The original documents are located in Box 4, folder "Final Report - Draft, 8/29/75 (4)" of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

(Case No. 10402) For a year-and-a-half after he was drafted, applicant tried to obtain conscientious objector status, because he did not believe in killing human beings. He is minimally articulate, but stated that even if someone was trying to kill him, he could not kill in return. He talked to his Captain and the Red Cross, neither of whom found his aversion to taking human life to be persuasive. When his application was denied and he was scheduled for Vietnam he went AWOL.

After submitting his application, the soldier was interviewed by a chaplain and a military psychiatrist. The chaplain had to comment on the sincerity and depth of the applicant's belief, and the psychiatrist evaluated him for mental disorders. One of our applicants alleges a difficult time with a psychiatrist he consulted regarding a C.O. application.

(Case No. 0472) Three years after enlisting in the Navy, applicant made several attempts to be recognized as a conscientious objector. He spoke with chaplains, legal officers, doctors, and a psychiatrist. He told the psychiatrist of his opposition to the war in Vietnam and of his heavy drug use. The psychiatrist threw his records in his

face and told him to get out of his office. He went AWOL after his experience with the psychiatrist.

The conscientious objectors next stop was to present his case before a hearing officer, who in turn made a recommendation through the chain of command on his request. The final authority rested either with the general Court-Martial convening authority (usually the installation commander) or with the administrative affairs office in the appropriate Service Department Headquarters.

Approximately 17,000 requests for in-service conscientious objector status were made during the Vietnam War. Altogether, _____ were granted. The approval rate was much higher in the early 1970's than in the late 1960's. ~~Only~~ _____% were approved in 196___, while _____% were approved in 197__.

Since at least 4.6% of our military applicants committed their offenses primarily because of their opposition to the Vietnam War, the much smaller percentage of those who applied for in-service conscientious objector status may indicate that many did not know such a remedy existed, had little hope their request would be approved, or feared repercussions for expressing their beliefs. In addition, some of our applicants were apparently misinformed about application criteria when they did inquire.

(Case #) From the time of his arrival at his Navy base, applicant consulted with medical, legal, and other officers on how to obtain a discharge for conscientious objection. He was told that the initiative for such a discharge would have to be taken by the Navy, so he would have to demonstate that he was a conscientious objector. He then went AWOL to prove his beliefs. Following his conviction for that brief AWOL, he requested a discharge as a conscientious objector. His request was denied.

5. Assignment to Vietnam

During the height of the Vietnam War, our applicants were ordered to Vietnam about six months after entering the service. Just over half (51%) of our applicants received orders for Vietnam. Most complied with the orders, but many did not. Twenty-four percent of our applicants were discharged because of an AWOL offense they committed prior to departure for Vietnam.

(Case # 03584) Applicant received orders to report to Vietnam. While on leave before he had to report, he requested help from his Congressman so that he would not be sent overseas. He also applied for an extension of his departure date on the grounds that his wife was 8 months pregnant and that he was an alien. His request was denied, and he went AWOL.

Once they arrived in Vietnam, our applicants were less likely to desert. They faced the risk of being stranded in a foreign nation without the legal documents necessary to permit their return. They also faced the risk of capture by the enemy. Finally, any desertion offense under combat conditions could be treated more harshly by military authorities. Only 3.4% of our applicants deserted from Vietnam, and one-third of those went AWOL from non-combat situations. In many cases, their reasons related to personal problems, often of a medical nature.

(Case #00423) Applicant was assigned to an infantry unit in Vietnam. During his combat service, he sustained an injury which caused his vision to blur in one eye. His vision steadily worsened, and he was referred to an evacuation hospital in DaNang for testing. A doctor's assistant told him that the eye doctor was fully booked and that he would have to report back to his unit and come back to the hospital in a couple of weeks. Frustrated by this rejection and fearful to his inability to function in an infantry unit, applicant went AWOL.

Almost 90% of our applicants who were sent to Vietnam were assigned to combat situations. Some -- but not many -- acrually deserted while serving in a combat assignment.

(Case # 3304) Applicant would not go into the field with his unit because he felt the new C.O. of his company was incompetent. He was getting nervous about going out on an operation in which the probability of enemy contact

was high. (His company was subsequently dropped onto a hill where they engaged the enemy in combat). He asked to remain in the rear but his request was denied. Consequently, he left the company area because, in the words of his chaplain, "the threat of death caused him to exercise his right of self preservation." Applicant was apprehended while traveling on a truck away from his unit without any of his combat gear.

