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THE PRESIDENTIAL CLEMENCY BOARD  
TRAINING HANDBOOK



## PREFACE

This Training Handbook is designed to serve as a step by step guide to the responsibilities of the Presidential Clemency Board. It also provides information on each of the steps involved in handling an applicant's request for clemency.

The Handbook is composed of four major sections. Section I contains general introductory material regarding the establishment and mission of the Board. Section II contains flow charts followed by more detailed information regarding each of the six functional areas through which the application is passed. Section III contains legal information regarding military justice and the administrative discharge system as applied to the Clemency Program. The Appendix (Section IV) of the Handbook includes other miscellaneous information and reference material.

The format is looseleaf to provide for quick and easy updating as materials are added or revised.

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I. Introductory Information

I-A

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INFORMATION ON CLEMENCY PROCEDURES

On September 16, 1974, President Gerald R. Ford issued a Proclamation announcing a "Program for the Return of Vietnam Era Draft Evaders and Military Deserters", thereby establishing the Presidential Clemency Program. This Program was created in the hope of furthering the national commitment to justice and mercy wherein our Country could "bind the wounds" of the past and proceed to the future in a more conciliatory and unifying atmosphere.

There are three organizations involved in the Clemency Program: 1) The Presidential Clemency Board; 2) The Department of Defense; and 3) The Department of Justice. They cover offenses committed between August 4, 1964, and March 28, 1973. In all cases, applicants to all agencies must apply prior to January 31, 1975.

(Convicted Draft Evaders or Military Absentees)

I. THE PRESIDENTIAL CLEMENCY BOARD is comprised of nine members with former Senator Charles E. Goodell as Chairman. It deals only with those individuals who have received sentence or military discharge for their offense. There are two types of potential applicants-- those who have been convicted of a draft evasion offense and those who received a punitive or undesirable discharge from the Armed Forces because of a military absentee offense committed during the above specified dates. In reviewing cases, the Board is empowered to make recommendations to the President either granting or denying clemency. If the granting of clemency is recommended, such clemency may be conditioned upon the performance of alternate service. Such clemency may be in the form of a Pardon, a Clemency Discharge or Commutation of sentence.

(Unconvicted AWOLS, Deserters, or Those Who Have Missed Military Movement)  
II. THE DEPARTMENT OF DEFENSE has jurisdiction over persons in military service who have gone AWOL, have deserted or have missed a military movement and have not yet been convicted or discharged. A serviceman wishing to avail himself of the Clemency Program should report to the branch of the service from which he absented himself. (Members of the Coast Guard should report to the Secretary of Transportation.) At the time an individual turns himself in, he reaffirms his allegiance to the United States and agrees to perform alternate service. He is given an Undesirable Discharge and is referred to the Director of Selective Service for assistance in placement in alternate service. Upon fulfillment of alternative service, his Undesirable Discharge will be upgraded to a Clemency Discharge.

(more)



(Unconvicted Draft Evaders)

III. THE DEPARTMENT OF JUSTICE has jurisdiction over unconvicted persons with outstanding violations of the Selective Service laws. An individual wishing to avail himself of this component of the Clemency Program must present himself to a United States Attorney before January 31, 1975, and execute an agreement acknowledging his allegiance to the United States and pledge to fulfill a period of alternate service under the auspices of the Director of Selective Service. Upon completion of that service, pending charges against an indicted individual will be dismissed. Non-indicted individuals will have their case files closed without charges being brought.

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

September 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

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

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

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

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

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

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

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





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

1. Draft Evaders - An individual who allegedly unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to, or complete service under Section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

(i) presents himself to a United States Attorney before January 31, 1975,

(ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and

(iii) satisfactorily completes such service.

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

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

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

2. Military Deserters - A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, will be relieved of prosecution and punishment

under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

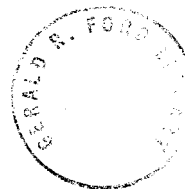
The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

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

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

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

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



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

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

GERALD R. FORD

# # # # #

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

SEPTEMBER 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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

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

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

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Article 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted or unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for



or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

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

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

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

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

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

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

THE WHITE HOUSE,

GERALD R. FORD

September 16, 1974.

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

SEPTEMBER 16, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD

The President has today established by Executive Order a nine member Presidential Clemency Board. The Board will review the records of two kinds of applicants. First, those who have been convicted of a draft evasion offense committed between August 4, 1964 and March 28, 1973, inclusive. 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 are serving sentences of confinement for such violations. The Board will recommend clemency to the President on a case-by-case basis. In the absence of aggravating factors, the Clemency Board would be expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service. In the case of a military absentee, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge.

The Board has been instructed to give priority consideration to individuals currently confined. The President has also asked that their confinement be suspended as soon as possible, pending the Board's review.

The Board will consider the cases only of persons who apply before January 31, 1975. It is expected to complete its work not later than December 31, 1976.

# # # #



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SEPTEMBER 16, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

PROCEDURES TO BE FOLLOWED

UNCONVICTED DRAFT EVADER AND MILITARY ABSENTEE

DRAFT EVADER

MILITARY ABSENTEE  
(including Coast Guard)

Report to United States Attorney  
where offense was committed

Report as prescribed by  
the military department  
concerned or for members  
of the Coast Guard report  
to the Secretary of  
Transportation

Acknowledge allegiance to the  
United States by agreeing with the  
United States Attorney to perform  
24 months alternate service or less  
based on mitigating circumstances

Oath of Allegiance to  
United States

Agree with the concerned  
Military Department to  
perform 24 months alternate  
service or less based  
upon mitigating  
circumstances

Perform alternate service under  
the auspices of the Director of  
Selective Service

Upon request, Military  
Department forgoes prose-  
cution, and issues  
undesirable discharge

Director of Selective Service  
issues certificate of satis-  
factory completion of alter-  
nate service

Perform alternate service  
under the auspices of the  
Director of Selective  
Service

DRAFT EVADER

MILITARY ABSENTEE  
(including Coast Guard)

Receipt by United States Attorney  
of a certificate of satisfactory  
completion of alternate service

Director of Selective Service  
issues certificate of satis-  
factory completion of alter-  
nate service

Dismissal of indictment or  
dropping of charges

Receipt of a certificate of  
satisfactory completion of  
alternate service by the  
concerned Military Department

Clemency discharge substitut  
for undesirable discharge

Apply to Clemency Board

Apply to Clemency Board

Clemency Board may recommend  
clemency to the President

Clemency Board may recommend  
clemency to the President,  
including substitution of  
a clemency discharge for a  
punitive or undesirable  
discharge

Clemency Board may condition  
recommendation of clemency on  
period of alternate service

Clemency Board may condition  
recommendation of clemency on  
period of alternate service

President may grant clemency

President may grant clemency,  
including substitution of a  
clemency discharge for a  
punitive or undesirable  
discharge

# # #





# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are layed out and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1352. 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 I—PRESIDENTIAL CLEMENCY BOARD

### ADMINISTRATIVE PROCEDURES AND SUBSTANTIVE STANDARDS

The Presidential Clemency Board published its proposed administrative procedures and substantive standards on November 27, 1974 (39 FR 41351). Since that time, the Board has considered the first military cases before it, and has had the benefit of more than 40 comments on its proposed regulations. With the benefit of this additional experience and these comments, the Board publishes the final regulations setting out its procedures and standards.

It is the intent of the Board to provide notice to the public of the standards it uses to make recommendations to the President concerning individual applications for clemency. The Board also wishes to ensure equity and consistency for applicants under the President's clemency program.

Because it is a temporary organization within the White House Office, the sole function of which is to advise the President with respect to the exercise of his constitutional power of executive clemency, the Board does not consider itself formally bound by the Administrative Procedure Act. Nonetheless, within the time and resource constraints governing it, the Board wishes to adhere as closely as possible to the principles of procedural due process. The administrative procedures established in these regulations reflect this decision.

The Board may publish changes in individual sections as it deems necessary. The Board welcomes continuing comment on problems which may arise in the application of particular sections of these procedures and invites recommendations on how best these problems may be resolved.

Several dozen technical changes have been made in these regulations in response to new circumstances that were presented to the Board. Some clarify significantly the rights and procedures available to applicants. The following is an explanation of those changes which seem to the Board to be most significant:

**Jurisdiction.** Section 101.3 has been added in order to incorporate the criteria for determining whether or not a person is eligible for consideration by the Presidential Clemency Board. It restates the criteria established in Proclamation 4313 (Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters) and repeated in Executive Order 11803 (Establishing a Clemency Board \* \* \*).

**Remedies.** Section 101.4 has been added to explain the remedies available from the Presidential Clemency Board. It states the authority with which the Board is vested by Executive Order 11803, issued pursuant to Proclamation 4313.

A Presidential pardon restores these federal civil rights lost as a result of a felony conviction. State law recognizes Presidential pardons as a matter of comity, usually restoring the right to vote in federal and state elections, to hold public office, and to obtain licenses for trades and professions from which convicted felons are barred under state law. Since conviction by military court-martial is treated as a felony conviction by many states, and since an Undesirable Discharge may have the same consequences as a court-martial conviction, the benefits of a pardon apply to former servicemen as well as to civilian draft evaders.

A Clemency Discharge neither entitles its recipient to veterans benefits nor bars his receiving those benefits to which he is otherwise entitled. The Veterans Administration and other agencies may extend veterans' benefits to some holders of a Clemency Discharge, but it is contemplated that most will not receive veterans benefits.

**Availability of files to applicant and his representative.** Section 101.7(c) clarifies which files an applicant and his representative have a right to see. At the offices of the Board, information collected by the Board independently of any other government agency is readily available to an applicant or his representative. All files obtained from other agencies are available to the extent not barred by the rules of the agency owning the file. For example, the Selective Service System file is available to him and his representative. Files from another agency are cited in a summary when they are used as the basis of statements in that summary. Reason for denial of access to any of these files is stated in writing upon request.

This subsection is in response to comments that §§ 201.5(b) and 201.6(c), read together, were either unclear or overbroad.

**Completed case summary.** The completed case summary consists of the initial case summary, amendments as described in the §§ 101.8 (c) and (e), and the materials submitted by the applicant and his representative as described in § 101.8(b). Where, in the opinion of the Board, there is a conflict of fact, false statement, or omission material to the Board's consideration of an aggravating or mitigating circumstance,

as specified in §§ 102.3 and 102.4, the case is tabled. The action attorney is instructed to obtain additional facts.

This is in response to comments from the private bar.

**Hearing before the Board.** Subsection 101.9(c) provides for a personal appearance as a matter of right if an applicant can show that an oral presentation is necessary to the Board's understanding of a mitigating circumstance or an aggravating circumstance which applies to his case. The Board has provided a right to personal appearance in response to several comments.

**Reconsideration.** Subsection 101.11(b) has been amended in order to add standards which must be met if the Board is to consider an applicant's petition for reconsideration. In the proposed regulations, consideration of such petition by the Board was a matter of discretion. This amendment limits the circumstances under which reconsideration will be granted, but provides that when an applicant shows that any of these circumstances are present, reconsideration will be granted as a matter of right.

**Transmittal to other agencies of Presidential decisions.** Section 101.12 provides that grants of immediate pardon by the President are transmitted formally to other government agencies, as appropriate. Pending completion of the alternative service requirement, grants of conditional clemency are communicated to another federal agency only to the extent this information is necessary for the agency to perform its functions under the clemency program or for other necessary action respecting the applicant. Upon completion of alternative service, notification of the pardon is forwarded to all appropriate agencies. Denials of clemency by the President are held confidential by the Board.

The intent of this section, adopted here in response to several comments is that a person who applies for clemency should not be prejudiced in his pursuit of other remedies through the military services' discharge review processes or elsewhere.

**Other remedies available to applicant.** Section 101.15(b) requires that Board staff inform both applicants to the Board and persons who inquire about the clemency program, but are clearly not under the Board's jurisdiction, of the remedies available to them under military discharge review processes and through the judiciary. Applicants to the Board or to one of the other agencies administering part of the clemency program may pursue such other remedies simultaneously or subsequently to, or instead of their remedies under the clemency program. The Board's staff informs them of their other options.

*Aggravating and mitigating circumstances.* Sections 102.3 and 102.4 contain new aggravating and mitigating circumstances which the Board deems material to its decisions.

The Board notes that it has seen a number of cases of persons who behaved with valor during combat, but then committed AWOL offenses because of mental stress caused by combat. The Board calls attention to this mitigating circumstance as one which it considers particularly important in some cases.

A number of comments from the private bar have suggested that the Board should add as a mitigating circumstance "evidence that an applicant would probably have obtained a Selective Service status or military discharge or reassignment beneficial to him, but failed to apply due to lack of knowledge or confusion." Mitigating circumstances #1, 8, and 9, in conjunction, are adequate to meet this problem.

*Calculation of length of alternative service.* Subsection 102.5(c) has been added in order to make clear the Board's decision that the initial baseline period of alternative service for applicants with Undesirable Discharges is three (3) months.

*Eligibility of clemency recipients for military discharge review remedies.* The Presidential Clemency Board notes, although the matter is not one for inclusion in its regulations, that it has received numerous comments which assume that a recipient of executive clemency under the President's clemency program is ineligible for consideration under the military services' discharge review processes.

This is incorrect. Any applicant to the Board for executive clemency may also seek review of his discharge through one of the military services' discharge review boards or boards for the correction of military records. Applying to the Board does not exclude a former serviceman from the jurisdiction of the military services' boards, nor does it preclude the remedies which are available from those boards.

The Presidential Clemency Board notes that a veteran who receives a Clemency Discharge through the Board may subsequently seek, according to the Department of Defense, an upgrading of that discharge through the military services' normal discharge review processes.

This chapter will become effective immediately.

Issued in Washington, D.C. on March 18, 1975.

CHARLES E. GOODELL,  
Chairman, Presidential Clemency Board, The White House.

#### 1. Part 101 is added to read as follows:

#### PART 101—ADMINISTRATIVE PROCEDURES

Sec.	
101.1	Purpose and scope.
101.2	General definitions.
101.3	Jurisdiction.
101.4	Remedies.
101.5	Initial filing.
101.6	Application form.

Sec.	
101.7	Assignment of Action Attorney and case number, and determination of jurisdiction.
101.8	Initial case summary.
101.9	Consideration before the Board.
101.10	Recommendations to the President.
101.11	Reconsideration.
101.12	Transmittal to other agencies of clemency decisions.
101.13	Confidentiality of communications.
101.14	Representation before the Board.
101.15	Requests for information about the Clemency Program.
101.16	Postponement of Board consideration and of the start of alternative service.
Appendix A:	Application kit.
Appendix B:	Proclamation 4313.
Appendix C:	Executive Order 11803.

AUTHORITY: Executive Order 11803, 39 FR 33297, as amended.

#### § 101.1 Purpose and scope.

This part establishes the procedures of the Presidential Clemency Board. 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).

#### § 101.2 General definitions.

"Action attorney" means an attorney on the staff of the Board who is assigned an applicant's case.

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

"Board" means the Presidential Clemency Board as created by Executive Order 11803 (39 FR 33297) or any duly authorized panel of that Board.

#### § 101.3 Jurisdiction.

Jurisdiction lies with the Board with respect to a particular person if such person applies to the Board not later than March 31, 1975 and:

(a) He has been convicted for failure under the Military Selective Service Act (50 App. U.S.C. 462) or any rule or regulation promulgated thereunder to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to, or complete (alternative) service under section 6(j) of the Act for offenses committed during the period from August 4, 1964 to March 28, 1973, inclusive; or

(b) He has received a punitive or undesirable discharge as a consequence of offenses under Article 85 (desertion), 86 (AWOL), or 87 (missing movement) of the Uniform Code of Military Justice (10 U.S.C. 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or is serving a sentence of confinement for such violation.

(c) Jurisdiction will not lie with respect to an individual precluded from re-entering the United States under 8 U.S.C. 1182(a) (22) or other law.

#### § 101.4 Remedies.

(a) The Board is empowered only to make recommendations to the President on clemency applications. The Board has no final authority of its own. The Board may recommend to the President that he take one or more of the following actions:

(1) Grant an unconditional pardon without a requirement of alternative service;

(2) Grant an unconditional pardon upon the satisfactory completion of a specified period of alternative service not to exceed 24 months;

(3) Grant a clemency discharge in substitution for a Dishonorable, Bad Conduct, or Undesirable Discharge;

(4) Commute the sentence; or

(5) Deny clemency.

(b) In unusual circumstances and as authorized by Executive Order 11803, the Board may make other recommendations as to the form that clemency should take. This shall only be done in order to give full effect to the intent and purposes of the Presidential Clemency program.

#### § 101.5 Initial filing.

(a) In order to comply with the requirements of Executive Order 11803, as amended, an individual must make an initial filing to the Board not later than March 31, 1975. The Board considers sufficient as an initial filing any written communication postmarked not later than March 31, 1975, and received by the Board, the Department of Justice, the Department of Defense, the Department of Transportation, or the Selective Service System. In the communication an individual or his representative must request consideration of the individual's case or raise questions which evidence a serious interest in applying for the program. Oral applications made not later than March 31, 1975 are considered sufficient if reduced to writing, and postmarked not later than May 31, 1975.

(b) If an initial filing is made by a representative, the case is not considered by the Board unless and until the applicant submits a written confirmation of his clemency application. This confirmation by the applicant may be sent either directly or through a representative, but it must be mailed not later than May 31, 1975. A statement by an attorney that he is acting on behalf of an applicant is sufficient. Applications by a representative on behalf of an applicant may be considered by the Board where good cause is shown why the applicant is unable to apply.

#### § 101.6 Application form.

(a) Upon receipt of an initial filing, a member of the Board's staff makes a determination of probable jurisdiction. Persons who are clearly beyond the Board's jurisdiction are so notified in writing. A person who questions this determination 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 makes the final determination of probable jurisdiction and

so notifies the applicant or his representative in writing stating the reasons why. In doubtful cases, a final determination of jurisdiction is made by the Board.

(b) A person who has been notified that jurisdiction does not lie in his case is considered as having made a timely filing if the final determination is that the Board has jurisdiction over his case.

(c) A person who is within the jurisdiction of the Board is sent an application form, information about the Presidential clemency program, instructions for the preparation of the application form, a statement describing the Board's procedures and method of determining cases, and a list of volunteer counseling services.

(d) The person is urged to return the completed application form to the Board as soon as possible. Completed application forms must be postmarked within sixty (60) days of the time they were mailed by the Board, in order to qualify for the Board's consideration as a matter of right.

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

(a) Upon receipt by the Board of the completed application form or of information sufficient for the Board to request the records and files specified in paragraph (b) of this section, the applicant's case is reviewed for preliminary determination of the Board's jurisdiction. If it appears that the Board has jurisdiction over the case, a file is opened and a case number assigned. The Board will then request from all appropriate government agencies the relevant records and files pertaining to the applicant's case.

(b) In normal circumstances, the relevant records and files for civilian cases are the applicant's files from the Bureau of Prisons and information that he has sent to the Board. For military cases, they will include the applicant's military personnel records, military clemency folder, record of court martial, if any, and information that the applicant has sent to the Board. Applicants and their representatives have the right to request that the Board consider other pertinent files. The Board will attempt to comply with these requests.

(c) At the offices of the Board, information collected by the Board independently of any other agency is readily available to an applicant or his representative. All files obtained from other agencies are available to the extent not barred by the rules of the agency owning the file. Files from another agency are cited in a summary when they are used as the basis of statements in that summary. Reason for denial of access to any of these files is stated in writing upon request.

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

(e) If the Action Attorney determines that the Board does not have jurisdic-

tion in a particular case, he promptly notifies the applicant or his representative in writing, stating the reasons for such a determination.

