant concedes that the local board did halt the induction process and heard and rejected his petition for reclassification. He contends though that he was inducted before he could lodge an appeal from the local board decision. Applicant was ordered to report for induction into the Armed Forces on 13 May 70. He reported as ordered but refused to submit to induction. On 20 Jul 73, applicant was arraigned on a one-count indictment. Applicant did not enter a plea but stood mute. Applicant waived trial by jury. Trial was held on 15 Dec 73. Applicant's motion for acquittal was denied. On 12 Sep 73 the district judge filed an opinion and order finding applicant guilty. Sentence was announced on 16 Jan 74. Applicant has been fulfilling his alternative service condition of probation since Jan 74 by part-time volunteer work with an inner city social service organization similar to "Big Brothers." This program seeks to provide father surrogates for disturbed and delinquent minority youth. According to the probation officer, applicant devotes 15 hours a week on the program. Applicant states he enjoys this work and will continue in this program regardless of any action taken by the Clemency Board.

Vietnam Service: N/A

Chronology:

31 Mar 46	Date of birth
Jun 64	Graduated from high school
Nov 68	Classified 1-A-0
Mar 69	Graduated from college
13 May 70	Order for induction
13 Oct 73	Married
20 Jul 73	Arraigned
15 Dec 73	Trial
12 Sep 73	Judgment of guilty
16 Jan 74	Sentence pronounced
31 Oct 74	PCB application
16 Jan 77	Probation expires

Awards and Decorations: N/A

Prior Criminal Convictions: None

Case No. 74-551-KLJ-C

Sentence History: N/A

Sources:

PCB application with letter

Presentence Report

Note: Selective Service Records destroyed

PRESIDENTIAL CLEMENCY BOARD

Case Summary

24 to 6

3 to

M 4, 9

PCB Attorney: Knudson
Telephone No: (202) 456-2111
Summary Completed: 11 Feb 75
Sentence: \$3,000 fine, 5 yrs. probation
Court: E.D. Calif.
Time Served: None
Offense: Failure to possess registration
card

Case No: 74-737-CJG-C
Age: 28
Present Status: On probation
Date of Application: 20 Nov 74

Background:

Applicant, a Caucasian, was born on 10 May 46 in Hanford, California. He is the third of five children in a family of good reputation. He graduated from high school in Hanford on 4 June 64. From September 1964 to June 1966 he attended the College of Sequoias in Visalia, California, and after two additional years at Fresno State College he received a B.A. degree on 7 June 68. He was an above-average student. He has been active in church work since eleven years of age and at one time considered being a minister. Applicant states his church has been a strong influence on his life and that he objects to the use of force and violence. He considers himself a conscientious objector. He registered for the draft on 13 October 64. Selective Service records indicate that he was classified II-S until 2 December 68, when he was classified I-A. On January 69 he requested a SS form to be used to apply for C.O. status, this form was intended to replace the misplaced form which he had requested on 27 November 68. On 22 January 69 he filed his application for C.O. status. On 17 February 69 he submitted to a pre-induction physical. Applicant is married and has one child, is in good health, is employed on a part-time basis earning \$340.00 per month, is a student, and has no other criminal record. Applicant is willing to do alternative service.

Circumstances of the Offense:

On 3 March 69 he made a personal appearance before the SS Board, the purpose of which was to discuss his status and his request for C.O. classification. While at the SS office he requested a duplicate registration card but refused to sign the form required for its issuance. Therefore, a card was not issued. The SS form indicates that the card had been lost, but other SS records and the applicant's letter to the PCB state that the card had been left at home or was otherwise intentionally not on his person. His refusal to sign the form was discussed during the appearance before the SS Board. At the meeting he said he did not sign the form because he felt he would be contributing toward

the war and further stated that "If I decide not to carry the card, I want you to understand why,..." This says I have registered with a death institution." Subsequently, the SS Board denied his application. Pursuant to his request of 26 March 69 he met again with the SS Board on 5 May 69, and again requested C.O. standing. By letter dated 4 June 69 he appealed the SS Board's decision to again reject his C.O. request. By letter of 18 June 69 he was advised by the SS Board that it was of the opinion that the facts presented, supporting the appeal, did not warrant the reopening or reclassification of his case. He was further advised that his file was being forwarded to the Appeals Board. (Appeal was forwarded on 19 May 69) On 22 October 69 the Appeals Board decided to sustain the I-A classification as determined by the Local SS Board. On 8 December 69 he reported for, but refused to submit to induction. When he refused to step forward, he signed a statement contending that he was a C.O. On 25 June 70 he was indicted on two counts: (1) Failure to have registration, and (2) failure to submit to induction. On 17 July 70 he went to the SS office and signed a form requesting a duplicate registration card; upon doing so the card was issued. On 17 August 70, he entered a plea of not guilty to the two-count indictment and trial was set for 23 February 71. On 17 June 71 applicant entered a plea of guilty to the count of failing to have his registration card. The count relating to his failure to submit was dismissed, SS records do not disclose the reason. Applicant's correspondence indicates that the count was dismissed when it was discovered that the applicant had been drafted out of order. On July 71, judgment was entered which provided for 5 years probation on condition of payment of a \$3,000 fine at the rate of \$50.00 per month. Applicant acknowledges that his failure to sign the form and secure a duplicate card was an unlawful act; however, he states, his unwillingness to sign the SS form was based on his conviction as a C.O. By 31 December 74 applicant had paid \$2,000.00 approximately of his fine.

After sentencing, applicant went to Germany where he "worked in a ghetto youth center" and his wife attended school. Three years later, in August 1974, they returned to California. At present, applicant is enrolled in a program of city and regional planning, and, in addition, works part-time as a draftsman.

Chronology:

10 May 46	Date of birth
7 Jun 68	College graduate
27 Nov 68	Request for SS 150 for C.O.
2 Dec 68	Classified I-A
2 Jan 69	Requested Form 150 (C.O.) to replace misplaced form mailed to him on 27 Nov 68
13 Jan 69	Notified to appear on 17 Feb 69 for physical
22 Jan 69	Filed application for C.O.
17 Feb 69	Date to report for physical
3 Mar 69	Personal appearance with SS Board re: classification - requesting new registration card; refused to sign SS form

5 May 69	Classified (I-A) after personal appearance
5 May 69	Requested C.O. status
4 Jun 69	Letter of appeal
18 Jun 69	Board not to review facts supporting appeal and decided facts did not warrant re-opening
13 Sep 69	Married
22 Oct 69	Appeal for C.O. denied
8 Dec 69	Reported for induction but failed and refused to submit
25 Jun 70	Indicted - 2 counts - failure to have card in possession and failure to submit to induction
17 Jul 70	Signed SS Form 6, Request for Duplicate Registration, was issued to him
17 Aug 70	Plea <u>not</u> guilty
17 Jun 71	Plea of guilty
12 Jul 71	Judgment

Sources: SS records, Pre-sentence reports, letters from applicant.



PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

24 * 24

3 to —

Ag. 5 Mt 11

PCB Attorney: Knudson
Telephone No.: (202) 456-2111
Summary Completed: 13 Feb 75
Current Sentence: Probation (5 Years)
Court: D.C., New Jersey
Total Time Served: None
Offense: Failure to report for
induction

Case No. 74-780-ZMH-C
Age: 28
Present Status: Probation discharged
(in Peace Corps)
Date of Application: 17 Dec 74

Background:

Applicant, a white male, was born in New Jersey on 14 May 46. He is the youngest of four children and has a B.S. Degree which he earned in 1970. Applicant is in good health, has no prior record, and expresses no interest in religion. On 15 June 70, applicant enrolled in OTS and was assigned to Lackland AFB, San Antonio, Texas. By letter dated 13 July 70 he requested that he be disenrolled from OTS. He was disenrolled on 16 July 70 and was awarded an Honorable Discharge on 23 July 70. The applicant states that he resigned because he was disillusioned with the military and that he could not, directly or indirectly, kill another human nor could he participate with an organization that does. Applicant states that he was not a C.O., but that he objected to the Vietnam war. Subsequent to his resignation from the U.S. Air Force he was reclassified I-A by his draft board.

Circumstances of Offense:

Applicant states that he moved to Canada in March 1971. By orders dated 18 Oct 71 he was instructed to report for induction 18 Nov 71. He failed to appear. In 1973 he voluntarily returned to the United States and gave himself up as a Selective Service Violator. Efforts were made to help the applicant re-enter the Service, as the U.S. Attorney had agreed to drop the charges if he were accepted by the military. The presentence report indicates that the applicant's efforts to join the USAF and the U.S. Army were futile. On 19 July 1973, applicant entered a plea of guilty for failure to report for induction and was released on his own recognizance. On 23 May 74, he was sentenced to 5 years probation with supervision. On 9 Sept 74, his probation was discharged in order that he enter the Peace Corps, of which he is now a member.

Chronology:

14 May 46	Date of birth
70	Graduated from college
15 Jun 70	Enrolled in OTS
16 Jul 70	Disenrolled from OTS
23 Jul 70	Honorable Discharge USAF
18 Mar 71 - 8 Dec 72	Lived in Canada
18 Nov 71	Failed to report for induction
1 Jan 73 - 5 May 73	Lived in Paris, France and Canada
19 Jul 73	Plea of guilty
23 May 74	Sentenced
9 Sep 74	Probation discharged (entered Peace Corps)

Sentence History:

19 July 73 - Pled guilty to failure to report for induction.

23 May 74 - Placed on five years supervised probation with condition to complete two years work of national importance. The probation was discharged on 9 Sept 74, when he entered the Peace Corps.

Sources:

Presentence report, military records



PREPARED FOR:

HONORABLE CHARLES E. GOODELL
CHAIRMAN

PRESIDENTIAL CLEMENCY BOARD MEETING

OCTOBER 23-24, 1974

4	
16	
17	* 7
20	* 8
21	12
<u>30</u>	* 25
31	<u>26</u>
41	28
57	* 37
<u>58</u>	* 41
74	45
79	<u>49</u>
83	66
91	68
94	71
<u>102</u>	72
	80
	<u>86</u>
	* 91
	100

40

To Mr. Goodell

Date _____ Time 12:25 A.M.
P.M.

WHILE YOU WERE OUT

M Leslie Hall

of CBS

Area Code & Exchange 296-1234

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CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>
RETURNED YOUR CALL			

GERALD R. FORD LIBRARY

Message Would like to
have an interview
with you.

D. ebbie
Operator

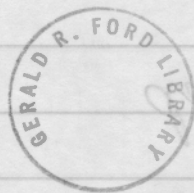
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SEARCHED	INDEXED
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APR 19 1964	
FBI - NEW YORK	

Wanted to
have your
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to the
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O'Connor	4, (8), 3, 1, 6, 7
Puller	3, 1, (8), 4, 6 4, 6
Nickolas	5, 1
Strauss	2, 3, 6A, 5A
Everhard	4, (8)
Lally	4, 6A
Craig	5, 6, 7
Maye	4, (8), 5, 6A, 7
Kauffman	2, 4, 5, 7
Adams	6, 7
Vinson	4, 5, 6
iggs	5, 7



CEG (8), 6, 7, 5, 4, 3, 2

Pool

Hendweger

Mitchell

Sopp

Foot

Zani

Krusky

Horn

Barki

Hilbert

Remington

Serzian

Quastel



PRESIDENT'S CLEMENCY PROGRAM
SEPARATION POLICY

1. Appendix 2 (Separation Policy) to Annex C (Personnel) to letter DAPE-HR, HQDA, 18 September 1974, subject: LOI-Implementation of Presidential Proclamation No. 4313, directed that the Commander, Fort Benjamin Harrison, forward recommendations for other than Undesirable Discharges under the President's Clemency Program to Department of the Army for final action.

2. When the LOI was promulgated, there was no way to predict the workload related to other than Undesirable Discharges or the prime conditions meriting such alternate types of discharges. During the first 45 days of the Clemency Program, it became apparent, however, that for the duration of the Program, final determination for other than Undesirable Discharges could better be made at Fort Harrison for the following reasons:

- a. The individual concerned was present for interview.
- b. Individual records were located at the USA Enlisted Records Center, Fort Benjamin Harrison.
- c. Medical and legal implications could be reviewed locally and in concert with the individual absentee.
- d. The DOD Joint Alternate Service Board could offer first hand recommendations to the Commander, ADMINCEN, in those cases which merited special attention.
- e. Delegation of authority to Commander, ADMINCEN, to award other than Undesirable Discharges to absentees under the Clemency Program would expedite decisions and insure uniformity and consistency in processing.

3. Based on the rationale in paragraph 2 above, request was made on 30 October 1974 and authority granted on 21 November 1974 for Commander, ADMINCEN, to issue other than Undesirable Discharges under the Clemency Program. Under this authority, 46 discharges under the Clemency Program were issued between 16 September 1974 and 31 March 1975. Character of discharge and reasons for each determination are summarized below; absentees' names have been omitted to protect the personal privacy of the individuals concerned:

CHARACTER OF
DISCHARGE

REASON(S)*

Honorable	Under age when enlisted in Army; applied for minority discharge but went AWOL although discharge had apparently been approved.
Honorable	No supportable evidence; also served in RVN and awarded CIB, VSM, GCMDL.
Honorable	Under age when enlisted; minority discharge.
Honorable	Applied for a Hardship Discharge but went AWOL although it had been approved.
Honorable	Meritorious service; 7 yrs total svc, served in RVN as Door Gunner and awarded AM, ACB, CIB, GCMDL, VSM, total of 4 1/2 years in RVN.
General	Meritorious service; 4 years total svc, served in RVN and awarded ARCOM, PH, VSM.
General	Should not have been inducted because of a psychiatric problem.
General	Meritorious service; 7 years total svc, served in RVN 2 years and awarded BSM w/V, ARCOM w/10LC, AM, GCMDL, CIB, VSM, VCM.
General	Absentee's brother killed in RVN, other brother killed in car accident. Absentee was not informed that he would have to waiver sole surviving son restriction and went AWOL. Had 5 years, 5 months active Federal service.
General	Admin failure; served well beyond ETS because medical and admin tie-ups. Had 9 years service w/76 months in Germany and 11 months in Korea.
General	No supportable evidence.
General	Meritorious service; 3 years total svc, served in RVN and awarded BSM w/10LC, ARCOM, AM, RVN Cross of Gal.
General	Meritorious service and medical reasons; 2 yrs total service, served in RVN and awarded PH, VSM.
General	Erroneous induction (mentally retardate).