Once a soldier arrived in Vietnam it was difficult for him to leave the country. He was permitted to return to the U.S. on emergency leave when appropriate. Also, he was offered several days of "R&R" (Rest and Relaxation) at a location removed from combat zones, and frequently outside of Vietnam. It was on these sojourns outside of Vietnam that some of our applicants departed AWOL.

Many of our applicants served with distinction in Vietnam. They fought hard and well, often displaying true heroism in the service of their country. Of our applicants who served in Vietnam, one in eight was wounded in action. One in twelve was awarded a Bronze Star for heroism in combat, and some even earned a Silver Star.

(Case #2065) While a medic in Vietnam, applicant (an American Indian) received the Bronz Star for heroism because of his actions during a night sweep operation. When his platoon came under intense evening fire, he moved through a mine field 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. In addition to his BronzeStar, he received the Army Commendation Medal with Valor Device, the Vietnam Service Medal with devices, the Vietnam Campaign Medal, and the Combat Medics Badge.

Others experienced severe psychological trauma from their combat experiences; some applicants turned to drugs to help them cope.

(Case #00188) During his combat tour in Vietnam, applicant's platoon leader, with whom he shared a brotherly relationship, was killed while awakening applicant to start his duty. He was mistaken for a Viet Cong and shot by one of his own men. This event was extremely traumatic to the applicant, who experienced nightmares. In an attempt to cope with this experience, he turned to the use of heroin. After becoming an addict, he went AWOL.

Still other applicants indicated that combat experience was a source of personal fulfillment.

(Case #0423) Applicant, who was drafted, was pleased by his assignment to Vietnam because of his confidence in his training and membership in a cohesive, elite unit.

In fact, almost one-half of our applicants who served in Vietnam had volunteered either for Vietnam service, for Combat action, or for an extended Vietnam tour. They enjoyed the close comradeship of combat situations and felt a sense of accomplishment from doing a difficult job well. Occasionally, an applicant indicated he went AWOL because of his inability to extend his tour in Vietnam.

(Case # 8232) While in Vietnam, applicant tried to extend his tour but his request was never answered. He was told much later that he would have to wait until he returned stateside, he was told that he could not return, so he went AWOL. He had derived satisfaction from his work in Vietnam because he was respected, and he found the atmosphere close and friendly.

Combat experience for some applicants also produced a sense of uneasiness about the cause for which they were fighting.

(Case #03697) Applicant was successfully pursuing his military career until he served in Cambodia assisting the Khmer Armed Forces. He began to experience internal conflicts over the legality and morality of Army operations in Cambodia. This reinforced his feelings and resulted in disillusionment.

Our Vietnam Veteran applicants frequently articulated severe readjustment problems upon returning to the United States. This "combat fatigue" or "Vietnam syndrome" was partly the result of the incessant stress of life in combat.

(Case #2892) After returning from two years in Vietnam, applicant felt that he was on the brink of a nervous breakdown. He told his commander that he was going home and could be located there, if desired. He then went AWOL from his duty station.

Two-fifths of our Vietnam veteran applicants (11% of all military applicants) seemed to have experienced severe personal problems as a result of their tour of duty. These problems were psychological (45%), medical (34%), legal (17%), financial (8%), or familial (5%). One third of their psychological and medical problems were permanent disabilities of some kind. They often complained that they had sought help, received none, and departed AWOL as a consequence.

(Case #2065) (This is a continuation of the case of the American Indian who received a Bronze Star for heroism). After applicant's return to the United States from Vietnam, he asked his commanding officer for permission to see a chaplain and a psychiatrist. He claimed that he was denied these rights, so he decided to see his own doctor.

(#2065) cont'd He was given a psychological examination and was referred to a VA hospital. After a month of care, he was transferred back to camp. He again sought psychiatric care, but could find none. Later, he was admitted to an Army hospital. One examining psychiatrist noted that he needed prompt and fairly intensive short-term psychiatric care to avert further complications of his war experience. His many offenses of AWOL were due to the fact that he felt a need for psychiatric treatment but was not receiving it.

Our Vietnam veteran applicants frequently complained that upon return to stateside duty, they encountered a training Army and the routine of peacetime duty lacking the satisfaction of the more demanding combat environment. Some adjustment problems may have resulted from their injuries.

(Case #08349) After his return from Vietnam, applicant was frustrated over his inability to perform his occupational speciality as a light vehicle driver due to his injuries. His work was limited to details and other menial and irregular activity that led him to feel "like the walls were closing in on me." He then went AWOL.

Unfortunately, other soldiers who had never seen combat experience were sometimes unfriendly to those who had, adding to the combat veterans' readjustment problems.