(f) An applicant or his representative who questions this adverse determination of jurisdiction should write the General Counsel of the Board in accordance with the provisions of § 101.6(a).

**§ 101.8 Initial case summary.**

(a) Upon receipt of the necessary records and files, the Action Attorney prepares an initial case summary of the applicant's case. The files, records, and any additional sources used in preparing the initial case summary are listed. No other material is used. The initial case summary includes the name and business telephone number of the Action Attorney who may be contacted by the applicant or his representative.

(b) The initial case summary is sent by certified mail to the applicant or his representative. The summary is accompanied by an instruction sheet describing the method by which the summary was prepared and by a copy of the guidelines used by the Board for the determination of cases. Applicants are encouraged to review the initial case summary for accuracy and completeness and advised of their right to submit additional sworn or unsworn material. Additional material may be submitted in any length. Nothing over three (3) single-spaced, typewritten, letter-sized pages in length is read verbatim to the Board. Where necessary, therefore, an applicant should summarize his additional material to comply with this verbatim presentation requirement. If this is not done, the Action Attorney does so.

(c) At any time before Board consideration of his case, an applicant may submit evidence of inaccurate, incomplete, or misleading information in the complete Board file or other files. This information is incorporated in applicant's Board file.

(d) An applicant's case is ready for final consideration by the Board not sooner than thirty (30) days after the initial case summary is mailed to the applicant. Material which amends or supplements the applicant's initial case summary must be postmarked within this thirty (30) day period to ensure that it is considered. An applicant's request that this thirty (30) day period be extended is liberally granted by the Action Attorney, if the request is received prior to Board action and is reasonable.

(e) Upon receipt of the applicant's response to the initial summary, the Action Attorney notes all such amendments, supplements, or corrections on the initial summary submitted by the applicant or his representative. All such amendments are attached to the initial case summary with notation by the Action Attorney of any discrepancies of fact which in his opinion remain unresolved. The complete case summary consists of the initial summary, amendments as described in paragraph (c) and this section, and the materials submitted by the applicant and his representative as described in paragraph (b) of this section.

(f) Where, in the opinion of the Board, there is a conflict of fact, false statement, or omission material to the Board's consideration of an aggravating or mitigating circumstance, as specified in §§ 102.3 and 102.4, the case is tabled. The Action Attorney is then instructed to obtain additional facts.

**§ 101.9 Consideration before the Board.**

(a) At a regularly scheduled meeting of the Board, an applicant's case is considered. The Board may provide by rule, however, that cases will be initially considered by panels of not less than three Board members. Any case may be brought before a majority of the full Board for consideration at the request of a panel member. Panel recommendations will be considered and approved by a majority of the full Board.

(b) The Action Attorney presents to the Board a brief statement of the completed case summary and, as provided in § 101.8(b), the material submitted by the applicant.

(c) The Board grants a personal appearance to an applicant and his representative if they can show in a written statement that such an appearance is necessary to the Board's understanding of the applicant's case. The Board considers each request for an oral presentation at a regular meeting and informs the applicant and his representative whether or not his request has been granted.

(d) Any oral presentation granted by the Board shall not exceed a reasonable period of time. Neither applicant nor his representative may be present when the Board begins deliberations, but should remain available for further consultation immediately thereafter.

(e) After due deliberation the Board decides upon its recommendation to the President listing the factors it considered in making its recommendation.

**§ 101.10 Recommendations to the President.**

(a) At appropriate intervals, the Chairman of the Board submits 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 sends notice of such action in writing to all applicants whose names were submitted to the President. Each applicant is sent a list of the mitigating and aggravating circumstances decided by the Board to be applicable in his case.

**§ 101.11 Reconsideration.**

(a) An applicant may ask the Board for reconsideration of his case. Petitions for reconsideration, including any supplementary material, must be postmarked within thirty (30) days of Board mailing specified in § 101.10(b).

(b) At a regularly scheduled Board meeting, a majority of the Board being present, it will reconsider the applicant's case if the applicant's petition shows one or more of the following:

(1) New fact, material to the disposition of his case, which the Board had not previously considered, provided that the applicant explains to the Board's satisfaction why such facts were not submitted earlier. New facts are, for purposes of this section, considered material only if they relate to presence or absence of an aggravating circumstance under § 102.3 or of a mitigating circumstance under § 102.4, or to calculation of length of alternative service under § 102.5.

(2) Factual error, in the complete case summary or other document considered by the Board that was material to the Board's disposition of his case and detrimental to him; or

(3) Procedural error that was material to the Board disposition of his case and detrimental to him.

(c) The Board may at its discretion permit an applicant or his representative a reasonable period of time to present before the Board an oral statement. The provisions of § 101.9 apply to any request for a personal appearance.

(d) After due deliberation, the Board may:

(1) Leave unchanged its original recommendation;

(2) Where executive clemency was not granted, recommended to the President that he grant it in accordance with such terms and conditions as may be appropriate;

(3) Where executive clemency was granted, recommend to the President that he diminish the length of alternative service on which the grant of clemency has been conditioned or immediately grant a full and unconditional pardon.

(e) Applicants requesting reconsideration are so notified in writing of the Board's decision, together with the reasons.

#### § 101.12 Transmittal to other agencies of clemency decisions.

(a) The Chairman of the Board may forward for further action to the Secretaries of the Army, Navy, and Air Force, the Secretary of Transportation, the Director of the Selective Service System, and the Attorney General, as appropriate, only such information about the President's decision as is necessary in the Board's judgment for the agency to perform its functions under the President's clemency program or for other necessary action respecting the applicant.

(b) A decision by the President to deny executive clemency to a person who has fully discharged his obligations under the law for his offense is not transmitted by the Board to any other agency of the United States Government or to any other person, public or private, except the applicant or his representative.

#### § 101.13 Confidentiality of communications.

(a) 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 requires the applicant's name, date of birth, selective service number, military branch and service number, if applicable, information concerning the draft evasion offense or absence-related military offense, and the disposition thereof, and the mailing address and telephone number of either the applicant or his representative.

(b) The Board takes all steps in its power to protect the privacy of applicants and potential applicants to the Presidential clemency program. No personal information concerning an applicant or potential applicant is released by the Board unless disclosure is necessary for the proper functioning of the Board (e.g., to the Selective Service System so that alternative service may be performed) or unless required by law.

(1) Information which reveals commission of a serious crime, unrelated to any offense subject to the jurisdiction of the Presidential clemency program is forwarded to the appropriate authorities.

(2) As required by law, the name (but only the name) of a recipient of clemency is released to the public.

(c) All personal information obtained by the Board in the course of reviewing an applicant's case, except information obtained from other agencies, is sealed by the Board. This happens when the applicant has received his pardon from the President or when the Board's operations terminate, whichever is earlier.

(d) Upon announcement of the President's disposition of a case, the Board may publish a summary of that case after the removal of all information likely to identify the individual.

#### § 101.14 Representation before the Board.

(a) Although an applicant may bring his case before the Board without a representative, each applicant is advised of his right to representation and encouraged to seek counsel experienced in military or selective service law. A representative need not be an attorney, although legal counsel is recommended to applicants. The Board staff advises applicants of those private sources which are available to provide counseling.

#### § 101.15 Requests for information about the Clemency Program.

(a) Upon receipt by the Board of a request for information from an individual clearly not within the jurisdiction of the Board, the Board's staff attempts to determine his eligibility for any other part of the Presidential clemency program. If requested, the Board attorney preserves the confidentiality of the individual's location.

(b) A member of the Board's staff also informs any individual of other remedies available to him, including those from the Departments of Justice and Defense and through judicial processes.

#### § 101.16 Postponement of Board consideration and of the start of alternative service.

(a) An applicant may request that the Board defer consideration of his case for a reasonable period of time. Such deferments are liberally granted provided that they do not result in an undue disruption of the Board's operations or delay the final termination of the Board's operations.

(b) An applicant who has been granted executive clemency conditioned upon a period of alternative service may ask for the postponement of the beginning of his period of alternative service for a reasonable period of time. The reasons for which a postponement may be granted include personal hardship and conflicting obligations. The Board makes every effort, consistent with its own authority and that of the Selective Service System to accommodate postponement requests.

2. Part 102 is added to read as follows:

#### PART 102—SUBSTANTIVE STANDARDS

Sec.

102.1 Purpose and scope.

102.2 Board recommendations.

102.4 Mitigating circumstances.

102.5 Calculation of length of alternative service.

AUTHORITY: Executive Order 11803, 38 FR 83297, as amended.

#### § 102.1 Purpose and scope.

This section contains the standards which the Board employs in deciding whether or not to recommend that the President grant executive clemency, whether or not clemency should be conditioned upon satisfactory completion of a period of alternative service, and, if so, what the length of this alternative service is.

#### § 102.2 Board recommendations.

In each case the Board decides first whether or not it will recommend to the President that the applicant be granted executive clemency. In reaching this decision, the Board considers the aggravating circumstances in § 102.3 and the mitigating circumstances in § 102.4.

#### § 102.3 Aggravating circumstances.

(a) Presence of any of the aggravating circumstances listed below may either disqualify an individual for executive clemency or cause the Board to recommend to the President a period of alternative service exceeding the applicant's "baseline period of alternative service," as determined under § 102.5.

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

(1) Other adult criminal convictions;

(2) False statement by applicant to the Presidential Clemency Board;

(3) Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense;

(4) Desertion during combat;

(5) Evidence that applicant committed offense for obviously manipulative and selfish reasons;

## RULES AND REGULATIONS

(6) Prior refusal to fulfill court ordered alternative service;

(7) Violation of probation or parole;

(8) Multiple AWOL/UA offenses; and

(9) AWOL/UA of extended length.

(c) Whenever an additional aggravating circumstance not listed is considered by the Board in the discussion of a particular case, and is material to the disposition of that case, the Board postpones final decision of the case and immediately informs the applicant and his representative of their opportunity to submit evidence material to the additional circumstance.

### § 102.4 Mitigating circumstances.

(a) Presence of any of the mitigating circumstances listed below or of any other appropriate mitigating circumstance is considered as cause for recommending that the President grant executive clemency to an applicant, and as cause for reducing the applicant's alternative service below the baseline period, as determined under § 102.5.

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

(1) Lack of sufficient education or ability to understand obligations or remedies available under the law;

(2) Personal and family problems either at the time of offense or if applicant were to perform alternative service;

(3) Mental or physical condition;

(4) Employment and other activities of service to the public;

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

(6) Period of creditable military service;

(7) Tours of service in the war zone;

(8) Substantial evidence of personal or procedural unfairness;

(9) 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;

(10) Evidence that an applicant acted for conscientious, not manipulative or selfish reasons;

(11) Voluntary submission to authorities by applicant;

(12) Behavior which reflects mental stress caused by combat;

(13) Volunteering for combat, or extension of service while in combat;

(14) Above average military conduct and proficiency; and

(15) Personal decorations for valor.

(c) An applicant may bring to the Board's attention any other factor which he believes should be considered.

### § 102.5 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 or

not 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) The starting point will be reduced by three times the amount of prison time served.

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

(4) The starting point will be further reduced by the amount of time served on probation or parole, provided that the prescribed period has been satisfactorily completed or is being satisfactorily performed.

(5) Subject to paragraphs (b) and (c) of this section, the baseline period of alternative service will be the remainder of these four subtractions or final sentence to imprisonment, whichever is less.

(b) In no case will the baseline period of alternative service be less than three (3) months.

(c) For applicants who have received an Undesirable Discharge from a military service, the baseline period of alternative service shall be three (3) months.

(d) The Board may consider mitigating circumstances as cause for recommending clemency upon satisfactory completion of a period of alternative service that is less than an applicant's baseline period of alternative service, or for recommending an immediate pardon.

(e) 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 upon satisfactory completion of a period of alternative service exceeding, by three (3), six (6), or nine (9) additional months, the applicant's baseline period of alternative service. In extraordinary cases, as an alternative to denying clemency, the Board may increase the baseline period to a maximum of not more than 24 months.

### PART 201—[REVOKED]

3. Part 201 is revoked.

### PART 202—[REVOKED]

4. Part 202 is revoked.

[\*R Doc.75-7464 Filed 3-20-75;8:45 am

Members of the Presidential Clemency Board:

I-F

DR. RALPH ADAMS, 59 Years of Age

Educator.

He has been President of Troy State University in Troy, Alabama, for ten years. He is a graduate of Birmingham Southern with LLB and JD degrees from the University of Alabama. Brigadier General, Air National Guard of Alabama.

MR. JAMES P. DOUGOVITZ, 28 Years of Age

He is a full-time teaching aide of minority students in the Department of Applied Technology, Michigan Tech University. Mr. Dougovita is a veteran and has been awarded the Combat Infantryman Badge, Silver Star, Bronze Star, Purple Heart, and is now a Captain in the Michigan National Guard.

HONORABLE ROBERT H. FINCH, 51 Years of Age

Lawyer and partner in the firm of McKenna, Fitting & Finch in Los Angeles, California. He was formerly Secretary of HEW and Counselor to President Nixon.

HONORABLE CHARLES E. GOODELL, 48 Years of Age

Former Senator from New York who is currently in the private practice of law. He was a Ford Foundation Fellow at Yale and was a graduate of Williams College.

FATHER THEODORE HESBURG, 57 Years of Age

President, University of Notre Dame, and holds honorary degrees from numerous colleges and universities. He is a permanent Vatican Delegate. He has served as Chairman of the U.S. Committee on Civil Rights and as a member of the Committee on All-Volunteer Armed Force.

MR. VERNON E. JORDAN, 39 Years of Age

Executive Director of the National Urban League, an organization concerned with the advancement of the minority groups. Mr. Jordan is a lawyer by profession and served previously as the Executive Director of the United Negro College Fund, Director of the Voter Education Project, Southern Regional Council and as Attorney-Consultant in the U.S. Office of Economic Opportunity.

MR. JAMES MAYE, 31 Years of Age

He is Executive Director of Paralyzed Veterans of America in Washington, D. C. He is a graduate of Bridgewater College, Bridgewater, Virginia and received his masters' degree from Virginia Commonwealth University.

MRS. AIDA CASANAS O'CONNOR, 52 Years of Age

A woman lawyer with a Masters of Laws degree from George Washington University, Washington, D. C. She is a member of the Bar of the State of New York, the Supreme Court of Puerto Rico, U.S. District Court of Puerto Rico, and the Supreme Court of the United States. Presently she is Assistant Counsel to the New York State Division of Housing and Community Renewal in New York City.

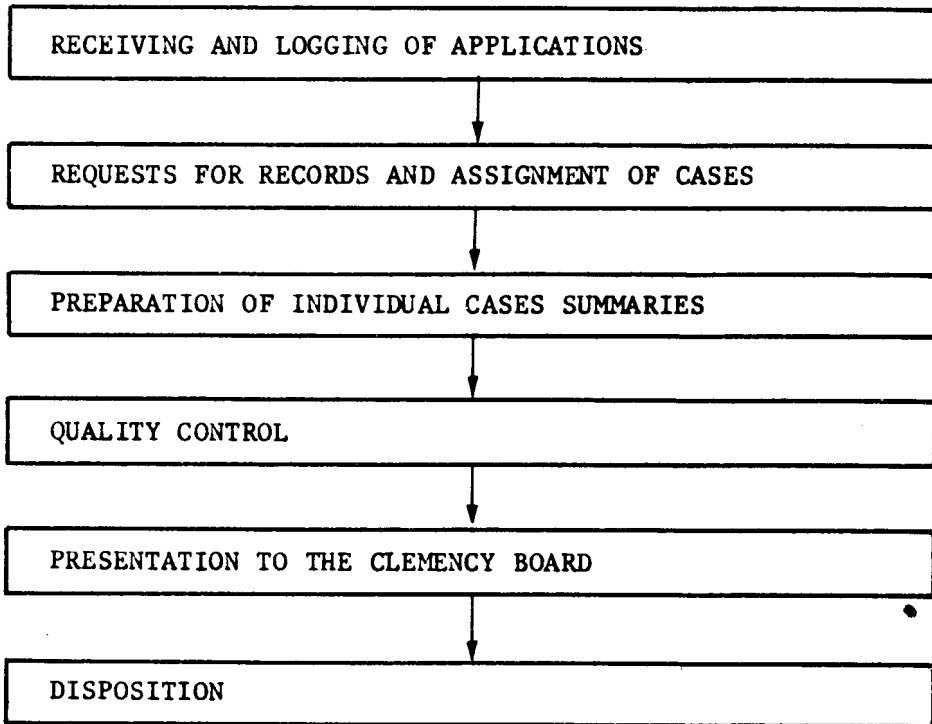
GENERAL LEWIS W. WALT, USMC (Ret), 61 Years of Age

He retired after 34 years in the Marine Corps and is a veteran of the Second World War, the Korean and Vietnamese wars. He was an Assistant Commandant of the Marine Corps. He has received the Navy Cross, Silver Star, Legion of Merit, Bronze Star, the Purple Heart and numerous other military decorations.

## II. Major Functional Divisions



MAJOR FUNCTIONAL DIVISIONS



STANDARD OPERATING PROCEDURES ON SUMMARY  
PAPER FLOW

1. Benson notifies Mitchell of number of files ready for distribution.
2. Mitchell assigns blocks of cases to team leaders.
3. Team leaders prepare "out cards" and assign cases individually.
4. Team leaders report back to Benson names of individual attorneys assigned.
5. As summaries are written, they are given to secretary to be typed in draft.
6. Secretary makes xerox copy of draft.
7. Draft copy is returned to attorney for corrections with xerox.
8. Draft copies plus file is given to team leader for initial review.
9. Team leader gives file plus drafts to Quality Control.
10. Quality Control coordinates with case attorney on any questions or changes.
11. Quality Control gives draft to secretary to type in final and returns file to the records room.
12. Secretary gives final to case attorney to check for errors.
13. Case attorney gives final to Quality Control for additional check.
14. Quality Control returns final to secretary to xerox 20 copies.
15. Secretary gives 20 copies to Jay.
16. Jay sends one copy to applicant, one copy to attorney, one copy to Gretchen with certified number slip, one copy to case attorney noting date of mailing, original and three copies to records room and remainder to Quality Control.
17. Records notifies Benson that case has been completed.
18. Quality Control uses summary in preparation of docket.
19. When green certified mail card is returned Gretchen attaches it to white copy with summary and routes it to the case attorney who then files it.

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

March 31, 1975

MEMORANDUM FOR                   STAFF  
FROM                                 JOHN FOOTE  
SUBJECT                             Docket Preparation Standard  
                                      Operating Procedure (SOP)

The following SOP on Docket preparation is effective upon issuance:

A. PRESENTATION DOCKET AND GENERAL RULES

Every Monday each team leader will pick up, from central files, an adequate supply of cases for each of his available team members for that week. Appropriate caseload will be determined by Associate General Counsel for Operations (AGCO) after consultation with team leaders.

At the time cases are picked up, each team leader will prepare a list of his cases including case number and the name of the action attorney to which the case has been assigned. These lists will be given to the Docket Controller who will consolidate them each Monday. This will constitute the Presentation Docket.

The Docket Controller will keep the Presentation Docket for each Board meeting open until five (5) working days prior to the scheduled date of the meeting. Cases docketed after that date will be assigned to the Presentation Docket for the next Board meeting.

\*\*\* The general rule will be that every case on the Presentation Docket will be presented at the Board meeting for which the Docket is prepared, unless it is removed to another docket or calendar as described below in Section B. \*\*\*

When a case on the Presentation Docket cannot be presented, for one of the reasons listed below in Section B, the action attorney, through the team leader, must insure that that fact is brought to the attention of the Docket Controller, who will transfer the case to the appropriate docket or calendar.



