

The original documents are located in Box 5, folder “Clemency Program - General (4)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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Jan. 6, 1975

To: Jack Marsh

From: Phil Buchen



Please make copy of 1/2
memo for Jack Marsh &
walk it over.
P.



THE WHITE HOUSE
WASHINGTON

Dec. 30, 1974

To: Jay

From: Phil Buchen



THE WHITE HOUSE
WASHINGTON

12/23

cy

mailed

Send to Jay.

T.



THE WHITE HOUSE

WASHINGTON

January 2, 1975

MEMORANDUM FOR: PHILIP BUCHEN

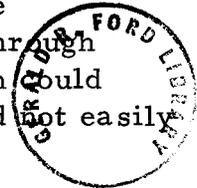
FROM: JAY FRENCH *JF*

Set forth below is a discussion of two points raised in Jack Marsh's memorandum to you of December 17, concerning the earned return program.

The purpose of a public statement, pointing out that the program will soon terminate, is to prepare the public and forewarn evaders/deserters that prosecutions will occur after January 31. The statement must not be viewed as an attempt to encourage last minute participation by coercion. Rather, it must be viewed as a reaffirmation of the program and a signal that the offer will shortly be withdrawn. For these reasons, the statement must be a balanced one. The main thrust of the communication should be to forewarn evaders/deserters that they may soon be subject to prosecution if they have not taken advantage of the program. To soften this point and balance the statement, the Departments of Justice and Defense should publicly be cautioned that the President will not favor indiscriminate prosecutions when the evidence is weak. The statement could also be softened by pointing out that in cases of great merit, executive clemency is still routinely available upon appropriate application.

The impact of such a statement on the public mind would be that the President, in properly concluding the program consistent with statements he made when creating it, is not swinging to any extreme. I think a measured statement of this kind leaves the President flexible, and on course.

Mr. Marsh asks whether it is possible to quietly continue a program of earned return after January 31. If the President makes the statement recommended above in which executive clemency through regular channels is held available, then I believe the program could quietly continue. However, a program of earned return could not easily



continue because Selective Service will cease accepting persons for alternate service on January 31 unless extended by Executive Order.

Finally, on good authority I have learned that Senator Hart is considering legislating a kind of unconditional amnesty. And, it is not entirely unlikely that some legislators will attempt to pre-empt the President by manipulating the parole laws. It is my feeling that a balanced statement by the President would go a long way toward sapping the strength of any such move.

I think the statement should be made by the President, in writing, and routinely issued to the press a day or two before the making of the State of the Union address.



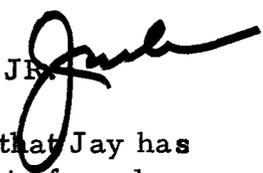
MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 17, 1974

MEMORANDUM TO: PHIL BUCHEN

FROM: JOHN O. MARSH, JR. 

Phil, I concur generally with the observations that Jay has made in his memo in reference to the treatment of evaders and deserters after 31 January.

I also believe that if the FBI are engaged in the telephone tracing technique that he mentioned, that this will be counter-productive as far as public understanding is concerned.

It seems to me that I recall that they had stopped this practice.

There's a broader question we have to consider, however, and that is the status of the amnesty question after 31 January. My own view is to really continue a type of earned return for individuals who turn themselves in after that date, but not making a public announcement to that effect. In that essence the cases would be treated individually.

Jay's suggestion that there be timely warning to evaders and deserters that they face possible prosecution on 1 February is, I think, a good one, and we should think in terms of how we can get this type of notice out.



THE WHITE HOUSE
WASHINGTON

J. French

December 4, 1974

MEMORANDUM FOR:

JACK MARSH
TED MARRS

FROM:

Philip Buchen *Phil*

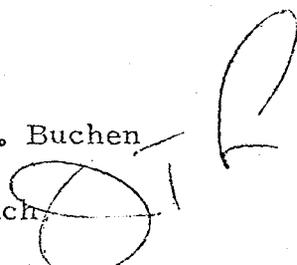
Kindly review the attached memo from Jay French and give me your comments and suggestions.



THE WHITE HOUSE

WASHINGTON

December 3, 1974

FOR: Philip W. Buchen 

FROM: Jay French 

SUBJECT: President's earned re-entry program
for evaders/deserters

On January 31st the President's earned return program for evaders/deserters will conclude. Anyone apprehended after that date is subject to prosecution. I would like to ask whether we are prepared to prosecute these offenders and if so, whether the American public is prepared for these prosecutions.

I have been told, fourthhand, that the FBI is collecting telephone numbers of persons calling the designated amnesty information numbers and that these numbers will be used to trace evaders and deserters. I wonder if this is a good thing, or whether it is an abuse of good faith. If it is true, what reaction, if any, would there be if this became public knowledge, particularly in light of recent disclosures about FBI tactics.

If the FBI is prepared to arrest several hundred evaders/deserters during February 1975, and if, numerous legal groups are preparing to defend these evaders/deserters, I wonder if we are not about to enter another period of divisiveness over these trials.