(Case #8145) 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 compaigns, completed two tours in Vietnam, and received the Bronze Stars for heroism. In one battle, he was wounded -- and all his fellow soldiers were killed. His highest rank was staff sergeant (E-6). 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 his rank if not for the war.

Veterans of other wars usually came home as national heroes. The Vietnam veteran, however, was greeted coolly. Some of our applicants were disappointed by the unfriendly reception they were given by their friends and neighbors. Many Vietnam veterans, deeply committed to the cause for which they had been fighting, were unprepared to return home to the attitudes of Americans in the midst of controversy over the war.

(Case #) 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."

(Case # 8145) On his return from combat in Vietnam, applicant found it difficult to readjust to stateside duty. He was shocked by the civilian population's reaction to the war and got the feeling he had been "wasting his time."

6. AWOL Offenses:

By going AWOL, our applicants committed at least one of three specific military offenses: AWOL (Article 85, UCMJ), Desertion (Article 86, UCMJ), and Missing Movement (Article 87, UCMJ). Of the three, desertion was the most serious offense. To commit desertion, our applicants had to be convicted of departing with the intent to avoid hazardous duty or shirking important service (the most serious form of desertion), or absenting himself with intent to permanently remain away. Though the military service administratively classified most of our applicants as deserters, (usually because they were gone for periods in excess of 30 days), only 9.2% of our applicants were convicted of the offense of desertion. Desertion convictions were difficult to obtain because of the difficulty proving the intent element of the offense (e.g. intention to remain away permanently, etc.)

A soldier could be convicted of missing movement when he failed to accompany his unit aboard a ship or aircraft transporting them to a more strategic position. Only 0.9% of our applicants were convicted of missing movement.

The majority of our applicants - 90% - were convicted of AWOL. Almost one-fourth of our applicants sustained an AWOL conviction for failure to report for transportation to Vietnam. AWOL was the easiest form of unauthorized absence to prove and the lesser included offense of desertion. Hence, where the evidence did not establish the intent element of desertion, a military court could still return a finding of AWOL.

There were recognized defenses to the various chargesof AWOL. However, the applicant had to establish credible evidence of a defense to avoid conviction once the government established a prima facie case. This was often difficult to do, and provoked some unusual explanations.

(Case #16332) Applicant states he was traveling across the Vietnamese countryside with a sergeant, when he and the sergeant were captured by the Viet Cong. He was a POW for two months before he finally escaped and returned 30 pounds lighter and in rags, to his unit. His unit commander did not believe his story, and his defense counsel advised him to plead guilty at his trial.

Our military applicants went AWOL from different assignments, for different reasons, and under a variety of circumstances. As described earlier, 7% left from basic training, 10% from advanced individual training, 52% from other stateside duty, 24% because of assignment to Vietnam, 3.4% from Vietnam, and 1.3% from Vietnam leave. The remaining 2.3% went AWOL from overseas assignements in countries other than Vietnam.

As a criminal offense, AWOL is peculiar to the military. If a student leaves his school, he might be expelled. If an employee leaves his job, he might be fired and suffer from a loss of income. But if a serviceman leaves his post, he might not only be fired, but also criminally convicted, fined and imprisoned. These extra sanctions are necessary -- especially in wartime -- to maintain the level of military discipline vital to a well-functioning Armed Forces. Desertion in time of Congressionally-declared war carries a possible death penalty, and most of the offenses committed by our applicants could have brought them long periods of confinement. Such swift, certain, and severe penalties are necessary to deter military misconduct even in the face of enemy fire.

In light of this, why did all of our applicants go AWOL? Why did an estimated 500,000 soldiers go AWOL during the Vietnam War? Almost 4,000 of our applicants were Vietnam combat veterans, yet they risked -- and lost-- many privileges and veterans benefits as a result of their offenses.

Though the general public frequently assumed that many unauthorized absences during the Vietnam era were motivated by conscientious opposition to the war, and this was a factor motivating this program, only 4.6% of our military applicants went AWOL primarily because of an articulated opposition to the war.* An additional 1.8% went AWOL to avoid serving in combat.

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* By coincidence, this 4.6% figure corresponds to the 4.6% of all cases in which our Board identified conscientious reasons (mitigating factor #10). It is very close to the _._% conscientious objection figure cited by the Defense Department's clemency program and the 3.6% finding of an earlier AWOL study.9

While another 9.7% left because they did not like the military; both reasons may have implied an unarticulated opposition to the war. Thus, at most, only 10% of our applicant's offenses fit the broadest possible definition of conscientious objection.