The Docket Controller will be responsible to the AGCO for managing the dockets and calendars, for insuring that they are up to date, that cases are removed to the appropriate docket or calendar, and that cases on each secondary docket and calendar are followed up and disposed of as rapidly as possible.

## B. SECONDARY DOCKETS AND CALENDARS

The following types of cases will be removed from the Presentation Docket upon notification of the Docket Controller. Each action attorney will be responsible for informing the Docket Controller through the team leader of when a case must be removed and the docket or calendar to which it must be removed.

1. Rule Limitations -- Cases on which the thirty (30) day response period provided by Rule 101.8(d), or on which the applicant has requested a delay before his case is presented to the Board, pursuant to that Rule, will be removed to the next Presentation Docket.

2. Cases Assigned After A Docket Is Closed -- Cases which are distributed to the team leaders less than five (5) working days prior to the currently scheduled Board meeting will be placed on the Presentation Docket for the next Board meeting.

3. Case Summaries Not Prepared -- Cases for which case summaries have not been prepared, because there was inadequate time to do so, or information was lacking, or any other reason, will be removed to the Presentation Docket for the next Board meeting. The Docket Controller will insure that cases in this category are monitored closely.

4. Jurisdictional Problems -- Cases which present jurisdictional problems requiring resolution by the General Counsel, or by the Board itself, must be removed to a Jurisdictional Question Docket. The action attorney will prepare a brief memo on the case, setting forth the facts and the jurisdictional problem presented, and give it to the Docket Controller. The Docket Controller will inform the AGCO when any cases are added to this docket.

5. Personal Appearances -- Cases for which the applicant's representative is requesting an appearance before the Board must receive special attention, and must be placed on Personal Appearance Docket - Requests. If the Board grants the request, the AGCO will insure that the Docket Controller transfers the case to the Personal Appearance Docket - Granted, and that the attorney or representative for the applicant is informed of a date for his appearance. If the Board denies the request, it will either proceed immediately to consider the case, or the AGCO will insure that the Docket Controller transfers the case to the Presentation Docket for the next Board meeting. The Docket Controller will insure that the appropriate team leader is informed.

The following situations do not require removal from the Presentation Docket, but do require special listing and attention.

6. Unexecuted Discharges -- When a case involves an unexecuted discharge, it must be noted by the Docket Controller on an Unexecuted Discharge Calendar, to permit follow-up by team leaders. The AGCO will insure that once the Board has disposed of these cases, they are placed on this calendar.

7. Suspended Discharges -- When a case involves a suspended discharge, present practice is that they are not written up, or presented to the Board. The action attorney, through the team leader, will inform the Docket Controller of such cases, who will place the case on a Suspended Discharge Calendar, for follow-up.

8. Tabled Cases -- After the Board has tabled a case, the AGCO will insure that that fact is brought to the attention of the Docket Controller, who will record the case number, the action attorney and the reason for the tabling on the Tabled Case Calendar. He will inform the appropriate team leaders of these tabled cases. The team leaders will insure that these cases are followed up.

9. Cases Withheld From The President -- Several cases which have been disposed of by the Board have developed problems which indicate that they should be withheld from the President pending resolution of those problems. The AGCO will inform the Docket Controller and the team leader of these cases, and insure that they are recorded on a Case Withheld From The President Calendar.

When cases have been finally disposed of by the Board, and there are no problems preventing presentation to the President, the Docket Controller will insure that they are removed from all Dockets and Calendars.

...NOTE TO CHART II B

Within 5 days of the date a case is assigned to a team leader it is put on a docket for the Clemency Board. If any problem should be encountered in the preparation of a case that could delay it unnecessarily, the docket controller must be notified. The docket will remain open until 5 days prior to the Board meeting for which it had originally been prepared.

Any of a number of reasons may merit the removal of a case from the docket, i.e.:

- 1) a request from applicant for time to submit further information or documentation.
- 2) a jurisdictional question which must be settled before a case can be presented.
- 3) an applicant's attorney may have requested a personal appearance which must be considered before case can be considered.

STANDARD OPERATING PROCEDURES ON SUMMARY  
PAPER FLOW

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2. Mitchell assigns blocks of cases to team leaders.
3. Team leaders prepare "out cards" and assign cases individually.
4. Team leaders report back to Benson names of individual attorneys assigned.
5. As summaries are written, they are given to secretary to be typed in draft.
6. Secretary makes xerox copy of draft.
7. Draft copy is returned to attorney for corrections with xerox.
8. Draft copies plus file is given to team leader for initial review.
9. Team leader gives file plus drafts to Quality Control.
10. Quality Control coordinates with case attorney on any questions or changes.
11. Quality Control gives draft to secretary to type in final and returns file to the records room.
12. Secretary gives final to case attorney to check for errors.
13. Case attorney gives final to Quality Control for additional check.
14. Quality Control returns final to secretary to xerox 20 copies.
15. Secretary gives 20 copies to Jay.
16. Jay sends one copy to applicant, one copy to attorney, one copy to Gretchen with certified number slip, one copy to case attorney noting date of mailing, original and three copies to records room and remainder to Quality Control.
17. Records notifies Benson that case has been completed.
18. Quality Control uses summary in preparation of docket.
19. When green certified mail card is returned, Gretchen attaches it to white copy with summary and routes it to the case attorney who then files it.



## SOP On Correspondence Paperflow

1. Correspondence received from Gretchen will be recorded by Mitchell and assigned in blocks to Team Leaders.
2. Team Leaders will further distribute the letters to individual drafting attorneys.
3. The drafting attorneys will give their replies (with their own names prominently displayed), attached to the underlying correspondence, to the secretaries for a draft reply.
4. The secretary will return the draft reply and underlying correspondence to the drafting attorney for correction.
5. The drafting attorney will give the draft reply and correspondence to the Team Leader for initial review.
6. The Team Leader will give the draft reply to Mitchell who, after checking it off the record book, will return it to Gretchen.
7. Following final approval, it will be returned to a secretary to be typed in final.
8. When it is sent out, a copy will be provided to the drafting attorney.
9. In the event it is not approved, it will be returned to the drafting attorney for correction. Correspondence will be reintroduced into this system beginning at step 6 supra.
10. All correspondence will be drafted for Chairman Goodell's signature. In the event that a PCB case attorney desires to sign off on a particular letter to an applicant or his attorney, authority to do so must be granted by Ray Mitchell.

Addendum To Correspondence SOP

The PCB staff has accumulated several "model" letters which may be utilized in drafting replies on the subjects listed below:

1. Request for personal appearance by the applicant or his attorney. Consult with John Lohff.
2. Inquiries concerning staying or postponing fines imposed on Selective Service violators. Consult with Ray Mitchell.
3. Letter of notification to ineligible applicants. Consult with Dave Hickman.

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

March 31, 1975

MEMORANDUM FOR                   STAFF  
  
FROM                                 JOHN FOOTE  
  
SUBJECT                             Docket Preparation Standard  
                                      Operating Procedure (SOP)

The following SOP on Docket preparation is effective upon issuance:

A. PRESENTATION DOCKET AND GENERAL RULES

Every Monday each team leader will pick up, from central files, an adequate supply of cases for each of his available team members for that week. Appropriate caseload will be determined by Associate General Counsel for Operations (AGCO) after consultation with team leaders.

At the time cases are picked up, each team leader will prepare a list of his cases including case number and the name of the action attorney to which the case has been assigned. These lists will be given to the Docket Controller who will consolidate them each Monday. This will constitute the Presentation Docket.

The Docket Controller will keep the Presentation Docket for each Board meeting open until five (5) working days prior to the scheduled date of the meeting. Cases docketed after that date will be assigned to the Presentation Docket for the next Board meeting.

\*\*\* The general rule will be that every case on the Presentation Docket will be presented at the Board meeting for which the Docket is prepared, unless it is removed to another docket or calendar as described below in Section B. \*\*\*

When a case on the Presentation Docket cannot be presented, for one of the reasons listed below in Section B, the action attorney, through the team leader, must insure that that fact is brought to the attention of the Docket Controller, who will transfer the case to the appropriate docket or calendar.



The Docket Controller will be responsible to the AGCO for managing the dockets and calendars, for insuring that they are up to date, that cases are removed to the appropriate docket or calendar, and that cases on each secondary docket and calendar are followed up and disposed of as rapidly as possible.

## B. SECONDARY DOCKETS AND CALENDARS

The following types of cases will be removed from the Presentation Docket upon notification of the Docket Controller. Each action attorney will be responsible for informing the Docket Controller through the team leader of when a case must be removed and the docket or calendar to which it must be removed.

1. Rule Limitations -- Cases on which the thirty (30) day response period provided by Rule 101.8(d), or on which the applicant has requested a delay before his case is presented to the Board, pursuant to that Rule, will be removed to the next Presentation Docket.

2. Cases Assigned After A Docket Is Closed -- Cases which are distributed to the team leaders less than five (5) working days prior to the currently scheduled Board meeting will be placed on the Presentation Docket for the next Board meeting.

3. Case Summaries Not Prepared -- Cases for which case summaries have not been prepared, because there was inadequate time to do so, or information was lacking, or any other reason, will be removed to the Presentation Docket for the next Board meeting. The Docket Controller will insure that cases in this category are monitored closely.

4. Jurisdictional Problems -- Cases which present jurisdictional problems requiring resolution by the General Counsel, or by the Board itself, must be removed to a Jurisdictional Question Docket. The action attorney will prepare a brief memo on the case, setting forth the facts and the jurisdictional problem presented, and give it to the Docket Controller. The Docket Controller will inform the AGCO when any cases are added to this docket.



5. Personal Appearances -- Cases for which the applicant's representative is requesting an appearance before the Board must receive special attention, and must be placed on Personal Appearance Docket - Requests. If the Board grants the request, the AGCO will insure that the Docket Controller transfers the case to the Personal Appearance Docket - Granted, and that the attorney or representative for the applicant is informed of a date for his appearance. If the Board denies the request, it will either proceed immediately to consider the case, or the AGCO will insure that the Docket Controller transfers the case to the Presentation Docket for the next Board meeting. The Docket Controller will insure that the appropriate team leader is informed.

The following situations do not require removal from the Presentation Docket, but do require special listing and attention.

6. Unexecuted Discharges -- When a case involves an unexecuted discharge, it must be noted by the Docket Controller on an Unexecuted Discharge Calendar, to permit follow-up by team leaders. The AGCO will insure that once the Board has disposed of these cases, they are placed on this calendar.

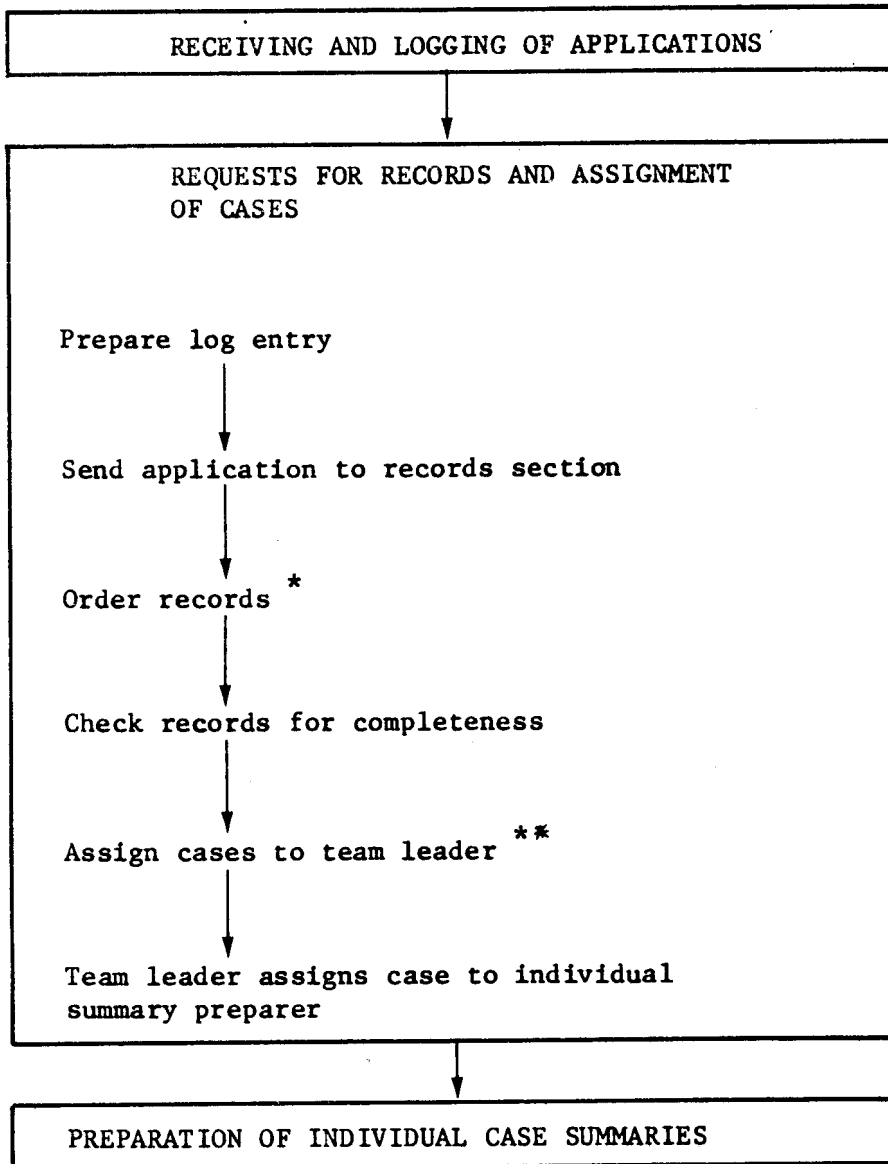
7. Suspended Discharges -- When a case involves a suspended discharge, present practice is that they are not written up, or presented to the Board. The action attorney, through the team leader, will inform the Docket Controller of such cases, who will place the case on a Suspended Discharge Calendar, for follow-up.

8. Tabled Cases -- After the Board has tabled a case, the AGCO will insure that that fact is brought to the attention of the Docket Controller, who will record the case number, the action attorney and the reason for the tabling on the Tabled Case Calendar. He will inform the appropriate team leaders of these tabled cases. The team leaders will insure that these cases are followed up.

9. Cases Withheld From The President -- Several cases which have been disposed of by the Board have developed problems which indicate that they should be withheld from the President pending resolution of those problems. The AGCO will inform the Docket Controller and the team leader of these cases, and insure that they are recorded on a Case Withheld From The President Calendar.

When cases have been finally disposed of by the Board, and there are no problems preventing presentation to the President, the Docket Controller will insure that they are removed from all Dockets and Calendars.





\*Order records.

All records are to be eventually returned to the agency from which they were obtained. Many of the files are original documents and cannot be replaced.

\*\*Case preparer receives file.

It is to be remembered at all times that the files are confidential material.

II-B-1

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

March 20, 1975

MEMORANDUM TO: PCB ATTORNEYS and STAFF  
FROM: COL O. G. BENSON *OGB*  
SUBJECT: ACCESS TO RECORDS

All records are located in Room 4018, NEOB. The following procedures will be observed in obtaining and returning records:

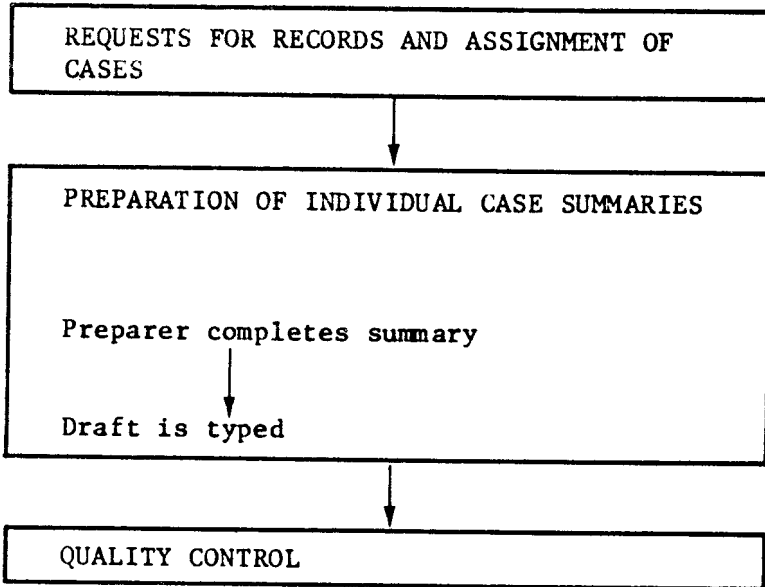
1. Hours of operation, 8:00 a.m. - 5:30 p.m.  
Monday thru Friday.
2. Obtain records from record clerk on duty.
3. Record clerk will prepare charge out card.
4. Return records to record clerk.
5. Record clerk will file record in file cabinet.
6. In the event it is necessary for you to have access to records after normal hours of operation, obtain the key from me or the record clerk.

Your cooperation in following the above procedures will insure accountability and availability of records and their proper security.





II C



THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

II-C-1

October 5, 1974

PHONE: (202) 456-6176

BOARD MEMBERS

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

MEMORANDUM

TO: Staff Attorneys  
Presidential Clemency Board

FROM: General Counsel

SUBJECT: Preparation of Initial Summaries  
of cases

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

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

I. Detailed Instructions

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

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

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

Age  
Family size and birth order  
Family background/stability  
Place where raised  
Educational level and test scores  
Physical health and mental health  
Marital status and present residence  
Number of dependents  
Employment history  
Parole recommendation  
Custody level  
Type of C. O. and brief statement of belief

III. Additional pertinent circumstances.

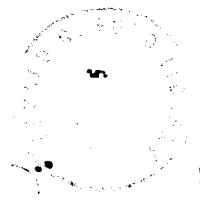
The following mitigating and aggravating circumstances have been defined by the Board, and should be highlighted in each summary.

A. Mitigating circumstances

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

B. Aggravating circumstances

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



PRESIDENTIAL CLEMENCY BOARD  
THE WHITE HOUSE  
WASHINGTON, D.C. 20500  
January 16, 1975

MEMORANDUM FOR PCB ATTORNEYS PREPARING  
INITIAL SUMMARIES

FROM ROBERT KNISLEY

SUBJECT Information Inappropriate to  
Initial Summaries

Items in the following categories should not be included in Initial Summaries, nor volunteered to the Board during oral presentations:

I. Certain criminal history facts.

a. All juvenile offenses, arrests, or convictions prior to age 18.

b. All criminal offenses or arrests not followed by convictions.

c. All misdemeanor convictions.

d. Non-judicial punishment meted out for offense other than absence-related offenses: (e. g., do not report on office hours for impugning the virtue of the first sergeant's mother).

The only exception to the above occurs when the fact of the offense is inescapably relevant to the case, e. g., "applicant's probation was revoked after his conviction on a criminal charge."

II. Most proper names.

a. Omit names which identify the applicant's family, college, employer, location (except if large city), and religion (unless it is traditionally pacifist, such as Quaker, Muslim, Jehovah's Witness), and any other identifiers which might serve to destroy the applicant's anonymity.



### III. Subjective characterizations.

a. Omit subjective characterizations by both the sources in the applicant's record and yourself. "Hippie," "Street dude," and the rest are inappropriate and cannot be substantiated.

### IV. "Admissions against interest."

a. If the applicant told in his prior intake interview of being on drugs for long periods, this is akin to an admission against interest, and should only be considered for inclusion within the Initial Summary if it is directly and unavoidably relevant to a crucial element of the case, such as being the cause of his AWOL.

### V. Prejudicial material.

Obviously the purpose of the background section of the Initial Summary is to give a "feel" for the individual. Material which is obviously prejudicial should not be considered for inclusion if it is clearly irrelevant to the case (c.g., the applicant who stated that his mother was a prostitute), and should also be omitted even if relevant when sufficiently prejudicial (the applicant who told the Board to "KMA", who was under some pressure to fill out the application, and likewise did not know of the benefits of the program). Let the shocking of your conscience be your guide.