CHARACTER OF
DISCHARGE

REASON(S)

General	Medical problem (enuresis) was ignored and he was inducted although unsuitable for military service.
General	No supportable evidence and admin failure; individual was given written orders to go home and await a port call.
General	Meritorious service; 2 years total service, served 1 1/2 years in RVN and awarded ARCOM, VSM, VCM.
General	Erroneous induction/combat service and wounds.
General	Meritorious service; 2 yrs total service, served in RVN and awarded PH, VSM, VCM. Claimed he was told to go home and await for orders which were never forwarded.
General	No supportable evidence. Told to go home and await orders which were never forwarded.
General	No supportable evidence. Told to go home and await orders which were never forwarded.
General	No supportable evidence.
General	Hardship discharge was approved but individual not informed and went AWOL eight days later.
General	Meritorious service; 17 years total service, served in RVN and awarded BSM w/V, CMB, VSM, VCM.
General	Should have been previously discharged for medical and/or psychiatric reasons (unsuitable).
General	Erroneous induction; not medically qualified for military service.
General	Held beyond ETS due to administrative failure.
General	No supportable evidence. Also was awarded BSM w/V, PH, ARCOM.
General	Held beyond ETS for medical reasons (wounded in RVN).

<u>CHARACTER OF DISCHARGE</u>	<u>REASON(S)</u>
General	No supportable evidence.
General	Erroneous induction; should not have been inducted due to extreme family hardship.
General	Past administrative failure; told to go home and await orders which were never forwarded.
General	Past administrative failure; told to go home and await orders which were never forwarded.
General	Meritorious service; 5 years total service, served in RVN and awarded BSM w/V, ARCOM w/V, CIB. Also told to go home and await orders which were never forwarded.
General	Meritorious service; 7 years total service, served in RVN and awarded SS, AM, ARCOM, CMB, GCMDL.
General	Meritorious service; 1 year total service, served in RVN and awarded PH. Also told to go home and await orders which were never forwarded.
General	Meritorious service; 1 year total service, served in RVN and awarded SS, BSM, CIB, VSM.
General	No supportable evidence; told to go home and await orders which were never forwarded.
General	Meritorious service; 2 years total service, served in RVN and awarded SS, ARCOM w/1OLC, GCMDL, 6 O/S Bars.
General	Meritorious service; 12 years total service, served in RVN and awarded ARCOM, VCM, GCMDL, 4 O/S Bars.
General	Hardship/dependency discharge erroneously denied/ had 1 year total service, served in RVN and awarded CIB, PH, VCM.
General	Meritorious service/past admin failure. Served in RVN and awarded PH, CIB.
Admin Separation	Erroneous induction (minority discharge).

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CHARACTER OF
DISCHARGE

REASON(S)

Undesirable

Given U/D in best interest of govt because she had a legal defense to AWOL in that she was under military control during a portion of the AWOL period.

*a. "No supportable evidence" indicates a lack of required legal documentation to prove violation of Articles 85, 86, 87, and related offenses under UCMJ.

b. "Meritorious service" designated as reason for award of discharge when the absentee's Official Military Personnel Files substantiated overall outstanding performance in a combat environment. ✓

c. "Administrative failure" denotes cases in which administrative errors of omission or commission significantly contributed to absentee's reason for unauthorized absence, or instances in which military authorities clearly failed to act in consonance with applicable service regulations or United States Statutes. ✓

Additionally, one Marine absentee was awarded a General Discharge by Headquarters, Marine Corps due to a medical/physical disability bringing the total of absentees awarded other than Undesirable Discharges under the Clemency Program to 47 individuals. ✓

The following is extracted from LOI for information only:

APPENDIX 2 (Separation Policy) to Annex C (Personnel)

SEPARATION POLICY

* * * * *

2. Officer Personnel

a. Upon completion of required processing and statements, all eligible commissioned and warrant officers resignations in lieu of court-martial will be accepted. They are to be furnished a Discharge Certificate (Under other Than Honorable Conditions), DD Form 794A.

b. In the preparation of separation orders, the standard order format (TC 350 for Regular Army Officers; TC 351 for Reserve Officers) will be followed. The "Authority" lead line will include Presidential Proclamation No 4314 and Sec Def Memo Subject: Implementation of Presidential Proclamation No. 4314, 16 September 1974." Authority lead will also include "By Direction of the President" for officers and "By Direction of the Secretary of the Army" for Warrant Officers.

c. Preparation of DD Form 214 will be accomplished as described in . . . (same as for enlisted personnel).

25 copies ✓

PRESIDENT'S CLEMENCY PROGRAM
SEPARATION POLICY



1. Appendix 2 (Separation Policy) to Annex C (Personnel) to letter DAPE-HR, HQDA, 18 September 1974, subject: LOI-Implementation of Presidential Proclamation No. 4313, directed that the Commander, Fort Benjamin Harrison, forward recommendations for other than Undesirable Discharges under the President's Clemency Program to Department of the Army for final action.

2. When the LOI was promulgated, there was no way to predict the workload related to other than Undesirable Discharges or the prime conditions meriting such alternate types of discharges. During the first 45 days of the Clemency Program, it became apparent, however, that for the duration of the Program, final determination for other than Undesirable Discharges could better be made at Fort Harrison for the following reasons:

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- d. The DOD Joint Alternate Service Board could offer first hand recommendations to the Commander, ADMINCEN, in those cases which merited special attention.
- e. Delegation of authority to Commander, ADMINCEN, to award other than Undesirable Discharges to absentees under the Clemency Program would expedite decisions and insure uniformity and consistency in processing.

3. Based on the rationale in paragraph 2 above, request was made on 30 October 1974 and authority granted on 21 November 1974 for Commander, ADMINCEN, to issue other than Undesirable Discharges under the Clemency Program. Under this authority, 46 discharges under the Clemency Program were issued between 16 September 1974 and 31 March 1975. Character of discharge and reasons for each determination are summarized below; absentees' names have been omitted to protect the personal privacy of the individuals concerned:

CHARACTER OF DISCHARGE

REASON(S)*

Honorable	Under age when enlisted in Army; applied for minority discharge but went AWOL although discharge had apparently been approved.
Honorable	No supportable evidence; also served in RVN and awarded CIB, VSM, GCMDL.
Honorable	Under age when enlisted; minority discharge.
Honorable	Applied for a Hardship Discharge but went AWOL although it had been approved.
Honorable	Meritorious service; 7 yrs total svc, served in RVN as Door Gunner and awarded AM, ACB, CIB, GCMDL, VSM, total of 4 1/2 years in RVN.
General	Meritorious service; 4 years total svc, served in RVN and awarded ARCOM, PH, VSM.
General	Should not have been inducted because of a psychiatric problem.
General	Meritorious service; 7 years total svc, served in RVN 2 years and awarded BSM w/V, ARCOM w/10LC, AM, GCMDL, CIB, VSM, VCM.
General	Absentee's brother killed in RVN, other brother killed in car accident. Absentee was not informed that he would have to waive sole surviving son restriction and went AWOL. Had 5 years, 5 months active Federal service.
General	Admin failure; served well beyond ETS because medical and admin tie-ups. Had 9 years service w/76 months in Germany and 11 months in Korea.
General	No supportable evidence.
General	Meritorious service; 3 years total svc, served in RVN and awarded BSM w/10LC, ARCOM, AM, RVN Cross of Gal.
General	Meritorious service and medical reasons; 2 yrs total service, served in RVN and awarded PH, VSM.
General	Erroneous induction (mentally retardate).

CHARACTER OF
DISCHARGE

REASON(S)

General	Medical problem (enuresis) was ignored and he was inducted although unsuitable for military service.
General	No supportable evidence and admin failure; individual was given written orders to go home and await a port call.
General	Meritorious service; 2 years total service, served 1 1/2 years in RVN and awarded ARCOM, VSM, VCM.
General	Erroneous induction/combat service and wounds.
General	Meritorious service; 2 yrs total service, served in RVN and awarded PH, VSM, VCM. Claimed he was told to go home and await for orders which were never forwarded.
General	No supportable evidence. Told to go home and await orders which were never forwarded.
General	No supportable evidence. Told to go home and await orders which were never forwarded.
General	No supportable evidence.
General	Hardship discharge was approved but individual not informed and went AWOL eight days later.
General	Meritorious service; 17 years total service, served in RVN and awarded BSM w/V, CMB, VSM, VCM.
General	Should have been previously discharged for medical and/or psychiatric reasons (unsuitable).
General	Erroneous induction; not medically qualified for military service.
General	Held beyond ETS due to administrative failure.
General	No supportable evidence. Also was awarded BSM w/V, PH, ARCOM.
General	Held beyond ETS for medical reasons (wounded in RVN).

<u>CHARACTER OF DISCHARGE</u>	<u>REASON(S)</u>
General	No supportable evidence.
General	Erroneous induction; should not have been inducted due to extreme family hardship.
General	Past administrative failure; told to go home and await orders which were never forwarded.
General	Past administrative failure; told to go home and await orders which were never forwarded.
General	Meritorious service; 5 years total service, served in RVN and awarded BSM w/V, ARCOM w/V, CIB. Also told to go home and await orders which were never forwarded.
General	Meritorious service; 7 years total service, served in RVN and awarded SS, AM, ARCOM, CMB, GCMDL.
General	Meritorious service; 1 year total service, served in RVN and awarded PH. Also told to go home and await orders which were never forwarded.
General	Meritorious service; 1 year total service, served in RVN and awarded SS, BSM, CIB, VSM.
General	No supportable evidence; told to go home and await orders which were never forwarded.
General	Meritorious service; 2 years total service, served in RVN and awarded SS, ARCOM w/1OLC, GCMDL, 6 O/S Bars.
General	Meritorious service; 12 years total service, served in RVN and awarded ARCOM, VCM, GCMDL, 4 O/S Bars.
General	Hardship/dependency discharge erroneously denied/ had 1 year total service, served in RVN and awarded CIB, PH, VCM.
General	Meritorious service/past admin failure. Served in RVN and awarded PH, CIB.
Admin Separation	Erroneous induction (minority discharge).

CHARACTER OF
DISCHARGE

REASON(S)

Undesirable

Given U/D in best interest of govt because she had a legal defense to AWOL in that she was under military control during a portion of the AWOL period.

*a. "No supportable evidence" indicates a lack of required legal documentation to prove violation of Articles 85, 86, 87, and related offenses under UCMJ.

b. "Meritorious service" designated as reason for award of discharge when the absentee's Official Military Personnel Files substantiated overall outstanding performance in a combat environment. ✓

c. "Administrative failure" denotes cases in which administrative errors of omission or commission significantly contributed to absentee's reason for unauthorized absence, or instances in which military authorities clearly failed to act in consonance with applicable service regulations or United States Statutes. ✓

Additionally, one Marine absentee was awarded a General Discharge by Headquarters, Marine Corps due to a medical/physical disability bringing the total of absentees awarded other than Undesirable Discharges under the Clemency Program to 47 individuals. ✓

The following is extracted from LOI for information only:

APPENDIX 2 (Separation Policy) to Annex C (Personnel)

SEPARATION POLICY

* * * * *

2. Officer Personnel

a. Upon completion of required processing and statements, all eligible commissioned and warrant officers resignations in lieu of court-martial will be accepted. They are to be furnished a Discharge Certificate (Under other Than Honorable Conditions), DD Form 794A.

b. In the preparation of separation orders, the standard order format (TC 350 for Regular Army Officers; TC 351 for Reserve Officers) will be followed. The "Authority" lead line will include Presidential Proclamation No 4314 and Sec Def Memo Subject: Implementation of Presidential Proclamation No. 4314, 16 September 1974." Authority lead will also include "By Direction of the President" for officers and "By Direction of the Secretary of the Army" for Warrant Officers.

c. Preparation of DD Form 214 will be accomplished as described in . . . (same as for enlisted personnel).

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4

1.	JORDAN	13
2.	ADAMS	16
3.	HESBURN	22
4.	LALY	27.5
5.	MORROW	28.5
6.	EVERHARD	29
7.	MAYE	29.5
8.	CRAIG	31.5
9.	O'CONNOR	34.5
10.	RIGGS	37
11.	VINSON	39
12.	PUWER	42
13.	GOODEN	45.5
14.	CARTER	49.5
15.	DOVGOVITO	51
16.	WALT	57.5
17.	FORD	62.5
18.	KAUFFMANN	67.5





	PARSON	AS	NC	VB					TOT
AD	54	5.1	2.9	5.4	1	1	4.5	9.5	16
CR	41	5.6	4.7	5.9	10.5	7	9	5	31.5
DO	39	5.9	4.3	3.3	13.5	12	7.5	18	51
EV	48	5.2	5.7	5.2	3.5	2	12.5	11	29
FO	35	6.6	8.6	4.1	16.5	16	16	14	62.5
GO	48	5.7	7.2	3.6	3.5	10	15	17	45.5
HE	46	5.3	5.1	8.6	6.5	3.5	10	2	22
JU	52	5.6	0.8	10.9	2	9	1	1	13
KA	32	6.7	8.8	4.0	18	17.5	17	15	67.5
LA	46	5.6	1.5	5.0	6.5	7	2	12	27.5
MA	47	5.4	5.7	5.8	5	5	12.5	7	29.5
MO	44	5.3	2.8	4.4	9	3.5	3	13	28.5
OC	40	5.9	2.9	5.9	12	12	4.5	6	34.5
PV	45	5.9	3.3	4.0	8	12	6	16	42
RI	41	6.2	4.3	6.4	10.5	15	7.5	4	37
VI	38	5.6	6.1	6.8	15	7	14	3	39
WA	39	6.7	8.9	5.4	13.5	17.5	18	9.5	57.5
CA	35	6.1	5.5	5.5	16.5	14	11	8	49.5



1. Last September, President Ford announced a program of granting clemency to specific groups of people. Who do you believe these people are?