(Case #03285) Applicant decided he could not conscientiously remain in the Army and went to Canada where he worked in a civilian hospital. Prior to his discharge, applicant stated: "In being part of the Army, I am filled with guilt. That guilt comes from the death we bring. I am as guilty as the man who shoots the civilian in his village. My being part of the Army makes me just as guilty of war crimes as the offender."

A small but significant 1.8% of our applicants went AWOL because of post-combat psychological problems.

(Case #8887) Applicant received a Bad Conduct Discharge for an AWOL between 16 March and 28 Vovember 1970. This AWOL was terminated by surrender in California. Applicant went AWOL because he was "disturbed and confused" upon returning from Vietnam. He described himself as "really weird, enjoying killing and stuff like that", and as being "restless". During the AWOL, he was totally committed to Christ and the ministry.

In some instances, an applicant's actions seemed beyond his reasonable control.

(Case #05233) Applicant participated in 17 combat operations in Vietnam. He was medically evacuated because of malaria and an acute drug-induced brain syndrome. He commenced his AWOL offenses shortly after he was released from the hospital. Since his discharge, applicant has either been institutionalized or under constant psychiatric supervision.

Approximately thirteen per cent of our applicants left the military alleging denied requests for hardship leave, broken promises for occupational assignments and improper enlistment practices, or other actions by their superiors which might have been perceived as unfair.

(Case #0751) Applicant enlisted for the specific purpose of learning aircraft maintenance, but instead was ordered to Artillery school. When he talked with his commanding officer about this, he was told that the Army needed him more as a fighting man.

(Case #4793) Applicant, a Marine Sergeant (E-5) with almost ten years of creditable service, requested an extension of his tour in Okinawa to permit him time to complete immigration paperwork for his Japanese wife and child. Several requests were denied.

Upon return to the United States, he again requested time, in the form of leave. He was unable to obtain leave for five months, until it was granted after he sought help from a senator. Applicant relates that his First Sergeant warned him, before he left on leave, that "he was going to make it as hard for him as he could" when he returned, because he had sought the assistance of a senator.

(Case #0649) Applicant enlisted in the Army for a term of three years, specifying a job preference for electronics. The recruiter informed him that the electronics field was full, but that if he accepted assignment to the medical corps he could change his job after entry onto active duty. Once on active duty, applicant was informed that his MOS could not be changed. He was unsuccessful in obtaining the help of his platoon sergeant, company commander and chaplain, so he left AWOL.

(Case #0269) Applicant states that his father, who had suffered for three years from cancer, committed suicide by hanging. His family's resources and morale had been severely strained by the father's illness and death. Applicant spent a period of time on emergency leave to take care of funeral arrangements and other matters. At the time, his mother was paralyzed in one arm and unable to work. Applicant sought a hardship discharge, but after three weeks of waiting his inquiries into the status of the application revealed that the paperwork had been lost. Applicant then departed AWOL.

Most of these violators were AFQT Category III or IV individuals, many of whom were only marginally fit for military service at the time of their enlistment.

(Case #14813) Applicant has a category IV AFQT score. He went AWOL because he was apparently unaware of or did not understand the Army drug abuse program. The corrections officer at the civilian prison where he is incarcerated believes that applicant's retardation, while borderline, makes it impossible for him to obey rules and regulations.

Sixteen percent committed their offenses because of personal reasons--usually medical or psychological problems. Half of their problems were related to alcohol or drugs.

(Case #01371) Applicant started drinking at age 13 and was an excessive user of alcohol. Awaiting court-martial for one AWOL offense, applicant escaped but voluntarily returned shortly thereafter. He claimed that his escape was partly the result of his intoxication from liquor smuggled in by another detainee. A psychiatrist described him as emotionally unstable, unfit for military service.

The bulk of our military applicants--41%--committed their offenses because of family problems. Sometimes these problems were severe; sometimes not.

(Case #00191) Applicant commenced his absence from a leave status because of his father's failing health and his mother's poor economic prospects. He had applied twice for hardship discharges before his offense. While applicant was AWOL, his father died of a stroke. His mother was left with a pension of $22 a month; she was a polio victim and unable to work.

Finally, twelve percent went AWOL for reasons of immaturity, boredom, or just plain selfishness. These tended to be people who could not--or would not--adjust to military life.*

(Case #14392) As a youth, applicant experienced numerous conflicts with his parents and ran away from home on several occasions. He joined the Army because there was nothing else to do in the rural community in which he was raised. Applicant had difficulty adjusting to the regimentation of Army life, and he went AWOL four times.

Our typical applicant went AWOL three times; over four-fifths went AWOL more than once. AWOL offenders tended to be 19 or 20 when they committed their first offense, 20 or 21 when they committed their last offense.

