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Bruce Morton

The Presidential Clemency Review Board, which is reviewing the cases of Vietnam draft dodgers who applied for clemency, hopes to wind up its work in September. They opened a hearing to television cameras for the first time yesterday at the request of a man whose case was being heard.



Marya McLaughlin

Andrew Davis...A convicted draft evader...

Andrew Davis

My conscientious objection is stronger now... and more general. I can see the religious basis for conscientious objection...I believe in the commandments...that's why it's wrong to kill.

Marya McLaughlin

Davis says misinformation caused him to apply later for clemency...and when he returned from Canada he was jailed. But the Board took the Davis case...he's lucky...the Clemency Program is over....and the Chairman has doubts about another.

Charles Goodell

I think there is some reluctance on the part of everyone to reopen a major debate on the nature of the Clemency Program.

Ah, I think all the Board members believe very deeply in the program and the worthwhile venture that we have undertaken here...obviously I think we would all be willing to give further time to extend those benefits if that were the will of Congress.

McLaughlin: And the President?

Goodell: And the President.

Mayra McLaughlin

According to the Clemency Board...approximately 100,000 men were eligible, 16,500 applied... 9,000 cases have been processed...one result... about 80,000 men...who cannot receive clemency unless the President or the Congress does something.

Marya McLaughlin, CBS News, Washington.

Killed  
cJ



(John Hoy Kauffmann, a director and former president of the Washington Star Syndicate, Inc., which owns, among other properties, the Washington Star newspaper, is one of the second group of nine Board members appointed by President Ford after May 1. Mr. Kauffmann talked about the work of the Board and his views on clemency policy during an exclusive interview with Excusez-Moi correspondent Colleen Sullivan.)

The determination of alternate service for applicants should be based on the needs of the individual, according to Mr. Kauffmann. "I've been fighting for the last two months about this. If we give somebody three months and they can only work 10 hours a week, then that 10 hours should only last three months," he said. "It's more important that the individual be able to go home at night and spend time with his family, his children, than have his alternate service drag on."

While he believes that clemency should be extended to as many persons as possible, Mr. Kauffmann said he considers serious felony cases apart from others. "I draw the line where there has been bodily injury or a threat to a body. Otherwise you could put all those cases on a computer and forget about panels," he said. "When somebody is accused of murder, I find it hard to feel that he deserves clemency."

The decision of the Board July 15 to extend its jurisdiction to an applicant who claimed he had applied for clemency to a U.S. official in Canada before the deadline but was subsequently arrested on draft evasion charges when he crossed the border was hailed by Mr. Kauffmann as "great." "I think it was exactly right. We've got to lean over backwards to give clemency. People are afraid that if we extend our jurisdiction we'll be inundated with cases like that, but that's precisely what we're here for. We should be handling more cases. If we get thousands of more applications, we'll find a way to hear them all. If we have to work 24 hours a day, we'll do it."

Mr. Kauffmann said there is little policy disagreement among Board members. "Amazingly enough, there isn't much. Gen. Walt is a little more conservative perhaps. I love that man, he's a fantastic person. I think he's done a marvelous job here."

Several policy changes have been made since the Board began hearing cases; one of the most significant was decided at the Board meeting July 15. Effective immediately, an applicant's drug addiction or alcoholism will trigger the application of mitigating factor 3 (mental or physical condition). Mr. Kauffmann and Lewis Puller were the board members who led the fight to broaden the application of this factor. "All along I have had the position that drug addiction, not just drug use, is like alcoholism. They're illnesses and should be a consideration in handling a case. The Board had had the position that these were neutral, neither aggravating nor mitigating," he said.

"Most of the Board members would probably lean toward 3 more if the condition were Vietnam-related, but I personally have trouble differentiating. Addiction is addiction, no matter where it began."

Another policy decision that sparked discussion among Board members and staff alike was the ruling that the race of an applicant be included in the case summary. Mr. Kauffmann said he favored including the race because "I lean over backwards for minority groups. If anything, it's to their benefit. When we know that an applicant is a Puerto Rican or is black, we consider it to be mitigating. Actually, it discriminates against white applicants if anything. But we try to handle each case as fairly as possible. I think we do anyway. I wouldn't tolerate the unfair disposition of a case on my panel if I thought we were being less than just."

Board members have been putting in 18 and 20 hour-long workdays in order to read the 120 cases on a typical docket, he said. "I've never seen a harder working group anywhere. I have incredible admiration for the work of the staff also. I never thought those in the federal government worked so hard." He said it takes him about two and a half hours to read 30 cases or about 10 hours to complete a docket. "I'm a slow reader because I like to understand what it is I'm looking at. Some of the cases aren't as meticulously done as others, so I add up everything myself (AWOL time, confinement time, creditable service)," he said. "If you leave here at 7:00 p.m. after sitting on panels all day and are back at 9:00 a.m., it becomes almost impossible to read all the cases." Mr. Kauffmann said he favored changing the present schedule of workdays on Monday, Tuesday, Wednesday and Friday with Thursday as a reading day to one with Wednesday as the reading day in order to make it easier to get the cases read. When asked if he would prefer two reading days a week, he commented, "We already have that. They give us Saturday and Sunday to get our work done."

When asked if he felt that the PCB was accomplishing President's Ford's goal of healing the divisiveness caused by the Vietnam war, Mr. Kauffmann said, "With a nation as diverse as ours, I'm not sure anybody will be happy with what we're doing. But I think the President is right about the need for the clemency program. I think this is an important thing to do. And Charlie Goodell is doing a hell of a job in a very difficult position. The right is very careful about clemency because the left--persons like Mary McGrory (a syndicated columnist for The Washington Star) wants to give everybody clemency. I'm very impressed by his handling of the work."

5 weeks / Pub. acctg

WITH ONLY 5 WEEKS REMAINING BEFORE THE PRESIDENTIAL CLEMENCY BOARD CONCLUDES ITS WORK, I WOULD LIKE TO ISSUE THIS STATEMENT TODAY CONCERNING THE STATUS OF OUR PROGRAM.



3 Programs

"YOU WILL RECALL THAT THE PRESIDENT IMPLEMENTED THE EXECUTIVE ORDER ESTABLISHING THE CLEMENCY PROGRAM LAST SEPTEMBER 16, 1974, ...AND, AS IT GAINED MOMENTUM, THE PRESIDENT EXTENDED THE APPLICATION DEADLINE TWICE UNTIL THE FINAL DATE OF MARCH 31, 1975.

SHORTLY THEREAFTER, WE RECEIVED NEARLY 21,000 APPLICATIONS OF WHICH ROUGHLY 5 TO 6,000 PROVED TO BE INELIGIBLE. WE NOW HAVE BETWEEN 15 and 16,000 TOTAL ELIGIBLE APPLICATIONS. THE BOARD WILL DEFINITELY FINISH PROCESSING ALL OF THESE CASES AND GO OUT OF EXISTENCE BY SEPTEMBER 15th BECOMING ONE OF THE FEW FEDERAL AGENCIES TO GO OUT OF EXISTENCE IN THE SHORT SPACE OF ONE YEAR.

AS OF AUGUST 1st, THE PRESIDENT HAS SIGNED OVER

1,000 PARDONS AND HAS NOW BEGUN RECEIVING PACKETS OF 1,000 OR MORE CASES ON A REGULAR BASIS.

AS OF TODAY, THE BOARD HAS ACTED ON 12,000 CASES.

INFORMATION ON THE CHARACTERISTICS OF THESE APPLICANTS HAS BEEN SURPRISINGLY

REVEALING. ROUGHLY 25% (1/4) OF OUR MILITARY CASES ARE

INDIVIDUALS WHO SERVED VALIANTLY IN VIETNAM AND SUBSEQUENTLY

GOT INTO TROUBLE WHEN THEY CAME HOME. ABOUT 66% (2/3) OF OUR

CIVILIAN APPLICANTS EVIDENCED SUBSTANTIAL CONSCIENTIOUS OBJECTIONS

TO THE WAR BUT WERE UNABLE TO OBTAIN PROPER C.O. STATUS AND THEY

HAVE BEEN RECOMMENDED FOR OUTRIGHT PARDONS. ALMOST 50% (1/2)

OF OUR TOTAL APPLICANTS HAVE RECEIVED OUTRIGHT PARDONS WHILE

ANOTHER 20% (1/5) HAVE RECEIVED CONDITIONAL PARDONS BASED ON

COMPLETION OF BETWEEN 3 TO 6 MONTHS ALTERNATE SERVICE.

APPROXIMATELY 16% (1/6) ARE REQUIRED TO SERVE BETWEEN

6 AND 12 MONTHS AND VERY FEW APPLICANTS RECEIVED OVER 12 MONTHS

OF ALTERNATE SERVICE. ONLY 6% HAVE RECEIVED DECISIONS OF

"NO CLEMENCY". AS DISTINCT FROM THE JUSTICE AND DEFENSE PROGRAMS,

ALL OF OUR APPLICANTS HAD ALREADY BEEN PUNISHED FOR THEIR OFFENSES.

