

The original documents are located in Box 6, folder “Final Report - Goodell Statement” of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Charles Goodell donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

STATEMENT OF CHARLES E. GOODELL, FORMERLY CHAIRMAN OF THE
PRESIDENTIAL CLEMENCY BOARD

JANUARY 15, 1976

FOR IMMEDIATE RELEASE

For further information call 202/ 659-3650



The White House has recently released the final report of the Presidential Clemency Board. This report should contribute to an improved public understanding of the Clemency Board's part -- the largest part -- of the President's program.

I consider the Clemency Program to have been very successful for those who participated. However, it has been only a partial success overall, having received applications from less than 20% of those who could have applied.

The character of the applicants to the Clemency Board has been consistently misunderstood by the press and the public. Most people think that the Clemency Program was primarily for war resisters in Canada. However, only 2% of our applicants were ever Canadian exiles. By contrast, 27% were Vietnam veterans, many of whom volunteered for combat. Of this group, 103 individuals are veterans who served heroically in Vietnam. We have recommended to the President that he direct that they be given immediate upgraded discharges under honorable conditions, with full entitlement to veterans' benefits.

Why do I say the Clemency Program is a success for those who participated?

1. The President has acted upon 13,133 recommendations for clemency from the Clemency Board. Of these, 42% received immediate pardons. Almost all of the rest will receive pardons after three to six months of alternative service.

2. So far, alternative service performance of Clemency Board applicants has been very good. Although most of those assigned to alternative service just received their clemency notices within the last six weeks, 2626 have already enrolled with Selective Service. They can complete their assignments by doing part-time, volunteer work -- so they can earn their pardons while continuing to support their families. This also means that they will not be taking jobs away from others. Only 3% have been terminated to date.

3. The evidence strongly suggests that the Presidential pardon and Clemency Discharge are of real value to those who participated in the program. An August Gallup Poll indicated that 85% of the general public would look upon clemency recipients on at least an equal basis. Likewise, a recent survey of employers has shown that a Clemency Discharge will be of real help to someone looking for a job.

4. Along with the 103 combat heroes for whom upgrade recommendations were made directly to the President, an additional 150 were referred to the appropriate military discharge review boards for special consideration for upgrades and full veterans' benefits. Another 400 cases involved individuals who were wounded and permanently disabled in Vietnam, for whom the Board has recommended medical benefits only. The following case is an example of a Vietnam veteran who should receive



veterans' benefits.

While a medic in Vietnam, this military applicant (an American Indian) received the Bronze Star for heroism because of his actions during a night sweep operation. When his platoon came under intense enemy fire, he moved through a minefield under a hail of fire to aid his wounded comrades. While in Vietnam, he was made Squad Leader of nine men, seven of whom (including himself) were wounded in action. After returning to the United States, he experienced post-combat psychiatric problems. He went AWOL several times to seek psychiatric treatment. He received a bad discharge for his absences. (Other examples of meritorious cases are attached to this statement.)



It is unfortunate that only 16% of those eligible for the Clemency Board program were able to take advantage of it. The evidence strongly indicates that most of those who failed to apply did so because they never realized they were eligible to apply.

Why do I say this?

1. Almost all -- 95% -- of our applications arrived after the start of our public information campaign which began in early January, four months into the program. Ten thousand applications were received during the last month alone, and virtually all applied within hours or days after learning about their eligibility.

2. As shown in the attached chart, the application rate increased consistently up to the March 31 application deadline.



3. A recent Gallup Poll has shown that only 15% of the public ever realized that convicted draft offenders or discharged servicemen were included in the Clemency Program. Not surprisingly, that is virtually identical to the percentage (16%) who actually applied.