(Answer ~~e~~ as many as apply.)

- A. Draft evaders and deserters ^{who went} in Canada and other foreign countries.
- B. Draft evaders and deserters who ~~are~~ ^{went} fugitives in this country.
- C. People who protested against the war.
- D. People who served in Viet Nam and got into trouble when they came home.
- E. Draft evaders and deserters who have been punished for their offenses.
- F. Watergate defendants.

2. Approximately 120,000 people were eligible for clemency under President Ford's program, 25,000 of whom applied before the March 31st. application deadline. Most of those who applied had already been punished for their draft evasion or desertion offenses. Their cases are being individually reviewed, with about half being given immediate pardons and the rest offered pardons after a few months of alternative service. Draft evaders and deserters who had never been punished (including those who had ~~had~~ gone to Canada) are offered clemency after about two years of alternative service.

Which of the following statements best characterizes your opinion of the President's clemency program?

- A. I am not in favor of it, because nothing less than unconditional amnesty is worth while.
- B. I am not in favor of it, because it should be more generous.
- C. I am in favor of it, but it should be more generous.
- D. I am in favor of it as it is.
- E. I am in favor of it, but it is too generous.
- F. I am not in favor of it, because it is too generous.
- G. I am not in favor of it, because there should not be any program of clemency for draft evaders and deserters.

3. After clemency is granted to former draft evaders and deserters (most of whom will have completed periods of alternative service), how will you react to them?

- A. I would respect them the same as I respect others in my community.
- B. I would respect them more than I respect others in my community.
- C. I would respect them less than I respect others in my community.

How would you personally react to them?

- A. I would accept them as neighbors.
- B. I would be happy to see them compete for job opportunities equally with others in my community.
- C. I would invite them into my home.
- D. I would allow them to teach my children.



	<u>1st</u> <u>vote</u>		<u>2nd</u> <u>vote</u>	
Walt.	no		no	
Riggs	no		no	
Kauffman	no		no	
Lally		yes		yes
Jordan		yes		yes
Vinson		yes		yes
Ford		yes	no	
Carter	no		no	
Craig		yes		yes
Mayer	no		no	
O'Connor		yes		yes
Fuller		yes		yes
Everhard		yes	no	
Goodell	<u>no</u>		<u>no</u>	
	6	8	8	6

14 Present

Motion Defeated

by grading Cases

will require unanimous
vote in order to present

them to the President

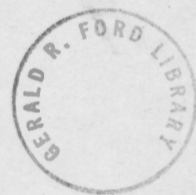
Only 12 or so of W's cases.

76
59
67

76 cases

67-W
9-D

# 1077 - W	# 4739 - W	# - 8725-D
1637 - W	4859 - W	9622 - W
2302 - W	4903 - W	9637 - W
2335 - W	4913 - W	- 9649 - D
2415 - W	4920 - W	10006 - W
2419 - W	4927 - W	10040 - W
2468 - W	4942 - W	- 11606 - D
2539 - W	4956 - W	13418 - W
2552 - W	4977 - W	14022 - W
2803 - W	- 5060 - D	14059 - W
2806 - W	5233 - W	14488 - W
3049 - W	5387 - W	14518 - W
3137 - W	5505 - W	
3340 - W	- 5708 - D	
- 3587 - D	- 5765 - D	
3681 - W	6481 - W	
3685 - W	6794 - W	
3835 - W	- 6798 - D	
3860 - W	6830 - W	
3898 - W	7165 - W	
4011 - W	7332 - W	
4157 - W	7940 - W	
4250 - W	7600 - W	
4336 - W	7919 - W	
4470 - W	- 7972 - D	
4566 - W	8147 - W	
4598 - W	- 8181 - D	
4642 - W	8507 - W	
4671 - W	8513 - W	
4689 - W	8516 - W	
4702 - W	8518 - W	
4737 - W	8519 - W	



AWOL length. — Last AWOL

#10 sincere reasons, ... no.

CASE NUMBER 1-9

TAPE FT IN IN

ATTORNEY 11-25 CARD 1 10
DATE 26-29 # 30-31 PANEL 32

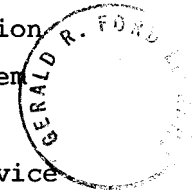
MITIGATING FACTORS

CARD 2 10

AGGRAVATING FACTORS

- 1 Convictions 1 2 3 33
- 2 False Statement 1 2 3 34
- 3 Use of Force 1 2 3 35
- 4 Combat Desertion 1 2 3 36
- 5 Selfish Reasons 1 2 3 37
- 6 A/S Refusal 1 2 3 38
- 7 Probation/Parole V. 1 2 3 39
- 8 Multiple AWOL 1 2 3 40
- 9 Extended AWOL 1 2 3 41
- 10 Failure of O/A 1 2 3 42
- 11 1 2 3 43
- 12 1 2 3 44
- 13 1 2 3 45
- 14 1 2 3 46
- 15 1 2 3 47
- 16 1 2 3 48
- 17 1 2 3 49
- 18 1 2 3 50
- 19 1 2 3 51
- 20 None of the Above 1 2 3 52

- 1 Lack of Education 1 2 3 11
- 2 Personal Problem 1 2 3 12
- 3 M/P Conditions 1 2 3 13
- 4 Employment Service 1 2 3 14
- 5 Disability 1 2 3 15
- 6 Creditable Service 1 2 3 16
- 7 War Zone Tours 1 2 3 17
- 8 Evidence of Unfair 1 2 3 18
- 9 Denial of CO Status 1 2 3 19
- 10 Conscientious Reasons 1 2 3 20
- 11 Voluntarily Submitted 1 2 3 21
- 12 Mental Stress 1 2 3 22
- 13 Combat Volunteer 1 2 3 23
- 14 +Pro/+Con + Cites 1 2 3 24
- 15 Decorations 1 2 3 25
- 16 Wounds 1 2 3 26
- 17 1 2 3 27
- 18 1 2 3 28
- 19 1 2 3 29
- 20 1 2 3 30
- 21 1 2 3 31
- 22 1 2 3 32
- 23 1 2 3 33
- 24 1 2 3 34
- 25 1 2 3 35
- 26 None of the Above 1 2 3 36



FINAL BASELINE 53-54
APPEAL (Y,N) 55
DISPOSITION (P,A,M,T,R,S,C) 56
MONTHS A/S 57,58

BOARD MEMBERS

- | | | |
|---------------------------|---------------------------|--------------------------------------|
| <u>Goodell</u> 1 2 3 37 | <u>Kauffmann</u> 1 2 3 46 | <u> </u> 1 2 3 55 |
| <u>Adams</u> 1 2 3 38 | <u>Craig</u> 1 2 3 47 | <u> </u> 1 2 3 56 |
| <u>Dougavito</u> 1 2 3 39 | <u>Everhard</u> 1 2 3 48 | <u> </u> 1 2 3 57 |
| <u>Finch</u> 1 2 3 40 | <u>Ford</u> 1 2 3 49 | <u> </u> 1 2 3 58 |
| <u>Hesburgh</u> 1 2 3 41 | <u>Lally</u> 1 2 3 50 | <u> </u> 1 2 3 59 |
| <u>Jordan</u> 1 2 3 42 | <u>Morrow</u> 1 2 3 51 | <u> </u> 1 2 3 60 |
| <u>Maye</u> 1 2 3 43 | <u>Puller</u> 1 2 3 52 | <u> </u> 1 2 3 61 |
| <u>O'Connor</u> 1 2 3 44 | <u>Riggs</u> 1 2 3 53 | <u> </u> 1 2 3 62 |
| <u>Walt</u> 1 2 3 45 | <u>Vinson</u> 1 2 3 54 | <u> </u> 1 2 3 63 |

REMARKS

PRESIDENTIAL CLEMENCY BOARD

SOFTBALL SCHEDULE

Wednesday, May 7	Bureau of Social Science Research	Ellipse
Wednesday, May 14	<i>Reebell</i> 6:50 Congressman Peyser	Tyler School
Wednesday, May 21	<i>will be there</i> Architects of U.S. Capitol	Ellipse
Wednesday, May 28	Sen. Republican Policy Committee	E. Potomac #2
Wednesday, June 4	Senator Taft	Ellipse
Wednesday, June 11	Open	Tyler School
Wednesday, June 18	Senator Helms	Ellipse
Wednesday, June 25	Senator Beall	Tyler School
Wednesday, July 2	Senator Jackson	Ellipse
Wednesday, July 9	CIEP-White House	Tyler School
Wednesday, July 16	Senator Charles Mathias, Jr.	Ellipse
Tuesday, July 22	Senator Bayh	Rose Park Field
Wednesday, July 23	Open	Tyler School
Wednesday, July 30	AMTRAK	Ellipse
Tuesday, August 5	Sen. Stone	Anacostia #4
Wednesday, August 6	Sen. Sparkman	Tyler School
Wednesday, August 13	Sen. Abourezk	Ellipse
Wednesday, August 20	Senator Hathaway	Tyler School
Wednesday, August 27	Republican National Committee	Ellipse



NOTE: Tyler School located at 10th & G Sts., S.E.
 Rose Park Field located at 26th & O St., N.W.
 E. Potomac #2 located near Jefferson Memorial
 Anacostia #4 located off Penn. Avenue just past I-295 overpass.



P.C.B.
→



"Well, the majority blew it again."

Lo Chas G.

L. Ford

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Notes	Typed notes regarding panel member, author unknown, 1 page.	N.D.	C

File Location:

Charles Goodell Papers, Box 8, Folder: "Miscellaneous" SMD - 7/8/2015

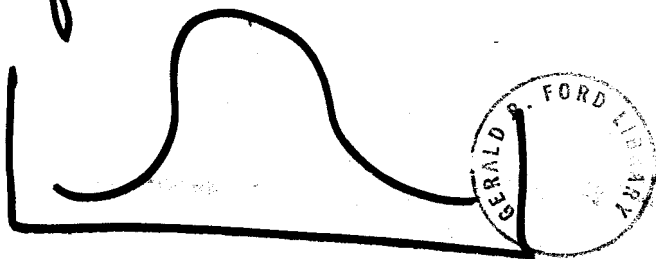
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- (A) Closed by applicable Executive order governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
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Ricks' conclusions:

① Public will accept clemency

② Approval + satisfaction follows bell curve from favorable to unfavorable



③ Higher educ. is more generous

④ Vets marginally less generous

⑤ Non + viet vets are same or more (+) than vets.

BACK

⑥ VFW is not very rep. of its total population.

3.

	Total	Vets	Vet Vets	Non Vets
Parkon w/ alt sew.	50	51	52	47
Uncond. An.	20	17	19	25
No Chem.	23	25	25	20

- ① Non vet marginally better (+) than vet.
- ② Vet vet same as total vet.

4: Extend Deadline

	T	V ₂	V ₁	Non Vet
Y	44	41	46	51
N	50	53	50	43

① Non vet is more (+) than vet by large %

② More (+) among young + college

③ Vet vet more (+) than vet. as whole

5: Welcome

	T	V	VV	NV	No
Less	13	15	12	10	14
More	5	5	7	4	6
Same	77	75	77	80	80
Very	77	75	77	80	80

① V. Ver (++) than public
at large

② If add "more" + "same"
85% will be (+)

~~Very few of the respondents of the survey~~

72% heard of elem. prog.

76% of the 72% - fugitives,
college educ. - twice as often as non-fugitives

17% w/ served in VN & deserted.

18% w/ convicted & punished.

VN vets same as non-vets,
marginally more acceptable.

85% - will welcome - same
or more respect.

79% + 6%.



WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Note	Handwritten notes, 1 page	N.D.	C

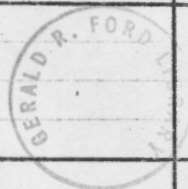
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AS OF	TYPE OF CASE	GROSS TOTAL NUMBER	ALREADY HEARD	REMAIN TO BE HEARD	
				BY PANEL	BY FULL BD
1. 8/25	TABLED CASES	500 (+50)	345	155 [✓] (+50)	
2. 8/25	FULL BD. CASES	631 (+90)	452		179 (+90)
3. 8/25	VA./UP CASES	360 (+36)	205	155* (+36)	
4. 8/25	FLAGGED	167 <small>NO CEC DECISION</small> (+500)	5		70
5. 8/25	PERSONAL APPEARANCE	25	5		20
6. 8/19	RECONSIDERATION (NEW INFORMATION)	300 (+400)	180	120 (+400)	
7. 8/25	NO JURIS/JURIS	66	36	30 [✓]	
8. 8/25	UNWRITABLE	750 (500 NO INFO)		120 REG. 130 P/P*	
9. 8/25	REGULAR PANEL	1750		1750	
10. 8/25	APPEAL RECONSIDERATION	11 (+1000)		(+1000)	
TOTAL				1990 (1450)	269



✓ INCLUDED IN 1750 FOR THIS WEEK
 * SPECIAL PANEL, VA/UPGRADE OR PURPLE PANEL

79 CASES: (ALL SUMMARIES IN HAND)

33% (26) PROBABLY ELIGIBLE FOR UPRADE/BENEFITS (I.E., NO EVIDENCE TO THE CONTRARY)
25% (20) QUESTIONABLE
42% (33) ~~AND~~ LESS THAN 180 DAYS GOOD TIME; INELIGIBLE FOR BENEFITS



- 210 - <180
 212 - <180
 213 - <180
 217 - ELIGIBLE
 219 - ELIGIBLE
 220 - M.E.; Low P/C
 221 - ELIGIBLE
 223 - ELIGIBLE
 224 - ELIGIBLE
 227 - <180
 228 - ELIGIBLE
 232 - <180
 237 - ELIGIBLE
 239 - <180
 240 - <180
 243 - <180
 244 - M.E., OTHER OFFENSE
 245 - <180
 247 - ELIGIBLE
 249 - <180
 250 - M.E.; MIXED P/C
 251 - ELIGIBLE
 252 - M.E., OTHER OFFENSE
 253 - TIME UNCLEAR; MIXED P/C
 254 - ELIGIBLE
 256 - <180
 257 - ELIGIBLE
 258 - ELIGIBLE
 260 - <180

29 cases
 12 E
 5 ME
 12 IE <180



DAYS SPENT BY CHAIRMAN GOODELL ON CLEMENCY BOARD ACTIVITIES.