Their first offense occurred between 1968-1970, and their last between 1969-1971. Typically, their last AWOL was their longest, lasting____months. At the time of their last AWOL, they had usually accumulated___to____months of creditable military service time; ____% had six months or more of creditable service, enough to qualify them for veterans benefits. Only 1.1% used any force to effect their escape from the military.

While AWOL, almost all of them (81%) were employed full-time. Only 8% were unemployed. Often they were working in jobs where they would have been fired, lost their union membership, or had their trade license revoked if their AWOL status had been known.

(Case #00230) During his AWOL, applicant found employment as a tile and carpet installer. He became a union member in that trade.

*This 12% figure is considerably less than the 28% of all cases in which our Board identified selfish and manipulative reasons (aggravating factor #5). The reason for this discrepancy is that many of the family problems cases involved such minor difficulties that we had to regard the AWOL offenses as a selfish neglect of military responsibilities.

(Case #08145) During his AWOL period, applicant worked as a carpenter to support his sister's family. Later, he worked as a security guard.

Over three-quarters (76%) either returned to military control immediately or settled in their home towns under their own names. Most carried on life just as they had before they joined the service. Another 13% settled openly in the United States, and 6% settled in the foreign country where they had been assigned (often Germany). Only 5% became fugitives: 2% in Canada, 2% in other foreign countries (often Sweden), and 1% in the United States.

(Case #00847) Applicant went back to his old job after going AWOL. He never changed his name or tried to conceal his identity.

Slightly over half (52%) of our applicants were arrested for their last AWOL offenses. Some efforts were made to apprehend AWOL soldiers, but those efforts were startling ineffective. Normally, an AWOL offender's commanding officer sent a letter to his address of record within ten days of his absence. He also completed a form, "Deserter Wanted by the Armed Forces" which went to the military police, the FBI, and eventually the police in the soldier's home of record. Either the local police never received their copies, or they were unwilling to arrest AWOL offenders. We had countless applicants who lived openly at home for years until they surrendered or were apprehended by coincidence (for example, through a routine police check after running a red light). In some cases, the military itself did not seem that interested in locating AWOL soldiers.

(Case #03697) Applicant had a duty assignment at a military office in Germany. He experienced a great deal of tension, frustration, and restlessness, culminating in a feeling one day that he "couldn't face" going to work. He remained at his off-post home during his AWOL. His office made no effort to contact his wife during the entire period of his AWOL. He drank heavily, became anxiety-ridden, and concealed his AWOL status from his wife by feigning to go to work each morning. He was eventually apprehended when his wife, concerned over his strange behavior, called his office to ask his co-workers if they knew what was wrong with him. They had not seen him in months.

Most apprehended AWOL offenders were arrested by civilian police. They were kept in local jails until they could be delivered to a central "pick-up" facility, often a period of several days. Military police were usually available to AWOL soldiers only in the immediate vicinity of military bases.

7. Encounters with the Military Justice System

Upon returning to military control, our applicants had to face some form of discipline. Some (14%) faced other charges in addition to AWOL or Desertion. In all cases, their last AWOL offenses factored in their discharge under other than honorable conditions. Hundreds of thousands of other AWOL offenders were more fortunate. They received more lenient treatment and later were discharged under honorable conditions. About twenty-two percent of our applicants had records reflecting at least one period of unauthorized absence for which no punishment was indicated.

Most of the Army soldiers who were AWOL for over thirty days were processed, upon their return to military control, through a Personnel Control Facility (PCF) formerly known as Special Processing Detachments. These were units with their own billets and chain of command. It was from this command structure that the decision was made, in appropriate cases, to confine returning offenders. Life at these facilities was not always easy for our applicants. While there were some opportunities for simple tasks, boredom, anxiety and petty crime were commonplace, making life difficult.

(Case #08349) Applicant voluntarily surrendered himself to an Army post near his home town. He found conditions in the personnel control facility intolerable due to the absence of regular work, the prevalence of crime, and the continued lack of regular pay. He went AWOL again one week later.

While in the PCF, our applicants were processed for administrative or court-martial action. At the outset, they were briefed by a JAG officer (a military attorney) who advised them generally what disciplinary actions to expect. They were told about their opportunity to request a discharge in lieu of court-martial.

Some first offenders were quickly re-integrated into military life.

Others faced more uncertainty about their fates. They had to decide, in most instances, whether to proceed to a trial or accept an administrative

discharge. The decision to go to trial usually carried the risks of conviction, a period of confinement, and perhaps a punitive discharge. Their stay in the PCF or pre-trial confinement might be lengthened due to delays essential to attorneys preparing their cases. On the other hand, after service of confinement, they would be able to return to active duty, and serve out their enlistment which would be extended by the equivalent of time they were AWOL and in confinement. Even if a punitive discharge had been adjudged, a return to active duty was frequently permitted as a reward for having demonstrated rehabilitative potential while confined. If no further problems developed, they would separate from the service with a discharge under honorable conditions and entitlement to many veterans benefits.