THE PROCESSING OF THIS TREMENDOUS AVALANCHE OF APPLICATIONS NECESSITATED A MAJOR EXPANSION. THROUGH THE COOPERATION OF MANY GOVERNMENT AGENCIES, WE "BORROWED" STAFF ATTORNEYS AND CLERICAL SUPPORT -- AT TIMES NUMBERING OVER 600 PEOPLE. SOME OF THESE INDIVIDUALS WERE ABLE TO STAY ONLY A FEW WEEKS, WHILE OTHERS HAVE BEEN AVAILABLE FOR 3 or 4 MONTHS. *Commend*

LAST MAY, WE ALSO ADDED NINE (9) ADDITIONAL BOARD MEMBERS. YOU WILL FIND BIOGRAPHIES OF ALL 18-MEMBERS ATTACHED TO YOUR PRESS RELEASE -- FOR YOUR INFORMATION.

SINCE THE 1ST OF JUNE, THE FULL BOARD HAS BEEN WORKING, NON-STOP, ACTING ON CASES AT THE RATE OF APPROXIMATELY 1100 A WEEK. THEY WORK IN PANELS OF 3 WITH ANY BOARD MEMBER ABLE TO REFER A CASE TO THE FULL BOARD. WE ARE MAINTAINING THE INTEGRITY WE INITIATED AT THE BEGINNING BY CONTINUING TO REVIEW THE APPLICATIONS INDIVIDUALLY AND ALLOWING EACH PERSON THE OPPORTUNITY OF CORRECTING OR RESPONDING TO THE SUMMARY OF HIS CASE.

WE ARE ALSO GRANTING PERSONAL APPEARANCES TO THOSE WHO REQUEST IT.

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THOSE OF US SERVING ON THE PRESIDENTIAL CLEMENCY BOARD HAVE EXPERIENCED MANY HOURS OF PHILOSOPHICAL AND EMOTIONAL SOUL SEARCHING. WE HAVE REVIEWED THOUSANDS OF SYMPATHETIC AND TRAGIC CASES. AS I INDICATED EARLIER, MANY APPLICANTS WERE VIETNAM HEROES AND OTHERS TRULY HAD LEGITIMATE CONSCIENTIOUS OBJECTIONS TO THE WAR. THESE PEOPLE HAVE ALREADY BEEN CONVICTED. THEY HAVE PAID A PRICE. THE BENEFIT OF A PRESIDENTIAL PARDON SHOULD HELP THESE INDIVIDUALS RETURN TO THE MAINSTREAM OF SOCIETY AS SELF-SUPPORTING AND USEFUL CITIZENS AGAIN.

WHILE THE BOARD MEMBERS COME FROM VARYING BACKGROUNDS AND POLITICAL PERSUASIONS, THEY HAVE SUCCESSFULLY INTERREACTED MAKING IT POSSIBLE TO WORK TOGETHER IN AN OBJECTIVE AND JUST MANNER -- CARRYING FORWARD THE SPIRIT OF THE PRESIDENT'S PROGRAM..

.. 'TO BIND THE WOUNDS' .."

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# # #



*anyone else*  
FOR EVA and ~~anyone~~ who answers the Phone This Morning:

*Evelyn*

Calls coming in asking for information about the  
P ress Conference, please tell them the following:

11:00 AM today, at our new Location -- 2033 "M" Street, N.W.

Across from CBS in the old VA Building - in the Sixth Floor

Conference Room, Chairman Charles Goodell will hold a

Press Conference.

SUBJECT: CLEMENCY BOARD CLOSES DOWN IN 5 WEEKS..

STATUS REPORT ON WHAT HAS BEEN ACCOMPLISHED.

NO SPECIAL CLEARANCES REQUIRED. OPEN TO ALL MEDIA.

PARKING IN PUBLIC GARAGE NEXT DOOR.

CONTACT: NIA NICKOLAS, PRESS SECRETARY

NEW PHONES: 254-5066 & 254-6947

WE HOPE YOU CAN ATTEND. THANK YOU.



PRESIDENTIAL CLEMENCY BOARD  
OLD EXECUTIVE OFFICE BUILDING, ROOM 460  
WASHINGTON, D. C. 20500  
Office of the Press Secretary  
202: 456-6476

*Senator  
Goodell*



For immediate release

Release #1-74  
October 25, 1974

PRESIDENTIAL CLEMENCY BOARD REVIEWS CASES

Washington, D. C. . . . . The Presidential Clemency Board met on  
October 23rd and 24th and reviewed 60 cases of individuals furloughed  
from federal prisons.

Tentative decisions were made on each of the cases. Within this group,  
the Board has received indications of interest in pursuing the Clemency  
Program but has deferred final action to allow each individual an opportunity  
to submit a personal statement concerning his case.

Beyond this, the Board has received approximately 560 applications from  
people interested in the Clemency Program and is forwarding to them  
appropriate information kits.

(more)

Regarding military cases, the Clemency Board has just begun to receive records it believes are necessary for the preparation of case files.

The Presidential Clemency Board convenes again on Wednesday, October 30th. At that time the Members hope to be able to make some definitive judgments on the cases reviewed this week, based on the detailed information they expect to receive. The meeting will take place at 9:00 AM in Room 459 of the Old Executive Office Building, Washington, D. C.

15th  
May ~~9th~~ -

Senator Goodell from Nia:



Attached please find the bios of the new Board Members which they personally approved today.

A suggested draft of the President's statement is attached for your consideration. I have purposely omitted the extraneous details from his statement as he generally would not say that much. We will, however, be able to elaborate to any degree we feel proper at our own Press Conference.

Let's chat at your convenience please.

Thanks.

**DRAFT - SUGGESTED STATEMENT BY THE PRESIDENT  
WHEN RON NESSEN ANNOUNCES THE NEW BOARD MEMBERS  
ON FRIDAY, MAY 16th.**

Today I have signed the Commissions appointing an additional 8-Members to the Presidential Clemency Board. With the original 9-Member Board, this now makes a total of 17 Members who will review the cases of over 19,000 individuals who applied for Clemency prior to the March 31st deadline.

On September 16, 1974, I issued Executive Order #11803 announcing the formation of the Presidential Clemency Board for the purpose of binding up the wounds of the Vietnam War and providing an opportunity for deserving young men to earn their way back into society through alternative service and/or a possible pardon.

I am especially pleased that so many chose to take advantage of this Program and commend Senator Charles E. Goodell, Chairman of the Presidential Clemency Board, for his earnest and devoted service to this cause.

The necessity for expanding the Board to include these additional 8 people arises from the tremendous workload involved in individually processing over 19,000 cases prior to September 16, 1975 when the Presidential Emergency Fund for this project expires. We are most fortunate to have secured the services of the following distinguished citizens whom, I believe, will lend their unbiased and diversified talents and expertise to the important task at hand.

The new Members are,

Mr. Timothy Lee Craig

Mr. John A. Everhard

Ms. W. Antoinette Ford

Reverend Monsignor Francis J. Lally

Mr. E. Frederic Morrow

Mr. Lewis B. Fuller, Jr.

Mr. Harry Riggs

Mrs. Joan Vinson

(OPTIONAL -- )

The original 9 Members who have been serving since last  
September are:

Chairman Charles E. Goodell

Dr. Ralph Adams

Mr. James P. Dougovito

Honorable Robert H. Finch

Reverend Theodore M. Hesburgh

Mr. Vernon E. Jordan

Mr. James Maye

Mrs. Aida O'Connor

General Lewis W. Walt

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PRESIDENTIAL CLEMENCY BOARD  
THE WHITE HOUSE  
Washington, D. C. 20500  
Press Office: 202: 634-4806

BIOGRAPHIES  
NEW MEMBERS OF THE PRESIDENTIAL CLEMENCY BOARD  
ANNOUNCED BY THE PRESIDENT MARCH 16th

TIMOTHY LEE CRAIG      31 years of age:

Mr. Craig is the immediate Past President of the National Association of Concerned Veterans and is also Vice Chairman of the Committee on Disabled Veterans of the President's Committee on Employment of the Handicapped. He also served on the Veterans Organization's Advisory Committee of the Veterans Administration and the Veterans Employment Service Advisory Committee. After his tour of duty with the U. S. Marine Corps, Mr. Craig attended the California State University at Long Beach where he became interested in Veterans Affairs and later became Statewide Coordinator of the Association of California Veterans. Mr. Craig is a resident of Alexandria, Virginia.

JOHN A. EVERHARD      56 years of age:

Mr. Everhard recently completed an assignment as Chief of the Administrative Law Division in the Office of the Air Force Judge Advocate General. His government service includes 33 years of both active duty and civilian employment with the Army and the Air Force. Mr. Everhard received his LLB Degree from Southeastern University and is a Member of the Bar in both Virginia and the District of Columbia. He is an active member of the Reserve Officers Association, Air Force Association, American Legion and Delta Theta Phi and presently resides in Vienna, Virginia.

W. ANTOINETTE FORD      33 years of age:

In 1973 Ms. Ford was appointed by President Nixon to be a Council Member for the District of Columbia. Prior to that she was a Marketing Specialist for the Department of Commerce and Director of Development for the Institute for Services to Education. In 1971, Ms. Ford was chosen as a White House Fellow and in that capacity served as Special Assistant to the Secretary of the Treasury and also traveled to Sweden and Africa for special assignments for the Office of the Vice President. Her other activities have included

Hostess on the "Public Hearing" radio program; Board of Trustees of Proctor Academy, New Hampshire and Delegate to the International Peace Academy in Finland, 1972. Ms. Ford received a Bachelor's Degree from Chestnut Hill College in 1963 and a Master's Degree from American University in 1966 and presently resides in Washington, D. C.