September

17
18
19
20
23
24
25
26
27
30

10 days

October

2
3
4
7
8
9
10
14
15
18
21
22
23
24
25
29
30
31

18 days

November

1
4
5
6
7
8
11
14
15
18
19
20
21
22
23
25
26
27
29

19 days



CEG DAY, cont'd.

2

December

2
4
5
6
7

5 days

TOTAL

52 days

President Ford's clemency program for Vietnam-era draft evaders and deserters has certain problem areas. We have outlined them in general terms and proposed solutions in this memo. And in addition, we have noted various other steps that should be implemented to improve the program and give it the appearance of being more fair.



1. As we understand the program from reports in the local newspapers this week, the length of alternative service for the resister is to be determined by the U. S. Attorney in each judicial district with "central guidelines" laid down by the Deputy Attorney General.

This approach only partially minimizes one of the major problems of the pre-clemency ~~program~~ system: grossly unequal prosecution depending on the prosecutorial philosophy of the individual U. S. Attorney.

It is our view that prosecutors, as such, should not be adjudicators of the lengths of alternative service. Even with central guidelines, which presumably guide their exercise of discretion in all cases, unreasonable disparities can occur.

We believe that it would be preferable for a quasi-judicial body of nationwide jurisdiction to be available

to review the length of alternative service for resisters who choose to accept this clemency. Such a body would insure uniformity in alternative service terms. Justice Department guidelines, even if issued as regulations, would not do this without some provision for review.

The above comments are equally applicable to the manner of implementing the clemency program in the military departments. One board should be established to review the terms of alternative service of the deserters seeking clemency.

In our view, these boards should include persons who are not Justice or military department officials thereby de-emphasizing the law-enforcement influence.

2. Many resisters seeking clemency may not need it; they may not have violated the selective service law. Others may fear the consequences of disclosing themselves for any number of reasons.

We believe that a public defender service should be established for those persons who cannot afford an attorney so that they can be adequately advised of their legal rights. This problem underscores our point that prosecutors should not be adjudicators of clemency. The

prosecutor's function is, by its nature, inconsistent with the interests of the person seeking clemency. This problem may be greater or worse for deserters depending on whether the military would provide them with free legal advice not subject to command pressure.

In either case the right to counsel, appointed by the "court," must be insured *and is probably a Constitutional requirement. See, for example, Betonie v. Sizemore, 496 F.2d 1001 (5th Cir. 1974).*

3. This program leads us to conclude that, even if it were to work fairly, it gives the appearance of working unfairly in the ways we mentioned above.

Beyond the steps we recommended above, we intend to attempt to interest the American Bar Association in setting up a project to monitor the administration of this clemency program and to provide counsel to young men seeking information and legal advice on the clemency program. To be meaningful, such a program would require much cooperation from the Government. Funding might also be necessary, perhaps from LEAA.

* For a general discussion on an accused's right to counsel, see *Argersinger v. Hamlin*, 407 U.S. 25, 925 Ct. 2006, 32 L Ed. 2d 530 (1972).

As of this Am - Strauss said

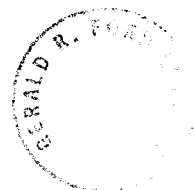
Total cases: 15,468

of these - 910
processed by
other agency

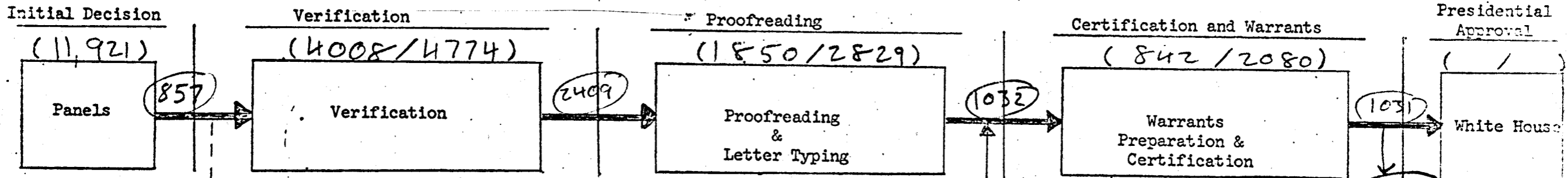
Total PCB
will have received 14,558

President has 5376

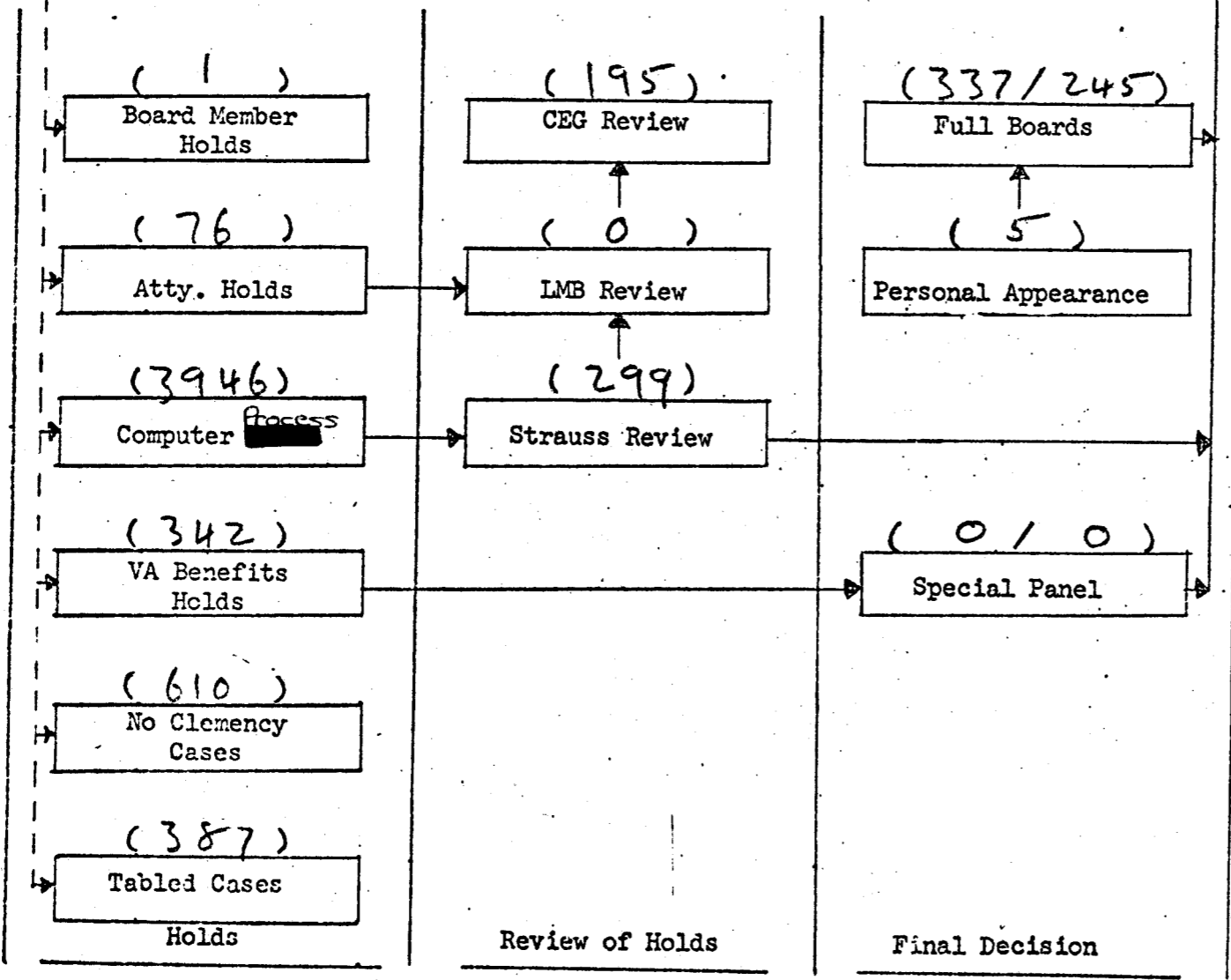
Has signed 2402



P R E P A R A T I O N O F P R E S I D E N T I A L P A C K E T S



767 returned;
net = 264



As of C.O.B.
Friday, 8 Aug.



Notes

- ① Jack estimates moving 1550 to Leonard during week ending 8/15.
- ② On 8/12, computer will release 500 to Jack + send 200 to Toby for review

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

3/6/75

Docket I: Cases for which personal appearance at PCB has been requested by attorney:

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
1 74-032-GDE-C	RIPE		Most recent response 2/3/75	Broder
2 74-067-MLT-C	RIPE			Lohff
3 74-007-BMW-C	12/29			Heitz
4 74-089-TSA-C	12/29			Hickman



3/6/75

Docket II: Tabled cases:

	PCB Case No.		Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
1	74-202-FFR-M	9 mos	12/26	12/30		Starek
2	74-216-HWX-M	3 mos	12/26	12/31		Broder
3	74-445-BLH-M	6 mos	12/26			Broder
4	74-371-GEX-M	6 mos	12/26	12/30		Broder
5	74-211-HTN-M	6 mos	12-27			Starek
6	74-295-ARA-M	3 mos	12/27	12/31		Broder
7	74-214-HGX-M	6 mos	12/27	12/31		Broder
8	74-375-HDK-M	6 mos	12/31			Starek
9	74-433-NKL-M	P	12/24			Lohff
10	74-385-HWM-M	(T) Tabled	12/26	12/31		Lohff
11	74-512-PBW-M	3 mos	12/16	11/18		Hickman
12	74-109-BSW-M	8 mos	RIPE			Starek
13	74-197-ELH-M	10 mos	RIPE			Starek
14	74-180-CCA-M	3 mos	RIPE			Robinson
15	220	3 mos				

3/6/75

Docket III: Recent applications:

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
1 74-710-HEX-C	3 mos	RIPE		Strauss
2 74-82-SRX-C	3 mos	RIPE		Poole
3 74-099-WAN-C	Pass	RIPE	(Oppenheimer case withdrawn)	Poole
4 74-042-HJX-C	3 mos	1/28		Heitz
5 74-083-SJL-C	8	10/15		Klein
6 74-010-BSH-C	3 mos	RIPE	12/29	Kodak
7 74-029-EKA-C	12 mos	RIPE		Lohff
8 74-528-CWA-C	9 mos	2/5		Lohff

3/6/75

Docket IV: Cases for whom summaries have been written and mailed:

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
1 74-456-RML-M	1/8			Broder
2 74-165-BGL-M	1/8	1/13		Broder
3 74-338-DDW-M	1/8	1/10		Robinson
4 74-246-RWL-M	1/8			Dancheck
5 74-181-CPL-M	1/8	1/11		Broder
6 74-301-BCL-M	1/8			Dancheck
7 74-334-CJW-M	1/11	1/15		Dancheck
8 74-365-DAD-M	1/11	1/15		Dancheck
9 74-309-BAA-M	1/11			Dancheck
10 74-194-DML-M	1/11	1/15		Broder
11 74-425-MRE-M	1/11	1/17		Robinson
12 74-441-PRX-M	1/11	1/16		Robinson
13 74-190-DLX-M	1/10			Puller
14 74-191-DCM-M	1/10			Puller
15 74-415-MCC-M	1/11			Robinson
16 74-236-MIL-M	1/11	1/13		Lohff
17 74-153-KTL-M	1/28	1/30		Lohff

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
18 74-281-PCS-M	1/28			Heitz
19 74-469-SRX-M <i>6 mos</i>	1/28	1/30		Klein
20 74-394-JDR-M	1/28	1/31		Heitz
21 74-504-RDE-M	1/28	1/30		Lohff
22 74-386-HGE-M	1/28			Lohff
23 74-510-RRL-M	1/28			Heitz
24 74-336-CJV-M	1/28	1/31		Kodak
25 74-380-HJL-M	1/28			Dancheck
26 74-220-JRX-M	11/18			Dancheck
27 74-518-ORX-M	1/28			Heitz
28 74-399-HJD-M	1/28	1/31		Heitz
29 74-142-SDE-M	1/31			Kodak
30 74-145-SMJ-M	1/31			Hickman
31 74-181-CPL-M	1/31			Broder
32 74-262-F-SME-M	1/31			Poole
33 74-371-GEX-M	1/31			Broder
34 74-474-SRX-M <i>P</i>	1/31			Klein
35 74-488-WSJ-M	1/31			Kodak
36 74-388-IJM-M	1/31			Lohff

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Received	PCB Attorney
37 74-445-BLH-M	1/31 (re-mail)			Broder
38 74-280-VEM-M	2/3			Heitz
39 74-583-WCX-C	2/3			Kodak
40 74-506-MWS-M	2/3			Lohff
41 74-526-BJW-C	2/3			Heitz
42 74-493-WJD-M	2/3			Kodak
43 74-261-EJP-M	2/3			Poole
44 74-558-MMH-C	2/4			Lohff
45 74-264-BKE-M	2/4			Lohff
46 74-612-HRM-M	2/4			Kodak
47 74-439-LRP-M P	2/4			Klein
48 74-342-DJX-M	2/4			Heitz
49 74-630-SDL-C	2/4			Kodak
50 74-296-AGJ-M	2/4			Broder
51 74-334-CWW-M	2/4			Kodak
52 74-523-BFX-C	2/4			Heitz
53 74-495-WAL-M	2/4			Hickman
54 74-419-BVL-M	2/4			Heitz
55 74-409-LJE-M	2/4			Broder

PCB Case No.	Date PCB Summary Mailed	Date PCB Summary Received	Date Response Date	PCB Attorney
56 74-300-LDS-M	2/4			Broder
57 74-958-ZFJ-C	2/4			Klein
58 74-627-WFX-M	2/4			Broder

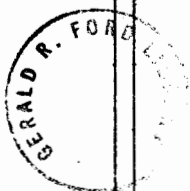
Presidential Clemency Board Meeting
May 8-10, 1975



	<u>8th</u>	<u>9th</u>	<u>10th</u>
Dr Adams	Yes	Yes	Yes
J. Bongiovito	Yes	Yes	Yes
J. Mayz	Yes	Yes	Yes
Mrs. O'Connor	Yes	Yes	Yes
General Walt	Yes	Yes	Yes
Father Hesburgh	no	no	no
Vernon Jordan	no	no	no
Robert Litch	no	no	no

4/18/75

Case Summary Distribution



By the afternoon of May 16,
600 case summaries were
distributed to board members.
200 cases for panels W, X, Y, Z
were mailed to board members
prior to the last meeting. A
double check was completed by
5/14 to ensure members had
them.