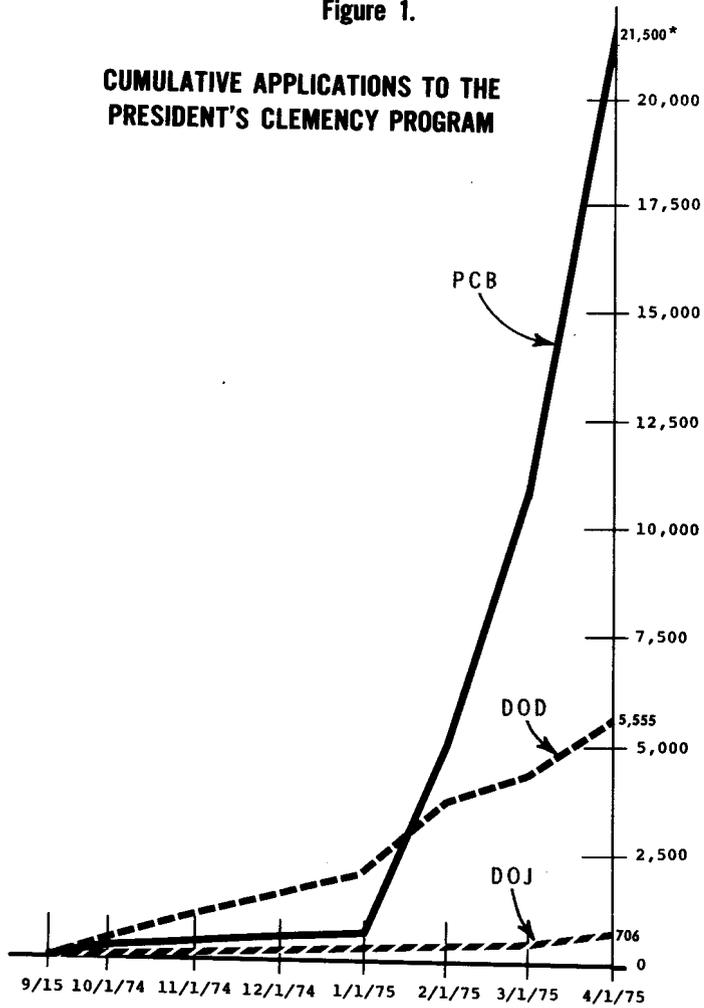
I think it is unfortunate that the program ended with so many not knowing that they could apply. President Ford ended the application period on March 31 because legal restrictions required that the Board review all cases by September 15, 1975. As I have consistently indicated, the Clemency Board unanimously recommended that the application period be longer.

Therefore, I urge the Congress to enact a conditional clemency program similar to the one which is now over.



Figure 1.

**CUMULATIVE APPLICATIONS TO THE
PRESIDENT'S CLEMENCY PROGRAM**



*Approximately 6,000 were later found ineligible

CASE EXAMPLES



(See page xx
of the Report)

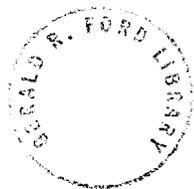
During applicant's combat tour in Vietnam, his platoon leader, with whom he shared a brotherly relationship, was killed while awakening applicant to start his guard duty. The platoon leader was mistaken for a Viet Cong and shot by one of his own men. This event was extremely traumatic to applicant who subsequently experienced nightmares. In an attempt to cope with this experience, applicant turned to the use of heroin. After becoming an addict, he went AWOL. During his AWOL, he overcame his drug addiction only to become an alcoholic. After obtaining help and curing his alcoholism, he turned himself in.

(See page xx
of the Report)

This applicant did not go AWOL until after returning from two tours of duty in Vietnam, when his beliefs concerning the war changed. He came to believe that the United States was wrong in getting involved in the war and that he "was wrong in killing people in Vietnam." He had over three years' creditable service with 14 excellent conduct and efficiency ratings. He re-enlisted to serve his second tour within three months of ending his first. He served as an infantryman in Vietnam, was wounded, and received the Bronze Star for Valor.

(See page 64
of the Report)

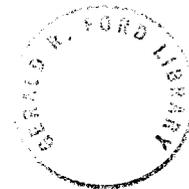
While in Vietnam, applicant saw much combat action and received numerous decorations. He was an infantryman and armor crewman who served as a squad and team leader. He participated in six combat campaigns, completed two tours in Vietnam, and received the Bronze Star for Heroism. In one battle, he was wounded -- and all of his fellow soldiers were killed. His highest rank was staff sergeant. Upon his return from Vietnam, he went AWOL because of harassment from fellow servicemen that he was only a "rice paddy NCO" who would not have earned his rank if not for the war.