I would like to suggest that we look ahead now and answer some of these questions. I personally believe that we must prosecute these cases after January 31st in order to be true to our own stated values. And, I also believe that we need to make it abundantly clear now, to the public, before the program is over, just what our intentions are. If the public believes that we have gone overboard to forewarn evaders/deserters of the consequences of apprehension after January 31st, then I believe that the public will accept these prosecutions as fair.



January 8, 1975

Clemency Board

MEMORANDUM FOR:

JOHN O. MARSH, JR

THROUGH

PHILIP W. BUCHEN

FROM:

JAY FRINCH

There are two problems which have arisen regarding the Presidential Clemency Board. First, Chairman Goodell has indicated a desire to extend the final date for making application to the Board beyond January 31, 1975. Second, the Office of Management and Budget indicates that funds in the "Unanticipated Personnel Needs Fund," which have been used to support the Board, are insufficient to keep the Board in existence beyond January 1975. Following is a discussion of solutions to these problems and a recommended course of action.

A. Extension of the time for filing applications or termination of the time for filing as announced.

Dr. Ted Marrs and I are in agreement and recommend no extension. An extension would be viewed as an admission that the program was a failure because large numbers did not apply for clemency. In fact, this was the first conditional amnesty which required a term of service [Andrew Johnson, for example, in 1868 granted unconditional amnesty] and this was the first amnesty ever to require a person to make application [Turner's Board, for example, automatically reviewed each record]. Actually, the program has been a success by reason of the high percentage of applicants who have been granted clemency. The Turner Board granted clemency to only 10% of the cases it considered. The present earned return program has granted clemency to 99% of its cases.

It should also be pointed out that if the final application date is extended, it will be necessary to extend the other parts of the program handled by the Department of Justice and the



Department of Defense. Neither Department has expressed an interest in such extension.

Finally, extension of the entire program would certainly require congressional appropriations. If the program terminates on schedule, it is possible that no congressional funding will be required.

- B. Regardless of whether the program is extended or not, there is a severe funding problem for the Board. Initial funds (\$100,000) from the Unanticipated Fund will be depleted at the end of January 1975. Two solutions are: Earmark another \$130,000 from the Unanticipated Fund or seek a congressional appropriation.

I recommend giving the Board \$130,000 from the Fund with the understanding that the Board terminate its assignment on June 30, 1975, and that there will be no additional funds. The sum of \$130,000 is available in the Fund as of the date of this memo.



Clemency

Wednesday 1/8/75

1:55 Russ Rourke brought the attached memo concerning the Clemency Board to you.

Jay brought in a memo addressed to John Marsh; said he had reviewed the memo from Latham, and he has written the attached memo -- which he feels would be a solution to the problem. (Jay gave Russ Rourke a copy of his memo in advance of your seeing it.)

Jay just stepped in and said Mr. Marsh wants him to join you and Mr. Marsh for a meeting.

(((I have just had a call from Walker's office saying that David Belin has left Secretary Lynn's office and will be over shortly to see you ----- attached also is a list of references Walker's office brought over.))



Thursday 1/9/75

9:40 Jay called to ask for the report that came over from the Defense Department when we started working on the amnesty program -- which listed all prior amnesties of previous Presidents -- everything from George Washington on.....

(in a red bound legal folder - bound with a clip)

I had two copies, so gave one to Patsy to take to him.



Amnesty

Wednesday 1/15/75

11:45 REMINDER:

Want to think about who can talk to Steve Young
about all phases of the amnesty operations.



Thursday 1/16/75

2:10 I checked Rustand's office to see what we should do for a briefing memo for the meeting with the President and Charles Goodell for Friday 1/17 at 2:10 p. m. Nell called back to say that it is a personal matter apparently -- so we can just say that it is to discuss personal matters and it is not expected that the Clemency Board will be raised.

Mokey



Thursday 1/16/75

3:50 Nell asked if we had made the call to invite Charles Goodell to the meeting. Said we should do it -- since "it's our guy."

They have now asked that it be arranged for 2 o'clock tomorrow (Friday 1/17) ---- and they will schedule Mildred Leonard for 2:10.



THE WHITE HOUSE

WASHINGTON

January 15, 1975

MEMORANDUM FOR: MR. PHILIP BUCHEN
FROM: WARREN RUSTAND *WR*
SUBJECT: Approved Presidential Activity

Please take the necessary steps to implement the following and confirm with Mrs. Nell Yates, ext. 2699. The appropriate briefing paper should be submitted to Dr. David Hoopes by 4:00 p. m. of the preceding day.

Meeting: With Charles Goodell, Chairman of the Clemency Board

Date: Friday, Jan. 17, 1975 Time: 2:10 p. m. Duration: 10 minutes

Location: The Oval Office

Press Coverage: White House Photographer

Purpose: To discuss several personal matters. Goodell has indicated he will not raise the Clemency Board question

cc: Mr. Hartmann
Mr. Marsh
Mr. Cheney
Mr. Connor
Dr. Hoopes
Mr. Jones
Mr. Nessen
Mr. O'Donnell
Mrs. Yates



Thursday 1/16/75

7:50 Mr. Marsh will take with him copies of the attached with him when he sees the President tomorrow morning.