### VI. The National Defense Service Medal and Marksmanship Badges.

These may be noted on the summary, but should definitely be omitted during the oral presentation. Good grief.

If in the application of these principles or others in the development of the Initial Summaries you are in doubt as to whether to include or exclude any information, be sure to err on the side of the applicant. In view of the fact that the Board does not allow a hearing as of right, due process demands no less. If you have difficulty with these principles or their application, see Ray Mitchell or Bob Knisley.

February 19, 1975

MEMORANDUM FOR: Case Attorneys

FROM: Fred Hansen

SUBJECT: Case Summary Form for Undesirable Discharge

During the last Board meeting there was a general consensus that in UD cases both for reason of unfitness and in lieu of Court-Martial, Board members would like to have total time served in confinement and total time AWOL. To ensure them a minimum of confusion and to protect the rights of the applicant, the following formats should be followed.

For UDs in lieu of Court-Martial for (AWOL or AWOL + \_\_\_\_\_).

PCB Attorney: \_\_\_\_\_  
 Tel: (202) 456-2110  
 Summary Completed: \_\_\_\_\_  
 Court: \_\_\_\_\_  
 Current-Sentence:  
 Total Time Served: \_\_\_\_\_ days pre-discharge confinement  
 Discharge Status: Undesirable Discharge in lieu of Court-Martial  
 Offenses: AWOL \_\_\_\_\_ to \_\_\_\_\_ and/or (other offense)  
 \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 (\_\_\_\_\_ years, \_\_\_\_\_ months, \_\_\_\_\_ days)  
 Total Creditable Service: \_\_\_\_\_ years, \_\_\_\_\_ months,  
 \_\_\_\_\_ days

•  
•  
•

Prior Military Offenses:  
 (date) NJP. AWOL: \_\_\_\_\_ to \_\_\_\_\_  
 Punishment \_\_\_\_\_  
 (date) Summary Court-Martial. AWOL \_\_\_\_\_  
 to \_\_\_\_\_ . Punishment \_\_\_\_\_  
 \_\_\_\_\_ Total time absent without authority in these instances  
 \_\_\_\_\_ Total time in confinement for these offenses





**For UDs for reason of unfitness:**

PCB Attorney: \_\_\_\_\_

Tel: (202) 456-2110

Summary Completed: \_\_\_\_\_

Court: \_\_\_\_\_

Current-Sentence: \_\_\_\_\_

Total-Time-Served: \_\_\_\_\_

Discharge Status: Undesirable Discharge for reason of unfitness.

Offenses: Frequent involvement and/or \_\_\_\_\_

Total Creditable Service: \_\_\_\_\_ years, \_\_\_\_\_ months,  
\_\_\_\_\_ days

•  
•  
•

**Prior Military Offenses:**

(date) NJP. AWOL: \_\_\_\_\_ to \_\_\_\_\_  
Punishment \_\_\_\_\_

(date) Summary Court-Martial. AWOL \_\_\_\_\_  
to \_\_\_\_\_. Punishment \_\_\_\_\_

\_\_\_\_\_ Total time absent without authority in these instances

\_\_\_\_\_ Total time in confinement for these offenses

**Other offenses underlying Undesirable Discharge**

(date) NJP. Established pattern of shirking responsibility.  
Punishment \_\_\_\_\_

etc.

STANDARD OPERATING PROCEDURE ON CASE SUMMARIES INVOLVING  
LEGAL AND FACTUAL PROBLEMS

During Board meetings in the past, there have been instances where legal and factual problems have arisen for which prior notification to the General Counsel might have aided in providing a more complete response. To minimize this in the future, staff attorneys should keep this in mind as summaries are being prepared. Most of these problems would involve questions of jurisdiction. Examples of this would include applicants with both qualifying and nonqualifying offenses, those with suspended discharges, aliens discharged in absentia, applicants who have been issued undesirable discharges under the clemency program at Ft. Benjamin Harrison, posthumous applications, and those whose AWOL inception date was prior to August 4, 1964. In addition to these and other jurisdictional issues, attorneys should note any factual problems or issues of first impression which might concern the Board and result in the case being tabled to obtain further information.

If the applicant is clearly ineligible, either because there are no qualifying offenses, or because the qualifying offenses are outside the designated period, the attorney should draft a letter to this effect to the applicant, and this would be handled as any other correspondence. If the issue is not clear, the attorney should complete the summary and write a memorandum to the file outlining the problem and its possible implications. This need not be formal nor lengthy, but merely sufficient to apprise others of the potential difficulties involved. It should be typed at the same time as the summary and given to the team leader when the draft copy is completed. If the team leader believes that this should be brought to the attention of the General Counsel, he will attach a note to that effect on the memorandum. After the summary and memorandum have been typed in final and returned to Quality Control, a copy of both will be forwarded to the General Counsel by the Chief, Quality Control.



II-C-5

PCB Attorney:  
Telephone No.:  
Summary Completed:  
Current Sentence:

Case No.:  
Branch of Service:  
Age:  
Present Status:

Date of Application:

Court:

Total Time Served:

Discharge Status:

Offense:

Total Creditable Service:

Vietnam Service:

Awards and Decorations:

Prior Military Offenses:

Sentence History:

II-C-6

WORK SHEET

Case No.

Branch of Service:

1. Date of Birth \_\_\_\_\_
2. Place of Birth \_\_\_\_\_
3. Age \_\_\_\_\_
4. Employment (before, during and after trial)
5. Education:
6. Mental health and scores (GT, AFQT, etc.)
7. Marital status and number of children
8. Race \_\_\_\_\_
9. Criminal convictions (adult offenses - felony only)
10. Background



Case No.

11. Ratings in service (proficiency and conduct):

12. Decorations and Awards:

13. Vietnam Service (dates, duties, combat):

14. Prior Military Service:

15. Date of enlistment \_\_\_\_\_

16. Qualifying Offense(s):

17. Total days AWOL (qualifying offense(s)) \_\_\_\_\_

Case No.

18. Non-qualifying Offenses:

19. Total days AWOL (non-qualifying offense(s)) \_\_\_\_\_

20. Total days AWOL (all offenses) \_\_\_\_\_

21. Apprehension or voluntary return (all offenses)

22. Sentence (qualifying offense(s):

23. Period of confinement (including pretrial confinement):

24. Total period of confinement (and pretrial confinement on all offenses)

25. Date(s) of conviction and sentence:

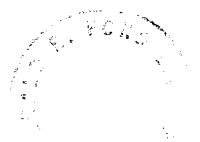
26. Date released from confinement  
or given leave pending appeal: \_\_\_\_\_

27. Date of Discharge \_\_\_\_\_

28. Date of PCB application \_\_\_\_\_

29. Total Creditable Service \_\_\_\_\_

30. Sources:



Case No.

31. Circumstances of Offense

32. Sentence History

33. Legal points or factual matters for use of General Counsel

SAMPLE: CIVILIAN, DRAFT EVASION CASE

PRESIDENTIAL CLEMENCY BOARD  
CASE SUMMARY

PCB Attorney: Larry Lawyer  
Telephone: 202-456-2110  
Summary Completed: 2 Mar 75  
Current Sentence: 4 years probation,  
2 years alternative service  
(at 20 hrs. per week w/o pay  
or 40 hrs. per week with pay)  
Court: USDC, N. Dist. Oklahoma  
Total Time Served: None. 1 yr.,  
10 months alternative service  
as of 15 Mar 75 ; 2 yrs. 10 mos. probation  
Offense: Failure to report for induction

Case No.: 74-000-XXX-C  
Age: 25  
Date of Application: 14 Jan 74  
Present Status: On probation

Background:

The applicant is 25 years old, white, single and born in Wilmington, Delaware. He is the oldest of 6 children raised in a stable family. After graduating from high school, the applicant enrolled at a junior college in the fall of 1967. By the fall of 1971 he had completed 37 units with an overall B average. In April of 1974 he enrolled at the University of Delaware and is taking courses leading to a degree in Mathematics. The applicant's parents believe that their son's actions in regard to Selective Service violations were foolish, but sincere, because he refused a student deferment and C.O. status. There are no I.Q. scores available and the record does not show any criminal record.

Circumstances of Offense:

The applicant registered on 20 June 67. On 18 Dec 67, he returned his draft registration card to the board and stated his objection to the war in Vietnam. He was declared delinquent for not carrying his draft card and on 6 Feb 68 he was classified 1-A. The record is unclear as to whether the applicant was a full time student at this time. We only know that by fall 1971, he had completed 37 units. On 11 Feb 68, he sent a letter to the draft board wherein he returned his notice of 1-A classification and again expressed opposition to the war in Vietnam. On 18 April 68, the applicant was ordered to report for induction on 8 May 68. He reported but refused to submit to induction processing. On 5 Sept 68, a Form 150 was mailed to the applicant, but there is no record of its return in the file. On 23 May 69, the State Director noted that the law prohibits the induction of a delinquent registrant until he reached the age of 19. Accordingly, the order to report for induction on 8 Apr 68 was cancelled as invalid.

On 25 July 69 and 21 Sep 70 the applicant was ordered to report for induction on two separate occasions and he failed to do so. On 24 Aug 71, the board received a letter from the applicant stating that "since failure to hold a draft card is against the law, I would like you to send me by card back ---





Case No.: 74-000-XXX-C

This letter is a retraction of my letter of 18 Dec 67 (surrendering draft card) and my letter of 13 Feb 68 (opposing the war in Vietnam). The applicant also asked for a C.O. classification. On 31 Aug 71 a C.O. Form was mailed to applicant. It was not returned. The applicant was indicted on 23 Feb 72, and convicted on 25 May 72. After sentencing, the applicant tried to volunteer for the draft in lieu of probation. The request was denied. The applicant was sentenced to 4 years probation with 2 years employment of national interest. He was given the option of working 20 hours a week without pay or 40 hours a week with pay. As of 15 Mar 75, he will have two more months of alternative service left to complete.

Chronology:

15 Jun 49	Date of Birth
20 Jun 67	Registered for draft
Fall 1967	Enrolled in college
6 Feb 68	Declared delinquent for failure to have draft card in his possession
5 Sep 68	Form 150 mailed
25 Jul 69 and 21 Sep 70	Ordered to report for induction
24 Aug 71	Asks for draft card back
31 Aug 71	Asks for another Form 150
23 Feb 72	Indicted
25 May 72	Convicted

Sources:

Selective Service File  
Presentence Report  
Letters



PRESIDENTIAL CLEMENCY BOARD

Case Summary

PCB Attorney: Adam Attorney  
Tel: (202) 456-2110

Case No. 74-000-XXX-M

Summary Completed: 21 Feb 1975  
Current Sentence: Bad Conduct  
Discharge, confinement at hard  
labor for four months (suspended  
in excess of 2 months, 22 days),  
total forfeitures, reduction to  
pay grade E-1

Branch of Service: Army  
Age: 25  
Present Status: Appellate leave  
Date of Application: 19 Sept 1974

Court: General Court-Martial, Ft.  
Bragg, North Carolina

Total Time Served: 5 months, 10  
days (78 days pretrial confinement)

Discharge Status: Unexecuted Bad  
Conduct Discharge

Offense: AWOL, one specification:  
26 July 1970-22 May 1974 (3 years,  
9 months, 27 days)

Total Creditable Service: 2 years,  
7 months

Background

This Caucasian applicant was born in the North on 28 Sept 1949 into an intact family. He has six brothers and six sisters, one of whom is a step-sister (Record of Trial 35). When applicant was 15 years old his parents were divorced and he remained with his father (Defense Exhibit D). In 1965 after completing the 9th grade, applicant quit school because ". . . (he) needed a job and the money more than . . . (he) needed the education" (Record of Trial 36). His GT score is 98 and his AFQT score measures 51 (Category III). While in the service applicant worked toward his graduate equivalency diploma. From the time applicant quit school until his three-year enlistment on 21 Dec 1967, he worked as a shipping clerk and as a forklift operator (Admission Summary, USDB, Ft. Leavenworth, Kansas). Having served 8 months and 2 days of this initial enlistment, applicant was honorably discharged in order to effect a four-year enlistment to secure his preference for overseas duty in Germany. He served there from 25 Oct 1968 to 20 July 1969 where he was reassigned to Vietnam pursuant to his request. Applicant served in Vietnam in charge of a supply room and as a light vehicle driver from 12 Sept 1969 to 26 July 1970. While in Vietnam he extended his tour for six months, but never completed this service (see

Case No. 74-000-XXX-M

Circumstances of Offense). During his 2 years and 7 months of credit - able service he was awarded the National Defense Service Medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Medal w/60 device, the Army Commendation Medal and one overseas service bar. Applicant is also entitled to the RVN Cross of Gallantry (Record of Trial 46; letter to Board). He was awarded the sharpshooter rifle badge with bar. He was rated four times as "excellent/excellent" for conduct and efficiency, and three times as "excellent" for efficiency while in Vietnam. He has no prior civilian or military convictions,

#### Circumstances of Offense

While in Vietnam applicant extended his tour of duty for a period of six months (Record of Trial 18). Before commencing this extended tour, applicant was granted 30 days to return to his home in the States. His leave was scheduled to expire on 26 July 1970. Applicant failed to return and remained in a status of AWOL until 22 May 1974. During testimony on his plea of guilty applicant attributed his absence to the fact that ". . . (h)e just didn't want to" go back (Record of Trial 20). Applicant's sworn testimony during extenuation and mitigation amplified the reasons for his AWOL to the extent that applicant wanted to marry and was in need of money to support his future wife and her family (Record of Trial 40). Additionally, applicant expressed his dissatisfaction that other persons who had served in Vietnam less time than he had were being promoted, while he remained at his same rank (Record of Trial 40). Before applicant departed on his special leave he had a promotion board, but the result was never communicated to him. While AWOL, applicant worked as a truck driver and in an auto body shop (Record of Trial 42). Applicant surrendered to terminate his AWOL. He was tried and convicted by general court-martial on 8 Aug 1974.

#### Vietnam Service

Applicant served in Vietnam as a supply room manager and as a light vehicle driver from 12 Sept 1969 to 26 July 1970. He was awarded the Vietnam Service Medal, the Republic of Vietnam Campaign Medal, the Army Commendation Medal and one overseas bar. Applicant is also entitled to the RVN Cross of Gallantry (Record of Trial 42; letter to Board).



Chronology

28 Sept 1949	Date of birth
1965	Quit school on completion of 9th grade
1965-20 Dec 1967	Employed as shipping clerk
21 Dec 1967	Three-year enlistment
22 Aug 1968	Honorable Discharge
23 Aug 1968	Four-year enlistment
25 Oct 1968-20 July 1969	Served in Germany
12 Sept 1969-26 Jul 1970	Served in Vietnam
26 July 1970	AWOL
3 Oct 1970	Married
22 May 1974	Surrendered
22 May-8 Aug 1974	Pretrial confinement
8 Aug 1974	General Court-Martial
19 Sept 1974	PCB application
30 Oct 1974	Convening Authority action
13 Feb 1975	Decision of U. S. Army Court of Military Review

Awards and Decorations

National Defense Service Medal; Vietnam Service Medal;  
Republic of Vietnam Campaign Medal with 60 device;  
Army Commendation Medal; RVN Cross of Gallantry;  
1 Overseas Service Bar; Sharpshooters Badge  
(Rifle with Bar)

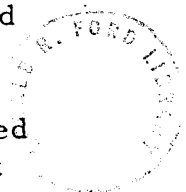
Prior Military Offenses: None

Sentence History

8 Aug 1974 - General Court-Martial: Bad Conduct Discharge, confinement at hard labor for four months, total forfeitures and reduction to grade E-1

30 Oct 1974 - Convening Authority action: approved adjudged sentence but suspended confinement at hard labor in excess of 2 months, 22 days.

13 Feb 1975 - U. S. Army Court of Military Review: affirmed action of Authority (telephone call to Clerk of Court 21 Feb 1975)



Sources

1. Military Personnel File
2. Military Efficiency File
3. Record of Trial
4. Applicant's letter to Board

SAMPLE: MILITARY ADMINISTRATIVE DISCHARGE CASE,  
UNDESIRABLE DISCHARGE IN LIEU OF COURT-MARTIAL

PRESIDENTIAL CLEMENCY BOARD  
CASE SUMMARY

PCB Attorney: Adam Attorney  
Telephone No.: (202) 456-2110  
Summary Completed: 6 Feb 75  
Total Time Served: 22 days predischarge  
confinement  
Discharge Status: Undesirable Discharge  
in lieu of Court-Martial  
Offense: AWOL  
13 Oct 72 - 15 Nov 72 (33 days)  
8 Dec 72 - 26 Dec 72 (18 days)  
8 Jan 73 - 26 Feb 73 (19 days)  
Total Time 3 months, 10 days  
Total Creditable Service: 3 years,  
6 months, 12 days

Case No. 74-000-XXX-M  
Branch of Service: USMC  
Age: 23  
Present Status: Civilian  
Date of Application: 11 Dec 74

Background:

This Caucasian applicant was born in Arkansas on 8 Oct 51 and is the third of four children (Statement of Personal History). He is married (19 Nov 71), with two children, has 10 years education, and was employed as a cook and dishwasher prior to his entry into the Marines. He has also been employed as a dock worker and store manager while AWOL (Request for Undesirable Discharge). His GCT score is 85, his GT score is 71 and his AFQT measures 31 (Group III). He enlisted in the Marines on 16 Oct 68 for a term of four years and has three years, six months and twelve days of creditable service. The applicant has a final average in conduct of 3.0 and 3.7 in proficiency, is entitled to wear the National Defense Service Medal, Vietnam Service Medal with one star, and Marksman rifle and pistol badges (Record of Service; DD-214). He has one prior Special Court-Martial for two periods of AWOL with an approved sentence of 100 days confinement at hard labor and reduction to the lowest enlisted pay grade. The applicant's records also reveal two prior non-judicial punishments for AWOL with an award of a partial forfeiture and restriction for one month in one case, and one month restriction in another (Offenses and Punishments; Special Court-Martial Order Number 16-72). There is no record of any civilian convictions. The highest grade obtained by the applicant during his military service was Lance Corporal.

Circumstances of Offense:

On 13 Oct 72 applicant commenced the first of the three instant absences for the purpose of working as a civilian to support his family. He returned voluntarily on or about 15 Nov 72. His second absence commenced on 8 Dec 72 which terminated by surrender on or about 26 Dec 72. A final period of AWOL commenced on 8 Jan 73 and terminated by apprehension on or about 26 Feb 73. In his letter requesting discharge and his letters to his Congressman dated 1 Dec 74 and 15 Dec 74, applicant attributes his absences to family and financial problems caused by the death of a daughter. Applicant held two jobs during the latter portion of this period. He requested an undesirable discharge in

lieu of court-martial in order to be able to continue to support his family. His discharge was executed on 5 April 73.

Vietnam Service:

Applicant served in Vietnam against hostile forces from 28 Jan. 70 until 19 Feb. 71. He served in his MOS as an anti-tank assault man. He was awarded the Vietnam Service Medal with one star.