(See page 64
of the Report)

Applicant received a Bronze Star and Purple Heart in Vietnam. He wrote the following in his application for clemency: "While in Vietnam, I didn't notice much mental strain, but it was an entirely different story when I returned. I got depressed very easily, was very moody, and felt as if no one really cared that I served their country for them. And this was very hard to cope with, mainly because while I was in Vietnam I gave it 100%. I saw enough action for this life and possibly two or three more. I hope that someone understands what I was going through when I returned."

CLEMENCY BOARD FACT SHEET



21,500 applications received by March 31

6,000 found to be ineligible

15,500 eligible applications

1,000 cases with insufficient information, now the responsibility
of the Clemency Office in the Department of Justice

14,500 cases acted upon by the Clemency Board

13,133 case recommendations approved by the President

110 case recommendations forwarded to the President

400 cases appealed and not yet forwarded

1,845 other cases not yet forwarded

15,468 total cases

Case Recommendations

	<u>Civilian Cases</u>	<u>Military Cases</u>
Outright pardon	82%	36%
Alternative service:		
3 months	8%	20%
4-6 months	5%	23%
7+ months	4%	14%
No clemency	1%	7%

Overview of the Clemency Board's
Report to the President



This report should be useful to readers interested in evaluating the clemency program or engaged in research in a number of related issues.

The Executive Summary is a 15-page overview of the contents of the report.

Chapter 1 is a brief introduction, identifying the principles underlying the Clemency Program.

Chapter 2 describes the overall Clemency Program, with special emphasis on the Clemency Board's part of the program.

Chapter 3 describes the nature of the applicants to the Board, and gives a unique perspective on their experiences with the draft and military justice.

Chapter 4 describes the Board's case-by-case process, telling how we sought to maintain consistency and fairness in making case recommendations.

Chapter 5 gives statistics on the Clemency Board program and analyzes the Board's case recommendations.

Chapter 6 shows how the Board managed to process 15,000 cases in a few short months, and completed our work within the deadline set by the President.

Chapter 7 puts the President's program in historical perspective through a comparative analysis of other acts of Executive Clemency in American history.

Chapter 8 gives the Board's assessment of what we think the Clemency program accomplished.

STATEMENT OF CHARLES E. GOODELL, FORMERLY CHAIRMAN OF THE
PRESIDENTIAL CLEMENCY BOARD

JANUARY 15, 1976

FOR IMMEDIATE RELEASE

For further information call 202/ 659-3650



The White House has recently released the final report of the Presidential Clemency Board. This report should contribute to an improved public understanding of the Clemency Board's part -- the largest part -- of the President's program.

I consider the Clemency Program to have been very successful for those who participated. However, it has been only a partial success overall, having received applications from less than 20% of those who could have applied.

The character of the applicants to the Clemency Board ~~has been consistently misunderstood by the press and the public.~~ Most people think that the Clemency Program was primarily for war resisters in Canada. However, only 2% of our applicants were ever Canadian exiles. By contrast, 27% were Vietnam veterans, many of whom volunteered for combat. Of this group, 103 individuals are veterans who served heroically in Vietnam. We have recommended to the President that he direct that they be given immediate upgraded discharges under honorable conditions, with full entitlement to veterans' benefits.

Why do I say the Clemency Program is a success for those who participated?

1. The President has acted upon 13,133 recommendations for clemency from the Clemency Board. Of these, 42% received immediate pardons. Almost all of the rest will receive pardons after three to six months of alternative service.

2. So far, alternative service performance of Clemency Board applicants has been very good. Although most of those assigned to alternative service just received their clemency notices within the last six weeks, 2626 have already enrolled with Selective Service. They can complete their assignments by doing part-time, volunteer work -- so they can earn their pardons while continuing to support their families. This also means that they will not be taking jobs away from others. Only 3% have been terminated to date.

3. The evidence strongly suggests that the Presidential pardon and Clemency Discharge are of real value to those who participated in the program. An August Gallup Poll indicated that 85% of the general public would look upon clemency recipients on at least an equal basis. Likewise, a recent survey of employers has shown that a Clemency Discharge will be of real help to someone looking for a job.