January 16, 1975

MEETING WITH CHARLES E. GOODELL

Friday, January 17, 1975

2:00 p.m. (10 minutes)

The Oval Office

From: Philip W. Buchen

I. PURPOSE

Charles Goodell wants to talk to you about some personal matters. He has indicated he will not talk to you about the work of the Clemency Board or the possible extension of the clemency program.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

- A. Background: Not applicable
- B. Participants: Charles Goodell alone
- C. Press Plan: White House photographer only.



THE WHITE HOUSE

WASHINGTON

January 15, 1975

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FROM: WARREN RUSTAND *WR*
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Press Coverage: White House Photographer

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cc: Mr. Hartmann
Mr. Marsh
Mr. Cheney
Mr. Connor
Dr. Hoopes
Mr. Jones
Mr. Nessen
Mr. O'Donnell
Mrs. Yates





OFFICE OF THE DIRECTOR

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM

1724 F STREET NW.
WASHINGTON, D. C. 20435



ADDRESS REPLY TO
THE DIRECTOR OF SELECTIVE SERVICE

January 23, 1975

MEMORANDUM FOR THE HONORABLE JOHN O. MARSH

SUBJECT: Status Report on Reconciliation Work Program

The purpose of this memorandum is to provide a status report for the second 60 days of the President's program for return of Vietnam era veterans and to update my memorandum of November 18, 1974, which covered the first 60 days of the program.

Background Information

The number of deserters processed daily at Fort Benjamin Harrison, Indiana, and referred to the Selective Service System remained constant until the last 15 days when a significant daily increase occurred. The Department of Justice referrals of evaders has remained constant. The Clemency Board has recently furnished the names of the first 10 persons who have been granted conditional pardons and referred for enrollment in the Reconciliation Service Program.

Our statistics reveal that the evaders referred by the Department of Justice enroll in the program almost immediately. Six of the first group of ten referred by the Clemency Board have not enrolled as of this date. The four who have reported are all assigned to approved jobs. In the case of the military returnees referred by the Department of Defense, approximately 20 percent of those released on or before December 1, 1974 have not enrolled in the program. Military returnees are instructed to enroll within 15 days following their discharge.

Present Situation

The Selective Service System mission of finding approvable jobs for all of the enrollees who desire to participate continues to be our highest priority activity. This task has become even more difficult since my first memorandum because of the worsening economic conditions in most parts of the nation.



The Honorable John O. Marsh
Page Two
January 23, 1975

The performance of the returnees on their alternate service jobs has resulted in favorable initial reports from many of the employers of the more than 550 enrollees who have commenced work. I am pleased to report that these enrollees are working in more than 50 different types of non-profit activities.

Federal agency cooperation has continued to be good; however, budgetary restrictions and other factors such as personnel ceilings and increased unemployment have prevented these agencies from providing jobs for enrollees in the program. In the past week, Mr. John R. McGuire, Chief of the Forest Service, Department of Agriculture, advised by letter that the Forest Service would not be able to participate in the program due to the number of applications that were on hand as a result of spiraling unemployment.

The Immediate Future

Following President Ford's signing into law the Emergency Jobs and Unemployment Assistance Act of 1974, I discussed with Dr. Marrs my intention to enter into discussions with the Department of Labor to determine the part the Selective Service System could take in placing enrollees on jobs under that program.

Our reception by officials of the Department of Labor has been excellent, and with their assistance members of a special task force made up of Selective Service personnel are undergoing training to prepare them for work in the field. The task force members will assist the State Directors of Selective Service in the placement of enrollees on jobs which become available under the Emergency Jobs Act.

Notwithstanding the scarcity of available jobs for enrollees, I feel the reconciliation work program is progressing satisfactorily and I expect our new efforts will be productive. In spite of the increased difficulty in finding job openings, I am convinced that we can place all of the enrollees we presently anticipate receiving if they are sincerely interested in participating.

Following are current statistics on the program as of January 22, 1975.



The Honorable John O. Marsh
Page Three
January 23, 1975

Individuals who have been processed by DoD, DoJ and the Clemency Board, assigned a period of reconciliation service, and referred to Selective Service for placement:

Deserters from DoD	3,420
Evaders from DoJ	263
Persons from Clemency Board	<u>10</u>
TOTAL	3,692

Number processed who have enrolled with Selective Service for reconciliation service work:

Deserters from DoD	2,280
Evaders from DoJ	223
Persons from Clemency Board	<u>4</u>
TOTAL	2,507

Enrollees at work or referred to specific job 1,113

At work	568
Referred to work	565

Enrollees presently seeking their own jobs (within the first 30 days of reporting) 635

Enrollees who have declined to participate (will be terminated from the program) 144

Enrollees not cooperative (will be terminated from the program) 189

Enrollees in program over 30 days - not yet employed 424

Enrollees deceased after enrollment 2

SIGNED
Byron V. Pepitone
Director



Friday 1/31/75

2:50 Charles Goodell's office said you wanted to be kept advised of what they were doing in connection with the protestors --- he's on his way to the EOB building to meet with them now.