Chronology:

	Date of Birth
8 Oct 51	Withdrew from school after tenth grade
Jun 68	Enlisted in USMC
16 Oct 68	Vietnam Service
28 Jan 70 - 19 Feb 71	UA (AWOL) (15 days)
16 Jul 71 - 30 Jul 71	UA (AWOL) (2 days)
9 Aug 71 - 11 Aug 71	NJP
12 Aug 71	UA (AWOL) (28 days)
9 Sep 71 - 7 Oct 71	NJP
8 Oct 71	UA (AWOL) (31 days)
8 Nov 71 - 9 Dec 71	UA (AWOL) (3 months, 3 days)
17 Jan 72 - 20 Apr 72	Special Court-Martial
8 Jun 72	UA (AWOL)
13 Oct 72 - 15 Nov 72	UA (AWOL)
8 Dec 72 - 26 Dec 72	UA (AWOL)
8 Jan 73 - 26 Feb 73	UA (AWOL)
12 Mar 73	Undesirable Discharge requested
5 Apr 73	Undesirable Discharge executed
11 Dec 74	PCB application executed

Awards and Decorations:

National Defense Service Medal  
Vietnam Service Medal with one star  
Marksman rifle and pistol badges

Prior Military Offenses:

12 Aug 71	NJP, UA (AWOL) 16 Jul 71 - 30 Jul 71 and 9 Aug 71 - 11 Aug 71. Awarded partial forfeiture and restrictions for one month.
On or about 8 Oct 71	NJP, UA (AWOL) 9 Sep 71 - 7 Oct 71. Awarded restrictions for one month.
8 Jun 72	Special Court-Martial, AWOL 8 Nov 71 - 9 Dec 71 and 17 Jan 72 - 20 Apr 72. Awarded CHL 100 days and reduction to E-1.



168 days Total time absent without authority in these instances  
100 days Total time in confinement for these offenses

Sources:

1. Army Official Personnel File
2. Clemency Board File
3. Letters to Congressman dated 1 December and 15 December 1974.





SAMPLE: MILITARY ADMINISTRATIVE DISCHARGE CASE  
UNDESIRABLE DISCHARGE FOR UNFITNESS - FREQUENT INVOLVEMENT

PRESIDENTIAL CLEMENCY BOARD  
CASE SUMMARY

PCB Attorney: Larry Lawyer  
Telephone: (202) 456-2110  
Summary Completed: 12 Feb 75  
Current Sentence: N/A  
Total Time Served: 3 mos., 15 days  
(21 days pre-trial confinement)  
Discharge Status: Undesirable discharge  
for unfitness by reason of frequent  
involvement - Executed.

Case No. 74-000-XXX-M  
Branch of Service: Army  
Age: 25  
Present Status: Civilian  
Date of Application: 10 Dec 74

Total Creditable Service: 2 yrs., 1 mo.,  
26 days

Background:

This applicant is white, single and was born on 31 Jul 49. He was the fourth of five children born into an intact family. He was born and raised in California. His father died of heart disease in 1961 at the age of 35. Applicant's mother worked as a cook to support the family. He completed the 11th grade and quit school in 1966. Before enlisting in the Army he worked at a car wash. In order to enlist as a minor, applicant's mother signed the consent form. Applicant's GT score is 107 and his AFQT score measures 38 (Category III). While in the service applicant had five excellent conduct and efficiency ratings, four good conduct and efficiency ratings, and two unsatisfactory conduct and efficiency ratings. All of the less than excellent ratings are directly attributable to applicant's numerous AWOLs.

Circumstances of Offense:

Applicant enlisted for a period of three years on 19 Oct 66. He received an undesirable discharge on 14 Oct 69 as a result of frequent AWOL offenses. He had three court-martials for AWOL and three non-judicial punishments for AWOL-type offenses. During his Army career applicant had a total of six AWOLs. He started his successive AWOLs because he was not promoted to PFC (E-3) after nine months of good service and because his girl had broken up with him, according to a mental hygiene consultation performed after his third AWOL. After applicant's third court-martial he was sent to the Army's Correctional Training Facility at Fort Riley, Kansas, for rehabilitation. While there, his conduct and efficiency ratings were excellent. Upon completion of the retraining course, applicant was assigned to Fort Hood,



Texas. He remained there from 14 Dec 68 to 14 Oct 69 when he received an undesirable discharge. During the nine-months period he was at Fort Hood he missed only two days due to AWOL. However, he did receive two non-judicial punishments at Fort Hood, one for being absent from his guard post. His conduct and efficiency ratings at Fort Hood were unsatisfactory and he was separated from the service with a less than honorable discharge because of his frequent disciplinary problems.

Vietnam Service: None

Chronology:

31 Jul 49	Date of birth
1961	Father died
1966	Quit school
19 Oct 66	Enlisted for 3 yrs.
15 - 17 Apr 67	First AWOL
13 - 27 Jun 67	Second AWOL
1 Aug - 22 Sep 67	Third AWOL
12 Nov 67	Summary court-martial for third AWOL
16 Nov - 4 Dec 67	Confinement
3 - 30 Jan 68	Fourth AWOL
31 Jan - 23 Feb 68	Confinement
12 Feb 68	Special court-martial for fourth AWOL
10 Jun - 8 Sep 68	Fifth AWOL
8 Sep - 19 Nov 68	Confinement
17 Sep 68	Special court-martial for fifth AWOL
2 Oct - 19 Nov 68	Army Correctional Training Facility
18 Dec 68 - 14 Oct 69	Assigned to Ft. Hood, Texas
2 - 4 Sep 69	Sixth AWOL
14 Oct 69	Undesirable discharge
10 Dec 74	PCB application

Awards and Decorations:

National Defense Service Medal  
Rifle Markmanship Badge



Prior Military Offenses:

Summary court-martial, 16 Nov 67: AWOL from 1 Aug 67 - 22 Sep 67.  
Sentence: 30 days confinement at hard labor, partial forfeitures.  
Served 19 days confinement.

Special court-martial, 12 Feb 68: AWOL from 3 Jan 68 - 31 Jan 68.  
Sentence: 1 mo. confinement at hard labor, partial forfeitures. Served  
24 days (13 days pretrial confinement).

Special court-martial, 17 Sep 68: AWOL from 10 Jun 68 - 8 Sep 68.  
Sentence: 6 mos. confinement at hard labor, partial forfeitures. Served  
2 mos., 12 days (9 days pretrial confinement).

Non-judicial proceeding, 3 Feb 67: Failure to be at appointed place of  
duty. Art. 86.

Non-judicial proceeding, 12 May 67: Absenting self from guard post.  
Art. 113.

168 days total time absent without authority in these offenses.

115 days total time in confinement for these offenses.

Sentence History: N/A

Sources:

Military Personnel File  
Mental Hygiene Report

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

SUMMARY OF DECISION

In deciding how many months of alternative service you must do to receive your pardon, the Presidential Clemency Board made the following calculation:

Starting Point	24	Months
Less Three Times _____ Months Served in Prison	-	_____ Months
Less Alternative Service Performed if Entire Period Satisfactorily Completed	-	_____ Months
Less Time Served on Probation or Parole if Entire Period is Satisfactorily Completed	-	_____ Months
BASELINE		_____ Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure		_____ Months
Minimum Baseline		_____ 3 Months

Final Baseline for Determining the Period of Your Alternative Service \_\_\_\_\_ Months

The factors marked with an "X" below were used by the Board to decide whether to increase the period of your alternative service:

- (1). \_\_\_\_\_ Prior criminal convictions
- (2). \_\_\_\_\_ False statement to the Presidential Clemency Board
- (3). \_\_\_\_\_ Use of force collaterally to AWOL, desertion, or missing movement
- (4). \_\_\_\_\_ Desertion during combat
- (5). \_\_\_\_\_ Evidence that you committed your offense for obviously manipulative and selfish reasons
- (6). \_\_\_\_\_ Prior refusal to fulfill alternative service
- (7). \_\_\_\_\_ Violation of probation or parole
- (8). \_\_\_\_\_ Multiple AWOL/UA offenses
- (9). \_\_\_\_\_ Length of AWOL/UA
- \_\_\_\_\_ None of the above



The factors marked with an "X" below were used by the Board to decide whether to decrease the period of your alternative service:

- (1). \_\_\_\_\_ Lack of sufficient education or ability to understand your obligations under the law
- (2). \_\_\_\_\_ Personal and family circumstances either at the time of your offense or afterwards
- (3). \_\_\_\_\_ Mental or physical condition
- (4). \_\_\_\_\_ Employment and other activities of service to the public since your conviction or military discharge
- (5). \_\_\_\_\_ Service-connected disability, wounds in combat, or special decorations and commendations
- (6). \_\_\_\_\_ Period of creditable military service
- (7). \_\_\_\_\_ Tours of service in the war zone

- (8).  Substantial evidence of personal or procedural unfairness
- (9).  Denial of conscientious objector status on procedural, technical, or improper grounds
- (10).  Evidence that you acted for conscientious, not for manipulative or selfish reasons
- (11).  Voluntarily submitted yourself to authorities
- (12).  Behavior which reflects mental stress caused by combat
- (13).  Volunteering for combat, or extension of service while in combat
- (14).  Above average military conduct and proficiency
- (15).  Personal decorations for valor
- None of the above

Based on these factors, the Board's decision is that your \_\_\_\_\_ month baseline should be \_\_\_\_\_. Therefore, you will be granted your pardon after you perform \_\_\_\_\_ months of alternative service.

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Staff Attorney

PCB Attorney: \_\_\_\_\_

PCB Case Number (in full): \_\_\_\_\_

Disposition of case \_\_\_\_\_

Name of applicant (in full; last name first) \_\_\_\_\_  
LAST FIRST MIDDLE

Best address: \_\_\_\_\_  
(include \_\_\_\_\_  
zip code) \_\_\_\_\_

Other address (if listed): \_\_\_\_\_  
(include zip code) \_\_\_\_\_  
\_\_\_\_\_

Best telephone number (with area code): \_\_\_\_\_

Other telephone numbers (if any--with area code): \_\_\_\_\_  
(identify)

Attorney (if any): \_\_\_\_\_

Law Firm name (if any): \_\_\_\_\_

Attorney address (if any): \_\_\_\_\_  
(include zip code) \_\_\_\_\_  
\_\_\_\_\_

Attorney telephone number (with area code): \_\_\_\_\_

Branch of Service ( If Military) \_\_\_\_\_

District Court of Conviction ( If Civilian) \_\_\_\_\_

Date of Conviction \_\_\_\_\_

Is applicant now on parole or probation? \_\_\_\_\_

If so, give name and address of supervisor \_\_\_\_\_  
\_\_\_\_\_



If a Senator or Congressman is to be informed of disposition of case, give name and address.

REMARKS (especially if pertinent to contacting applicant either by phone or mail):

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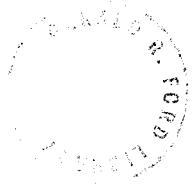
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PCB ATTORNEY CASE DOCKET

ATTORNEY:

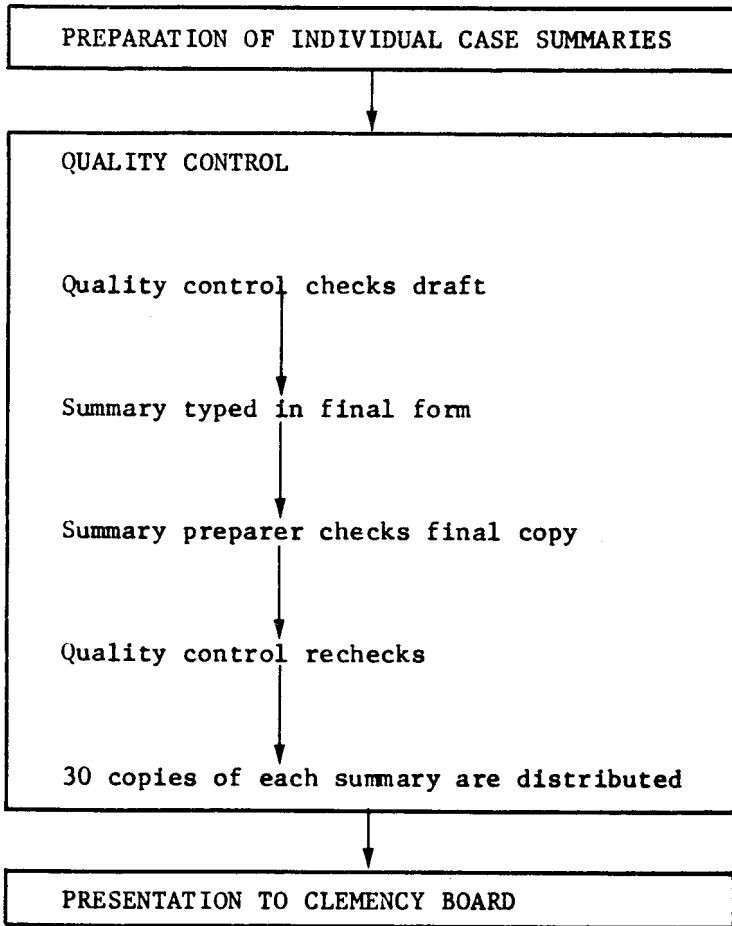
PCB Case No.	Date Assigned	Date Summary, Fact Sheet, Agr. & Mit. Completed	Date Summary Mailed	Date Summary Received by Applicant	Comments Received from Applicant	Initial PCB Decision & Date	If Withheld - Why	PCB Decision After Reconsideration & Date	Date Applicant Present

Comments and Footnotes:









II-D-1

THE PRESIDENTIAL CLEMENCY BOARD  
OLD EXECUTIVE OFFICE BUILDING  
WASHINGTON, D.C. 20500

BOARD MEMBERS

Charles E. Goodell, *Chairman*  
Ralph W. Adams  
James P. DeGiovanni  
Robert H. Fitch  
Theodore M. Hesburgh, C.S.C.  
Vernon L. Jordan  
James A. Mave  
Aida Casarey O'Connor  
Lewis W. Walt

PHONE: (202) 456-6176

January 15, 1975

MEMORANDUM FOR: Case Attorneys and Secretaries  
FROM: Fred Hansen *FH*  
SUBJECT: Quality Control Unit - Responsibilities

The purpose of the Quality Control Unit is fivefold:

1. To ensure that all factual material included in a case summary is accurate;
2. To ensure that all factual material included in a mini-summary is accurate;
3. To ensure that there are no typographical, spelling or grammatical errors in case summaries;
4. To ensure that there are no typographical, spelling or grammatical errors in mini-summaries; and
5. To provide uniformity of style and structure for all mini-summaries.

The purpose of Quality Control is not to be the correction service for the case attorneys or the typists. The respective work produced by the case attorneys and the typist is presumed to be error free.

To be able to facilitate the work of the Quality Control Unit it would be helpful if the following steps are taken.

When a case summary has been completed by the case attorney it will be typed, rough draft, double-spaced in the normal manner. Copy will be returned to the case attorney for proofing. When proofed,



a copy will be made and [redacted] copy, original and case file will be given to the Quality Control Unit (my top In-Out mail box).

If any errors are discovered by the Quality Control Unit they and the corrections will be discussed with case attorney. All errors and corrections made by Quality Control will be left to stand unless the case attorney can verify, from the file, the contrary.

At times, Quality Control will not be able to find verification for certain facts from the file. In these cases Quality Control will ask the case attorney for assistance in finding that verification in the file.

Only those corrections which are spelling, typographical or grammatical will not be checked with the case attorney. All other errors and consequent charges will be discussed with the case attorney before the case goes to be typed into final form.

If no factual errors are found the case summary will proceed to be typed into final form.

For everyone's information, a part of the checks made by Quality Control will be to have Neil Broder check all military cases for logical consistency relative to sentence, suspension, time served, etc.

Once the case summary has been typed in final form, Quality Control will check once more to ensure no errors before it is reproduced and readied for Board action.

Procedures to assist Quality Control with mini-summaries will be forthcoming shortly.

II-D-2

THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

BOARD MEMBERS

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

March 17, 1975

PHONE: (202) 456-6476

MEMORANDUM

TO: QUALITY CONTROL TEAM

FROM: FRED HANSEN

SUBJECT: PROCEDURE FOR QUALITY CONTROL

When a case summary has been completed by the case attorney it will be typed, double spaced, in the normal manner. Copy will be returned to the case attorney for proofing. When proofed, a copy will be made and both copy and original will be given to Quality Control Unit. Case summary original draft and copy should be attached to the complete case file.

A Quality Control Sign-Off Slip will then be attached to the case summary original draft and will be initialed and dated by Quality Control team leader. The Quality Control Unit will use the case summary original draft copy as its work sheet. Quality Control Unit will mark by check all facts to be verified.

Quality Control Unit will confirm all facts against file, circling the check mark designating correct facts. For errors, lines will be drawn from the check mark to the place where the correct answer is written.

The copy with all facts marked and checked will then be returned to the case attorney by the Quality Control Unit member responsible for doing the checking. All errors will be discussed with the case attorney. All corrections, additions and deletions suggested by Quality Control will be left to stand unless the case attorney can verify or otherwise convince the Quality Control team member that such changes should not be made.



It is most important that any facts not able to be verified by the Quality Control Unit must be verified by the case attorney to the Quality Control Unit. Such verifications can come only from the case attorney producing such facts from the file.

All corrections will then be entered on the case summary original draft. Although the case attorney is responsible for correcting all typographical, grammatical and spelling errors, these kinds of errors should also be checked by the Quality Control Unit team member handling the case. All corrections should likewise be noted on the case summary original draft.

Relative to initial case summaries, Quality Control's purpose is not to edit the summaries for stylistic reasons. Quality Control should be concerned with style only when its quality is so poor as to make it difficult to understand what is being written.

When all changes in the case summary have been made and agreed to by the case attorney and the Quality Control team member, the Quality Control Unit team member responsible for checking the case summary should initial the Quality Control Sign-Off Slip and attach this to the correct case summary original draft and the Quality Control work sheet. This package should then be delivered to me. This Quality Control Unit team member should refile the case file.

The corrected case summary is then reviewed by the team leader for the Quality Control Unit and/or the Executive Secretariat. When this review is completed the original draft will go to the typist for typing in final form. The case attorney will then proof and have corrected any errors contained in the finalized case summary. The Quality Control work sheet, the corrected case summary and the Quality Control Sign-off Slip will be returned to the team leader of Quality Control.

Beyond checking the factual accuracy contained within the initial case summary drafts, Quality Control needs to verify that each of the following category of facts, when appropriate, are either contained within the case summary or it is expressly stated that such information is not available. In those special circumstances such as facts needed for baseline computation or reasons for AWOL for individuals who have served successfully in Vietnam, the case attorney will have to make a special effort, beyond what is contained in the case file, to obtain such information. The list of necessary categories of information are as follows:

1. Total time served (post and pretrial confinement).
2. Alternate Service -- if perform, if performed satisfactorily, and length of Alternate Service.
3. Time served on probation or parole and if entire period satisfactorily completed.
4. Current sentence.
5. Race.
6. Age.
7. Family background and environment.
8. Reason for going AWOL, missing movement, refusing induction or not keeping draft board informed of current address.
9. Prior criminal convictions.
10. False statements to the Presidential Clemency Board.
11. Any use of force collaterally to AWOL, desertion or missing movement.
12. Desertion during combat.
13. Prior refusal to fulfill Alternate Service.
14. Violation of probation or parole.
15. Length of AWOL/UA (total time).
16. Offense.
17. Education and intelligence ratings (military or civilian) and education level.
18. Personal and family circumstances at the time of the offense or afterwards.
19. Mental or physical condition which helps explain offense.



20. Employment and other activities of service to the public since conviction or discharge.
21. Service-connected disability, wounds in combat, or special decorations and commendations.
22. Period of creditable military service.
23. Tours of service in the war zone.
24. Evidence of personal or procedural unfairness.
25. Denial of conscientious objector status on procedural, technical of improper grounds.
26. How applicant came under military or civilian control -- surrender or apprehension.
27. Behavior which reflects mental stress caused by combat.
28. Volunteering for combat or extension of service while in combat.
29. Military conduct and proficiency ratings.
30. Personal decorations for valor.
31. Any other major item included in the case summary, which will probably influence the Board in their decision.