The decision to accept an administrative discharge in lieu of trial amounted to a waiver of trial, a virtual admission of guilt, and a discharge under less than honorable conditions. However, the administrative process was speedier, so they could return to their personal and family problems; they avoided confinement, and they did not have to risk a return to military life with a conviction that might set them apart from other soldiers and lead to further disciplinary problems. Though they were acquiring a stigmatic discharge (which many felt as a consequence of their experiences while AWOL, would not be a major liability) they were avoiding a federal criminal conviction.

Thus, the choices for the average 18 to 20 year old were very difficult. Many of those who chose the administrative discharge route did so to get away from the PCF or further pre-trial confinement. Others found their return to military control too difficult an adjustment and departed AWOL again, putting the decision off until they again returned to military control.

If our applicant had established what his commander felt was a pattern of misconduct,* the commander might decide that he was no longer fit for active duty. The commander would then notify the soldier of his proposed action and the soldier would have to fight the action by demanding a board of officers. Otherwise he would waive his right to such a board. If he asked for the Board, the convening authority would then detail at least three officers to hear the evidence, as presented by the government, and as rebutted by the respondent and his detailed military defense counsel. The Board was then authorized to make a finding that the soldier was either unfit or unsuitable for further military duty, if they believed he should be discharged. They could also find that he was suitable for retention. If they found a basis for discharge, they were then obligated to recommend an appropriate discharge classification. If they found the soldier unsuitable, the normal recommendation to the convening authority would be discharge under honorable conditions. However, while an honorable classification was also possible if unfitness were found, the usual result in such a case was to recommend an undesirable discharge. Once the Board made its findings, the convening authority had to implement the Board's decision, or take some other action as provided by the service regulations. Though the convening authority in the Army may make no disposition more severe than rendered by the Board, that is not true in the Air Force.

The line between the unsuitability discharge and the unfitness discharge was often as fine one,** lacking clear distinction; yet the choice between them affected an AWOL offender's reputation and eligibility for veterans benefits for the rest of his life.

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* DOD Directive 1332114 provides for early separations for soldiers frequently involved in disciplinary problems or drug abuse. Overt homosexuality may also cause separation for unfitness in some services, as well as established pattern of shirking and unsanitary habits (generally repetitive VD).

** The rule-of-thumb often applied is that an Unsuitability Discharge went to a soldier "who would if he could, but he can't" -- in other words, to someone with a psychological problem or inaptitude. Also included is bed wetting, and financial irresponsibility. An Unfitness Discharge went to a soldier with more of an attitude problem, "who could if he would, but he won't."

(Case # 8328) Applicant was under consideration for an unsuitability discharge. A military psychiatrist indicated that he suffered from a character and behavior disorder characterized by "impulsive, escape-type behavior" and "unresolved emotional needs marked by evasion of responsibility". Because of this diagnosis of a severe character and behavior disorder, he espected a General Discharge. Shortly before his discharge, a racial disruption occurred in his company, in which applicant took no part. This disruption led to the rescission of a lenient discharge policy, and applicant was given an Undesirable Discharge for unfitness.

The more common administrative procedure, accounting for the discharge of 45% of our applicants, was the "For the Good of the Service" discharge, in lieu of court-martial,* which was granted only at the request of a soldier facing trial for an offense for which a punitive discharge could be adjudged. Until recently, it did not require an admission of guilt -- but it did require that the AWOL offender waive his right to court-martial and acknowledge his willingness to accept the disabilities of a discharge under other than honorable conditions (e.g. undesirable discharge). Although none of our applicant were so fortunate, a few AWOL offenders received General Discharges through "Good of the Service" proceedings.

Our applicants did not have a right to a discharge in lieu of court-martial. They could only make a request. To qualify, for the discharge, the AWOL for which the applicant was facing trial had to range between 30 days and a year and a half, depending on the standards set by the convening authority where the applicant returned to military control.

(Case # 0664) Applicant was absent without leave twice for a total of almost one year and two months. He applied twice for a discharge in lieu of court-martial for his AWOL's, but both requests were denied.

Occasionally, our applicants indicate they went AWOL specifically to qualify for a "Chapter 10" discharge.