Emergency

THE WHITE HOUSE

WASHINGTON

February 10, 1975

MEMORANDUM FOR:

JERRY JONES

FROM:

PHILIP BUCHEN

T.W.B.

I have no comment on the attached memorandum from Chairman Goodell to the President.



THE WHITE HOUSE

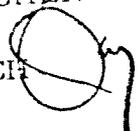
WASHINGTON

February 10, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAY FRENCH 

With regard to the attached memo from Chairman Goodell to the President about the success of the Board's information program, I recommend no comment.

It does seem to me that the message conveyed by this memo could be set forth more succinctly so as to conserve the President's time.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 29, 1975

Time:

FOR ACTION: Jack Marsh
Ted Marrs

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 30, 1975

Time: 4:00 p. m.

SUBJECT:

Goodell memo (1/27/75) re: The Impact of the
Presidential Clemency Board's Public
Information Campaign

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.



If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

Jerry H. Jones
Staff Secretary

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON
January 27, 1975

MEMORANDUM FOR PHILIP W. BUCHEN

SUBJECT: Attached Information Memorandum
For the President

Attached for your information is a copy of the memorandum I have submitted to the President concerning the impact of the Presidential Clemency Board's public information campaign.

C.E. Goodell
Charles E. Goodell
Chairman

Attachment



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON

January 27, 1975

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: The Impact of the Presidential Clemency Board's
Public Information Campaign

Recent Developments in Board Applications

The number of Presidential Clemency Board Applications has risen sharply since our public information campaign began on January 6. In less than three weeks, our total number of civilian and military applications has more than tripled. If our current application rate continues through the end of January, our final total will be over five times the January 7 total. In fact, our application rate is rising daily, so the final total may be even higher.

	<u>Civilian</u> <u>applicants</u>	<u>Military</u> <u>applicants</u>	<u>Total</u>
through January 7:	317	636	953
through January 27:	978	1949	2927
projected through the current deadline:	1500	3500	5000

This surge is particularly striking when one considers how much the Board's application rate had tapered off in late December and early January. In the two weeks before January 7, we received only 11 applications; in the two weeks thereafter, we received 1217. We are now receiving applications at the bi-weekly rate of 2500. The Board's previous high for a two-week period was about 160 in early November. This two-hundredfold increase in the rate of applications is illustrated in the attached bar chart. Similarly, while we once had just 5 or 10 inquiries daily, we received almost 500 letters and telephone inquiries during each of the last several days. The change has been that sudden and dramatic.



Factors Contributing to the Increased Rate of Applications

While the upcoming January 31 deadline may be one factor contributing to the Board's surge in applications, I am convinced that our public information campaign is the decisive factor. Since January 6, we have done the following:

- (1) We have mailed over 7,000 application kits to convicted draft offenders. The low number of undelivered envelopes indicates that as many as 6,000 kits have been delivered.
- (2) We have distributed public service announcements and live copy to 2500 television and radio stations.
- (3) We have circulated approximately 27,000 notices to post offices, community action agencies, prisons, employment service agencies, unemployment insurance offices, probation officers, Action agencies, and veterans' counselors.
- (4) During the past week, five Board members made personal appearances in 15 cities, attracting substantial coverage from the local media.

I have four reasons for my conviction that the Board's public information campaign stimulated these applications. First, the Board's total number of applications increased by a dramatic 207% from January 7 through January 27. During the same period, Department of Defense's applications have grown to 3800 and Department of Justice's to 285. This increase began immediately following the commencement of the Board's public information effort.

Second, from a survey of a recent day's telephone inquiries, we discovered that over 90% of our eligible callers did not realize that they could apply for clemency until after our public information campaign had begun. Likewise, 90% learned of their eligibility only after hearing or reading about our criteria in the media or on a notice we distributed to a local agency.



Third, we have undertaken efforts to reach target groups of eligible persons, and each has drawn an immediate response. Our direct mailings to civilians doubled our total civilian applications within about a week -- a few days before our first major increase in military applications. Similarly, we have received a major response from our other mailings.

Fourth, as other Board members and I met the public and the press last week, we encountered surprise when we explained that convicted draft-offenders and ex-servicemen with bad discharges can apply for clemency. The general impression, even among well-informed people, is that the program is aimed only at draft-evaders and deserters in exile. When the Board's jurisdiction is explained, the entire clemency program is better received.