REVEREND MONSIGNOR FRANCIS J. LALLY 56 years of age:

Monsignor Lally is presently Secretary of the Department of Social Development and World Peace, U. S. Catholic Conference. He has served on numerous civic, charitable and religious organizations and has received many honorary degrees. The Monsignor is a Fellow of the American Academy of Arts and Sciences and has authored a book entitled "The Catholic Church in a Changing America." Monsignor Lally holds degrees from Boston College, St. John Seminary and Laval University. He currently resides at St. John's Hall in Washington, D. C.

E. FREDERIC MORROW 65 years of age:

Mr. Morrow is presently Vice President of the Bank of America in New York City. He formerly achieved the distinction of becoming the first black man to serve as Executive Assistant to a President under Dwight D. Eisenhower. Prior assignments included service as Administrative Assistant to the Secretary of Commerce and member of Public Affairs Staff of the Columbia Broadcasting System. He entered the Army in 1942 as a Private and was discharged as a Major four years later. Prior to World War II, he was the Field Secretary for the National Association for the Advancement of Colored People. Mr. Morrow holds degrees from Bowdoin College and the Rutgers University Law School and has authored 2 books. Mr. Morrow and his wife, the former Catherine Gordon of Chicago, presently reside in New York City.

LEWIS B. PULLER, JR. 29 years of age:

Prior to his appointment as a Board Member, Mr. Puller served as a staff attorney on the Presidential Clemency Board. His former assignment was staff attorney for the General Counsel of the Veterans Administration. Mr. Puller is a member of the Virginia State Bar and received his degrees from the College of William and Mary. He was honorably discharged from the U. S. Marine Corps as a First Lieutenant after sustaining a physical disability from wounds received in Vietnam. His decorations include the Silver Star; Vietnamese Cross of Gallantry; Navy Commendation Medal with Combat "V" and 2 Purple Hearts. He is married to the former Linda Todd and they reside in Alexandria, Virginia with their two children.



HARRY RIGGS      56 years of age:

Mr. Riggs comes to the Presidential Clemency Board from the Amnesty Section of the National Headquarters of Selective Service. Prior to that he was involved in private industry which followed a career in the Army during which he rose from the rank of Private to Major. He presently holds the rank of Colonel in the Army Reserves. He is married to the former Marian Hinn of Plainview, Texas where they reside with their four children.

JOAN VINSON :

Prior to her appointment as a Board Member, Mrs. Vinson served as the Director of Public Affairs for the Presidential Clemency Board. Her previous assignment was with the American Revolution Bicentennial Administration where she served as the Public Affairs Officer. From 1970 thru 1972, Mrs. Vinson served as the National Coordinator of the National League of Families of American POW/MIA's where she was totally responsible for the origination and organization of a nationwide campaign which aroused public awareness of this important issue. She received her Bachelor's Degree at the University of Florida and also attended the School of Fashion Design in Los Angeles and the School of Interior Design in Columbia, South Carolina. Mrs. Vinson presently resides in Alexandria, Virginia with her four children.

#   #   #

4:45 PM Friday, June 6th

Call from Carroll Kilpatrick of the Post 223-7442



Would like a statement from you concerning the following press release issued by John Stang, Commander (National Commander) of the VFW -- The release is actually the text of a telegram they sent to the President.

To the President:

I have been reliably informed that you are seriously considering granting a general and total amnesty to those who deserted the Armed Forces and who dodged the draft by failing to report for induction or leaving the legal jurisdiction of the Courts by moving out of this country. I am further informed that Charles Goodell is urging this action for persons in the Vietnam era. A Terrible travesty of justice would fall on those who served honorably. If you are going to do this, then you should clear all the prisons; clear the names of the dead deserters so their families would not have to live in shame; clear the names of those who have lived with this punishment. Nobody ever granted amnesty to those who served in Korea.

Mr. Kilpatrick indicates that the Post representative at the Pentagon also heard that you are urging the President to declare total amnesty.

He is going to file a story in the next 30 minutes and I would appreciate your comments.

I am aware of your former statement that those who did not serve have an ongoing obligation to their government.

- A) Do you wish to speak to him personally? Yes \_\_\_\_\_ no \_\_\_\_\_
- B) What would you like me to pass on to him.

*also - Jerry Baulch  
of AP - 5:00 PM*

Thank you - Nia

*OK - talked to Kilpatrick, not true.  
"I think Mr. Stang has a tendency to identify anything he doesn't want to happen with me."*

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

*ej*

TO: SENATOR GOODELL

FROM: NIA *2*

DATE: JUNE 24, 1975

SUBJECT: Information for Jack Hushen for President's Press Conference this afternoon.



It has just come to my attention this morning that the President has now signed 372 of the 373 cases which were before him ..(this includes the original 165.)

The "hot issue" now which will undoubtedly come up at the Press Conference today is:

- 1) How many more cases have been sent to the President
- 2) What procedure have we set up with the White House for signing the "thousands" of cases which will be going forward:
  - a) Will Buchen review and pass on a general recommendation from his office which is concurrent with ours?
  - b) How will we maintain the "Personalized" attention to each case which was exercised in the Past?
  - c) How will we avoid the "log-jam" of cases which must be signed.. that is avoid having them sit and marinate etc.
- 3) Will the President be announcing the names as he signs them? He has not as yet announced the names of the last 80 which were signed prior to his European trip.
  - a) If he doesn't announce names, how does the applicant know of the disposition other than our telegram.

(Our problem is the ignorance we must plead about releasing any information about the applicants when we can't even say that the President will announce names.)

Please advise during the lunch break if possible so I can inform the White House Press Office in time for the Press Conference.

Thank you so much.

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

Memorandum

TO: SENATOR GOODELL

FROM: NIA NICKOLAS <sup>1</sup> JUNE 23, 1975 Noon

SUBJECT: New York Times Article of Sunday, June 22

I just returned from a meeting with Jack Hushen at the White House. Jack wanted to know basically what our status was so I gave him a complete rundown and indicated it was the same information I imparted to Jim Wooten:

Because our caseload jumped to approximately 16,000 overnight after the March 31st deadline, it was necessary for us to request additional staff attorneys and clerical help to process these cases before the September 15, 1975 deadline.

During April, we busied ourselves with setting up a system to handle the caseload, allocating cases to staff attorneys as they came on board, and also expanding our existing Board Members (9) to an additional 9 to equal 18 Members.

About the first of May we really started to set up shop in these new quarters at "M" Street which meant we had to install phones, obtain furniture, move files and set up shop for a staff now numbering between 400 and 500 people.

By about the 1st of June, we were in operation with our new Members on board. We are working in 4 panels and the cases which the individual panels find problematic or on which they feel the judgment of the full board is required, are tabled and then brought before the full board. Working 5 days, and reading 2 days.

Most important factor is that the original ethic of handling the cases on an individual basis and allowing the applicant his 30 days to respond or correct his summary -- will be maintained in the spirit of the President's executive order. We do have 16,000 cases to process, but we will not ramrod them thru and lose sight of the fact that we are dealing with people's lives and we consider that a significant responsibility.

QUESTION: He asked, are you now going to start submitting cases to the President 1,000 at a time?

REPLY: Mr. Buchen and the Senator are working that out and are in the process of working out a compatible system.

(Senator, I did not feel I should respond to questions concerning the process of bringing the cases before the President. If you have some instructions on this, please advise.)

Further on, I told Jack that we are processing cases at about 1,000 or 1,200 a week and that we have now processed over 4,000 and hope to continue at that rate to meet our September 15, deadline.

ABOUT JIM WOOTEN OF THE TIMES:

When Jim came into our office last week, he was appaled at the "sparse" circumstances under which we are working and especially at the Board Member's offices. He could not believe that people of that caliber would consider working in that manner. I explained to him that these were very dedicated people and that our main interest was not the circumstances under which we performed our work, but the quality of work we performed.

He also noted that there were boxes around and asked.. "What is all this?" I told him we just moved in and were waiting for file cabinets and furniture" ... hence the "I can't get a file cabinet quote".

He also noted that the attorneys did not have phones on their desks and on the elevator coming up to your office, several people got on and complained about the air conditioning and one person said he was going home sick due to the heat. On the 9th floor, several people said.. "God, it's hot and the air conditioning isn't working." And ad infinitum...

NOTE:

I spoke with Jim Wooten at 10:00 AM in Florida -- He said that if we could read the article and find any untruths in it... or that if we could honestly say that we are not stepchildren of the government and that we really are <sup>not</sup> operating under difficult circumstances, they he or some one else at the Times would be happy to write another article.

I told him we would let him know.

DO YOU WANT TO RESPOND IN THAT MANNER?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Thank you. Nia

P.S. The Press Office at the White House is with us one hundred per cent.

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL  
FROM: NIA  
DATE: JULY 9, 1975  
SUBJECT: PRESS INQUIRY  
David Kuhn - Minneapolis Tribune  
347-5885



You may recall last winter that David spent 2 days visiting the PCB office gathering information on our Program and that later he did a personal interview with you which resulted in a very long and in-depth favorable article on us.

David called today and asked for follow-up information and I told him you were in Full Board and would speak to you and call him back on Wednesday, July 9th.

David is a very meticulous reporter and is not easily satisfied with non-answers. He is not malicious but very probing and I can't just sluff him off with the normal stock answers.

I spoke to Gretchen and she advises that:

The President has signed only a total of: 372 cases

Only 553 cases have been sent to him.