Panel D distribution:

Cases 1-50 - mailed 5/15

" 51-100 delivered by
courier / air -
on 5/16

Panel E

1-50	mailed	5/13
51-75	mailed	5/15
76-100	via courier	5/16

Panel F

1-50	mail	5/13
51-100	via courier	5/16

Panel G

1-75	mailed	5/15
76-100	via courier	5/16

M. OWEN

AM, 5 June (Fri.)

Panel R, Lally, Morrow, Walt



1. Lally-Walt stand offs (not frequent this morning, but 2 or 3 set-jaw sessions): Walt seemed to cow Morrow and Lally several times into going up norths simply for prevention of a more serious standoff.
2. Applying aggravating 5 where no reasons were available (most these cases flagged)
3. Sen. Walt wanted, in one case, to apply aggravating 10 when:
 - (a) the ship movement (Navy) missed was not necessarily overseas; and
 - (b) wanted to assume that during the 2 1/2 month AWOL, the ship did go overseas.
4. Aggravating 11 cases were flagged pending final disposition of the substantive issues involving that factor

DATE: 7-10-75 THURSPANEL: KDOCKET BLOCK: 9 AM
Time

CASE NO.

ATTORNEY

COMMENTS

	CASE NO.	ATTORNEY	COMMENTS
1.	555 - LJA - C	GOTTKE	P
2.	566 - NCA - C	THOMPSON	P
3.	13091 - SFU - M	THOMPSON	P
4.	1173 - CEF - M	TERELLE	3 mos
5.	3784 - CNM - M	TERELLE	8 mos
6.	4112 - SJA - C	TERELLE	P
7.	4145 - KJA - M	TERELLE	P
8.	4716 - HGET - M	TERELLE	6 mos
9.	13864 - PJA - M	TERELLE	P
10.	1675 - RMJ - M	COLE	P
11.	5186 - WAX - M	SPENCER	9 mos! Hot checks
12.	5450 - KCR - M	EDWARDS, DOUG	
13.	6910 - MJW - M	EDWARDS, DOUG	
14.	5523 - KCR - M	EDWARDS, L.R.	
15.	7125 - CTC - M	DUCOMB	
16.	13856 - PRL - M	DUCOMB	
17.	6626 - HLR - M	SMITH, BRIAN	P
18.	6882 - FGC - M	SMITH, BRIAN	P
19.	7140 - CTC - M	JAROSLOVSKY	
20.	7246 - UCR - M	JAROSLOVSKY	
21.	11805 - JEX - M	JAROSLOVSKY	
22.	13137 - SDR - M	JAROSLOVSKY	
23.	14578 - EME - M	JAROSLOVSKY	
24.	15706 - BML - M	JAROSLOVSKY	
25.	9686 - CGT - M	WAGGENER	
26.	14187 - TJK - M	WAGGENER	
27.	14188 - THM - M	BAUGHMAN	
28.	14417 - PMX - M	POWELL	
29.	15196 - LDW - M	COWEN	
30.	15755 - HKR - M	GRAY	



Panel Counsel: _____

AGC Team: _____

HILBERT

KAUFFMAN (C)

T.H.P.

P.C.B. PANELS/FULL BOARD SCHEDULE FOR THE WEEK OF
AUGUST 4 - AUGUST 8

MONDAY, AUGUST 4 - A.M. and P.M. - READING

TUESDAY, AUGUST 5 -

<u>PANEL E (125 cases)</u> Kauffmann (Chairman) Puller Carter	<u>PANEL F (125 cases)</u> Ford (Chairman) Riggs Craig	<u>PANEL G (125 cases)</u> O'Connor (Chairman) Walt Everhard	<u>PANEL H (125 cases)</u> Maye (Chairman) Dougovits Vinson
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WEDNESDAY, AUGUST 6 - A.M. and P.M. - FULL BOARD CASES

Begin at 9:00 A.M. to consider:

1. Cases from the full board packet dated July 2, 1975, beginning with case no. 57 on the July 2, 1975 Docket (Neil Border's Team) PCB Case No. 7859 subsequent cases on the same docket are: 7924, 8139, 8167, 8181, 8372, 9553, 9584, 9828, 9974, 11196; (Dancheck's Team) 2864 and 4054
2. Full Board Docket No. - 7 = 35 cases
3. Full Board Docket No. - 8 = 25 cases
4. Full Board Docket No. - 9 = 25 cases
5. Full Board Docket No. -10 = 25 cases = 124 cases

THURSDAY, AUGUST 7 - A.M. - FULL BOARD CASES

(Carry-Over of Wednesday Full Board Cases to be considered)

P.M. - READING



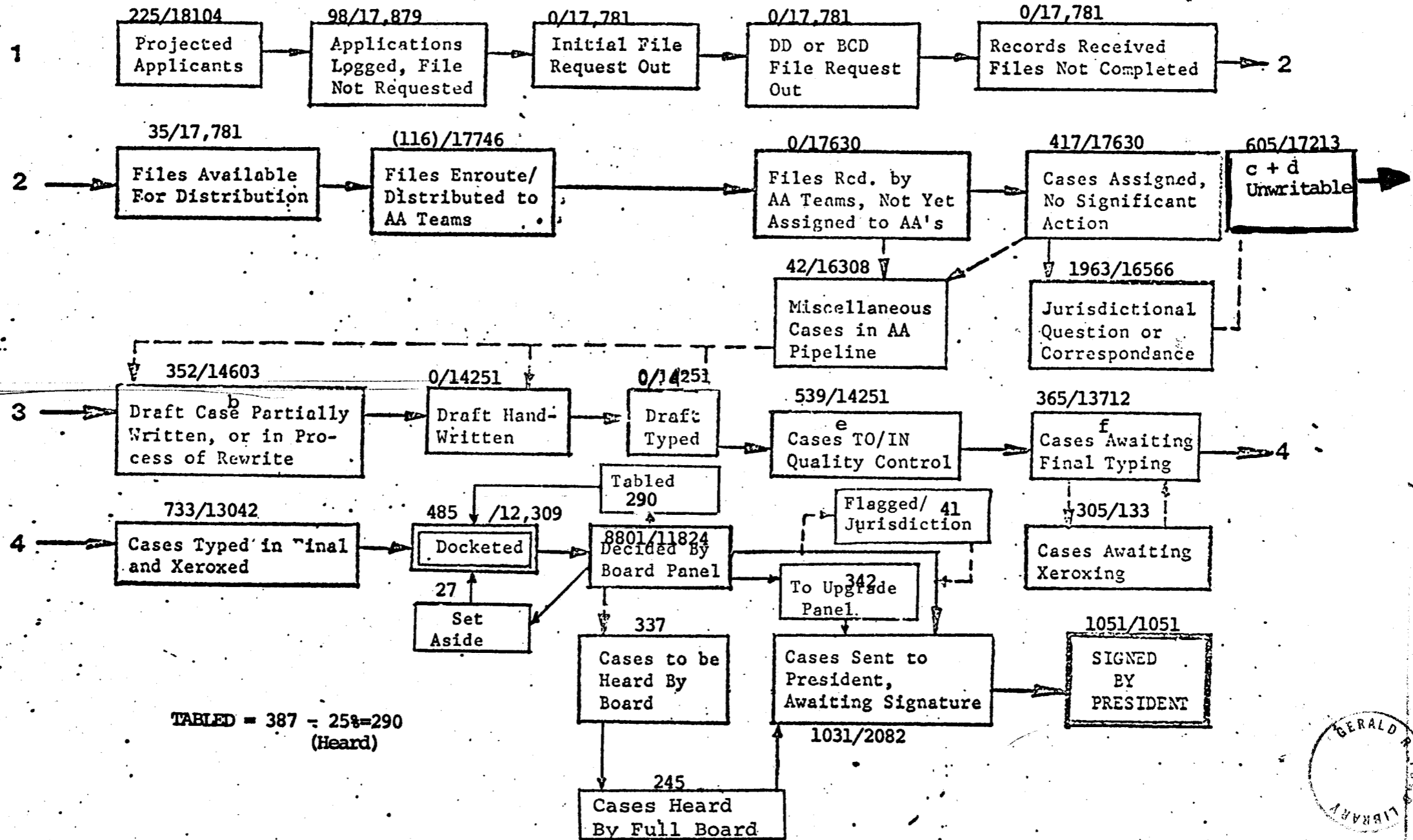
FRIDAY, AUGUST 8 -

<u>PANEL E (125 cases)</u> Kauffmann (Chairman) Puller Carter	<u>PANEL F (125 cases)</u> Ford (Chairman) Riggs Craig	<u>PANEL G (125 cases)</u> O'Connor (Chairman) Walt Everhard	<u>PANEL H (125 cases)</u> Maye (Chairman) Dougovits Vinson
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PLEASE NOTE: The Minimum Number of cases for a Panel to complete each day (Tuesday and Friday) this week is 100 if you are able, please complete the entire 125 docketed each day.

Jay Racine

CASES IN PCB PIPELINE AS OF 11 Aug 75



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

August 22, 1975



DIRECTIONS TO ROOSEVELT ROOM FROM SENATOR GOODELL'S OFFICE

1. Exit room 360, make a left out the door.
2. Proceed down the hallway to the first elevator on your left (approximately 2/3 the distance down the hallway).
3. Take the elevator to the ground floor, "G".
4. Make a left out the elevator through the double doors into the driveway.
5. Make a left outside the double doors down the drive to the guard shack. The guard will check your name against the list but you will not need to show your I.D. here.
6. Proceed down the drive across the street to the White House. Enter through the nearest doors (diagonally across the street from the guard shack).
7. Inside the White House you will encounter Guard no. 2. This guard will request to see an I.D. card so you should have it ready.
8. Opposite guard no. 2's desk, is the elevator you should take to the first floor "1".
9. Make a right out the elevator to the hallway then a left down the hallway through the square archway (approximately 1/2 the distance down the hallway).
- 10 The Roosevelt Room is ~~XXXXXX the door on your left just inside the square~~
~~XXXXXX~~ inside the door on your left just beyond the second archway.

GOOD LUCK

Bob

Sequoia
Monday 8/25/75

Walt No
Puller Yes & wife
Everhard Yes & friend
Riggs Yes & friend (?)
Vinson Yes & son
Craig Yes & ? (date)
Carter Yes & ? (date if in town)
Lally UNABLE TO CONTACT
Morrow Yes & spouse
Kauffmann Yes & spouse
Ford Yes & friend (?)
O'Connor Yes & husband
Adams Yes & friend (?)
Dougovito Yes & wife
Maye Yes & spouse
Hesburgh UNABLE TO CONTACT
Jordan NO



Jim Poole

8/28/75 Thursday,

Docket 14

- #3255 - ok FB CIA
- * #11203 - No CIA
- #12121 - ok FB CIA
- #10015 - ok FB CIA



Docket 18

- * #9988 - No CIA
- * #3265 - No CIA
- * #3356 - No CIA

[#6649] President has signed, that's why it was removed from docket. CIA

Docket 19

- #1664 - ok FB CIA
- #1773 - ok FB CIA
- #1810 - ok FB CIA
- * #7544 - No CIA

Docket 20

- * #5722 - No CIA
- #10459 - ok FB CIA

Docket 21

- * #8891 - No CIA
- #11174 - ok FB CIA

8/29/F

Docket 22



- #1153 - ok FB cut
- #3066 - ok FB cut
- #816 - ok FB cut
- * #5724 - no cut
- * #7689 - no cut
- #10374 - ok FB cut
- * #10442 - no cut
- #774 - ok FB cut
- #3014 - ok FB cut
- #046 - ok FB cut
- #1374 - ok FB cut
- #3029 - ok FB cut
- * #7383 - no cut
- ~~#10159~~ - ok FB cut
- #10462 - ok FB cut
- * #8195 - no cut
- #2311 - ok FB cut
- #045 - ok FB cut

MEMORANDUM
OF CALL

TO:

Goodell + Baskin

YOU WERE CALLED BY—

YOU WERE VISITED BY—

Prof. Anthony

OF (Organization)

PLEASE CALL →

PHONE NO.
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

*Said he thinks you
have done an
excellent job*

RECEIVED BY

J

DATE

9/11

TIME

2:40

STANDARD FORM 63
REVISED AUGUST 1967
GSA FPMR (41 CFR) 101-11.6

GPO : 1969-048-16-80341-1 322-889

63-108

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

September 10, 1974

PANEL/FULL BOARD SCHEDULE FOR SEPTEMBER 10th THRU SEPTEMBER 15th.