(Case #15528) After his third AWOL, applicant requested a discharge in lieu of court-martial, which was denied. He then went AWOL three more times. He told an interviewing officer after his 6th AWOL that he had gone AWOL in order to qualify for a Chapter 10 discharge.

* This is commonly called the "Chapter 10" discharge within the Army; referring to AR635-200 Chapter 10.

AWOL offenders who qualified for a discharge in lieu of trial rarely chose to a face court-martial. The desire was often strong to leave the PCF or get out of pre-trial confinement. If a soldier was granted a Chapter 10 discharge, he was usually allowed to leave the PCF or confinement within one week after his application. One to two months later, he was given his discharge. Occasionally, our applicants indicate they went home expecting to receive a General Discharge, only to get an Undesirable Discharge.*

Whether one of our applicants was better off -- or worse off -- for receiving an administrative discharge in lieu of trial is hard to say. On the one hand, it prevented him from facing a court-martial and the risk of a punitive discharge and imprisonment. On the other hand, he relinquished a full opportunity to defend the charges against him. He might have had been acquitted or had his charges dropped. He might also have been convicted but not discharged, giving him another chance to earn an Honorable Discharge. Even if convicted and a discharge adjudged, he might have obtained a suspension, and ultimately a remission, of the discharge after a period of good conduct.

Our applicants who received discharges in lieu of trail generally were those whose last AWOL ended between 1971 and 1973. The likelihood of receiving a discharge was greater if their AWOL had been no more than one year in length.

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* While it was a permissible practice in the Army at some installations prior to 197 for an accused to condition his request for discharge in lieu of trial upon his being granted a General Discharge under honorable conditions, they were rarely granted. Thus, in order to speed the discharge application, many soldiers requested discharge, acknowledged that they might be given a UD, but requested that they be furnished a GD in a separate statement. This may account for some misunderstanding by many applicants as to the discharge they would receive. See case #8349 above.

The following two tables relate the effects of year of discharge and length of last AWOL on the type of punishment which our applicants received.

YEAR OF DISCHARGE

	1966	1967	1968	1969	1970	1971	1972	1973
UD - in lieu of trial	3%	1%	11%	37%	34%	67%	62%	56%
UD - Unfitness	26%	25%	27%	19%	10%	12%	6%	12%
Punitive Discharge (court-martial)	71%	74%	62%	54%	56%	21%	32%	32%

LENGHT OF AWOL

	0-6 Months	7-12 Months	over 12 months
UD - Discharge in lieu of tiral	50%	45%	36%
UD - Unfitness	21%	10%	7%
Punitive Discharge (court-Martial)	29%	45%	57%

It is worth noting that 51% of our AFQT Category IV applicants received discharges in lieu of trial compared to 44% of our Category II and III soldiers, while only 32% of our Category I servicemen were ousted by that process. Blacks were about equally as likely as whites to receive Chapter 10 discharges (46% versus 44%), but Spanish-speaking soldiers received a very disproportionate share (66%).

Some of our applicants requested -- or the military insisted -- that they face court-martial for their offenses. In a court-martial, they had greater opportunity to deny or explain all charges brought against them, with benefit of counsel and with full advance knowledge of the prosecution's case. They also faced the threat of a punitive discharge and imprisonment. An accused soldier enjoyed at least as many rights at trial as an accused civilian. Usually, his court-martial took place very promptly, limiting pre-trial delays (and therefore, confinement or residence at the PCF) to two or three months at most.

There were three forms of court-martial. The Summary Court-Martial consisted of a hearing officer (summary court officer) who called witnesses for the prosecution and defense, rendered a verdict, and adjudged sentence. The summary court adjudged no sentence greater than confinement at hard labor (and then only if the accused was in pay grade E-4 and below) for one month, hard labor without confinement for 45 days, reduction to the lowest enlisted pay grade (except soldier's in grade E-5 and above could be reduced only to the next inferior pay grade), and forfieture of two-thirds of one month's pay. After 197_ no confinement could be adjudged unless the accused was represented by counsel (as a consequence of the ruling by the Supreme Court in Argisinger v. United States). No transcript of the trial was kept and there was no judicial review. However, a summary court never sat in judgement without the express consent of the accused,

who could refuse the court and leave to the convening authority the decision whether to refer the charges to a higher court. Altogether, 16% of our applicants faced a summary court-martial at least once.

The Special Court, experienced by 54% of our applicants was similar in composition and procedure to the General Court faced by 13% of our applicants. An accused facing a General or Special Court was tried by a court of officers (jury) unless the accused specifically requested that at least one-third of the court be enlisted members (usually of higher rank). A military judge, since 1969, normally presided over the trial, and the accused was entitled to request that the military judge, alone, hear the case and adjudge sentence. In the absence of a military judge, the President of the court of members (the senior member) presided over the trial.