P

THE WHITE HOUSE

WASHINGTON

PRESIDENTIAL CLEMENCY BOARD

Old Executive Office Building

Room 460

Washington, D. C. 20500

Dear Sir:

Your application to the Clemency Board has been received. We are sending to you some additional information which will help you understand how we will review your case.

The most important thing that you should look at is the Initial Case Summary. This is a brief statement of the facts of your case and your personal background that has been made from your military records. The summary has been enclosed so that you may see the main tool that the Board will use when we review your case. Like the Board, you and your attorney may also see your entire file.

Please read your summary very carefully. If anything in the summary is wrong or if there is anything you want to explain, please tell the Board. You may also inform the Board of any other information that you think we should consider. If you want to write, please write soon. If we do not receive your comments within twenty days from receipt of this letter, we may have to go on with your case without them.

We have also sent to you the Instructions for preparing summaries. This is what the Presidential Clemency Board gave to its lawyers to tell them how to prepare your summary. We hope that it will explain to you what each item on your summary means.


Please remember that there are certain facts in your summary that the Board will not consider because we do not consider them relevant. In order to expedite the processing of your case, however, we decided that substantially all the information from your file should be included in the summary. Some of this information may be either inaccurate or embarrassing to you. Your input, therefore, becomes important if the Board is to consider those facts concerning your case which you believe are important.

LIBRARY  
R. FORD

The Board suggests that you have an attorney. If you would like the name of an organization that would recommend to you a free attorney, or if you have any questions about the summary of the Presidential Clemency Board, please write or telephone us.

Presidential Clemency Board  
White House  
Washington, D. C. 20500  
Phone: (202) 456-6476

Sincerely,



Charles E. Goodell  
Chairman

Enclosures



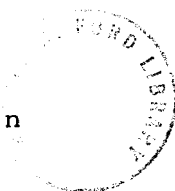
## SOP On Correspondence Paperflow

1. Correspondence received from Gretchen will be recorded by Mitchell and assigned in blocks to Team Leaders.
2. Team Leaders will further distribute the letters to individual drafting attorneys.
3. The drafting attorneys will give their replies (with their own names prominently displayed), attached to the underlying correspondence, to the secretaries for a draft reply.
4. The secretary will return the draft reply and underlying correspondence to the drafting attorney for correction.
5. The drafting attorney will give the draft reply and correspondence to the Team Leader for initial review.
6. The Team Leader will give the draft reply to Mitchell who, after checking it off the record book, will return it to Gretchen.
7. Following final approval, it will be returned to a secretary to be typed in final.
8. When it is sent out, a copy will be provided to the drafting attorney.
9. In the event it is not approved, it will be returned to the drafting attorney for correction. Correspondence will be reintroduced into this system beginning at step 6 supra.
10. All correspondence will be drafted for Chairman Goodell's signature. In the event that a PCB case attorney desires to sign off on a particular letter to an applicant or his attorney, authority to do so must be granted by Ray Mitchell.



STANDARD OPERATING PROCEDURES ON SUMMARY  
PAPER FLOW

1. Benson notifies Mitchell of number of files ready for distribution.
2. Mitchell assigns blocks of cases to team leaders.
3. Team leaders prepare "out cards" and assign cases individually.
4. Team leaders report back to Benson names of individual attorneys assigned.
5. As summaries are written, they are given to secretary to be typed in draft.
6. Secretary makes xerox copy of draft.
7. Draft copy is returned to attorney for corrections with xerox.
8. Draft copies plus file is given to team leader for initial review.
9. Team leader gives file plus drafts to Quality Control.
10. Quality Control coordinates with case attorney on any questions or changes.
11. Quality Control gives draft to secretary to type in final and returns file to the records room.
12. Secretary gives final to case attorney to check for errors.
13. Case attorney gives final to Quality Control for additional check.
14. Quality Control returns final to secretary to xerox 20 copies.
15. Secretary gives 20 copies to Jay.
16. Jay sends one copy to applicant, one copy to attorney, one copy to Gretchen with certified number slip, one copy to case attorney noting date of mailing, original and three copies to records room and remainder to Quality Control.
17. Records notifies Benson that case has been completed.
18. Quality Control uses summary in preparation of docket.
19. When green certified mail card is returned, Gretchen attaches it to white copy with summary and routes it to the case attorney who then files it.



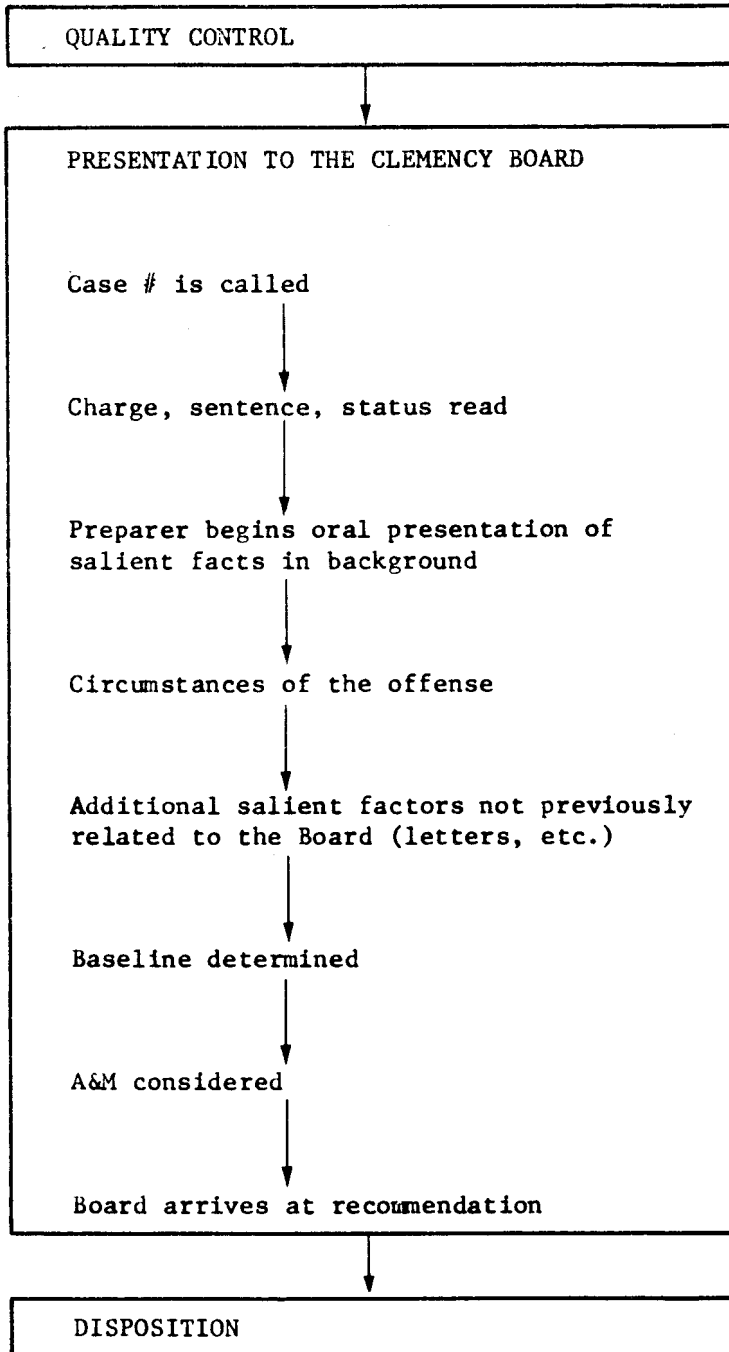
Addendum To Correspondence SOP

The PCB staff has accumulated several "model" letters which may be utilized in drafting replies on the subjects listed below:

1. Request for personal appearance by the applicant or his attorney. Consult with John Lohff.
2. Inquiries concerning staying or postponing fines imposed on Selective Service violators. Consult with Ray Mitchell.
3. Letter of notification to ineligible applicants. Consult with Dave Hickman.



III.E. Presentation to the Clemency Board



THE PRESIDENTIAL CLEMENCY BOARD  
OLD EXECUTIVE OFFICE BUILDING  
WASHINGTON, D.C. 20500

PHONE: (202) 456-6176

BOARD MEMBERS

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

March 13, 1975

MEMORANDUM FOR: Staff Attorneys  
FROM: Bob Kodak *RDK*  
SUBJECT: Recurrent Problems with Case Presentations

Below you will find listed those problems discussed at the critique sessions following the last Board meeting (March 6, 7 and 8). These sessions will become a regular feature, so while you are attending Board meetings please jot down any problems you see arise and any solutions you can suggest. The noticeable problems from this last meeting were:

1. Letters from the applicant are being overlooked. You should mark the pertinent parts and have the letter attached to the summary to prevent fumbling through the file and wasting time. If no letter, then state that fact.
2. For the future there will be no reference in summaries or oral presentations to Discharge Review Boards.
3. Aggravating and mitigating factor sheets should be filled out beforehand, especially on upgrade cases.
4. Know the reasons for the AWOL -- even if it means writing or calling applicant, or if he has an attorney, his attorney.
5. Baseline -- some people still are not sure on how to figure it out. If you feel you fall into this category please see your team leader.
6. There have emerged two situations where full pardons are being granted. They are to people who have successfully completed 24 months alternate service and those of the Quaker, Muslim or Jehovah's Witness faiths. If you have one of these situations tell the Board first thing so you don't have to waste time going through the entire summary.





7. Don't read the case summary to the Board. Go through the background and hit the highpoints. Pinpoint the aggravating and mitigating factors as they appear in the background. Do the same for the circumstances of the offense, plus go into more detail in this portion of the summary.

8. For Selective Service cases with allegations or evidence of procedural irregularities have all the facts down. Likewise for Vietnam veterans.

9. If a case presents any unusual problems the case attorneys should notify someone of problems well in advance, i.e., the team leader.

10. Speak to entire Board when presenting a case, not just the Chairman.

11. Allow the Chairman to determine the baseline, if possible, but the case attorney should have it ready in case he is requested to do it for the Board.

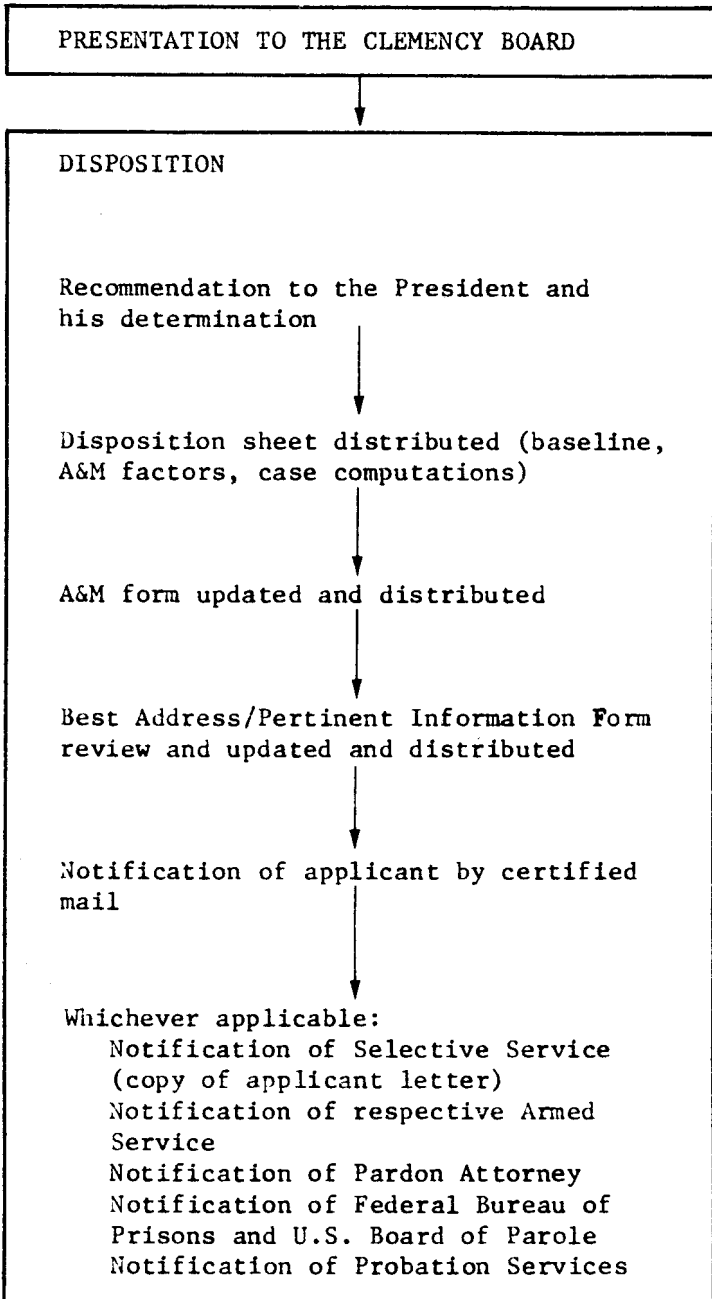
12. After the Board runs through the aggravating and mitigating factors you should suggest those which, in your considered judgment, you feel exist and can be supported by evidence in the file.

13. If you have a character letter to read to the Board please preface your recitation by stating the author's station in life, occupation, relation to applicant, etc., if that fact is known.

14. If your applicant has an Air Medal please tell the Board what unit he served with, i.e., if not Infantry then Air Cavalry.

15. If you have an applicant who allegedly deserted in combat then be ready to explain all the circumstances and factors of the AWOL.





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

March 14, 1975

MEMORANDUM FOR:           GRETCHEN HANDWERGER  
                              ROBERT KNISELY  
                              DAVID HICKMAN

FROM:                       RAY MITCHELL

SUBJECT:                   Dissemination of Presidential Clemency  
                              Board Decisions After Approval by the  
                              President

To formulate a smooth and orderly flow of information in re decisions of the Presidential Clemency Board subsequent to approval and announcement of these decisions by the President, I have undertaken to outline below the present procedure as I know it. Since this process is presently being performed by several personnel on an ad hoc basis, I suspect the information here outlined is somewhat incomplete and less than totally accurate. Copies of this outline will be furnished to Gretchen Handwerker and Bob Knisely for review and suggestions. After review by the aforementioned staff members, it is recommended that the procedure be finalized in a written standard operating procedure (SOP).

I. General Procedure Subsequent to Board's Decision:

A. "Disposition Sheet"

Thomas O'Hare has the responsibility of completing a "disposition sheet" of Board decisions at the end of each meeting day. The disposition sheet shall include the PCB



case number, base line, aggravating and mitigating factors, decision, PCB case attorney, and any other special notes relevant to a particular case. The information contained in such disposition sheet shall be verified with the notations maintained by Gretchen Handwerger and Chairman Goodell. Copies of the disposition sheet shall be furnished to Ray Mitchell for distribution to PCB case attorneys and the records section no later than two (2) working days after the last day of a Board meeting. Such disposition sheets are to be utilized by the PCB staff to verify records, maintain PCB attorney case dockets, and complete the various forms discussed below.

B. "Aggravating and Mitigating Forms"

Upon distribution of the disposition sheet, Ray Mitchell is responsible for ensuring that a separate form, in duplicate, listing aggravating and mitigating factors (A & M), is typed for each case on which the Board rendered a final decision at its last meeting. Upon typing, these forms shall be distributed to the staff team leaders and subsequently to each PCB case attorney for verification. After such verification, the PCB attorney shall sign each A & M form and return one copy to the appropriate team leader for return to Ray Mitchell. The second copy will be placed in the applicant's case file to

be maintained therein. Utilization of such forms thereafter is discussed below.

C. "Best Address/Pertinent Information Forms"

1. The PCB case attorney is responsible for completing "Best Address/Pertinent Information Forms" (BA-PI), in duplicate, for each applicant at the time of the drafting of the initial case summary. Such forms shall be placed in each file when a summary has been completed.

Blank copies of such forms shall be supplied to staff team leaders for distribution to PCB case attorneys by Ben Benson.

2. Upon receipt of the "disposition sheet," as discussed above, each PCB attorney shall immediately review the accuracy of the BA-PI form for each case on which the Board rendered a decision during the past meeting. Such review shall include recording of the Board decision in the applicable space provided on the BA-PI forms. One copy of the BA-PI form shall be returned to the case file to be maintained therein. The PCB attorney shall give second copy of the BA-PI form to his team leader. The team leaders are responsible for ensuring that a complete and accurate copy of the



of the BA-PI form for each decided case is  
furnished to Ray Mitchell.

NOTE: Should PCB case attorneys become aware during the  
aforementioned process of any reason that necessitates with-  
holding a case from presentation to the President, it is incum-  
bent on such attorney to notify Gretchen Handwerger immediately.

II. Notification Procedure: ↓

A. Individual Applicants

The applicant is notified of the decision of the Presidential  
Clemency Board via a letter drafted by Gretchen Handwerger.  
It is my understanding that the notification letter is standard-  
ized and contains basic information about the Board's deci-  
sion and what the applicant is expected to do. I believe the  
letter is sent to the applicant by "certified mail, return receipt  
requested." Xerox examples of such letter should be attached  
to the SOP.

B. Selective Service (Notification to the Selective Service should  
be sent to the attention of Mr. Barber)

Col. Benson has informed me that no notification or other  
information need be sent to the Selective Service for those  
applicants receiving immediate pardon. For those applicants  
who are required to fulfill a period of alternate service as a

condition of receiving a pardon, the Selective Service is apprised of the Presidential Clemency Board decision by way of copies of the notification letters which are sent to the applicants. From such copies the Selective Service may obtain the name and address of the applicant, the Presidential Clemency Board decision, and the length of the alternate service required.

C. The Respective Armed Services

By a memorandum from Col. Benson dated February 3, 1975, I was informed that the respective Armed Services should be notified of the Board decisions concerning applicants who were discharged under their auspices. To my knowledge, this is not now being done. According to Col. Benson, the process should be as follows:

1. When the Clemency Board reaches a decision on a case, the respective Armed Service is notified by the Board by forwarding a copy of the Board's decision to that Service. No further action is required by the Board.
2. The respective Armed Service will automatically issue a Clemency Discharge Certificate upon receipt of certification from the Selective Service System that the individual concerned has completed his alternate service.





3. In cases where the Board grants an outright

Pardon, the respective Service will issue appropriate certification automatically upon receipt of a copy of the Board's action.

The respective Service shall be notified at the following addresses:

ARMY	Commander Reserve Components Personnel and Administration Center ATTN: AGUZ-PSD 9700 Page Boulevard St. Louis, Missouri 63132
NAVY	Chief Bureau of Naval Personnel (Pers 83) Department of the Navy Washington, D. C. 20370
AIR FORCE	Air Force Military Personnel Center DPM DOP3 Randolph AFB, Texas 78148
MARINE CORPS	Headquarters United States Marine Corps Code: MM Washington, D. C. 20380

D. United States Pardon Attorney (Attention: Ms. Kathryn Burnup, Staff Assistant, Office of the Pardon Attorney)

The information needed by the Pardon Attorney is as follows:

Name of applicant; District Court of conviction

for draft evaders or branch of Service for  
military offenses; date of conviction; date of  
approval by the President; and a copy of master  
warrant.

The present procedure utilized by the Pardon Attorney is to send the aforementioned information along with the master warrant to the Department of Justice for the official seal. The master warrant list is then returned to us. Presently the Pardon Attorney is assuming no additional duties in this process. I request that we endeavor to convince the Pardon Attorney to process our cases as he does other cases of individuals who are routinely pardoned. This would include the additional duties of notifying individuals (i. e., notifying the individual and his attorney and sending the copy of the master warrant; notifying the FBI so that the pardon will be reflected in the files; notifying the U. S. Attorney in civilian cases; or the appropriate military branch of service in military cases). It should be emphasized that the aforementioned notification is not now being performed by anyone and if we cannot convince the Pardon Attorney to do this, we will be required to notify these individuals and agencies ourselves.