Conclusions

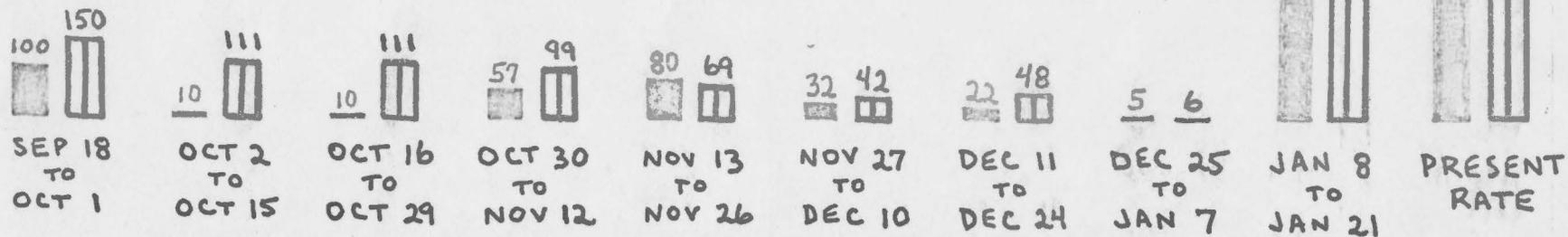
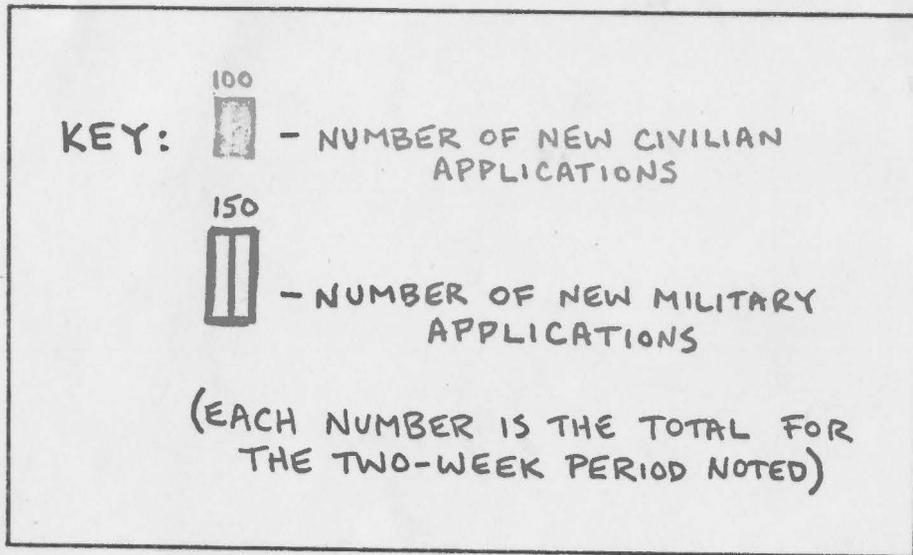
The tripling of applications in twenty days is clearly attributable to the impact of our public information campaign. We expect a total of 5000 by January 31, and there is every reason to believe we can reach a total of 10-20,000 in the next six months.

Our success so far has demonstrated the extent to which eligible persons never before realized that they qualify under your program. However, it is unlikely that we can spread this information to more than a small fraction of eligible persons by January 31. Much remains to be done. For example, Department of Defense can begin in February to send application kits to ex-servicemen whose service records indicate that they are probably eligible to apply. Many other actions can and should be taken to inform potential applicants. It would be unfortunate if our final tally of applications were small only because most people never knew they could apply.



CHANGING PCB APPLICATION RATES

(FOR TWO-WEEK PERIODS FROM SEPTEMBER TO THE PRESENT)



Clay

THE WHITE HOUSE
WASHINGTON
February 28, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH *JTF*

A demonstration by persons who are eligible for or who are participating in the earned return program is expected tomorrow. See attached hand bill. The demonstrators have requested a meeting with the President. The scheduling office rejected the request, and has indicated to the Clemency Board staff that it should be available to hold such a meeting. I have asked the Clemency Board staff to tell our office of any action it plans to take.

Also, E.P.S. intelligence is that a few of the demonstrators will enter the regular White House tour line and then create a disturbance in the Executive Mansion. E.P.S. will keep us informed of any action it takes.



a continuing war called peace
a demand for silence called clemency
a continuing NO
by those who refused to kill
by those who refuse to forget



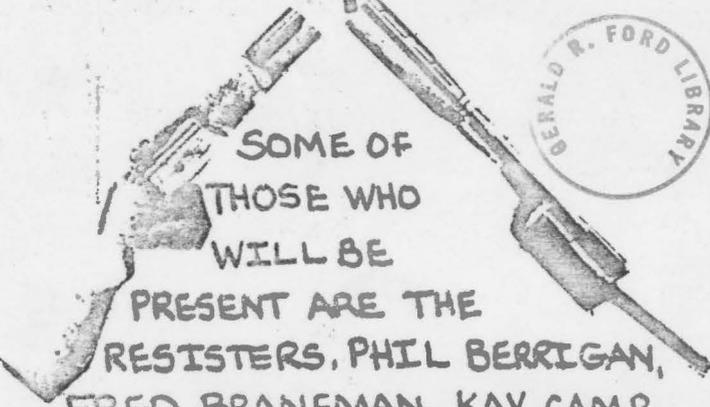
THE WHITE HOUSE

SATURDAY MARCH 1

9³⁰ A.M

this is a call to all those who are eligible for clemency: selective service violators, those who have refused to cooperate with the military, those who were imprisoned, in exile, deserters, families, friends, supporters, all are invited to come to the White House to personally return to Gerald Ford their invitations to subservience, to say - clearly and visibly:

NO to your clemency,
NO to your war!