4. Along with the 103 combat heroes for whom upgrade recommendations were made directly to the President, an additional 150 were referred to the appropriate military discharge review boards for special consideration for upgrades and full veterans' benefits. Another 400 cases involved individuals who were wounded and permanently disabled in Vietnam, for whom the Board has recommended medical benefits only. The following case is an example of a Vietnam veteran who should receive

veterans' benefits.

While a medic in Vietnam, this military applicant (an American Indian) received the Bronze Star for heroism because of his actions during a night sweep operation. When his platoon came under intense enemy fire, he moved through a minefield under a hail of fire to aid his wounded comrades. While in Vietnam, he was made Squad Leader of nine men, seven of whom (including himself) were wounded in action. After returning to the United States, he experienced post-combat psychiatric problems. He went AWOL several times to seek psychiatric treatment. He received a bad discharge for his absences. (Other examples of meritorious cases are attached to this statement.)

It is unfortunate that only 16% of those eligible for the Clemency Board program were able to take advantage of it. The evidence strongly indicates that most of those who failed to apply did so because they never realized they were eligible to apply.

Why do I say this?

1. Almost all -- 95% -- of our applications arrived after the start of our public information campaign which began in early January, four months into the program. Ten thousand applications were received during the last month alone, and virtually all applied within hours or days after learning about their eligibility.

2. As shown in the attached chart, the application rate increased consistently up to the March 31 application deadline.

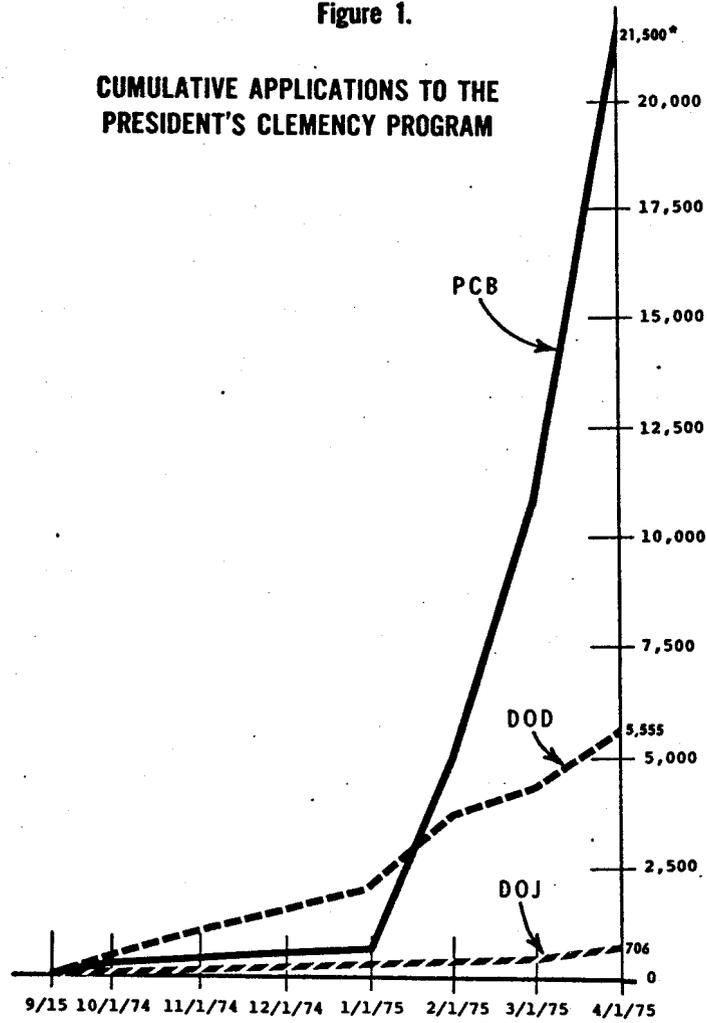
3. A recent Gallup Poll has shown that only 15% of the public ever realized that convicted draft offenders or discharged servicemen were included in the Clemency Program. Not surprisingly, that is virtually identical to the percentage (16%) who actually applied.