E. Department of Justice

Aside from the FBI mentioned above, interested agencies within the Department of Justice are the U.S. Board of Parole and the Bureau of Prisons. It is imperative that the Federal Bureau of Prisons be notified of the Board decisions on cases of furlonghees. No decision of the Board has yet resulted in less than commutation of the sentence of a furlonghee. Accordingly, the Federal Bureau of Prisons must be notified so that they will be aware that such furlonghees are no longer within their jurisdiction. This notification should be sent to Mr. Norman Carlson, Director, Federal Bureau of Prisons. Likewise, the U.S. Board of Parole should be advised of the decisions as to those applicants who are under supervision. This notification should be sent to Mr. Joseph Barry, General Counsel, U.S. Board of Parole.

F. The Administrative Office of the U. S. Courts

The U. S. Probation Services which is an agency of the Administrative Office of the U. S. Courts must be apprised of all Board decisions affecting applicants who are under probation supervision. Presently, the notification letter to the applicants instructs them to notify the probation supervisor of the Board's decision. The supervisor can

then verify the Board's decision through the probation services in Washington, D. C. Notification of the Board's decision should be sent to Mr. Mike Keenan, U. S. Probation Services, Washington, D. C.



Attorney: \_\_\_\_\_

PCB Case Number (in full): \_\_\_\_\_

Disposition of case \_\_\_\_\_

Name of applicant (in full; last name first) \_\_\_\_\_

LAST FIRST MIDDLE

Best address: \_\_\_\_\_  
(include \_\_\_\_\_  
zip code) \_\_\_\_\_

Other address (if listed): \_\_\_\_\_  
(include zip code) \_\_\_\_\_

Best telephone number (with area code): \_\_\_\_\_

Other telephone numbers (if any --with area code): \_\_\_\_\_  
(identify)

Attorney (if any): \_\_\_\_\_

Law Firm name (if any): \_\_\_\_\_

Attorney address (if any): \_\_\_\_\_  
(include zip code) \_\_\_\_\_

Attorney telephone number (with area code): \_\_\_\_\_

Branch of Service ( If Military) \_\_\_\_\_

District Court of Conviction ( If Civilian) \_\_\_\_\_

Date of Conviction \_\_\_\_\_

Is applicant now on parole or probation? \_\_\_\_\_

If so, give name and address of supervisor \_\_\_\_\_



If a Senator or Congressman is to be informed of disposition of case, give name and address.

REMARKS (especially if pertinent to contacting applicant either by phone or mail):

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PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

SUMMARY OF DECISION

In deciding how many months of alternative service you must do to receive your pardon, the Presidential Clemency Board made the following calculation:

Starting Point	24 Months
Less Three Times _____ Months Served in Prison	- _____ Months
Less Alternative Service Performed if Entire Period Satisfactorily Completed	- _____ Months
Less Time Served on Probation or Parole if Entire Period is Satisfactorily Completed	- _____ Months
BASELINE	_____ Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure	_____ Months
Minimum Baseline	_____ 3 Months

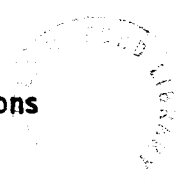
Final Baseline for Determining the Period of Your Alternative Service \_\_\_\_\_ Months

The factors marked with an "X" below were used by the Board to decide whether to increase the period of your alternative service:

- (1). \_\_\_\_\_ Prior criminal convictions
- (2). \_\_\_\_\_ False statement to the Presidential Clemency Board
- (3). \_\_\_\_\_ Use of force collaterally to AWOL, desertion, or missing movement
- (4). \_\_\_\_\_ Desertion during combat
- (5). \_\_\_\_\_ Evidence that you committed your offense for obviously manipulative and selfish reasons
- (6). \_\_\_\_\_ Prior refusal to fulfill alternative service
- (7). \_\_\_\_\_ Violation of probation or parole
- (8). \_\_\_\_\_ Multiple AWOL/UA offenses
- (9). \_\_\_\_\_ Length of AWOL/UA
- \_\_\_\_\_ None of the above

The factors marked with an "X" below were used by the Board to decide whether to decrease the period of your alternative service:

- (1). \_\_\_\_\_ Lack of sufficient education or ability to understand your obligations under the law
- (2). \_\_\_\_\_ Personal and family circumstances either at the time of your offense or afterwards
- (3). \_\_\_\_\_ Mental or physical condition
- (4). \_\_\_\_\_ Employment and other activities of service to the public since your conviction or military discharge
- (5). \_\_\_\_\_ Service-connected disability, wounds in combat, or special decorations and commendations
- (6). \_\_\_\_\_ Period of creditable military service
- (7). \_\_\_\_\_ Tours of service in the war zone



- (8).  Substantial evidence of personal or procedural unfairness
- (9).  Denial of conscientious objector status on procedural, technical, or improper grounds
- (10).  Evidence that you acted for conscientious, not for manipulative or selfish reasons
- (11).  Voluntarily submitted yourself to authorities
- (12).  Behavior which reflects mental stress caused by combat
- (13).  Volunteering for combat, or extension of service while in combat
- (14).  Above average military conduct and proficiency
- (15).  Personal decorations for valor
- None of the above

Based on these factors, the Board's decision is that your \_\_\_\_\_ month baseline should be \_\_\_\_\_. Therefore, you will be granted your pardon after you perform \_\_\_\_\_ months of alternative service.

Case Number \_\_\_\_\_

Staff Attorney \_\_\_\_\_





November 21, 1974

MEMORANDUM TO: **The Presidential Clemency Board**

FROM: **H. Neil Broder  
Staff Attorney**

SUBJECT: **Overview of Military Justice**

The purpose of this memorandum is to provide an overview of the court-martial system. In order to facilitate the Board's understanding, the following model case will be traced from its inception through ultimate appellate review.

Private First-Class John F. Ames, 012 34 5678, attached to Headquarters, Service Battalion, Fort Pentagon, Washington, D. C., absented himself without authority on 1 September 1968. On 1 October 1968 he was administratively declared a deserter and dropped from the unit rolls. On 1 June 1972 Private Ames surrendered to military control. He was tried and convicted pursuant to his plea by general court-martial and sentenced to a dishonorable discharge, confinement at hard labor for 12 months, total forfeitures and reduction to pay grade E-1. The convening authority approved the sentence but reduced the confinement portion to 10 months. The U. S. Army Court of Military Review affirmed the conviction and approved only so much of the sentence as extends to a bad conduct discharge, confinement at hard labor for 8 months, total forfeitures for 8 months and reduction to pay grade E-1. Ames has filed a petition for a grant of review before the U. S. Court of Military Appeals.



For purposes of discussion court-martial jurisdiction is assumed. Areas of especial interest to the Board's review of military applicants will be highlighted.

1. Ames surrenders; AWOL charge preferred

Any possible disciplinary/administrative action against Private Ames will be initiated by a review of his service records. Therein entries monitor his total activities. Properly executed entries should reflect (1) the assumption of a status of unauthorized absence on 1 September 1963, (2) an administrative desertion separation on 1 October 1963, and (3) a surrender to military control on 1 June 1972. Based upon this information an investigation will be conducted to determine if sufficient evidence exists to warrant the referral of charges. Referral of charges is the military term of art which describes the act roughly equivalent to the filing of a criminal complaint. Prosecutions for AWOL are usually predicated upon service record entries.

Given sufficient evidence for referral, an individual known as an accuser will sign and swear to a charge of AWOL against Private Ames. The formal written accusation consists of two parts, the technical charge and the specification. The charge and specification lodged against Private Ames will appear as follows:

Charge: Violation of the Uniform Code of  
Military Justice, Article 36.

Specification: In that Private First-Class  
John F. Ames, U. S. Army, Headquarters,  
Service Battalion, Fort Pentagon, Washington,  
D. C., did, on or about 1 September 1963,  
without authority, absent himself from his  
unit, to wit: Headquarters, Service Battalion,  
located at Fort Pentagon, Washington, D. C.,  
and did remain so absent until on or about  
1 June 1972.

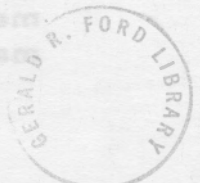
The charge will then be incorporated in a document known as the charge sheet.

## 2. Formal disposition: Trial by Court-Martial

Once preferral has occurred, the charge is subjected to a preliminary inquiry to determine its formal disposition. It is at this time that a decision for non-judicial punishment (NJP), judicial punishment (court-martial), administrative action or no action at all will be made. Charges that are trivial, do not state offenses, are unsupported by available evidence and/or are outweighed by sound reasons for not punishing the accused are dismissed. If the offense is minor the accused's immediate commanding officer may impose non-judicial punishment. The term minor includes misconduct not involving any greater degree of criminality than is involved in the average offense tried by summary (the lowest level of) court-martial. This term ordinarily does not include misconduct of a kind which, if tried by general (the highest level of) court-martial, could be punishable by a dishonorable discharge and/or confinement at hard labor for more than one year.

If trial by court-martial is deemed appropriate, as would in all likelihood be the case with Private Ames, the charge would be forwarded through the chain of command to the officer exercising summary court-martial jurisdiction over the command of which Ames is a member. Before the charge is forwarded Ames will be informed thereof and he will be requested to so indicate on the charge sheet. The charge sheet will also contain a notation if Ames had been permitted, but has elected to refuse, non-judicial punishment. Charges such as the one lodged against Ames which would be tried in all probability by either special or general court-martial, will be forwarded by a letter of transmittal to include (1) a summary of the evidence expected from any source, (2) all available documentary evidence, (3) evidence of admissible prior convictions by court-martial; (4) an explanation of any unusual features of the case, and (5) a specific recommendation as to disposition.

In determining at which level of court-martial Ames should be tried, the officer exercising summary court-martial jurisdiction should consider Ames' character and prior service, as well as all information pertinent to the charge. If it is determined that the offense is so serious that, if convicted, Ames should be punitively separated from the service (dishonorable or bad conduct discharge), then he must be referred to that level of court-martial authorized to award such a discharge.



A general court-martial may adjudge any punishment not forbidden by the Uniform Code of Military Justice. For the Board's purposes, this authority generally includes dishonorable and bad conduct discharges, confinement at hard labor not to exceed three years (legal desertion terminated by apprehension), not to exceed one (1) year (AWOL in excess of 30 days), total forfeitures and reduction to the lowest enlisted pay grade. A special court-martial may adjudge any punishment not forbidden by the Code except death, dishonorable discharge, confinement at hard labor in excess of six months, and forfeiture of pay exceeding two-thirds pay per month for six months. For the Board's purposes, a summary court-martial cannot adjudge death, either type of punitive discharge, confinement at hard labor in excess of one month and forfeiture of pay exceeding two-thirds pay per month for one month, among other punishments. In all cases the jurisdiction of courts-martial is entirely penal and disciplinary. There is no power to adjudge the payment of damages or to collect private debts.

### 3. Charge referred to a General Court-Martial

Following preferral, investigation and a tentative decision to try Ames by court-martial, the charge must be referred to a duly established court-martial. Referral of charges is the military term of art which describes the act roughly equivalent to the decision to prosecute. Referral is accomplished by means of an endorsement on the charge sheet. When referral occurs the endorsement will refer specifically to the convening order giving existence to the court-martial.

Courts-martial are creatures of statute. They are formally created by a convening order issued by an individual known as the convening authority. A convening order designates the kind of court (for Ames, probably a general court-martial), the time and place it is to meet, a military judge, court members and qualified lawyer counsel to represent both the government and accused such as Ames. Court reporters are also detailed, but they are not listed on the convening order. An enlisted man such as Ames may be tried by a court composed of at least one-third enlisted personnel. Jurisdictional court member minimums for a general court-martial and a special court-martial are 5 and 3, respectively.

Ames will be referred to either a general or a special court-martial. Before such referral, however, certain basic considerations must be met. Among the more relevant ones for the Board's review are that no charge may be referred to a general court-martial until (1) a formal investigation, roughly equivalent to a grand jury proceeding, has been conducted, and (2) the investigation has been considered and reviewed by the staff judge advocate (legal counsel) to the convening authority. Assuming compliance with these fundamental considerations, Ames can be referred properly to a general court-martial. It should be noted that Ames can waive his right to this formal investigation in which event the charge could be referred immediately to a general court-martial. In view of the length of Ames' AWCL, the jurisdictional punishment limitations of a special court-martial and the prima facie case established by the service record book entries, trial by general court-martial seems likely.

4. Ames tried by General Court-Martial; convicted pursuant to his plea; sentenced to a Dishonorable Discharge, confinement at hard labor 12 months, total forfeitures, reduction to pay grade E-1 (Private).

Once referral has been accomplished a trial date is set. At an accused's election he may be tried by judge and court members or judge alone. Court-martial proceedings are divided into two distinct phases. During the findings stage the ultimate issue of guilt or innocence is determined and during the sentencing stage the quantum of punishment is decided. The Manual for Courts-Martial (procedure established by the President) sets forth rules of evidence and all other matter pertinent to courts-martial. An accused in the military is accorded a panoply of rights, including all constitutional rights not expressly inapplicable to the military. The Board should be aware that it is usually during the sentencing stage that an accused will present the circumstances surrounding his offense -- this case an AWCL. This is known formally as an accused's case in extenuation and mitigation. The government's case at this stage is denominated as the case in aggravation. An accused may present his version of events in either a sworn or unsworn statement. The maximum imposable punishment is set by the level of court-martial and the Table of Maximum Punishments, the latter being a formal standard established by the President.



5. Convening authority approves sentence but reduces confinement at hard labor to 10 months.

Following the trial the record is authenticated by the military judge. Non-verbatim and unauthenticated records will not support the imposition of a punitive discharge. Additionally, special courts-martial cannot award a bad conduct discharge unless a military judge has been detailed and qualified counsel represents the accused. Courts failing to meet this standard are known as 'non-BCD specials'. After authentication, the record of trial is forwarded to the convening authority for non-judicial review. There will be only one level of non-judicial review for general courts-martial. There may be two levels of non-judicial review for special courts-martial depending upon the branch of service. In any event, the non-judicial reviewing officers (the convening authority and the officer exercising general court-martial jurisdiction) may approve only such findings of guilty and the sentence or such part or amount thereof, as they find correct in law and in fact and as they in their discretion determine should be approved. Simply stated, they can disapprove the findings and/or the sentence for any or no reason. Such wide discretion may amount, in part, for the significant reductions of original sentences awarded to some of the military applicants.

Critically important for the Board's edification is the standard by which the non-judicial reviewing officers determine what sentence should be approved. Generally speaking, a sentence should be approved which is warranted by the circumstances of the offense and the previous record of the accused. Appropriate action should be taken to approve a less severe sentence when, even though legal, it appears unnecessarily severe. Whether the maximum or a lesser sentence should be imposed depends upon a consideration of all facts and circumstances, regardless of the stage of the trial at which they were established. Accordingly, evidence of other offenses or acts of misconduct which were properly introduced may be considered, as well as evidence properly introduced respecting the character of the accused and the number and character of any previous discharges and convictions. A guilty plea is a mitigating factor. Dishonorable discharges are reserved for those who should be separated under conditions of dishonor, after having been convicted of an offense usually recognized by the civil law as a felony, or of offenses of a military nature requiring severe punishment. A bad conduct discharge is a punishment designed

for bad conduct rather than as a punishment for serious offenses of either a civil or military nature. It is an appropriate punishment for an accused who has been convicted repeatedly of minor offenses and whose punitive separation seems necessary. The nature and duration of any pretrial restraint should also be considered. Unless a non-judicial reviewing officer indicates otherwise, approval of any part of the sentence constitutes approval of the findings of guilty.

6. Execution of Ames' sentence

A non-judicial reviewing officer can order execution of a sentence at the time he approves it, unless it involves a general or flag officer, a sentence of death or dismissal, or an unsuspended sentence of dishonorable discharge, bad conduct discharge or confinement at hard labor for one year or more. Similarly, a sentence extending to a suspended punitive discharge can be executed only to the extent of punishments other than the discharge. These last conditions are relevant for the Board's review as many of the military applicants have adjudged or approved but unexecuted punitive discharges, while others have adjudged, approved and executed punitive discharges. After final approval by the non-judicial reviewing officer(s), the record of trial is forwarded to the appropriate Judge Advocate General for judicial review by the Courts of Military Review and, in some cases, by the United States Court of Military Appeals.

7. U. S. Army Court of Military Review affirms Ames' conviction and approves only so much of the sentence as extends to a bad conduct discharge, confinement at hard labor for 8 months, total forfeitures for 3 months, and reduction to pay grade E-1.

Review by the Court of Military Review is a matter of right in most cases. In those special courts-martial where a bad conduct discharge is not adjudged, the case is reviewed in the office of the appropriate Judge Advocate General. Accused are assigned free appellate counsel. This first level of appellate judicial review is most significant as the Courts of Military Review decide not only legal questions, but they are also empowered to redetermine facts and to review the propriety of sentences. In this regard, the military appellate courts are quite different from their counterparts in the federal civilian system.





8. Ames files petition for a grant of review before U. S. Court of Military Appeals.

In most cases, review by the U. S. Court of Military Appeals is a matter of discretion. All cases in which the sentence, as affirmed by a Court of Military Review, affects a general or flag officer or extends to death, and all cases reviewed by a Court of Military Review in which the appropriate Judge Advocate General orders review, must be reviewed by the Court of Military Appeals. The overwhelming majority of the cases before the Board appear to fall within the discretionary review category. An accused must petition the high military court in order to obtain further appellate review. Unlike the Courts of Military Review, the Court of Military Appeals cannot redetermine the facts. It is bound by the record as it comes before it. Its decisions are final. Given certain constitutional claims, accused may seek relief in the federal district courts. There is no direct appeal from the Court of Military Appeals to the U. S. Supreme Court.

No sentence extending to death or involving a general or flag officer may be executed until affirmed by both a Court of Military Review and the Court of Military Appeals and approved by the President. No sentence extending to a dishonorable or bad conduct discharge, whether or not suspended, may be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals. This latter condition upon execution is also applicable to those sentences extending to unsuspended confinement at hard labor for one year or more.

9. In the event Ames' petition for review is denied, his sentence will be executed and he will be separated from the Army with a Bad Conduct Discharge. Forfeitures withheld will revert to the Government. In all likelihood Ames' sentence to confinement will have been served completely by the time the Court of Military Appeals acts upon his petition.

The following chart illustrates the general parallels between the court-martial system and the federal civilian criminal system:

<u>Level of Proceedings</u>	<u>Courts-Martial</u>	<u>Civilian Criminal (Federal System)</u>
<b>TRIAL</b>	General court-martial Special court-martial Summary court-martial (Non-judicial punishment; not truly a trial)	Federal District Court
<b>NON-JUDICIAL REVIEW</b>	Convening Authority Officer exercising General Court-Martial jurisdiction	
<b>JUDICIAL REVIEW</b>	Court of Military Review (as of right)	Circuit Courts of Appeal (appeal must be filed)
	U. S. Court of Military Appeals	U. S. Supreme Court
	1. as of right	1. direct appeal in some cases
	2. petition for a grant of review	2. petition for a writ of certiorari



ISSUANCE AND REVIEW OF DISCHARGES FROM THE ARMED FORCES

There are two categories of discharges used in separating persons from the military service, i. e., punitive discharges and administrative discharges. The two types of punitive discharges are the Dishonorable Discharge and the Bad Conduct Discharge. Punitive discharges may only be issued when adjudged by a court-martial upon conviction of a violation of the Uniform Code of Military Justice.