They are currently working on the May 22nd Board meeting so allowing 30 days from May 22 to June 22 (had the summaries been sent to applicants on time) we would have had at least those approximately 752 cases also ripe and on the President's desk. (I understand that of those 752 cases about 150 Strauss holds have been put on plus another 250 holds for other reasons.)

I FULLY REALIZE WHAT THE PROBLEMS ARE and don't wish to make waves for you or us but... WHAT CAN I TELL DAVID?

Need to chat with you this afternoon please.

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL cc: Larry Baskir  
FROM: Nia  
DATE: Monday, July 14th  
SUBJECT: Press Requests for Tuesday, July 15th



10:30 AM

- 1) MARY McGRORY's office called and asked if the 10:00 AM Andrew Davis hearing before Full Board was open to the Press tomorrow. I checked with Larry who advised that if Davis wanted to call the press, he was free to do so but that his attorney would have to call and let us know..etc. I explained this to them and made it clear that we had no objection but that we did not have the right to call the Press as we were obligated to respect his right to privacy.

They may be calling us back -- if they have made contact with Davis. Anyway... we can expect something to come of it.

Have you any special thoughts other than those I am aware of?

- 2) 12:15 PM  
Rita Braver of CBS-TVnews called for Marya McLaughlin. They would like to interview you either tomorrow or Wednesday on the general status of the Board - etc. which we are familiar with.

Also, they wanted to know if they could come in tomorrow and do silent camera of the Full Board meeting. (Before and in between private sessions). Explained to her that since some applicants were appearing personally tomorrow it might be tricky as we would not want them to think we had not observed their right to privacy etc.

She asked if we would simply relay a message to the 2 applicants that CBS would like to interview them - Told her I would get back to her after checking with general counsel et al.

- a) Should we just call her and give her the number of Davis or Robinson?

(12:30 - checked with Larry who said okay to give her Atty's Lynn's number.) *We held up on this at 12:45*

SENATOR: What plans do you want to make for tomorrow?

Do you need remarks or press statement? YES: NO:

Let's chat please.

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

29

TO: BRUCE LAWHEAD cc: Senator Goodell ✓  
Larry Baskir

FROM: Nia Nickolas

DATE: July 21, 1975

SUBJECT: Interviews with Board Members for  
In-House Newspaper



Pursuant to our discussion and memo of July 17th, further discussion with the Board Members has confirmed what we debated last Thursday.

**THE BOARD MEMBERS DO NOT WISH TO BE INTERVIEWED AND  
CERTAINLY DO NOT WISH TO BE QUOTED**

Mr. Kauffmann read the draft and requested that we "Kill it" and so without further discussion I would appreciate your assuring that the original and all xerox copies you, Collen or Lyman may have made be immediately destroyed.

I am sorry Bruce. I tried to explain to you and Coleen that these interviews were unwise -- out of order and also indiscreet. As the Press Secretary, you will simply have to respect my view... Larry's confirmation of that view as set out in the memo of July 17th... and I will continue to respect your expertise in your own field of administration.

Thank you for your cooperation.



PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: BRUCE LAWHEAD cc: Larry Baskir  
FROM: NIA NICKOLAS  
DATE: July 17, 1975  
SUBJECT: Interviews with Board Members for  
In-House Newsletter

Bruce ....

Several Board Members have indicated to me that they are just too busy to be bothered with interviews for an in-house paper, and would appreciate it if they would not be asked about it.

I understand that it is an interesting piece for the staff, however, with the heavy workload that the Board Members are working under -- and the amount of reading they must do --plus attempting to stay on top of their own private business and personal endeavors, they just don't have time.

I asked Larry's opinion about this and he agreed that it was a bit much to ask of them and that I should request that you please call a halt to that project.

The biographies which were furnished to Colleen and Lyman really provide enough background information and have also been cleared with the Members, so they don't mind if you publish those.

Thanks for you help in relaying this to Coleen and Lyman. We may be able to think of another project of interest if we put our heads together.

NIA

Restony  
Please

(John Hoy Kauffmann, a director and former president of the Washington Star Syndicate, Inc., which owns, among other properties, the Washington Star newspaper, is one of the second group of nine Board members appointed by President Ford after May 1. Mr. Kauffmann talked about the work of the Board and his views on clemency policy during an exclusive interview with Excusez-Moi correspondent Colleen Sullivan.)

The determination of alternate service for applicants should be based on the needs of the individual, according to Mr. Kauffmann. "I've been fighting for the last two months about this. If we give somebody three months and they can only work 10 hours a week, then that 10 hours should only last three months," he said. "It's more important that the individual be able to go home at night and spend time with his family, his children, than have his alternate service drag on."

While he believes that clemency should be extended to as many persons as possible, Mr. Kauffmann said he considers serious felony cases apart from others. "I draw the line where there has been bodily injury or a threat to a body. Otherwise you could put all those cases on a computer and forget about panels," he said. "When somebody is accused of murder, I find it hard to feel that he deserves clemency."

The decision of the Board July 15 to extend its jurisdiction to an applicant who claimed he had applied for clemency to a U.S. official in Canada before the deadline but was subsequently arrested on draft evasion charges when he crossed the border was hailed by Mr. Kauffmann as "great." "I think it was exactly right. We've got to lean over backwards to give clemency. People are afraid that if we extend our jurisdiction we'll be inundated with cases like that, but that's precisely what we're here for. We should be handling more cases. If we get thousands of more applications, we'll find a way to hear them all. If we have to work 24 hours a day, we'll do it."

Mr. Kauffmann said there is little policy disagreement among Board members. "Amazingly enough, there isn't much. Gen. Walt is a little more conservative perhaps. I love that man, he's a fantastic person. I think he's done a marvelous job here."

Several policy changes have been made since the Board began hearing cases; one of the most significant was decided at the Board meeting July 15. Effective immediately, an applicant's drug addiction or alcoholism will trigger the application of mitigating factor 3 (mental or physical condition). Mr. Kauffmann and Lewis Puller were the board members who led the fight to broaden the application of this factor. "All along I have had the position that drug addiction, not just drug use, is like alcoholism. They're illnesses and should be a consideration in handling a case. The Board had had the position that these were neutral, neither aggravating nor mitigating," he said.

Senator - This is what Bruce & Colleen  
want to print in the newsletter -  
Mr. Kauffmann said "Kill it" - Reasons  
are obvious -

"Most of the Board members would probably lean toward 3 more if the condition were Vietnam-related, but I personally have trouble differentiating. Addiction is addiction, no matter where it began."

Another policy decision that sparked discussion among Board members and staff alike was the ruling that the race of an applicant be included in the case summary. Mr. Kauffmann said he favored including the race because "I lean over backwards for minority groups. If anything, it's to their benefit. When we know that an applicant is a Puerto Rican or is black, we consider it to be mitigating. Actually, it discriminates against white applicants if anything. But we try to handle each case as fairly as possible. I think we do anyway. I wouldn't tolerate the unfair disposition of a case on my panel if I thought we were being less than just."

Board members have been putting in 18 and 20 hour-long workdays in order to read the 120 cases on a typical docket, he said. "I've never seen a harder working group anywhere. I have incredible admiration for the work of the staff also. I never thought those in the federal government worked so hard." He said it takes him about two and a half hours to read 30 cases or about 10 hours to complete a docket. "I'm a slow reader because I like to understand what it is I'm looking at. Some of the cases aren't as meticulously done as others, so I add up everything myself (AWOL time, confinement time, creditable service)," he said. "If you leave here at 7:00 p.m. after sitting on panels all day and are back at 9:00 a.m., it becomes almost impossible to read all the cases." Mr. Kauffmann said he favored changing the present schedule of workdays on Monday, Tuesday, Wednesday and Friday with Thursday as a reading day to one with Wednesday as the reading day in order to make it easier to get the cases read. When asked if he would prefer two reading days a week, he commented, "We already have that. They give us Saturday and Sunday to get our work done."

When asked if he felt that the PCB was accomplishing President's Ford's goal of healing the divisiveness caused by the Vietnam war, Mr. Kauffmann said, "With a nation as diverse as ours, I'm not sure anybody will be happy with what we're doing. But I think the President is right about the need for the clemency program. I think this is an important thing to do. And Charlie Goodell is doing a hell of a job in a very difficult position. The right is very careful about clemency because the left--persons like Mary McGrory (a syndicated columnist for The Washington Star) wants to give everybody clemency. I'm very impressed by his handling of the work."

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL

cc: John Hoy Kauffmann  
Robert S. Carter

FROM: Nia Nickolas

DATE: August 7, 1975 2:30 PM



The White House just called to advise me that at 3:00 PM today, there will be a Press Posting announcing that Mr. Kauffmann and Mr. Carter have been appointed as Presidential Clemency Board Members.

Congratulations Gentlemen!

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL cc: Bruce Lawhead  
FROM: NIA NICKOLAS  
DATE: August 8, 1975  
SUBJECT: Location of Press Conference on Tuesday, August 12th,  
11:00 AM



Bruce and I have checked out all the locations available in this building and it appears that the 6th Floor Conference room is the best.

- 1) Bruce has kindly consented to move the desks out of the way and put in several tables (long ones or smaller ones put together) with chairs for the writing press.
- 2) Jim LaFleur was nice enough to carry over the small lecturn which was at 1206 location. It does not have a space for a microphone, however, so I have requested that Bruce please try to locate a stand-up mike.

The acoustics in that room are very poor and I really don't think we can get by without a microphone.

- 3) We will also arrange for the "flag" to be set up by the lecturn... so there will be some color.