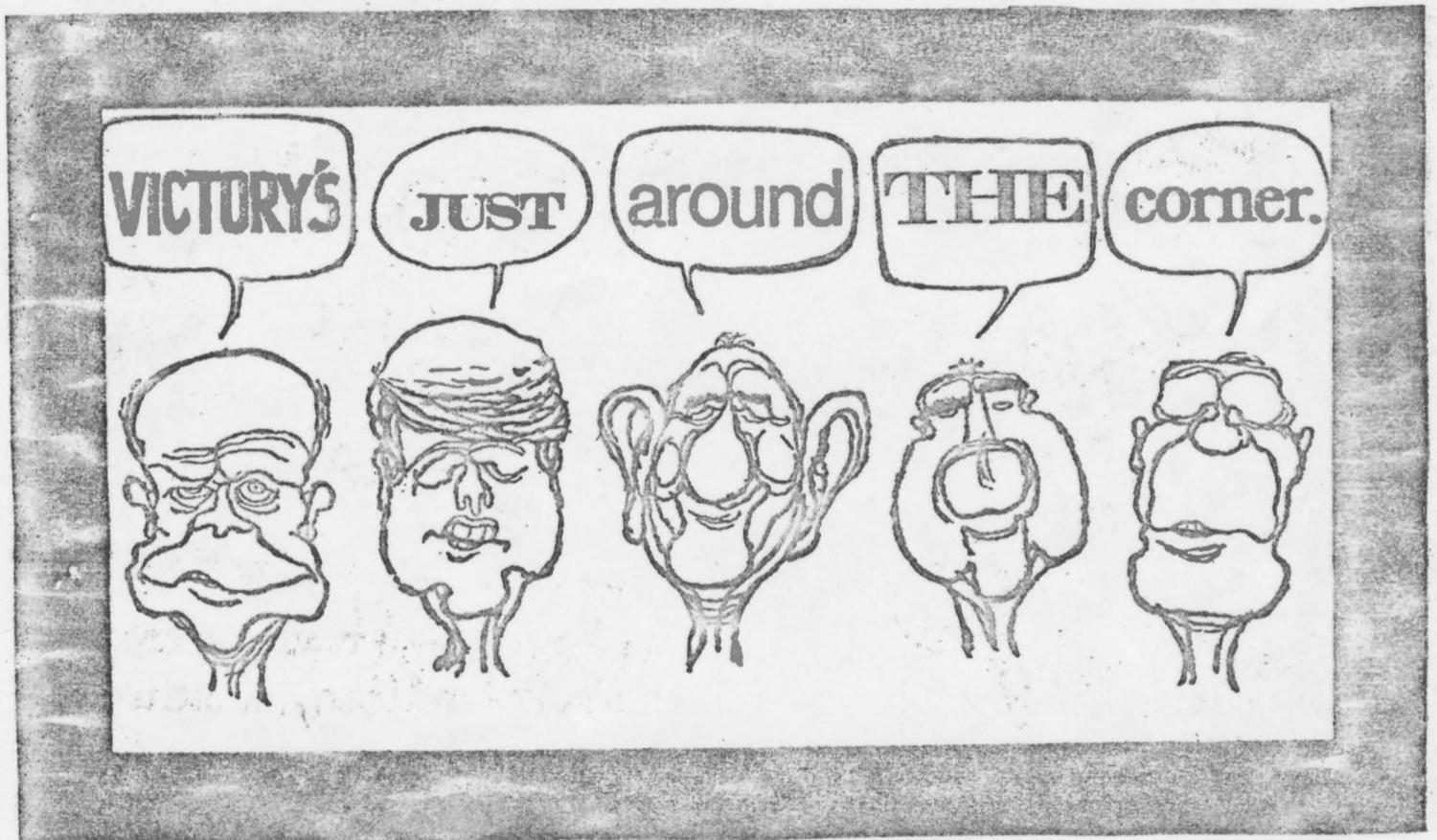


SOME OF THOSE WHO WILL BE PRESENT ARE THE RESISTERS, PHIL BERRIGAN, FRED BRANFMAN, KAY CAMP, NOAM CHOMSKY, REV. WM. SLOAN COFFIN, DAVE DELLINGER, DICK FALK, DICK GREGORY, BILL KUNSTLER, LIZ McALLISTER, GEORGE WALD



march first coalition 1345 euclid st. nw washington, d.c. 20009
202-667-6407

WE DEMAND AN END TO THE WAR.
WE DEMAND THE RELEASE OF ALL
POLITICAL PRISONERS IN
SOUTH VIETNAM.
WE REJECT YOUR CLEMENCY, AND
WE DEMAND UNIVERSAL AND
UNCONDITIONAL AMNESTY.