WEDNESDAY-SEPTEMBER 10th- Full Board Cases. Packets 25, 26, 27, and 28.

THURSDAY-SEPTEMBER 11th- 9:00am to 1:00pm will be Full Board.
1:00pm to 2:00pm- Lunch.
2:00pm to 3:00pm- Personal Appearance, P.C.B.
Case # 854-AMX-M.
3:00pm to 6:00pm will be Full Board Cases.

FRIDAY-SEPTEMBER 12th- Full Board Cases all day.

SATURDAY-SEPTEMBER 13th- Remainder of regular panel cases. Panels A,B,C.

PANEL A
Vinson
Kauffman
Craig

PANEL B
Everhard
Puller
Riggs

PANEL C
Walt
Maye/Ford
O'Connor
Morrow

SUNDAY-SEPTEMBER 14th- Purple Panel and the Upgrade Panel will meet.

MONDAY-SEPTEMBER 15th- Full Board will meet all day.



AUDIT BY GENERAL ACCOUNTING OFFICE

Section 22. Authorizes the General Accounting Office to conduct comprehensive audits of the Corporation loan and guarantee applicants, borrowers and recipients of loan guarantees.

AUTHORIZATION OF APPROPRIATIONS

Section 23. Provides for appropriation, without fiscal year limitation, of \$1 billion to finance the purchase of Corporation stock. Also authorizes the appropriation of such sums as may be necessary to pay the difference, if any, between the cost of Corporation obligations and the interest received by the Corporation on its loans, and to reimburse the Corporation to the extent of any defaults. Authorizes such additional sums as may be necessary to establish and operate the Corporation and otherwise carry out the purposes of the Act.

**STAR SUPPORTS IMPROVEMENTS
IN PAYSETTING POLICY FOR
MEMBERS AND FEDERAL EMPLOYEES**

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. HARRIS. Mr. Speaker, with the votes and debate on several aspects of the issue of salaries of Members of Congress and Federal employees not far behind us, I am pleased to share with my colleagues a recent editorial from the Washington Star endorsing efforts embodied in two of my bills. The Star calls for two revisions: eliminating the President's authority to propose an annual comparability amount differing from that of his or her advisers and separating Members' salaries from that of Federal employees.

I have introduced two bills that do exactly that: H.R. 9905, which removes the President's authority from the procedure under which annual comparability adjustments are made and H.R. 10042, which would abolish the current method for changing Members' salaries. H.R. 9905 has 21 cosponsors; H.R. 10042, 14 cosponsors.

I would also like to bring Members particular attention to the Star's preference for taking Members' salaries out of the Federal employees salary-setting process. I heartily agree with the Star's contention that "the self-interest factor would be removed from congressional debate."

The editorial follows:

SEPARATE CONGRESSIONAL PAY

Now that the latest federal pay issue has been settled, Congress should devise a better way to handle this annual hassle.

The 8.66 per cent increase recommended for civilian workers and military personnel by a federal pay commission was never debated on its merits. They had to settle for the 5 per cent set by President Ford because Congress, for political reasons, was afraid to override him.

Congressmen wouldn't override the President: because they have tied salary increases for themselves into the federal employe pay-procedure. The more money they vote for federal workers and the military, the more they vote for themselves.

There are two ways to remedy the problem. One backed by several members of the House Civil Service Committee would eliminate the President's authority to offer alternate pay plans: any increase recommended by the federal pay commission would go into effect automatically. Under existing law, the President can submit an alternate plan and it goes into effect unless vetoed within 30 days by either the House or Senate.

Another solution—one that we prefer—would separate congressional pay from that of federal employees. The President would continue submitting alternate plans from those of the pay commission, but the self-interest factor would be removed from congressional debate.

There is room for debate on the merits and economic effects of alternate pay plans. And Congress, which must raise revenues to run the government, should have the final say. But it is unfair to the 3.5 million civilian workers and military personnel to have the decision hinge on the politics of congressional pay raises.

THE LATE HON. JOHN J. ROONEY

SPEECH OF

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1975

Mr. ROONEY. Mr. Speaker, since August of 1963 until the 94th Congress convened, whenever the name Rooney was called in this Chamber it was followed by the words "of New York" or "of Pennsylvania" to distinguish between John J. Rooney of Brooklyn and myself.

In part, because we shared the same name, John Rooney and I were great friends during the years we served together in the House. His death Sunday, October 26, following surgery at Georgetown University Hospital meant, to me, the loss of a good and dear friend.

Through shared names, we came, also, to share mutual enjoyment of Irish humor, interest in each other's biennial congressional campaigns, and during one campaign several years ago John shared with me some of his "Rooney for Congress" campaign buttons.

During his 30 years in the House of Representatives, John Rooney grew in public stature and became recognized as one of the most influential Members of Congress. For many of those years, he chaired the Subcommittee on Appropriations for the Departments of State and Justice and the Judiciary.

He was an ardent foe of frivolous programs or spending excesses, and served his constituency and all Americans well by his careful scrutiny of the manner in which their tax dollars were being spent.

Mrs. Rooney and I share with his dear wife and their family the sadness of John's passing. To them, we extend our most sincere sympathy.

While the sense of loss weighs heavily on all his loved ones, friends and former associates, we can derive much comfort from the knowledge that his lifetime was full and rich with the satisfactions of outstanding service to his fellow man, his city, State, and Nation. We shall miss him.

**DISTURBING REPORTS ON THE
PRESIDENTIAL CLEMENCY PROGRAM**

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. ASHBROOK. Mr. Speaker, in stark contrast to the sacrifices exacted of over 56,000 servicemen killed in Vietnam, over 300,000 wounded, the POW's and the MIA's, reports of soft and preferential treatment of Vietnam era draft dodgers and deserters under the clemency program could easily provide the American voter with a key issue in the 1976 elections. A recent AP dispatch began:

Two-thirds of the deserters who joined President Ford's clemency job program have dropped out, been kicked out, or processed out by the military without reporting for jobs, and will escape punishment without completing their assigned work.

According to the dispatch almost 4,503 deserters who joined the program, or 2,035 men, have either dropped out or been kicked out. Selective Service officials add that these "were terminated for non-performance, for lack of cooperation and because they chose not to fulfill their agreements in many cases." Another 1,000 men handled by the military never reported for jobs at all. This total of approximately 3,035 men have been given discharges and will escape punishment for desertion and will not be compelled to complete their assignments under the program.

A New York Times article of September 15 commented further:

The military is prevented from prosecuting program dropouts since they have all been officially separated from the service, and the Government, for political as well as legal reasons, has indicated it will not prosecute even the most flagrant examples of bad faith among those who have broken the agreement.

This phase of the clemency program was handled by the Department of Defense and involved unpunished deserters. Unpunished draft dodgers reported to a U.S. attorney with the Justice Department implementing this phase of the program. Convicted deserters and draft dodgers and those still serving sentences for such violations applied to the Presidential Clemency Board for relief. The clemency program was established by President Ford on September 16, 1974, and all clemency applications had to be filed no later than March 31, 1975, the cut-off date for the program. Applicants, either draft dodgers or deserters, could be relieved of prosecution and punishment if they presented themselves to the proper department before March 31, executed an agreement acknowledging their allegiance to the United States, pledged to fulfill a period of alternative service under the auspices of the Director of Selective Service and satisfactorily completed such service.

In the case of the deserter, when he elects to seek relief through the program, he receives an undesirable discharge. Upon completion of his alternative service he receives a clemency discharge in recognition of his fulfillment of the re-

American Institute of Architects, will establish a nationwide communications base to provide interested individuals with information about the heating and cooling of buildings, the stored solar energy in winds, water and plants, direct solar thermal conversion, electricity from the sun—photovoltaic conversion, architectural applications and storage systems. The exhibit will emphasize the potential and practicality of solar energy.

Large and small versions of the exhibits are planned which will circulate through major science and technical centers of the country and also small museums and educational institutions. Plans call for the exhibit to start traveling in the spring of 1976 and continue on the road for 2 years. Eventually, a nationwide solar communication center will be set up to provide current information and educational materials on solar energy.

The exhibit has been designed by Joseph Wetzel and Associates of Stamford, Conn., and is funded in part by NSF. It contains working models, a theater, and communication center and has been structured in a way to allow the host institution to supplement its materials with its own films, symposia, and lists of speakers, researchers, architects, and manufacturers.

Mr. Speaker, we are very proud of this product of Colorado ingenuity and initiative in the field of solar energy. I hope my colleagues will watch for arrival of the exhibit in their districts and encourage the public to take advantage of it.

MAYOR DUMKE ELECTED PRESIDENT OF THE ILLINOIS MUNICIPAL LEAGUE

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. RUSSO. Mr. Speaker, I have the privilege of being friends with a unique and wonderfully warm and gifted human being. This fine gentleman would deserve recognition just for the kindness, decency and strength he brings to situations and to all who know him. But in addition to these sterling qualities of character, he has excelled as a leader in municipal affairs and as a talented public servant. Serving in his fourth term as mayor of Oak Lawn, Ill., he was recently elected president of the Illinois Municipal League. I can think of no individual more deserving of this honor than Mayor Fred M. Dumke.

Mayor Dumke is a most persuasive and far-sighted leader who is responsible for instituting the highly effective council-manager form of government in Oak Lawn. He has been in the forefront of efforts to better municipal procedures. This is not surprising, for he is surely one of the most knowledgeable people in the country when it comes to municipal government. While serving for 8 years as village trustee in Oak Lawn he also worked diligently in the area of instituting public improvements within the com-

munity, such as storm sewers, paving, sanitary sewers.

In addition to the energy and enthusiasm he brings to the office of mayor, Mr. Dumke still has time for other community involvements. He is a member of the Shriners, Oak Lawn Lions, an honorary member of the Sertoma and Oak Lawn Elks. As a member of St. Raphael's Episcopal Church he served as one of the three members on the building committee and supervised its construction in cooperation with the Diocese of Chicago and the Bishop. He is executive vice president and one of the principals of George Washington Savings & Loan Association.

But still there is time for even more for one with a heart the size of Mayor Dumke's; time for working for the Park Lawn School and the Garden School for the retarded, for example. Not only is he a strong supporter and fund-raiser for the YMCA and Boy Scouts, but he has also served as district vice chairman of the Timber Trails District and the previous district of Woodlawn.

He has served as second vice president of the Palos-Orland-Worth Area Council and is also one of the council's 25 directors. Vice chairman of the Chicago-Cook County Committee on Criminal Justice, past president of the Illinois Planning Commission—there could be presented a seemingly endless list of the mayor's involvement in his community and State.

Yet, no matter what achievements are sighted on paper, there is still missing from any such roster the "achievement" of being a most extraordinary human being with a special warmth and endearing personality. Perhaps I can sight just one incident that will demonstrate the caliber of this man, not just as a public leader but as a human being.

In 1967 Oak Lawn was hit by a devastating tornado. The town was at a stand still; the havoc and ruin appeared overwhelming. Mayor Dumke was on his feet three solid days, on the crutches he has used since his bout with polio. He never once slowed down. He seemed to be everywhere, bringing hope and courage to the citizens, supervising the recovery program, finding people places to live, arranging for the rebuilding. He pulled that town back together and from 5:30 Friday, when the tornado struck, until Monday, Mayor Dumke was a "tornado" himself.

So, today I want to pay special and heartfelt tribute to Mayor Dumke and congratulate him on his election as President to the Illinois Municipal League. I know I speak for many people when I commend him for his past accomplishments and wish his continued success in the future.

URBAN ILLS

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. EDGAR. Mr. Speaker, the House will be considering next week legislation with far-reaching philosophical, finan-

cial and social implications, H.R. 10481 has evolved amidst extended controversy, and each of us has been bombarded with a steady stream of reports, papers, and newspaper articles assessing the merits of action or inaction. Many of these articles have been helpful to me in obtaining an historic perspective into the problems of New York City, and an insight into the projected impact of the various legislative proposals which have been advanced.

One newspaper article in particular has impressed me with its dispassionate analysis, yet brilliantly drafted style. The article, entitled "Urban Ills," by David Broder of the Washington Post, was published today. I recommend it as required reading for those Members who are seeking the essence of what the issues are today, and what the issues may be tomorrow.

URBAN ILLS

(By David S. Broder)

President Ford's preference—which is shared by most politicians of both parties in Congress—is to treat the New York City problem as the last act of a morality play. The wicked wastrel gets his deserved comeuppance and is forced to repent for past sins by declaring default.

It's a play well-tailored to the anti-government sentiments of the national audience. It's also a way for the President and like-minded politicians to conceal from the country the reality that we face.

I do not refer here to the financial and psychological consequences of a New York City default. Whatever those are will be known soon enough.

The concealed reality is that the basic forces that have pushed New York City to the brink are operating inexorably against other old big cities, and will leave them equally exposed to financial ruin unless we as a country face up to some facts we have spent 25 years ignoring.

Most important of these facts is that what we call a city is a legal-geographic trap maintained by the outside majority as a means of isolating problems we are not prepared to face and solve. The historic refusal to let most older cities expand their legal borders to incorporate the "real cities" they have become makes it ludicrous, if not indecent, for the President and other Potomac moralizers to lecture New York on the need for self-reliance.

The real New York City is an area of some 15 million people, spanning three states. The legal New York City is a fraction of that area, with 7.5 million people jammed into its confines.

The selection of which people live inside and outside the borders of legal New York City is not random; it is the end-product of two generations of national policy.

Two great waves of population change have swept through the old cities—an ingathering of the poor from the South and Puerto Rico and an outflow to the suburbs of more affluent whites. The two streams are not equal in volume. New York and most other old cities have had net losses of population: Neal Peirce, author-columnist, has estimated the New York loss at almost a half-million people in the past five years.