Please advise if this meets with your approval.

Saturday, August 9th

Have a pleasant weekend.  
Thanks for your cooperation.

TO: SENATOR GOODELL

I will be available all day  
Sunday and in and out Saturday  
at home on 790-0275

FROM: NIA

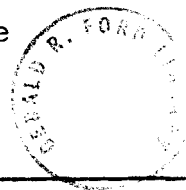
Dear Senator:

Attached please find the original and one copy of the press release.

For your information, here are background details I used in completing it.

FROM BILL STRAUSS:

Almost half:	Pardons
Over 1/3th:	3-6 months of Alt.Service
About 1/6th:	More than 6 months of Alt.Service (Usually 6-12 months)
6%:	No Clemency



INFORMATION YOU DICTATED TO ME IN THE OFFICE:

First Paragraph:

- 1) One of few federal agencies to complete work in one year
- 2) PCB has disposed of 12,000 cases
- 3) President has signed more than 1,000

Note: I reversed this putting the President before the 12,000 cases as the character description was lengthy. We can switch that if you choose.

Second Paragraph:

- 1) Roughly 1/4 of military cases served in Vietnam *e. o.*
- 2) 2/3 of civilian applicants objected to war on religious grounds
- 3) 1/2 of our total applicants have received Outright Pardons
- 4) Another 20% have received 3 months Alternate Service
- 5) Very few of our applicants received more than 12 months
- 6) 6% were denied Clemency.

FROM GRETCHEN:

Over 21,000 applications received  
5,000 Non-jurisdictionals  
16,500 for Board to consider

Still finding Non-jurisdictionals so it is conceivable  
it could drop to 15,000

President has signed 1051 and has begun receiving packets of 1,000  
or more on a regular basis

An additional 1031 went him this week 8/4 thru 8/8  
Minimum of 1150 going next week 8/11 thru 8/15

PRESIDENTIAL CLEMENCY BOARD  
2033 "M" Street, N.W.  
Washington, D.C.

CONTACT: Nia Nickolas, Press Secretary 202: 254-5066 & 254-6947

FOR IMMEDIATE RELEASE:

AUGUST 12, 1975

Washington, D.C.....With only 5 weeks remaining before the Presidential Clemency Board concludes its work, Chairman Charles E. Goodell today issued the following statement:

"You will recall that the President implemented the Executive Order establishing the Clemency Program last September 16, 1974... and, as it gained momentum, the President extended the application deadline twice until the final date of March 31, 1975.

Shortly thereafter, we received nearly 21,000 applications of which roughly 5 to 6,000 proved to be ineligible. We now have between 15 and 16,000 total eligible applications. The Board will definitely finish processing all of these cases and go out of existence by September 15th having been one of the few federal agencies to complete its work in the short space of one year.

As of August 1st, the President had signed over 1,000 Pardons and has now begun receiving packets of 1,000 or more cases on a

-more-

regular basis.

As of today, the Board has acted on 12,000 cases. Information on the characteristics of these applicants has been surprisingly revealing. *Please indicate which you prefer to use - % or fractions* Roughly 25% (1/4) of our military cases are individuals who served valiantly in Vietnam and subsequently got into trouble when they came home. About 66% (2/3) of our civilian applicants evidenced substantial conscientious objections to the war but were unable to obtain proper C.O. status and they have been recommended for Outright Pardons. Almost 50% (1/2) of our total applicants have received Outright Pardons while another 20% have received Conditional Pardons based on completion of between 3 to 6 months Alternate Service. Approximately 16% (1/6) are required to serve between 6 and 12 months and very few applicants received over 12 months of Alternate Service. Only 6% have received decisions of "No Clemency."

The processing of this tremendous avalanche of applications necessitated a major expansion. Through the cooperation of many



government agencies, we "borrowed" staff attorneys and clerical support -- at times numbering over 600 people. However, some of these individuals were able to stay only a few weeks, while others have been available for 3 or 4 months.

Last May, we also added nine (9) additional Board Members.

(Biographies of the 18-Members are attached for your information.)

Since the 1st of June, the Full Board has been working, non-stop, acting on cases at the rate of approximately 1100 a week. They work in panels of 3 with any Board Member able to refer a case to the Full Board. We are maintaining the integrity we initiated at the beginning by <sup>CONTINUING TO REVIEW</sup> ~~reviewing~~ the applications individually and allowing each person the opportunity of correcting or responding to the summary of his case. We are also granting personal appearances to those who request it.

Those of us serving on the Presidential Clemency Board have experienced many hours of philosophical and emotional soul searching. We have reviewed thousands of sympathetic and tragic cases. As I indicated earlier, many applicants were Vietnam heroes and others

truly had legitimate religious objections to the war. These people have already been convicted. They have paid a price.

The benefit of a Presidential Pardon should enable these individuals to return to the mainstream of society as self-supporting and useful citizens again.

While the Board Members all come from varying backgrounds and political persuasions, they have successfully interacted making it possible to work together in an empathetic, objective and just manner -- carrying forward the spirit of the President's Program.....'to bind the wounds'."

# # #

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL

FROM: NIA

SUBJECT: ARTICLE IN "PARADE" MAGAZINE - Sunday, August 10, 1975  
(Resulting from your interview here with Michael Gorkin  
on June 12th)

DATE: August 11, 1975

You will remember we had a pretty good interview with Gorkin - and he also received from me, a memo with all the correct figures that we submitted during that interview.

The numbers we gave him were:

Applications received:	16,524	(Final)
Number of applications received before non-jurisdictionals deducted:	18,711	

Number of possible eligibles: 100,000

Evidently Michael Gorkin got pre-empted by George Michaelson. Too bad they didn't at least get the numbers right.





The Tiller family, two of whose sons fled the Vietnam draft and still live in Canada, moved from Dante, Va., to Levittown, N.Y. Son, not shown in photo.

## Open to Discussion

# Will We Ever Solve the Amnesty Problem?

by George Michaelson

WASHINGTON, D.C.

**S**ometime next month the Presidential Clemency Board expects to complete its remaining batch of Vietnam amnesty cases, and close up shop.

"All in all, the President's program allowing for 'earned reentry' has been a mixed success," says Charles E. Goodell, the former New York Senator who heads the board. "Only 23,000 applied, but I personally feel we have gone some distance towards easing the discord in this country caused by the Vietnam war."

Goodell may be right, but the fact remains that of the 124,000 men covered by President Ford's program, more than 100,000 have yet to ask for clemency. And the question now being

raised, in Congress and elsewhere, is what should be done about it.

Should these men be told, "Too bad, it's too late"? Should the program of conditional, earned reentry (which calls for, among other things, up to 24 months of alternate, civilian service to the country) be reopened? Or, is a blanket, unconditional amnesty the answer?

### Won't compromise

To one mother, at least, the answer is painfully clear. Says Mrs. Virginia Jones, whose son is one of several thousand fugitives who are still in Canada: "I just can't accept that my son has to go on living in exile. He's been away for five years, and God knows, he's paid his price for refusing the draft. He should

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL  
FROM: NIA  
DATE: AUGUST 11, 1975  
SUBJECT: Interview with Cliff Evans, RKO Broadcasting



Your friend Cliff said he would not be able to cover tomorrow's Press Conference, however, if you could call him on the phone he would do a tape and send it out on the stations tomorrow afternoon.

He will be available between 10:00 AM and no later than NOON.

This is a tight time frame, however, if you feel up to it at NOON, we could call him right away and catch him before he leaves at 12:20.

965-2212 Direct line

965-1500 Office

YES \_\_\_\_\_ NO \_\_\_\_\_

Which time please \_\_\_\_\_

Thanks so much.

POSSIBLE QUESTIONS TO BE ASKED

- 1) What about Vernon Jordan - resigned? arguments on Board cause him to feel this way? - Why did he choose this manner to announce it?
- 2) a) What about Andrew Davis - how come he got to apply after deadline?  
b) How many others applied late and were turned down -- have you accepted any others ?
- 3) a) Are you truly going to shut down on September 15th  
It seems there are too many cases to be decided and sent to the President to be able to do that in 5 weeks.  
  
b) What if the President doesn't sign them all before September 15th?  
Do those men just lose out?
- 4) What about upgrading discharges - Are there any plans between you -- the President and the DOD to upgrade discharges?
- 5) What about Veteran's benefits?
- 6) What about Medical benefits?
- 7) What effect do you think this Clemency Program will have (if any) on the President's chances for re-election?
- 8) What do you think will happen with Nelson-Javits. We understand you had something to do with writing that bill. Is there some plan a foot to end the PCB and have you underwrite Unconditional Amnesty?
- 9) What appointment do you expect to get after September 15th?
- 10) Do you plan to campaign for the President?
- 11) We understand there has been much dissession on the Board - between the Members - Is it really true that the Board has taken so long to act on cases because they can't agree -- or agree to disagree?
- 12) Do you think the President will risk declaring Unconditional Amnesty after this Program is over? He didn't exercise the best judgment when he pardoned Nixon right at his highest popularity peak...so do you think he will again be emotional instead of politically bright?
- 13) What kind of report are you planning to send to the President at the end of this Program? Will it contain any philosophical recommendations about preventing future wars or abolishing anything but volunteer military service?

PRESIDENTIAL CLEMENCY BOARD  
MEMORANDUM

TO: SENATOR GOODELL  
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965-2212 Direct line

965-1500 Office

YES \_\_\_\_\_ NO \_\_\_\_\_

Which time please \_\_\_\_\_



Thanks so much.