THE MARCH FIRST COALITION IS SPONSORED BY

CATHOLIC PEACE FELLOWSHIP
COMMUNITY FOR CREATIVE NON-VIOLENCE
COUNCIL FOR CHRISTIAN SOCIAL ACTION, UNITED CHURCH OF CHRIST
EPISCOPAL PEACE FELLOWSHIP
GOLD STAR PARENTS FOR AMNESTY
INDOCHINA RESOURCE CENTER
NATIONAL COUNCIL FOR UNIVERSAL & UNCONDITIONAL AMNESTY & AFFILIATES
NATIONAL CAMPUS ALLIANCE FOR AMNESTY/USNSA
WASHINGTON COMMUNITY FOR NON-VIOLENT ACTION
PEACE BOB ALPERN(SANE)
RICHARD KILLMER(DIR. OF SPECIAL MINISTRIES, VIETNAM GENERATION,
NATIONAL COUNCIL OF CHURCHES)
WHERE THE NAMES OF INDIVIDUALS ARE USED, ORGANIZATIONS ARE LISTED FOR IDENTIFICATION ONLY.

CLERGY AND LAITY CONCERNED
FAST FOR FAMINE RELIEF
INDOCHINA MOBILE EDUCATION PROJECT
JONAH HOUSE
WAR RESISTERS LEAGUE
WASHINGTON WOMEN'S STRIKE
REV. TIM BUTZ(WASHINGTON VVAW/WSO)
RABBI DAVID SAPERSTEIN,(ASSOCIATE DIRECTOR RELIGIOUS ACTION CENTER, UNION OF AMERICAN HEBREW CONGREGATIONS)
DWAYNE SHANK(NATIONAL INTER-RELIGIOUS SERVICE BOARD FOR CO'S)

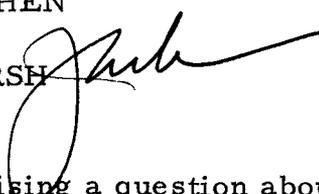
CONTACT THE ABOVE ORGANIZATIONS FOR INFORMATION
AND WORK WITH THEM AND THEIR AFFILIATES IN YOUR
LOCAL AREA.

THE WHITE HOUSE

WASHINGTON

April 8, 1975

MEMORANDUM TO: PHIL BUCHEN

FROM: JACK MARSH 

Marty Hoffman at Defense called raising a question about the hearings next Monday on the Clemency matter at which Charlie Goodell is the leadoff witness.

Marty is also slated to be witness, and although he is aware of our position on this matter, nevertheless, he would like to have some guidance. Also, he suggests that we be certain that others appearing before the Committee associated with the Administration similarly receive guidance so that all of our people correctly reflect the Administration's view.

My thought was it would be helpful if you would touch base with Marty, and get some ideas as well as get from him his thoughts on just what our position should be particularly among a number of the legal issues that are part of the Clemency program.



Clemency

C-1
no ps on exiles
oppose heading
ABC
-2
-3
-4
D

THE WHITE HOUSE
WASHINGTON

April 8, 1975

MEMORANDUM TO: PHIL BUCHEN

FROM: JACK MARSH *JM*

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My thought was it would be helpful if you would touch base with Marty, and get some ideas as well as get from him his thoughts on just what our position should be particularly among a number of the legal issues that are part of the Clemency program.



Remarks -

Unfortunately G does not address all
implications of S 1290 and doesn't deal w/
any of the 4 bills exactly before the Comm.

Because of this def we're planning to
hold a meeting of the inter Admin officials
who will be testifying so that all spokesmen
can carry the same message on
all issues likely to be raised by the Subcom.

If the Pres wishes to act on this memo
in its present form we recommend that his
decisions be as follows:

=====
=====
=====

adjust the options





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Clemency

MAY 22 1975

MEMORANDUM FOR PHILIP W. BUCHEN

Subject: Presidential Clemency Board

Attached for your information is a copy of the interagency team report concerning the current operations of the Presidential Clemency Board.

I bring to your attention one of the major policy issues raised by the interagency team which dealt with the pardon for those with undesirable discharges. The interagency team red flagged this issue because it is currently a serious impediment to the final disposition of the great majority of executive clemency actions. Lawrence M. Baskir, General Counsel for the Clemency Board in a memorandum dated May 16, 1975 to Charles Work, Chairman of the interagency team, stated that the President has already approved the Board's position. However, Jay French has told us that the President has not yet resolved the issue.

We bring the problem to your attention since the resolution will greatly affect the workload of the Clemency Board and their current processing procedures.

Paul H. O'Neill
Deputy Director

Attachment



THE WHITE HOUSE

WASHINGTON

May 23, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH

In light of Mary McGrory's article in the May 23, 1975, issue of the Washington Star concerning the case of David Earl Ganger, I prepared a chronology of events which is set forth below.

CHRONOLOGY

February 7, 1975
(Friday)

The Presidential Clemency Board's staff prepared an internal memo discussing the issue of pardons for applicants with undesirable discharges.