And the racial and economic gap between the inner city and its suburbs has grown even faster than population has declined. Ed Hamilton, the former New York City budget chief, cites figures showing the city's median family income is now only half that of its suburbs.

That is, of course, exactly what the Kerner Commission meant when it warned seven years ago that "our nation is moving toward

two societies, one black, one white—separate and unequal.”

It is not New York alone that has been victimized by these trends. The same kind of change—often at a more rapid rate—has hit Baltimore, Boston, Detroit, Cleveland, Philadelphia, St. Louis, Chicago, San Francisco, and, yes, even such “new” cities as Denver and Salt Lake City.

Behind all these trends lies federal policy. Federally financed farm mechanization programs cost thousands of farm jobs for southern blacks; federally financed defense jobs lured those blacks to the northern cities. The failure of the federal government to provide uniform national income maintenance programs made it advantageous for the poor to remain in the northern cities, even when the jobs began to move away.

And, of course, federal housing subsidies and mortgage guarantees built the new suburban communities to which the affluent whites fled from those poor-infested center cities. And federal funds built the commuter highways on which they made their exit.

Never during this process did federal officials say, “This is going to end in disaster unless we find some way to allow those cities to expand their borders to encompass the suburbs we have created around them.”

Instead, federal officials said annexation was a matter of state policy, and most states kept the cities from expanding. Those officials said the city's claims to equality of representation in Congress and the legislatures was a matter for the courts. But, by the time the courts got around to enunciating the one man-one vote doctrine, the cities were already being emptied of all but the poor.

Those same federal officials turned their backs on yet a third problem—the problem of school desegregation, leaving that, too, to the courts. And the courts, pursuing their own necessarily circumscribed mandate, have imposed “solutions”—like busing in the big-city school systems—that have accelerated the fight to the suburbs and the decay of the old center cities.

That is the reality that lies behind the New York City crisis. But it is complicated to discuss in these terms, and uncomfortable for those like the President and the congressional leaders, who have been on the scene for 25 years while these forces were gathering momentum unchecked.

It's so much easier to blame it all on John Lindsay, Abe Beame, the greedy New York unions and the avaricious New York banks, and pretend it can't happen elsewhere.

It not only can happen elsewhere, it will. And who will our “leaders” blame then?

INCREASING APPROPRIATION AUTHORIZATION FOR VOLUNTEERS IN THE PARKS PROGRAM

SPEECH OF

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1975

Mr. DON H. CLAUSEN. Mr. Speaker, I strongly support increasing the funding authorization for the Volunteers in the Parks program and urge passage of this bill.

It is a very simple and straightforward proposal which raises the existing authorization level from \$100,000 to \$250,000. The original level was based on the idea that the program was new and

experimental. We can now say that it has been an overwhelming success and deserves our fullest support.

I am happy to say that I have heard nothing but good reports on the activities that have occurred under this program. During the testimony given before our Subcommittee on National Parks and Recreation witnesses praised the program emphatically and the bill was passed without amendment.

As our Bicentennial approaches we will be placing more and more emphasis on the need to interpret the history of our Nation and share this information with visitors to our parks. The Volunteers in the Parks program is timely and will play a key role in meeting this need.

It is particularly important to note that those taking part in the program are not paid. The funds are to be used to reimburse the incidental expenses of the volunteers for such items as their gasoline costs for transportation, occasional meals or lodging while on duty in the park, and uniforms. The cost to the Federal Government has been estimated to be 28 cents per volunteer per hour. There are few programs which can boast such a high return for so low an outlay of funds.

The volunteers have demonstrated remarkable talents. Their duties range from giving information to visitors, to participating in living history demonstrations. It should be noted that those who benefit include not only the visitors but the local communities, the Park Service and the volunteers themselves. They are very dedicated to their work and take great pride and enjoyment in doing it well.

I know of no controversy over this legislation and urge its adoption by the House.

THE PRESIDENTIAL CLEMENCY BOARD'S MINORITY REPORT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. ASHBROOK. Mr. Speaker, as I have pointed out elsewhere in the CONGRESSIONAL RECORD, various news accounts and a minority report of four Clemency Board members have raised substantive questions relating to the conduct of the President's clemency program covering deserters and draft dodgers of the Vietnam war era.

By far the most serious charges concerned the Presidential Clemency Board which was established over a year ago and which went out of business on September 15 of this year. The 18-member panel was empowered to relieve of prosecution and punishment any convicted deserters, convicted draft dodgers, and those still serving sentences for such violations. Applicants who applied before March 31, 1975, executed an agreement acknowledging their allegiance to the United States, pledged to fulfill a period of alternative service under the auspices of the Director of Selective Service and satisfactorily completed such service would be eligible for such relief. Desert-

ers would be eligible for a clemency discharge.

On September 15 four members of the Presidential Clemency Board issued a minority report highly critical of the composition, staffing, policies and credibility of the operations and decisions of the PCB. An AP release of September 19 stated:

President Ford's clemency board was stacked with anti-war liberals who distorted the intent of the program, urged prison inmates to apply and voted clemency in cases involving civilian felony convictions including rape and murder, four board members say.

The Veterans of Foreign Wars of the United States, a major veterans organization opposed to both unconditional and conditional “amnesty” for draft dodgers and military deserters, praised the minority members for their forthright stand in this matter.

I insert at this point the VFW release of September 19 along with a short summary of the minority report of the Presidential Clemency Board's operations:

VFW LEADER HAILS GEN. LEWIS WALT'S LATEST SERVICE TO AMERICA

WASHINGTON, D.C.—(September 19, 1975)—Thomas C. “Pete” Walker, National Commander-in-Chief of the Veterans of Foreign Wars of the United States, today hailed General Lewis Walt, USMC (Ret.), for “telling-it-like-it-is” in revealing the calculated effort of the Goodell-dominated majority of the 18-man Presidential Clemency Board to change President Ford's “earned re-entry” program for convicted military deserters and draft dodgers into a mass mechanism for unconditional Presidential pardons departing totally from President Ford's “earned re-entry” guidelines.

(Mr. Walker continues the V.F.W. position of “disagreeing” with the President on his clemency program “without being disagreeable.”)

General Walt, former Marine Vietnam commander and assistant Commandant of the Corps, selected the V.F.W. to “assure that veterans of America fully comprehend how the pro-amnesty majority of the President's Clemency Board distorted and attempted to defeat the President's guiding concept.” “Fortunately,” the straight-talking veteran of 41 years of military service continued, “I have been assured that, in light of the Minority Report, which I am furnishing the V.F.W., the President will take positive action to forestall the cynical effort on the part of the Goodell-dominated staff and Board majority to inundate the White House staff and the President with thousands of recommended pardons, many for convicted criminals. A Presidential pardon must be viewed as a prized and relatively infrequent occurrence.”

General Walt and three of his associates on the Board, Dr. Adams, Mr. Dougovito and Colonel Harry Riggs, signed and made available to the V.F.W. a searing critique of the pro-amnesty bias of the hand-picked majority of the enlarged 18-person Board. (General Walt was on the original nine-man Board selected by the President in September 1974. The Board went out of business on September 15, 1975 at midnight.)

Thomas C. “Pete” Walker, the V.F.W. leader, cited General Walt for “his latest service to America in blowing the whistle on Goodell and his sycophants and causing a careful case-by-case review of clemency requests by the Department of Justice and the White House to be instituted.”

A summary of General Walt's tell-it-like-it-is Minority Report on Presidential Clemency Board (PCB) operations is enclosed.

SUMMARY: MINORITY REPORT OF THE PRESIDENTIAL CLEMENCY BOARD'S OPERATIONS

PURPOSE

The purpose of this report is to reflect the views of a minority of the members of the PCB concerning the composition, staffing, policies and credibility of the operations and decisions of the PCB.

COMPOSITION OF THE BOARD

The original nine-member Board appointed by the President represented a fair balance among liberal, middle-of-the-road and conservative views. This group in its early meetings established and adopted policies and guidelines by which decisions of the Board would be determined in accordance with the President's Executive Order and Proclamation. However, many of these policies were changes when the membership of the Board was increased to eighteen members in May 1975. By his own admission, the Chairman had a fairly free hand in picking the new Board members and he included two members of his staff. The new Board members were not given an orientation on Board policies and guidelines. This led to much confusion. Initially, it was difficult for the new Board members to make sound decisions, due to lack of knowledge of Board operation. The Chairman gave guidance which, on occasions, seemed not to be strictly in accordance with previous Board policy and decisions. At this point, the Board as a whole became a more amnesty-oriented, Goodell-influenced group, with Goodell, in turn, seemingly under the influence of the General Counsel and his somewhat biased anti-Vietnam War staff. From this point on, the Board became, in effect, a captive of the Chairman and the Staff, and policy decisions were made by the Chairman and the General Counsel which influenced Board actions and results without the realization of Board members.

An example of the continual effort of the Board's Executive Staff to distort the President's Program was a written proposal by a senior staff member to "create some doubt in the minds of people" about the meaning of a Clemency Discharge. In making such a proposal, the Staff member suggested, in a memorandum, that "one way to generate such ambiguity" would be to invite Honorably Discharged Veterans to request clemency discharges "as an expression of their opposition to the Vietnam War."

The idea of using the Presidential Clemency Board as a vehicle to incite great numbers of Honorably Discharged Veterans to "express their opposition to the Vietnam War" would be a gross dis-service to the President.

STAFFING

Since the PCB was only a temporary organization, it was determined by the President, through OMB, that no funds would be made available to hire a permanent staff. Rather, all administrative and operational personnel would be detailed "on loan" from other agencies. In the beginning, DOD offered its facilities and professional trained personnel to prepare the case summaries, but this offer was rejected by the Board's General Counsel. We feel that this assistance would have been a real asset to the Board effort in that the summaries would have been objective and factual. It was turned down on the grounds that the General Counsel felt the briefs must be prepared by lawyers. The result was that attorneys were detailed from other agencies to work with the General Counsel and his associates in the preparation of applicant cases. Due to the number of cases to be presented within a very short period, the legal staff was augmented by approximately two hundred law students acting as legal interns during their summer vacation. However, approximately ninety percent of the cases were military and these young men and women, even though eager

and dedicated, were generally biased against the military and the Vietnam War and had practically no experience in or with the military. The work they did in preparing the case summaries was, as a result, often amateurish, biased, and many times incomplete. In reality, the young staff attorneys themselves, were of the same influence and were generally without the benefit of any experience with the Military Forces, which compounded the problem. Also, these young "case writers" were instructed by some senior staff member to present the case "in the best light." Consequently, many of the resulting summaries were an inaccurate presentation of facts on which the Board members had to make their decisions.

Over-staffing, lack of organization, lack of personnel discipline and improper utilization of personnel assets were evident throughout. Management built up the staff to a peak of over six hundred professional and administrative personnel. This appeared to be considerably more than was necessary to get the job done if proper organization and supervision had been practiced. For example, on 1 July, at the peak of the six hundred plus staff, it was stated by a senior member that OMB believed that less than half of the secretaries were being used effectively in the production process. Even with this surplus of secretaries, only one was assigned to all of the eighteen Board members. Regular working hours were not established nor observed—employees seemed to come and go at their convenience. On a week-day mid-afternoon in July (the Board's busiest month), the Personnel Director made a head-count and over one hundred sixty employees could not be accounted for.

APPLICANTS

In the first four months of the program, only some eight hundred individuals made application to the PCB. This appeared to be due primarily to a lack of proper publicity and understanding of the program. In January 1975, the members of the Board initiated a nationwide publicity program which resulted in several thousand new applications. Further, the Chairman, without the knowledge of the Board, wrote letters to all major penal institutions of the United States, advising them that inmates who met the eligibility criteria should apply. This penitentiary mail produced over two thousand applications, on which the Board has taken action, and in the majority of cases, recommended pardons. In contrast with this is the fact that President Truman's Amnesty Board refused clemency for all persons having a prior criminal record of one or more serious offenses, stating, "The Board would have failed in its duty to society and to the memory of the men who fought and died to protect it, had amnesty been recommended in these cases."

Changes in board policy and deviation from the spirit and intent of the Executive order and proclamation.

The first significant move on the part of the Chairman and his Executive Staff, in our opinion, was to introduce the word "pardon" into the Clemency decision on each applicant's case although the word "pardon" never appeared once in the President's Executive Order or Proclamation. The Chairman and Executive Staff argued that "pardon" and "clemency" were synonymous terms and they won the argument, by claiming the tacit approval from the White House, over the strenuous objection of some of the Board Members. Eventually in the Board decisions and in letters going to the applicant after the Board action, the words "clemency" and "pardon" were no longer used as synonymous terms but were separated and used in the terms of "a pardon" and a "Clemency Discharge." We quote from a letter dated July 16, 1975, written to an applicant and signed by Chairman Goodell, "... The President has signed a master warrant granting you a full,

free Unconditional Pardon and a Clemency Discharge to replace your less than honorable discharge." We believe this is quite a different connotation and meaning than was initially argued by the Chairman and Executive Staff last October. Further, a person who has been convicted of a felony (a crime punishable by imprisonment for more than one year) may legally purchase a firearm from a licensed firearms dealer if the person convicted of said felony has received an unconditional Presidential Pardon. The Presidential Pardon, however, only applies to Federal offenses.