PRESS STATEMENT  
August 12, 1975

PRESS STATEMENT

CHAIRMAN CHARLES E. GOODELL

PRESIDENTIAL CLEMENCY BOARD

TUESDAY, AUGUST 12, 1975



SELECTIVE SERVICE  
FIGURES

Information on Reconciliation Service Program

(August 11, 1975)

<u>Referring Authority</u>	<u>Military</u>	<u>Department of Justice</u>	<u>Clemency Board</u>	<u>Totals</u>
Enrolled	4508	723	101	5332
At Work	1353	459	19	1831
Completed A/S	52	9	7	68
Postponed	63	21	2	86
Referred to Job(s)	909	170	12	1091
New Enrollees		15	57	72
Job Interruptions	145	29	2	176
Terminated	1986	20	2	2008

---

Total Placements Accomplished 2848



- 1) AS OF AUGUST 1st, THE PRESIDENT SIGNED OVER 1,000 PARDONS
- 2) LAST WEEK AND AGAIN THIS WEEK, HE WILL RECEIVE PACKETS OF

OVER 1,000 CASES.

- 3) BOARD HAS PROCESSED OVER 12,000 CASES

4)	In 12,000 cases:		
	OUTRIGHT PARDONS	50%	(1/2)
	CONDITIONAL PARDONS 3 to 6 MONTHS	20%	(1/5)
	CONDITIONAL PARDONS 6 to 12 months	16%	(1/6)
	MILITARY CASES WHO SERVED VALIANTLY IN VIETNAM:	25%	(1/4)
	CIVILIANS WITH LEGITIMATE C.O. CLAIMS	66%	(2/3)

Office of the White House Press Secretary

THE WHITE HOUSE

## FACT SHEET

## PRESIDENTIAL CLEMENCY BOARD TRANSITION

The President has today issued <sup>an</sup> Executive Order terminating the Presidential Clemency Board operations and delegating residual administrative responsibilities to the Department of Justice and the Selective Service.

Background

On September 16, 1974, the President issued a proclamation and Executive Orders establishing a program of clemency for draft evaders and military deserters to commence immediately. The program for the return of Vietnam-era draft evaders and military deserters was formulated to permit these individuals to return to American society without risk of criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and agree to serve a period of alternate civilian service, when required as a condition of clemency.

The Presidential Clemency Board was comprised of eighteen private citizens designated by the President with former Senator Charles E. Goodell as Chairman. The Board reviewed the records of two kinds of applicants. First, those convicted of a draft evasion offense committed between the date of the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States troops (March 28, 1973). Second, those who received a punitive or undesirable discharge from the armed forces because of a military absentee offense committed during the Vietnam era or were serving sentences of confinement for such violations. The Board was empowered to make recommendations to the President on a case-by-case basis either granting or denying clemency. In the absence of aggravating factors, the Clemency Board was expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service, to be performed under the auspices of the Director of the Selective Service.

In the case of a military deserter, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge. The Clemency Board's recommendations to the President took the form of a pardon, <sup>and</sup> or a clemency discharge with and without conditions of alternate service requirements.

Military deserters and draft evaders who had not been discharged or convicted did not apply to the Presidential Clemency Board but reported to their military department or the Department of Justice. There they were relieved of punishment contingent upon ~~taking an oath of allegiance~~ fulfillment of alternate service requirements.

The deadline for all applicants to apply for clemency was originally set for January 31, 1975, but was extended to March 31, 1975, to respond to the heavy volume of applications received after the original date.

(more)

(OVER)

2

The Clemency Board was charged to complete its ~~reviews and~~ recommendations to the President by September 15, 1975 on those applications received by the March 31, 1975 deadline.

#### Accomplishments of the Board

The record of the Presidential Clemency Board reflects a successful completion of the Board's responsibilities within the deadline date of September 15, 1975.

- The Board received approximately 21,500 applications and requests for clemency.
- Of these applicants, approximately 5,000 did not qualify for the program.
- The remaining approximately 15,500 cases <sup>have</sup> ~~have~~ <sup>all</sup> ~~all~~ <sup>been</sup> ~~been~~ reviewed by the Board and recommendations made for Presidential consideration.
- Approximately six percent of the total cases reviewed by the Board resulted in recommendations for denial of the applicant's request for clemency.
- Of the total, roughly 43 percent of the cases were recommended for clemency conditional on fulfillment of alternate service for an average of six months.
- The remaining 51 percent of the cases were recommended for <sup>(outright)</sup> pardons.

#### Effects of Program

Expeditious action by the Board has enabled thousands of persons convicted of draft evasion or desertion to return to the mainstream of American society. Many thousands who were recommended for clemency can choose to fulfill alternate service requirements and cause less than honorable discharges to be converted to clemency discharges, while working in areas that contribute ~~beneficially~~ to the betterment of their community and the country. The maximum length of alternate service is two years. In prescribing the length of alternate service in individual cases, honorable service rendered prior to desertion, penalties already paid under law for the offense, and other mitigating factors were taken into account to ensure equity of treatment among those participating in the program. The Director of Selective Service has the responsibility to find or approve alternate service jobs for those who agree to the conditional provisions and report for assignment.

Determining factors in selecting suitable jobs are:

- Contributes to national health, safety or interest;
- Non-interference with the competitive labor market;
- Compensation is comparable to that received by another employee utilizing the same skills and occupying the same position;
- Utilizes any applicant's special skills, where possible.

#### Follow-Up Activities Related to Presidential Clemency Board Activities

<sup>Any</sup> applications for executive clemency, as to which the Presidential Clemency Board has not taken final action shall be transferred, together with the files related thereto, to the Attorney General.

(more)

(OVER)



The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended, Proclamation No. 4313 of September 16, 1974, as amended, Executive Order No. 11804 of September 16, 1974, and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive Orders.

#

#

#

10:38 AM

UPI #95 David Anderson



A minority report sent to the White House by 4 members of the PCB characterized administration of the Program as "unethical" and so amnesty oriented it bordered on illegality.

The report written by retired General Lewis Walt of the Marine Corps and 3 other members, was made public today by the VFW, long time opponents of President Ford's limited amnesty program.

The minority on the 18-member Board said President Ford executive order creating the Clemency Program was "misinterpreted, circumvented and violated under Chairman Charles Goodell's leadership, and by a largely anti-war staff.

"We believe" they said, "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 mal-administration of the Plan."

The majority was too easy in granting pardons, they said and some actions taken "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."

The Minority Report, sent to the White House the day the program was ended was the second major schism within the Board that was established by Ford to reconcile Vietnam war opponents to society.

Vernon Jordan of the Urban League and original Board Member earlier called for a Universal and Unconditional Amnesty and broke with Ford's plan for a ~~mx~~ limited and conditional Clemency.

Walt and his colleagues said.. "they opposed clemency for anyone who has 2 or more convictions for serious crimes on his record or "who deserted his comrades on the battlefield in Vietnam."

But they said the majorities lenient actions had the effect of setting "a liberal precedent relative to executive pardons closely associated with felonious crimes."

The Board received about 16,000 eligible applications from a potential clientele of 100,000 Selective Service violators and military personnel. To date President Ford has acted on about 2400 cases. Walt was joined by Dr. Ralph Adams, Pres. of Troy U.; James Dougovito, instructor at Michigan Tech U.; and retired Army Colonel Harry C. Riggs, of Plainview, Texas.

President Ford's Clemency Board was staffed by 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 - 4 Board Members say.

In a Minority Report submitted to the White House, the 4 Board Members said Chairman Charles E. Goodell and a staff appeared to have misinterpreted and circumvented and violated at least the spirit of the Presidential order establishing the Amnesty Program for vietNam war resisters.

The report said the Chairman and the staff apparently sought to increase the number of applicants - liberalize the structure of the Board - and set a liberal precedent relative to executive pardons closely associated with felonious crimes.

Goodell said he had not read the report and would have no immediate comment on it.

He said the report had been sent to White House Counsel Philip Buchen but Goodell said Buchen had returned the report unread because he has not received the Final Majority Report.

The minority report was signed by retired Marine Corps General Lewis W. Walt -- Troy State President Ralph Adams - James Dougovito and Harry Riggs.

The Minority Members said they opposed the Board's decisions granting clemency to men with 2 or more convictions for serious crimes adding that we do not believe that a man who has deserted his comrades on the battle field in Viet Nam or who refused to go to VietNam when he was so ordered should be given Clemency.

They said that when the Board was expanded from 9 to 18 members Goodell stacked the Panel so it became a more amnesty oriented - Goodell influenced group.

After the extension, the report said, Clemency was voted in cases involving men with as many as 8 battlefield AWOL's and as many as 10 other AWOL's including one with as long as 7 years.

Clemency was voted for men guilty of multiple refusals to go into combat and in cases involving ... civilian felony convictions including rape and murder manslaughter - grand larceny, armed robbery, aggravated assault-- the 4 Board Members said. The Minority report also accused Goodell of writing letters to all the major prisons in the country seeking applicants for the Program. This was done without the knowledge of Board Members .. this mail produced over 2000 applications on which the Board has taken action and in the majority of cases recommended Pardons ... the report said.