March 26, 1975
(Wednesday)

By memo of this date the Board transmitted its third set of recommendations to the Counsel's office.

March 29, 1975
(Saturday)

I reviewed the warrants and case summaries. There were 118 cases for disposition.

March 31, 1975
(Monday)

A meeting was held with Rick Tropp of the Board's staff in my office at which I called his attention to three problem areas that made it impossible to forward the third set of recommendations to the President. The three problem areas were:



1. Persons with undesirable discharges were recommended for Executive clemency despite the fact that all parties knew this issue was opposed by Justice and Defense.
2. The case summaries of some military deserters indicated that military review had not been completed. Therefore, the Military Departments (according to the case summaries) were still reviewing these court-martial convictions.
3. The master warrants contained language that both Justice and Defense had heretofore opposed.

April 2, 1975
(Wednesday)

Chairman Goodell met with PWB and hand delivered a copy of the Board's internal memo (prepared on February 7) concerning clemency for those holding undesirable discharges.

April 8, 1975
(Tuesday)

By memo of this date the Board's General Counsel notified me that copies of warrants from the third set of recommendations were being forwarded to the U.S. Pardon Attorney and Marty Hoffmann for their consideration of the three problem areas which were noted above.

April 30, 1975
(Wednesday)

By memo of this date addressed to the General Counsel of the Board the Pardon Attorney indicated his opposition to granting pardons to persons with undesirable discharges.



May 5, 1975
(Monday)

By memo of this date Martin Hoffmann responded in opposition to the Board's proposal to grant pardons to persons with undesirable discharges.

Also, on this date the Board forwarded its fourth set of recommendations to the Counsel's office. There were 114 recommendations in the set. (The Board unanimously recommended that David Earl Ganger be granted unconditional clemency).

May 16, 1975
(Friday)

By memo of this date to PWB Chairman Goodell raised four issues (partly in response to the memos from the Pardon Attorney and Marty Hoffmann) which directly concern the President's disposition of the third and fourth sets of recommendations.

Each of the above notes is based upon a memo or diary notation in my possession.



Clemency

THE WHITE HOUSE

WASHINGTON

May 27, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: JAY T. FRENCH

In light of Mary McGrory's article in the May 23, 1975, issue of the Washington Star concerning the case of David Earl Ganger, I prepared a chronology of events which is set forth below.

CHRONOLOGY

November 27, 1974 (Wednesday)	By memo of this date the Board transmitted its first set of recommendations to the Counsel's office. There were 18 cases for disposition.
November 29, 1974 (Friday)	The President signed master warrants accepting all of the Board's first set of recommendations.
December 26, 1974 (Thursday)	By memo of this date the Board transmitted its second set of recommendations to the Counsel's office. There were 47 cases for disposition.
December 28, 1974 (Saturday)	The President signed master warrants and a letter of approval accepting all of the Board's second set of recommendations.
February 7, 1975 (Friday)	The Presidential Clemency Board's staff prepared an internal memo discussing the issue of pardons for applicants with undesirable discharges.
March 26, 1975 (Wednesday)	By memo of this date the Board transmitted its third set of recommendations to the Counsel's



office. There were 118 cases for disposition.

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By memo of this date to PWB, Chairman Goodell raised four issues (partly in response to the memos from the Pardon Attorney and Marty Hoffmann) which directly concerned the President's disposition of the third and fourth sets of recommendations.



May 23, 1975
(Friday)

On this date I returned four proposed master warrants containing 128 names to the Clemency Board (two warrants each from the third and fourth sets of recommendations) and requested that the Board separate the names of those persons who had received undesirable discharges from the names of those who had been convicted by courts-martial. This information is not shown in the warrants. The Board was requested to forward four new warrants containing only the names of those who had been convicted by courts-martial for the President to sign.

May 25, 1975
(Sunday)

By memo of this date the Clemency Board refused to separate the names as they had been requested to on May 23. The Board merely returned the warrants in their original form.

It is not possible, therefore, for the President to sign the warrants without granting pardons to those with undesirable discharges (i. e. those who were never convicted.).

May 26, 1975
(Monday)

The President signed master warrants and a letter of approval accepting 108 of the Board's third and fourth set of recommendations.

May 27, 1975
(Tuesday)

By memo of this date the Board transmitted its fifth set of recommendations to the Counsel's office. There were 71 cases for disposition.

THE WHITE HOUSE

WASHINGTON

Make keep
copy of Chronology
for Dick
Cheney.
P

OK ✓
sent down



Wednesday 5/28/75

9:15 Attached is the latest chronology on Mary McGrory's article concerning David Earl Ganger.

Jay has spoken to Ted Marrs concerning Donald Ogilvie's memo of 5/20 to John Marsh re Vietnam POW Claims and is available to discuss further whenever you are available.



THE WHITE HOUSE

WASHINGTON

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May 27, 1975
(Tuesday)

By memo of this date the Board transmitted its fifth set of recommendations to the Counsel's office. There were 71 cases for disposition.