Pursuant to Article 56 of the Uniform Code of Military Justice, 10 United States Code 856, the President has designated those specific offenses which may warrant a Bad Conduct or Dishonorable Discharge. A listing of those offenses can be found in the Table of Maximum Punishments, paragraph 127c of the Manual for Courts-Martial, United States (1969). An examination of that Table will reveal that the offenses upon conviction of which a court-martial may adjudge a punitive discharge are not those which are normally considered "minor."

Under Article 66 of the Uniform Code of Military Justice, 10 United States Code 866, every trial by court-martial in which the sentence extends to a Bad Conduct or Dishonorable Discharge must be reviewed by an appellate court, the Court of Military Review. Under article 67 the recipient of such a discharge may petition the Court of Military Appeals for further review.

There are three basic types of administrative discharges: Honorable, General, and Undesirable. Issuance of these three types is governed by the provisions of Department of Defense Directive 1332.14, "Administrative Discharges." A general statement of Department of Defense policy with regard to administrative discharges is found in Section V.A. of that Directive, which states: "The Armed Forces have the right and the duty to separate from the service with an appropriately characterized discharge certificate members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected." Each of the military services has adopted detailed regulations which implement this policy and the procedures contained in the Department of Defense Directive.

The general standards for determining the type of administrative discharge an individual should receive are set forth in Section VI of Department of Defense Directive 1332.14. An Honorable Discharge is a separation with honor, the receipt of which is "conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's



age, length of service, grade and general aptitude." A General Discharge is a separation under honorable conditions which will be issued "when a member's military record is not sufficiently meritorious to warrant an Honorable Discharge as prescribed by the regulations of the service concerned." An Undesirable Discharge is an administrative separation from the service under conditions other than honorable which "may be issued for misconduct, unfitness, or security reasons." These standards have been defined in much greater detail in the regulations issued by the individual services.

Section VII of the Department of Defense Directive lists 11 general grounds upon which a member may be administratively discharged from the Armed Forces: Expiration of enlistment or fulfillment of service obligation, convenience of the government, resignation-own convenience, dependency or hardship, minority, disability, unsuitability, security, unfitness, misconduct, and resignation or request for discharge for the good of the service. An Honorable or, when appropriate, General Discharge may be issued for any of these reasons. The issuing authority for a General Discharge is the Commander exercising Special Court-Martial jurisdiction over the individual, or higher authority.

An Undesirable Discharge may only be issued to an individual who is separated for security reasons, unfitness, or misconduct, or who requests discharge in lieu of trial by court-martial for an offense which could lead to a punitive discharge. The issuing authority for an Undesirable Discharge is the Commander exercising General Court-Martial jurisdiction over the individual, or a general officer in command with a judge advocate on his staff, or higher authority.

Under Section VII.J. of the Department of Defense Directive, there are three instances in which a serviceman may receive an Undesirable Discharge on grounds of "misconduct": (1) when he is convicted by civil authorities of an offense which involves moral turpitude or which is punishable under the Uniform Code of Military Justice by death or confinement for more than one year, or (2) when he has procured a fraudulent enlistment or induction through deliberate material misrepresentation, omission or concealment, or (3) when he has been continually absent without authority for one year or more. Under Section VII.I. of the Directive, a member may receive an Undesirable Discharge on the grounds of "unfitness" for frequent involvement of a discreditable nature with civil or military authorities, sexual perversion, drug abuse, an established pattern of shirking, an established pattern showing dishonorable failure to pay just debts, an established pattern showing dishonorable failure to support dependents or comply with court orders concerning support of dependents, and unsanitary habits.

The Department of Defense is aware that servicemen who have received Undesirable Discharges may encounter difficulty in securing civilian employment. For this reason, the Department has adopted policies and procedures which are designed to protect the interests of the individual and prevent the issuance of undeserved Undesirable Discharges. These procedures are set forth in Section VIII. of Department of Defense Directive 1332.14. It should be noted that the Directive provides that: "No member shall be discharged under conditions other than honorable unless he is afforded the right to present his case before an administrative board with the advice and assistance of counsel and unless such discharge is supported by approved board findings and an approved board recommendation for undesirable discharge." The rights which a serviceman has before such a board are listed in Section IX. C. of the Directive. These include the rights to appear in person before the board (with or without counsel), challenge members of the board for cause, request the appearance of witnesses, submit statements and depositions, and question any witnesses that appear. The only occasions when a member loses his right to a board hearing before receiving an Undesirable Discharge is when he "is beyond military control by reason of prolonged unauthorized absence, resigns or requests discharge for the good of the service, or waives his right to board action in writing."

After an individual has received an other than Honorable Discharge, he may seek to have it changed by applying for relief before either, or both, of two administrative review boards. Pursuant to 10 United States Code 1553, the Secretaries of each of the Military Departments have established discharge review boards which, except for cases involving a discharge which "resulted from the sentence of a General Court-Martial," may "change a discharge or dismissal, or issue a new discharge." A former serviceman can apply to such a board for relief at any time up to 15 years from the date of his discharge. Although an individual may appear before the discharge review board if he so desires, personal appearances are not necessary to accomplish remedial relief. The discharge review board will determine whether the discharge was equitable and properly given. If it does not so find, it will change the character of the discharge.

In addition to the administrative discharge review boards established under 10 United States Code 1553, each of the Military Departments has also established a board for the correction of military records under 10 United States Code 1552. These boards have broad powers to recommend to the Secretary concerned a change in an individual's military records, including his discharge, to correct an inaccuracy or to cure an injustice.

As a related matter, it should be noted that a former serviceman who is not entitled to have his discharge changed by either of these administrative review boards may still be able to obtain some relief under Public Law 89-690, approved by President Johnson on October 15, 1966. By virtue of this law,



a person who receives an Undesirable, Bad Conduct, or Dishonorable Discharge from the military service can apply to the Secretary of Labor for the issuance of an Exemplary Rehabilitation Certificate based on proof of at least three years of successful rehabilitation and exemplary conduct in civilian life subsequent to discharge. Issuance of the Certificate does not operate to change the character of a discharge from an armed force or to restore any veterans' benefits lost thereby, but it does qualify the recipient for certain job counselling and employment placement assistance administered by the Department of Labor and provides tangible proof of rehabilitation. A detailed description of this program may be found at 29 C. F. R. 26.1-26.7.

III - C

THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING  
WASHINGTON, D.C. 20500

Board Members

PHONE: (202) 456-6176

- Charles E. Goodell, *Chairman*
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- Vernon E. Jordan
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- Lewis W. Walt

November 21, 1974

MEMORANDUM FOR: PRESIDENTIAL CLEMENCY BOARD

FROM: LEGAL STAFF

SUBJECT: BRIEF EXPLANATION OF TERMS, ACRONYMS, AND  
ABBREVIATIONS FOUND IN APPLICANT FILES FROM THE  
MILITARY SERVICES

The following synopsis of records terminology is submitted  
for your information:

- a. ALNAV 83 - Found in upper right corner of case summary, it designates a message/telegram sent by the Secretary of the Navy to all Navy/Marine Corps commands which outlined the Presidential Clemency Program and authorized the release from confinement of qualifying Marine/Navy prisoners.
- b. GCT - The marine Corps' rough equivalent of IQ similar to the Federal Beta IQ score. A GCT of 90-110 is within the average range. The letters stand for General Classification Test score and the figure is formed by averaging three test scores; verbal, arithmetic, pattern analysis, of a battery of several tests given to Marine recruits. This test series is to be distinguished from that initially given to all armed services recruiting applicants which is called the Armed Forces Qualification Test (AFQT) and embodies a different measure of relative intelligence.
- c. Pro & Con marks - Stands for Proficiency and Conduct marks which are the means by which Marines of the first four enlisted grades are rated for performance. Those grades are: E-1, Private; E-2, Private First Class; E-3, Lance Corporal; E-4 Corporal. Higher grades receive fitness reports. Pro and Con marks are based on a 5 point scale subdivided into decimals. Conduct marks can be generally interpreted as follows: 0 to 1.9 - Unsatisfactory, habitual offender during marking period; 2 to 2.9 - Poor. Some disciplinary involvement during marking period but not more than one Summary Court Martial (the



lowest level court) nor more than 2 serious instances of non-judicial punishment; 3 to 3.9 - Fair, meeting minimum standards; 4 to 4.4 - Good, fully honorable conduct; 4.5 to 4.8 - Excellent; 4.9 to 5 - Outstanding. Proficiency marks can be categorized generally with the same superlatives; i.e., 0 to 1.9 - Unsatisfactory, 2 to 2.9 - Poor, 3 to 3.9 - Fair, 4 to 4.4 - Good, 4.5 to 4.8 - Excellent, 4.9 to 5 - Outstanding. Pro and Con marks are generally given every 6 months. Average final marks of 4.0 conduct and 3.0 proficiency entitle a Marine to a fully Honorable Discharge upon normal expiration of his enlistment.

d. G.T. - The Army's rough equivalent of an IQ score. The figure is formed from an average of a verbal ability test and an arithmetic reasoning test scores. The test is very close to an easy college board test. A score of 100 on the G.T. is established as the mean. A score of 85 would be in the lowest quartile and a score of 125 would rank in the 90th percentile.

e. DA/DAPE - HR - Found in upper right corner of some Army case summaries, similar to Nave ALNAV 83; it designates a message/telegram sent from Department of Army, Deputy Chief of Staff for Personnel, Directorate of Human Resources Development. The message ordered the release from confinement of persons who qualified for Clemency Program.

f. AFQT Category - An Armed Forces Qualification Test (AFQT) category is an arbitrary division of mental test results into five percentile ranges for purposes of determining eligibility to enter military service. Those persons who scored in Categories I, II, and III were completely eligible as to mental ability for military service and those in Category V were completely ineligible. Those persons whose scores were in the Category IV range were on the borderline and other criteria of education and other test scores were used to determine eligibility for military service. The AFQT score consists of the same G.T. test scores of verbal reasoning ability added to the results of a spatial reasoning test, divided by three, and then expressed in a percentile rank. The spatial reasoning test requires no reading ability because the directions are read to the examinee. He is then to pick the picture of an object that most resembles an exploded or unfolded figure in the test sample. It is thus possible for a very poor reader or a non-reader to raise his overall score on the AFQT to Category IV by performing well in this test. The AFQT has been replaced by other tests as of 1 July 1973.



g. Conduct and Efficiency Ratings - The Army used these ratings as a part of the enlisted personnel rating system until 15 September 1973. This system has been discontinued, but ratings prior to the discontinuation are still considered valid and are to be used as one of the factors in determining the nature of discharge. These ratings were used in conjunction with other data in determining eligibility for certain personnel actions such as award of the Good Conduct Medal, assignment, promotion, as well as types of discharges. The ratings of conduct and efficiency were to be for designated time spans and on certain events including the day immediately prior to an AWOL period. The ratings used for conduct and efficiency reports were Excellent, Good, Fair, or Unsatisfactory. In actual practice an enlisted man was unlikely to receive less than an excellent rating in conduct and efficiency unless he clearly had some record of some disciplinary action.

h. Enlisted Evaluation System Traits - For grades E-1, E-2, E-3, and E-4 in the Navy five traits are considered for rating periods and for the nature of discharge. The traits considered are Leadership, Performance, Military Behavior, Military Appearance, and Adaptability. The rating scale is on a 4.0 maximum and scored at 0.2 intervals. On a curve the majority of Navy enlisted persons are rated at 3.4 overall. In order to get an honorable discharge, the individual must have a 3.0 military behavior average for all rated periods of time and an overall average 2.7 for all rated traits.

i. GCT Score in Navy - The GCT is the General Classification test that is a part of the Navy Basic Test Battery. It is a test that is supposed to report on a capability for learning and is rated as follows:

Score 64 ↑	High (upper 7% of all examinees)
55-64	Above average (24% of all examinees)
45-54	Average (38% of all examinees)
35-44	Below average (24% of all examinees)
22-34	Low (7% of all examinees)

The GCT score is not intended as a IQ test, but some Navy sources double the GCT score and obtain a figure used as a rough IQ equivalent.



Sources of Data:

1. CPT John Euler's Memo
2. Army Personnel Directorate
3. Army Research Institute for Behavior and Social Sciences
4. Office of Deputy Chief of Naval Operations for Manpower Planning and Programming.

ABBREVIATIONS

ACMR	Army Court of Military Review
AFQT	Armed Forces Qualifying Test
BCD	Bad Conduct Discharge
CA	Convening Authority
CHL	Confinement at Hard Labor
DD	Dishonorable Discharge
GCM	General Court Martial
GT	General Technical
MCM	Manual for Courts Martial
NJP	Non-judicial Punishment (Article 15)
SA	Supervisory Authority
SCM	Summary Court Martial
SJA	Staff Judge Advocate
SPCM	Special Court Martial
TF	Total forfeiture of all pay and allowances
THP	Temporary Home Parole
UCMJ	Uniform Code of Military Justice
USDB	United States Disciplinary Barracks

SOURCES:

1. USDB Clemency Folder
2. Official Military Personnel File
3. Record of Trial (or) Trial Transcript





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Vernon E. Jordan  
James A. Maye  
Aida Casanas O'Connor  
Lewis W. Walt

March 21, 1975

PHONE: (202) 456-6176

MEMORANDUM

FOR: Summary Writers

FROM: Bob Kodak  
Training Officer

SUBJECT: PCB's Resident Experts

The following people have been recognized as experts in the following areas. This list is not exhaustive but is merely an aid to those with problems in the areas listed below.

1. Selective Service Case Law and Precedents - Bill Klein
2. Selective Service Regulations - Col. O. G. Benson
3. Liaison with Federal Bureau of Prisons, Probation, Parole and the U.S. Attorney (including fines imposed by Federal District Court) - Ray Mitchell
4. Federal Criminal Law and Procedure - Tom O'Hare
5. Military Justice:
  - (a) Navy - Neil Broder
  - (b) Marine Corps - Bruce Heitz
  - (c) Army - Len Dancheck
  - (d) Air Force - Barry Robinson
6. Military Cases Pending Appellate Review - Bob Kodak
7. Immigration Law - Bruce Heitz or Jim Poole
8. Requests for Personal Appearances before PCB - John Lohff
9. Discharge Review Boards - Jim Poole
10. Pardons - Bill Klein



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To: Silberman, D.O.J.
2. Explanation of Board's Place in Clemency Program (2). From: Goodell  
A.) TO: Pepitone-Selective Service B.) To: Hoffman - D.O.D.
3. Ideas of Presidential Clemency  
From: Theodore Marrs To: Bob Finch
4. 30-Day Furlough from Federal Prison. From: Goodell
5. Don't Bypass Military Courts when Dealing with Deserters  
From: Sen. John Tower To: President
6. Charter for Presidential Clemency Board. From: Goodell
7. Procedures to be Followed for Unconvicted Draft Evaders and Military Absentees. White House Fact Sheet
8. Executive Orders Re: Function Delegated to Director of Selective Service and Establishment of Clemency Board.

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2. Operation of the Armed Forces Clemency Program. To: Board  
From: Major Richard Buek
3. Minutes of Oct. 30, 1974 Board Meeting
4. Files and Records - Types and Access. From: Knisely To: File
5. Proposed System for Oral Presentation of Case Summaries to the Board. From: Knisely
6. Due Process for Applicants and Communication with the Outside World.  
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7. October Briefings - Naval Annex  
From: Capt. Euler To: Gen. Walt
8. Proposed Case Preparation/Recommendation Procedure  
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10. Tentative Action Taken by the Board on Oct. 23, 1974.  
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5. Over-View of Military Justice. From: H. Neil Broder
6. Analysis of Tentative Board Decisions. From: Strauss
7. Policy Considerations Affecting the Disciplinary/Administration Treatment of Deserters/Unauthorized Absentees. From: Broder
8. Presidential Pardon, What is it, and What are its Consequences.  
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26. Implications of the Certificate of Executive Clemency. From: Knisely





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12. Nature of the Clemency to be Granted Former Servicemen. From: Goodell  
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20. Mail Composition. From: Handwerger To: Goodell
21. Blood Donation as a Mitigating Circumstance. From: Goodell
22. Report of the National Advisory Commission on Selective Service - Feb. 1967. In Pursuit of Equity: "Who Serves When Not All Serve?"  
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23. Information on Clemency Procedures distributed to Press at Presidential Acceptance of P.C.B. Recommendations. From: Knisely
24. Ready Reference on Military Abbreviations and Acronyms. From: Legal Staff
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19. Seattle Survey of Eligible Ex-Servicemen. From: Strauss

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6. Clemency Board Budget Problems. From: Horn
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18. Figures as of COB, January 31, 1975. From: Handwerker To: Staff
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25. Success Rates for Military Discharge Review Boards.  
From: Strauss To: Goodell
26. Three Decisions on Your Clemency Program.  
From: Goodell To: President

LAWYER REFERRAL SERVICES

New York County Lawyers Association  
14 Vesey Street  
New York, New York 10007  
212/267-6646

For persons with outstanding AWOL offenses:  
Clemency Information Center  
1100 West 42nd Street  
Indianapolis, Indiana 46208  
317/635-8259 (accepts all collect calls)

For California and neighboring states:  
Los Angeles County Bar Association Clemency Committee  
606 S. Olive  
Los Angeles, California 90014  
213/624-8571

For Arizona and the Southwest states:  
Martori, Meyer, Hendricks, and Victor  
Attn: Larry Hammond  
26th Floor  
3003 N. Central Avenue  
Phoenix, Arizona 85012  
602/263-8287

OR YOUR LOCAL PUBLIC DEFENDER SERVICE OR LEGAL AID SOCIETY

\* \* \* \* \*

The Pardon Attorney's address: Pardon Attorney, Lawrence Traylor,  
Department of Justice, Washington, D. C. 20530

Current telephone number of Ft. Benjamin Harrison:  
317/342-3417, and telephone number for ACLU office of  
Ft. Benjamin Harrison: 317/635-8259.



REFERRAL LIST for Upgrading Discharges

Commanding Officer  
U. S. Army Admin. Center  
The Adjutant General's Office  
9700 Page Blvd.  
St. Louis, Missouri 63132

Army Discharge Review Board\*  
Room 1E 479, The Pentagon  
Washington, D. C. 20310  
OX 5-4682                      Statute of Limitations: 15 years from date of discharge

Army Board for Corrections of Military Records  
Room 1E 512, The Pentagon  
Washington, D. C. 20310  
OX 7-4254                      Statute of Limitations: 3 years within discovery of  
error or injustice--exceptions  
allowed with justification

Air Force Discharge Review Board\*  
Commonwealth Building  
1300 Wilson Blvd., Room 903  
Arlington, Virginia 22209  
OX 4-5249                      Statute of Limitations: 15 years from date of discharge

Air Force Board for the Correction  
of Military Records  
Room 5C 860, The Pentagon  
Washington, D. C. 20330  
OX 5-2359                      Statute of Limitations: 3 years within discovery of  
error or injustice--exceptions  
allowed with justification

Navy Discharge Review Board\* \*\*  
Navy Department, Arlington Annex  
Room G711  
Washington, D. C. 20370  
OX 4-1648                      Statute of Limitations: 15 years from date of discharge

Board for Correction of Naval Records \*\*  
Department of Navy, Arlington Annex  
Washington, D. C. 20370  
Statute of Limitations: 3 years within discovery of  
error or injustice--exceptions  
allowed with justification

Coast Guard\*  
Boards of Review of Discharges & Dismissals  
Coast Guard Headquarters  
Washington, D. C. 20590  
426-1317                      Statute of Limitations: 15 years from date of discharge

\* Applicants should apply to the Discharge Review Board first. If the applicant wants to appeal his decision, he can take his case to the Board for Corrections. After 15 years, all cases should go directly to the Board for Corrections.

\*\* This address also applies to Marines.