The Minority said the Board's final report to the President was written by Goodell staff and reflect their very biased pro-amnesty view. The first draft of the Full Board's report which has not yet been submitted to the White House, includes numerous misleading statements -- is non-factual in many areas -- and contains whole chapters that are entirely irrelevant to the duties and functions of the Board, the Minority said. The Clemency Board was officially disbanded Sept. 15th but its members were to meet again in Washington on Sept. 29th to work on the final draft of the report to the President.

A STATEMENT FROM THE MAJORITY OF THE PRESIDENTIAL CLEMENCY BOARD

CONTACT: Nia Nickolas, Press Secretary

254-5066 & 254-6947

FOR IMMEDIATE RELEASE:

SEPTEMBER 22, 1975

Washington, D.C.....We, as a majority of the Presidential Clemency Board, wish to commend the President for his courage and leadership in establishing an Earned Re-Entry Program of Clemency for deserving Viet Nam era young men and women.

In the Executive Order of September 16, 1974, the President indicated his hope was to heal the wounds of a very difficult and trying time in America's history. As Members of the Board, we are deeply gratified to have been participants in this mission and feel that our actions and recommendations will serve to accomplish that goal and to help rehabilitate many persons back into the mainstream of society.

We also wish to commend the President for his choice of Charles E. Goodell as the Chairman of the Clemency Board. In his tireless fashion, the Chairman directed a dedicated staff in carrying out this difficult assignment. We were impressed with the loyalty, dedication and professionalism of the staff leadership. They consistently met the highest standards of ethics and honesty.

During the entire period of the Board's existence, Chairman Goodell showed great sensitivity to the views of each and every Board Member and we are proud to have served under his capable direction. The Chairman, and the Members of the Clemency Board were, at all times, responsible for the policy determinations under which the Program was completed. We operated in a democratic fashion and all determinations were made by majority vote. It should be noted that the Board recommended Clemency ONLY for the military and draft offenses of the applicants. Each case was



## RESPONSE TO MINORITY REPORT

The assertions in the Minority Report about the Board's draft Final Report are uncorroborated, general statements of opinion. All members of the Board were invited to give their suggestions, and many members of the minority have had their comments incorporated in the draft report.

The Chairman, Board, and staff never received a copy of the report from the minority. It was not formally submitted in any way. The White House, upon delivery of the report, instructed that it be returned and be submitted together with the Final Report when that was issued.

Sec. II ~~Nine~~<sup>TEN</sup> new members were appointed by the President in April, and thereafter subsequent to discussions by the Chairman and the ~~White~~ House Personnel Office old members were requested to make suggestions as to new members. ~~Two~~ of the new members were suggested by existing Board members. The new members were chosen to retain the same philosophical makeup of the original Board.

The two new Board members chosen from the Board staff consisted of a decorated disabled Vietnam~~y~~ war veteran and the wife of an Air Force officer still missing in action.

Policy decisions were decided exclusively by a majority of the Board and the General Counsel and the staff served the Board. All their actions were brought to the attention of the Chairman who kept the Board constantly apprised of the staff actions and presented all policy issues to the Board.

The memorandum quoted on page two was an analytical memorandum describing the problems in understanding the meaning of a Clemency Discharge. The memo was quoted out of context. The option **OF ALLOWING ANY VETERAN TO APPLY FOR A CLEMENCY DISCHARGE WAS DESCRIBED AS** cited by the ~~Minority Report~~ was called "not realistic" by the memorandum's author, who never made such a proposal. Therefore, the idea was never raised to the General Counsel or the Board.

Sec. III Staffing:

DoD assistance - DoD offered to have cases prepared by non-legal military clerical types acting not under the supervision of the General Counsel or the Board. The General Counsel did request large numbers of legally trained military officers to act as supervisors of the legal staff. Because of staffing problems, DoD was unable to supply such officers until ordered to do so by OMB. Even then the numbers were substantially less than the numbers requested by the Chairman and the General Counsel.

Interns - DoD did offer to supply us interns who had applied to DoD for summer work. These people were acceptable for summer<sup>work</sup>/by DoD and were to work in the Defense Department if positions had been available for that purpose. DoD selected the interns and <sup>gave</sup> gave first preference to those with military backgrounds.

The interns as a group were enthusiastic, capable and their dedication made it possible to meet the production deadline.

All attorneys were given written and oral instruction by the General Counsel and the Board to be objective, to keep personal views private and not to advocate. A rigorous quality control procedure was instituted to insure these orders being carried out.

With regard to administration the PCB, unlike many government agencies, was established with a specific goal and time limit. The staff met the goals set by the President and Board. The uniqueness of this situation <sup>that</sup> is the Board completed its work on time and disbanded on September 15, 1975.

OMB did suggest the alternative of a new administrator. The Chairman and the General Counsel accepted that recommendation and requested suggestions from OMB. No suggestions were ever made. The issue became moot when it became obvious that the staff would meet the production goals.

Sec. IV. The Board on record decided that it wanted to inform eligible individuals by all possible means that they were eligible. The Board was informed of all methods employed. Because approximately 10% of all prison inmates are former servicemen with bad discharges, information about the President's program was also made available to penal institutions.

We received approximately 1500 inquiries from prisons; of those, less than 1000 were eligible and had their cases heard.

With regard to these cases the Board's disposition rate was as follows: 580 no clemency; 200 conditional clemency; 180 outright pardon.

Applications: The Board decided that it would accept, as meeting the deadline, inquiries made to any responsible government official. Initially that meant consular officials, Congressmen, probation officers, <sup>etc as well as DoD & Justice,</sup> and ~~others~~ <sup>policy</sup> When ambiguity in this <sup>some</sup> was raised in July, the Board affirmed and clarified <sup>the</sup> this rule.



In no case did the Board accept an application which did not meet the Board's requirements.

With regard to the Leavenworth inquiry, we received a request from an official at the Penitentiary in March, 1975. One application kit was sent. In May, we received a letter stating that there were 75 people at the institution who wanted to apply. The response to the request sending the additional forms indicated that a decision of timely eligibility would be left to the Board.

Sec. V. No decisions of the Board were considered final until the President acted on a case. Any Board member at will could require reconsideration. All members exercised this right, and hundreds of cases were referred to the full Board by the members; often more than once.

The policies of the regulation were explicitly decided by the Board and codified by the regulation. *the Bd's policy decisions were — legal language* When it was pointed out that the regulations had never been formerly adopted by the Board, they were later ratified by the Board members. *There was no contention that the regulations as written were in any way at variance with* With regard to staffing assistance to Board members, *the policies adopted by the Bd* the Chairman made it clear from the beginning that the entire staff was available to any member. Only one Board member requested *personal* assistants and his request was granted. Later this member and a few others requested additional personal aides. These requests were also granted. Ultimately the Board member most desirous of assistance had a total of six aides.

The difficulty of getting files was identified as a personnel ~~file~~ problem resulting from the incompetence of the head of the file room. A recommendation was made to remove that person. There/after, he was relieved of that function. A proposal to discharge him was not accepted because of the interv<sup>e</sup>tion of a Board member who subsequently requested the individual as his aide.

Sec. VI. After discussion within the Board as to the form of the Executive Clemency, the issue was resolved by the President that pardons would be granted. These pardons were only recommended to the President for qualifying offenses and in no way bear on any other criminal record which the applicant may have.

The allegation that the Board became more liberal is not borne out by the facts. The original nine member Board had a pardon rate of 44% and a no clemency rate of 2.5%; the expanded 18 member Board had a pardon rate of 42% and a no clemency rate of 5.6%.

Since this program was one of clemency, not punishment, the Board decided every case on its individual merits. <sup>For example,</sup> ~~and~~ some highly decorated Vietnam veterans were unable to adjust to garrison duty and committed various offenses. The Board took all these facts into account as well as other aggravating and mitigating factors.

The Board rejected suggestions from a minority of members that it apply blanket rules of disqualification. However, the Board did not grant clemency to those who had committed serious violent crimes against persons, such as murder and forcible rape.

*all language*

In fact 73% of the Board cases involve crimes of burglary, robbery, assault and similar offenses were denied clemency. In certain special cases the Board did offer an opportunity for applicants to earn rehabilitation when mitigating factors, including honorable war-time service, were strongly present.

The Board, after much discussion and over the Chairman's dissent decided to follow existing DoD policy by making drug addiction, especially that arising from service in Vietnam, a mitigating factor.

At OMB's suggestion, the Board established a post-audit review process to insure consistency with Board precedents. All cases which appeared to be <sup>substantial</sup> deviations, including harsh and lenient cases, were reviewed and identified to the Board and the Chairman for possible referral for reconsideration. <sup>Only a Board member could refer</sup> ~~when deviant cases~~ <sup>a case to the full board and in almost all instances of such references,</sup> ~~the~~ <sup>the</sup> were submitted to the Board, the recommendations were revised.

Of the <sup>15</sup> 500 cases decided by the Board, some cases were apparently inadvertently heard more than once. All these cases were identified. The Board policy was that the first decision was binding in the absence of significant <sup>+</sup> new information or other valid reason for reconsideration.

#### Conclusion:

The Board and the staff conscientiously implemented the spirit of the President's program. The program's purpose was clemency in order to bind the wounds of the nation. The Board recommended clemency in 94.7% of its cases. It denied clemency in 5.3%.

If the Board had not operated by majority vote and had followed the policies suggested by the minority, <sup>IN</sup> the last two

paragraphs of its report, 68% of the applicants would have been denied clemency. We think this would have defeated the purpose of the President as he expressed it in his press conference in...."