I think it is unfortunate that the program ended with so many not knowing that they could apply. President Ford ended the application period on March 31 because legal restrictions required that the Board review all cases by September 15, 1975. As I have consistently indicated, the Clemency Board unanimously recommended that the application period be longer.

Therefore, I urge the Congress to enact a conditional clemency program similar to the one which is now over.

Figure 1.

**CUMULATIVE APPLICATIONS TO THE
PRESIDENT'S CLEMENCY PROGRAM**



*Approximately 6,000 were later found ineligible

CASE EXAMPLES

(See page xx
of the Report)

During applicant's combat tour in Vietnam, his platoon leader, with whom he shared a brotherly relationship, was killed while awakening applicant to start his guard duty. The platoon leader was mistaken for a Viet Cong and shot by one of his own men. This event was extremely traumatic to applicant who subsequently experienced nightmares. In an attempt to cope with this experience, applicant turned to the use of heroin. After becoming an addict, he went AWOL. During his AWOL, he overcame his drug addiction only to become an alcoholic. After obtaining help and curing his alcoholism, he turned himself in.

(See page xx
of the Report)

This applicant did not go AWOL until after returning from two tours of duty in Vietnam, when his beliefs concerning the war changed. He came to believe that the United States was wrong in getting involved in the war and that he "was wrong in killing people in Vietnam." He had over three years' creditable service with 14 excellent conduct and efficiency ratings. He re-enlisted to serve his second tour within three months of ending his first. He served as an infantryman in Vietnam, was wounded, and received the Bronze Star for Valor.

(See page 64
of the Report)

While in Vietnam, applicant saw much combat action and received numerous decorations. He was an infantryman and armor crewman who served as a squad and team leader. He participated in six combat campaigns, completed two tours in Vietnam, and received the Bronze Star for Heroism. In one battle, he was wounded -- and all of his fellow soldiers were killed. His highest rank was staff sergeant. Upon his return from Vietnam, he went AWOL because of harassment from fellow servicemen that he was only a "rice paddy NCO" who would not have earned his rank if not for the war.

(See page 64
of the Report)

Applicant received a Bronze Star and Purple Heart in Vietnam. He wrote the following in his application for clemency: "While in Vietnam, I didn't notice much mental strain, but it was an entirely different story when I returned. I got depressed very easily, was very moody, and felt as if no one really cared that I served their country for them. And this was very hard to cope with, mainly because while I was in Vietnam I gave it 100%. I saw enough action for this life and possibly two or three more. I hope that someone understands what I was going through when I returned."

CLEMENCY BOARD FACT SHEET

21,500 applications received by March 31

6,000 found to be ineligible

15,500 eligible applications

1,000 cases with insufficient information, now the responsibility
of the Clemency Office in the Department of Justice

14,500 cases acted upon by the Clemency Board

13,133 case recommendations approved by the President

110 case recommendations forwarded to the President

400 cases appealed and not yet forwarded

1,845 other cases not yet forwarded

15,468 total cases

Case Recommendations

	<u>Civilian Cases</u>	<u>Military Cases</u>
Outright pardon	82%	36%
Alternative service:		
3 months	8%	20%
4-6 months	5%	23%
7+ months	4%	14%
No clemency	1%	7%

Overview of the Clemency Board's Report to the President

This report should be useful to readers interested in evaluating the clemency program or engaged in research in a number of related issues.

The Executive Summary is a 15-page overview of the contents of the report.

Chapter 1 is a brief introduction, identifying the principles underlying the Clemency Program.

Chapter 2 describes the overall Clemency Program, with special emphasis on the Clemency Board's part of the program.

Chapter 3 describes the nature of the applicants to the Board, and gives a unique perspective on their experiences with the draft and military justice.

Chapter 4 describes the Board's case-by-case process, telling how we sought to maintain consistency and fairness in making case recommendations.

Chapter 5 gives statistics on the Clemency Board program and analyzes the Board's case recommendations.

Chapter 6 shows how the Board managed to process 15,000 cases in a few short months, and completed our work within the deadline set by the President.

Chapter 7 puts the President's program in historical perspective through a comparative analysis of other acts of Executive Clemency in American history.

Chapter 8 gives the Board's assessment of what we think the Clemency program accomplished.