In the early months of the Board's deliberations a real effort was made to maintain the "meaningfulness" and "value" of the Clemency Discharge. For such offenses as AWOL from combat, refusal to go to combat, multiple and long AWOLs, civil convictions for felony; the Board would normally vote "no clemency." However, and in sharp contrast, during the latter months of the Board's operation and after the more amnesty-oriented eighteen-member Goodell-influenced Board came into being, clemency was voted in cases involving multiple AWOLs (8) from the battlefield; multiple refusals to go into combat; multiple (as high as ten AWOLs) and long (seven years) AWOLs; civilian felony convictions (rape, murder, manslaughter, grand larceny, armed robbery, aggravated assault). Also a man given an Undesirable or even Punitive Discharge for a few days or even hours of AWOL (which, according to the Board General Counsel's ruling, qualified him for the Clemency Board Program) was recommended for a pardon and clemency discharge, by a bare majority vote, even though the official offense charged might include aggravated assault, disrespect to officer or NCO, striking an officer or NCO, wrongful appropriation of personal or government property, etc. This again was a turn-about from the policy set by the nine-member Board. Another questionable move, condoned by the Chairman, was to make drug addiction a mitigating factor on behalf of the applicant and drug use as a possible qualification for mitigation. The Board, on the other hand, was instructed not to consider the use of drugs as an aggravating factor even though such use was unlawful. This change from the nine-member Board policy again was strenuously objected to by the constantly "out-voted" majority.

CONCLUSION

We believe that the original concept and plan as conceived and announced by the President was a good, sound, workable plan, but the President's objectives have not been attained because of the misdirection and maladministration of the plan. We feel deeply obligated and honor bound to appraise the President of these facts.

It appears that the Chairman and his Executive Staff have misinterpreted, circumvented and violated at least the spirit of the Executive Order of 16 September 1974, and Proclamation No. 4313. This questionable action has been initiated, it appears, to increase the number of "eligible" applicants, to liberalize the decisions of the majority of the Board in order to gain more favorable decision for the applicants, and to set a liberal precedent relative to Executive pardons closely associated with felonious crimes. A move which could degrade the true meaning of a Presidential pardon. The actions, in our opinion, are not only unethical, but they may also border on illegality, and could greatly discredit the President's Clemency Program in the eyes of the American public.

In short, we have lost confidence in the Board results, which under Chairman Goodell's direction are being recommended to the President. We feel that the limited capability of the already hard-pressed White House staff to monitor and screen these recommendations, is inadequate to insure that

the President will approve only recommendations which meet his high standards. This problem is further aggravated by a backlog of some ten thousand cases which may soon be dumped on the White House Staff in a short period of time.

We believe that the recent steps the President has taken to terminate the Clemency Board activity on September 15, 1975, and to place the Program under the auspices of the Attorney General—more specifically—under the direction of the Pardon Attorney of the Department of Justice, is a very sound move. It is our hope that the Pardon Attorney will take a close and conscientious look at the Clemency Board recommendations, so as to insure that the value of the Clemency Discharge is restored to its original respected level, and only those applicants who deserve the discharge are awarded it.

We, as a minority of the Presidential Clemency Board, do not believe that:

Any man who has two or more convictions (civilian or military) of serious crimes on his record, should be given clemency. We do not believe that a man who deserted his comrades on the battlefield in Vietnam or who refused to go to Vietnam when he was so ordered, should be given clemency.

We believe, as did the Truman Board, that when the majority of the Board recommends clemency in such cases, it has failed in its duty to society, and to the memory of those men who fought and died to protect it. We also feel that it has been negligent in carrying out its responsibility and has not fulfilled its obligations to protect the integrity of the Presidency.

OFFICE OF PUBLIC DEFENDER

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1975

Mr. MAGUIRE. Mr. Speaker, during the 6 years that the Senate has considered consumer protection legislation, we have amassed thousands of pages of congressional hearings, recorded the testimony of scores of witnesses and documented in laborious detail the numerous abuses which have resulted, in large measure, from the absence of effective consumer advocacy before Federal regulatory agencies. A few well-publicized examples include rubber-stamping of air fare increases, nonenforcement of nursing home standards, flammable fabrics in children's clothes, and oil companies ballooning their already inflated profits.

While we have discussed, debated, and analyzed every section and line of the consumer protection bill over the years, the State of New Jersey has expeditiously created its own public advocate. On May 13, 1974, Gov. Brendan T. Byrne signed into law the department of the public advocate which like the Federal CPA has the authority to represent and protect the public in ratemaking or other administrative and judicial proceedings but has no regulatory power.

This successful working model of a State CPA, included within the New Jersey Department of the Public Advocate, has disproven the predictions about the deleterious effect of a public advocate on the workings of government. The New Jersey government has not been immobilized by the intervention of the public

advocate, nor has it been needlessly harassed with petitions for action or information. On the contrary, the New Jersey Public Advocate has, in many cases, assisted various departments and agencies in New Jersey in focusing on problems they had previously not been aware of or had not realized affected large numbers of citizens.

For example, recently the department of the public advocate filed a Superior Court suit challenging the dominance of the State Real Estate Commission by real estate brokers. In the suit the advocate asked that the statute governing the commission be declared unconstitutional because broker members control the setting of rules and regulations for the State's real estate industry. The present statute requires that five of the seven commission members be brokers and have at least 10 consecutive years of broker experience. The sixth member is a government official, and the seventh is the sole member representing the public. After the public advocate identified this problem, several members of the State legislature moved to act on restructuring the Board.

Both the New Jersey Public Advocate and the Federal CPA can intervene in ratemaking proceedings. The New Jersey Public Advocate has recently challenged the \$155 million rate increase requested by New Jersey Bell in a petition to the State Board of Public Utility Commissioners. The Department's Division of Rate Counsel is also seeking to have the automatic adjustment clause in the telephone company's contract revoked as illegal because it passes on to the public "the major cost burden without appropriate scrutiny in an adversary setting" according to Public Advocate Stanley Van Ness. The Division of Rate Counsel claims that the adjustment clause is illegal because it violates constitutional requirements of due process in failing to afford public notice and an opportunity to be heard.

While the New Jersey Public Advocate in many ways parallels the consumer protection agency proposed in H.R. 7575, it is also stronger in several ways. Unlike the Federal CPA, a New Jersey advocate's case cannot be overturned on the ground that the advocate improperly identified the public interest which he chose to represent. The "public interest" which the New Jersey Public Advocate has the responsibility to represent is defined as "an interest or right arising from the Constitution, decisions of court, common law, or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens." These are the sole criterion on which the advocate makes his decision on whether he may properly intervene or not. Using the above statutory definition of "public interest" the public advocate has intervened in a wide range of activities including public access to beaches, postcard registration, residence requirements for persons taking the civil service exam, unsafe nursing homes, and others.

Under H.R. 7575, when the CPA receives complaints from consumers, it may refer the complaint to a Federal or State

agency charged with enforcing relevant laws, or petition an agency to take action to correct the problem. But it does not have the authority to compel another Federal agency to take action to remedy a specific consumer problem. If the Federal agency declines to take remedial action, it is required only to notify the CPA in writing of the reasons for not acting. In contrast, the New Jersey Division of Citizen Complaints has the authority to investigate any complaint from any citizen relating to the action or inaction of a State agency. If the complaint division determines that the agency's action or failure to act is unjustified, it may notify the public advocate. The advocate can then turn the results of the investigation over to the division of public interest advocacy which has the authority to institute a proceeding before any department, commission, agency or board of the State with responsibility for solving such complaints.

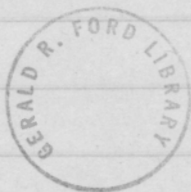
The effectiveness of State consumer and public advocates in no way eliminates or reduces the need for the prompt establishment of a Federal consumer protection agency. A Federal CPA would not duplicate the States' consumer agency efforts but would supplement and extend them. State consumer agencies are often unable to represent consumers before Federal agencies, and are helpless in influencing many Federal decisions affecting consumers, like the Russian wheat deal which caused a huge jump in the price of bread and animal feed. State agencies are often powerless to protect their constituents against abusive consumer products which originate in other States. Federal agencies have the responsibility to endorse laws dealing with interstate shipment of shoddy or unsafe merchandise and with hazards such as commercial flights carrying radioactive cargo. But in the past when Federal agencies have not enforced these standards and laws, State agencies have usually had little success in compelling them to do so.

Mr. President, the New Jersey statute exemplifies the increased awareness on the part of State governments of the need to provide representation for public and consumer interests before State agencies and departments. Without unnecessary fuss or drawn-out debate, the New Jersey legislature and Governor Byrne have acted decisively to enact legislation to represent its citizens before State agencies and departments. I would like to include in the Record a recent summary by the New Jersey Department of the Public Advocate of some of its activities:

OFFICE OF THE PUBLIC DEFENDER

The upward trend in the over-all Public Defender caseload continued during the past quarter after a full fiscal year during which the Office handled a record 37,891 assignments. Now that the new court year has begun, the Office is beginning to receive requests from assignment judges for additional Public Defender staff in their regions. It has not been possible to honor these requests because no additional staff was allocated to the Office in the 1976 Budget. Funds also are unavailable to retain additional private counsel. In some counties there are now more than

- 1) Upgrade (Dad 0.60)
- 2) on lieu of 9 subst for
- 3) Xmas visit
- 4) U. A. benefits
- 5) Felony cases



Gordon Liddy

6) Commutation of A.S.

10/27/76.

9900 Terminated or Never Applied.

1500 Completed

~~1350~~ Still enrolled

1700

7) U.D. in Absentia for
Dad who didn't
participate (3000)

714 Dad
356 Dog.
628 PCB

P126

1/4/78/93 - Mtg w/ Pres Ford.

1) Upgrade (Dod 0.60)

2) in lieu of 2 subst for

3) X-mas visit

4) V. A. benefits

5) Felony cases

Gordon Liddy

6) Commutation of A.S.

10/27/76.

9900 Terminated or Never Applied.

1500 Completed

~~4350~~ Still enrolled.

1700

7) U.D. in Absentia for
Dod who didn't
participate (3000)

714 Dod
351 DoJ
628 PCB

P126



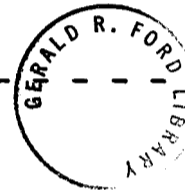
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Embargoed until
6:00 P.M. EST
January 15, 1977

BROAD RELIEF URGED FOR
VIETNAM-ERA OFFENDERS

Washington, D.C., January 15, 1977.



A wide-ranging program of relief for Vietnam-era military and draft offenders was proposed in a report issued today by the University of Notre Dame's Center for Civil Rights.

The report, "Reconciliation After Vietnam," proposes a 41-point program offering relief to over a half-million people punished or still facing charges for non-violent offenses committed during the Vietnam war. Its major recommendations are:

- Military offenders court-martialed for offenses in Vietnam or for refusing to serve in Vietnam should have their cases reviewed individually
- No relief should be offered to anyone convicted of serious combat-related desertion or civilian-type crimes
- All other military offenders should be given General Discharges

(More)

- Veterans' benefits should be granted only to the 50,000 who served honorably in Vietnam, and to those with at least two years of good military service

- Pardons should be granted to persons convicted of draft and other non-violent offenses related to the war

- Those still facing prosecution for these offenses should have their cases dropped

The report does not recommend universal, unconditional amnesty.

"If those who committed very serious offenses are barred from relief," it states, "the American people can be confident that a full measure of forgiveness will be given only to those who deserve it."

According to the report, "Amnesty is most appropriately viewed as a question of social justice, not anti-war ideology. The economically and socially disadvantaged did most of the fighting. They also paid most of the penalties for not fighting."

The report blames much of the divisiveness about amnesty on popular "myths" surrounding the young men commonly labeled "draft evaders" and "deserters." For example:

Myth: Young men who avoided military service were punished.

Fact: Draft avoidance was widespread among the 27,000,000 men of draft age during the Vietnam era. Sixteen million never served in the military, two-thirds of whom took positive steps to avoid the draft through legal means. Just 8,800 were convicted for "draft evasion."

Myth: "Draft evaders" and "deserters" were white, well-educated, and staunchly anti-war.

Fact: The overwhelming majority of Vietnam-era offenders came from underprivileged backgrounds. Almost half of all "draft evaders" were members of minority groups

(More)

who never registered for the draft. Three-quarters of the "deserters" were high school dropouts, and less than 1% ever graduated from college. Most offenses were motivated primarily by personal or family problems.

Myth: Many "deserters" were cowards who fled from combat, endangering their fellow troops.

Fact: Very few "desertion" offenses were connected with service in Vietnam. Just 24 servicemen were convicted of desertion to avoid hazardous duty in Vietnam. About 2,000 others were punished for less serious absence offenses in the combat zone, and another 7,000 for refusing to report there -- a small fraction of the 100,000 servicemen who bear the label of "deserter."

The report follows a year-long study supported by a special grant from the Ford Foundation. Its authors, Lawrence M. Baskir and William A. Strauss, were formerly top officials in the Ford Clemency Program. The findings of the report are based on extensive field research, new statistical information, and data from official sources.

"This report is the most thorough analysis ever done on Vietnam-era offenders, and also on any amnesty attempt in American history," according to Father Theodore M. Hesburgh, President of the University of Notre Dame and chairman of the study advisory committee.

"I hope that the findings and recommendations in this report can steer us all toward a practical, comprehensive resolution of one of the major tragedies of the Vietnam era," he added.

The other members of the advisory committee are: U.S. Senator Charles Mathias of Maryland; William Klaus, a Philadelphia attorney; Morris Janowitz, Professor of military sociology of the University of Chicago; Roger Kelley, Vice President of the Caterpillar Tractor Co., and formerly an

(More)

Assistant Secretary of Defense, Eddie Williams of the Joint Center for Political Studies, and Professor Jefferson Fordham of the University of Utah Law School.

Excerpts from the report are attached. Copies may be obtained from the University of Notre Dame Press, Notre Dame, Indiana 46556, or the Vietnam Offender Study offices at 1826 Jefferson Place, N.W., Washington, D.C. 20036.

(END)

12/4/77/AS

Pres.

- 1) Clemency
- 2) Paley.
- 3) Gordon Liddy.
- 4) CBI, Colleton River
- 5) Concorde & Leo.





Gerald R. Ford Library

1000 Beal Avenue Ann Arbor, Michigan 48109-2114

Memo to the file:

Copies (3) of the final report have been removed and added to the Ford Library book collection.

LET 11/89