PRESIDENTIAL CLEMENCY BOARD

TO: MR. JOHN H. KAUFFMANN AND MR. ROBERT S. CARTER  
FROM: NIA NICKOLAS SEPTEMBER 22, 1975  
SUBJECT: Q.andA. sheet for press briefings



Gentlemen:

I have always prepared a Q&A sheet for the Chairman and thought since you both will probably be making statements, you might like to have some background on the questions being asked and possible responses.

QUESTION:

What is your reaction to the Minority Report released by General Walt et al?

ANSWER:

We were surprised a bit since at all our meetings, each of us has the opportunity of expressing his views - pro or con - and it was a bit unfortunate that the Chairman at least, wasn't extended the courtesy of having been presented a copy ahead of time. The General is a very dedicated military man and strongly believes in his convictions - as we all do - and we all have great respect and affection for him personally. Having such a strong military background we are surprised that they didn't follow the chain of command.

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QUESTION:

Are the charges true? Did the board operate on the border of illegality?

ANSWER:

That is nonsense. This Board reviewed 15,500 cases on an individual case by case system. At all times, we strived to operate within the Rules and Regulations which were carefully set out back in September, 1974 when the Program was initiated.

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QUESTION:

What comment do you have to make then concerning the operation of the Board?

ANSWER:

Well, as you know our responsibility was to process those 15,500 cases by the September 15, 1975 deadline. We fulfilled that responsibility. Being realistic, nothing is ever perfect - neither programs nor people. This was an exceptionally good job done under the most difficult constraints of time, space, administrative and personnel problems. After all it was a new baby. There were no precedents and there was no money to go out and buy equipment or hire special people if there was a need. But we appreciate the fact that all the government agencies loaned us people and equipment and we did the best we could. Considering the problems, we all marvel that the job was done and done in good order.

QUESTION:

What kinds of applicants did you have?

ANSWER:

Our people have already been convicted of either Desertion or AWOL offenses in the military cases and in the civilian cases .. they have been convicted of Selective Service violations. They have been punished. They've been thru the judicial process - thru the penal process and heaven knows how many beauracratc processes. We think it took courage for them to go thru it all again. Of course, we are not dealing with high school valedictorians and honor students.. most of our people come from very disadvantaged backgrounds with the kinds of problems undreamed of by most Americans. This is why it was important to give them this opportunity for review and a possible second chance. After all how many times does a man have to pay for his offense. We can't heal divisions by adding another lash mark to his already bleeding back.

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QUESTION:

Yes, but what about the charges that you are giving pardons to murderers, rapists etc.

ANSWER:

That is slightly exaggerated. As far as we can recall there was only one grant of clemency given to a man who had committed manslaughter. You must remember that we consider the WHOLE MAN. The circumstances leading up to the offenses - circumstances under which it occurred etc. To quote out of context that way is unfair. You really have to have seen the whole case. Obviously you don't have 18 people sitting on a Board who are going to be reckless in their recommendations.

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QUESTION:

What value do you really think the Clemency Discharge will have on an individual's life?

ANSWER:

Well, we do not have the power to expunge his record. But the clemency discharge indicates that someone, somewhere took the time and compassion to review his case and where it was warranted, gave him this second chance. The Clemency Discharge and the Pardon restore a man's civil rights. It enables him to obtain a license in a trade ... carpenter, painter, plumber and where qualified, even to enter a profession. It puts him back on the payroll as a self-supporting citizen and takes him off the welfare roll. Symbolically, it gives a person a measure of self-respect again which hopefully enables him to help himself. The recent gallup poll indicates that 79% of Americans and potential employers will accept the Clemency Discharge over the less than honorable.

QUESTION:

What about the charge that this was an amnesty-oriented staff and Board. Are you for Unconditional Amnesty?

ANSWER:

The Clemency Board and the Clemency Program have nothing to do with Amnesty. That is a whole other thing. We are talking about people who have already been punished, and may be eligible for Clemency for their offenses. Amnesty is a forgiveness of all sins - for all people - unconvicted etc.

There is so much confusion about this issue, I wish we could clear it up once and for all.

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QUESTION:

Since the Board went out of operation on September 15th, how come you are acting as Spokesman and what about your statements that you will be meeting again on September 29th for a meeting about the Final Report.

ANSWER:

All of us have completed our initial responsibility as of Sept. 15th. We all have to return to our regular jobs and our family responsibilities. Our participation at this point is voluntary. For one year, we have put our emotions, energies on the line. These cases are real to us and we care about what is going to happen to these people. We can't just forget them because we are off the payroll. All of us will try to do whatever is needed of us between now and December 31, 1976 when our commissions authorizing us to act will expire.

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QUESTION:

What about the summer interns and legal staff that the Minority Report complains about?

ANSWER:

In the main, of course, they were very young and idealistic and perhaps naive about the way the bureaucracy works. At that age, weren't we all impatient with our elders? Didn't we all think we had the only real answers to all life's problems? I feel sure it was a great education for them as it was for all of us. I am also sure I speak for all the Members when I say that none of came away from this experience unchanged... and very grateful for our particular blessings.

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QUESTION:

What about the charge that the rules were amended?

ANSWER:

A few changes were made because as we went along the way we kept discovering new sets of problems not exactly covered by the original procedures. We learned that when you really do a case-by-case review, there are no perfect

rules to cover all the problems. But when those few amendments were made, they were always very thoroughly discussed and always a majority vote was required to initiate any change.

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QUESTION:

Would you say the Board really was tilted in any way?

ANSWER:

It was indeed a very balanced board. We had educators; a representative of the Spanish community who also happened to be a woman; 1 black woman; 2 black men; 2 clergy; the wife of a man missing in action; a representative of the media; a representative of the political scene and public relations; 2 highly decorated Vietnam Veterans both of whom received disabling wounds, and one Member who eventually found that he believed in Unconditional Amnesty and therefore, absented himself from the meetings but still came forward to sign the Majority Statement because he did believe in the Board and the manner in which it conducted itself.

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QUESTION:

What are the numbers and statistics you can give me about your work.

ANSWER:

By the March 31st deadline, we had received over 21,000 applications.

Of those 5 to 6,000 proved ineligible and were referred over to the Justice or Defense Departments

That left us with a total of 15,500 cases which we processed by September 15th.

The President to date has signed 2402 cases.

We are now in a 6-weeks transition period and the Justice Department has taken over. Three main projects remain to be finished:

- a) The balance of those cases (about 13,000) will be typed and put into Presidential Packets and sent to the President for his final determination and signature.
  - b) The confidential files will be returned to the appropriate agencies. Files and papers will be prepared for the Archives.
  - c) The Final Report will be completed and published.
- 

QUESTION:

What kind of breakdown do you have on pardons etc.

ANSWER:

To date, the President has not rejected any of our recommendations. If that precedent continues we can approximate that the cases will balance out as follows:

- \* About 43% Pardons conditioned upon completion of varying periods of Alternative Service between 3 and 6 months.
- \* About 50% Outright Pardons
- \* About 6% No Clemency cases which will never go to the White House.



CLEMENCY OFFICE

TO: NEIL BRODER

FROM: NIA NICKOLAS                      SEPTEMBER 24, 1975

SUBJECT: CHAIRMAN GOODELL'S PUBLIC STATEMENTS CONCERNING  
PROTECTING THE PRIVACY OF THE APPLICANTS



This is an excerpt from the tape of a CBS-TV interview between Chairman Goodell and correspondent Charles Crawford on January 20, 1975. It was aired both locally and nationally for a 3-part series on the Clemency Program.

This same statement was repeated in almost every Question and Answer session conducted between the media and the Chairman at every Press Conference as well as every opportunity presented for other radio and television interviews. We did not particularly use this language in Press Releases as it was clumsy to handle in print and better answered publicly, where there was an opportunity for deeper dialogues.

CRAWFORD:

The Program is supposed to run out on January 31st. What happens - or what can individual look for at this time as a possible extension of the Program? Should he sit by and wait to see ...

GOODELL:

He has nothing to gain by waiting. No one should count on an extension beyond January 31st. The President, as far as I'm aware has not made up his mind yet... but that will be under consideration during the next 10 days. If he waits and the President doesn't extend the Program, he's out. There's nothing more he can do. He cannot apply to the Clemency Board after January 31st. If he applies and changes his mind he can always withdraw. If he applies and it turns out that he didn't understand the Program very well.. we send him all the instructions..

WE URGE HIM TO GET AN ATTORNEY. TO GET SOMEONE TO ADVISE HIM.

If he changes his mind.. all he has to do is to let us know.

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CRAWFORD:

What assurances can you offer an individual who applies and then decides not to take advantage of it .. that you won't forward his name or his whereabouts to the Justice Department or the Department of Defense?

GOODELL:

In the first place if he is eligible for our Program, he paid his penalty. There would be nothing to forward to the Justice Department. If he turns out not to have been convicted and he applied by mistake to our Board,

we have given them a guarantee we will not forward any evidence to the Justice Department and the Justice Department has agreed that the Clemency Board has a right to do that. So we are guaranteeing that what he sends us will be held in confidence.

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CONCERNING STATEMENTS the Chairman may have made about protecting the privacy of the files... until the incident of Mary McGrory's article -- that question never arose in that kind of phraseology. The Chairman's statements to the media about privacy - as indicated above - had been repeated often enough so that the media quit asking.

Internally, however, there were many -- many times that particular subject came up during staff meetings where I recall that the Chairman was adamant about protecting those files.

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