The accused was entitled to legally qualified defense counsel after 1969. The service detailed a defense counsel to the accused, and permitted him any counsel he requested by name, provided the attorney was "reasonably available". Neither of these counsel was at the expense of the accused. The accused could also have his own civilian attorney. It was not uncommon for the defendant at a Special or General court to have more than one attorney as counsel, often at no expense to him.

The rules of evidence were followed and a verbatim record of trail was required if an adjudged punitive discharge was to be affirmed on appeal. Otherwise a summarized record was kept at special courts-martial.

The Special Court could adjudge no sentence greater than confinement at hard labor for six months, forfeiture of two-thirds pay for six months, reduction to grade E-1, and a Bad Conduct Discharge. As the Army did not routinely order a verbatim record be kept, the Bad Conduct Discharge was adjudged only where the convening authority expressly authorized the Special Court to adjudge a punitive discharge.

The General Court could adjudge any sentence, including death and life imprisonment as authorized by the Uniform Code of Military Justice or the Table of Maximum Punishment, as appropriate. It also adjudged the Dishonorable Discharge in addition to the Bad Conduct Discharge, although total forfeiture of pay and allowances were also ordered.

Altogether, 40% of our applicants stood court-martial for their last AWOL offense.* About _____ of them pled "not guilty." All were convicted and all but a few received punitive discharges. They were further sentenced to pay forfeitures, reduction-in-rank, and imprisonment for typically five to eight months. Their sentences were often reduced through the automatic review of the Court of Military Review. Our court-martialed applicants' final sentences averaged five months, with only 2% having to serve more than one year in prison.

Our applicants who were punitively discharged had their cases reviewed for errors of law by a JAG officer responsible to the court-martial convening authority. They were further reviewed for errors of fact or law by a Court of Military Review (previously known as Boards of Review) and occasionally by the Court of Military Appeals.

Few of our applicants voiced objection to the fairness of their trials, though some complaints were heard.

(Case #00423) Applicant, a Vietnam veteran, sustained some sort of eye injury (probably in Vietnam) which caused his retina to become detached. He is now nearly blind in one eye. At trial, his counsel attempted to introduce the testimony of his attending ophthalmologist to prove that he absented himself to obtain medical treatment, not to desert. The military judge refused to admit the ophthalmologist's testimony, in the absence of independent evidence of its relevancy. His decision was upheld on appeal.

Sentences under 30 days were usually served at the post stockade. Convicted but undischarged AWOL offenders sentenced to more than one month of imprisonment were transferred to the Army Retraining Brigade at Fort Riley, Kansas. Efforts were made to rehabilitate the offender and enable him to complete his military service successfully. However, many were habitual offenders. For others, military

* The percentage tallies for the three types of courts-martial add up to more than 40% because many of our applicants faced court-martial for more than one AWOL offense.

life became even more difficult after confinement.

(Case #356) As the result of a two-month AWOL, applicant was convicted by a summary court-martial and sentenced to confinement. After his release and return to his former unit, he was constantly harrassed, ridiculed, and assigned to demeaning work. He found this intolerable and he went AWOL again.

Those who were pending punitive discharges and had received sentences of over 30 days were sent to the Disciplinary Barracks at Fort Leavenworth, Kansas. Approximately 170 soldiers were still serving their terms when the President's Clemency Program was announced. They were all released upon their application for clemency.

Effects of the Bad Discharge

All of our applicants had one experience in common: they all received bad discharges. Sixteen percent received Undesirable Discharges for Unfitness and 45% received Undesirable Discharges in lieu of court-martial. Those who faced court-martial and received punitive discharges received Bad Conduct Discharges (38%) or Dishonorable Discharges (2%). In some states a court-martial conviction, particularly if a discharge or confinement over one year were adjudged, may impose the same disabilities as a felony conviction in the civilian courts. Thus, some of our applicants may have jeopardized their voting and property rights and the opportunity to obtain certain licenses by virtue of their punitive discharge.

What was more important to our applicants was the effect of discharge on their ability to get veterans' benefits and obtain a job. Some were caught in a downward spiral: they could not afford to train themselves for a skilled job without veterans benefits. Employers would not hire them for other jobs because of their discharge. They then could not receive unemployment compensation because of their discharge.

(Case #08062) Following his discharge, applicant sought employment in the area of his military training as a finance clerk. He wanted to study to become a CPA, but was financially unable

without benefit of the GI Bill--from whose benefits he was barred. Finally he found employment as a truck driver for small trucking firms and is now earning $70 per week. He could have earned more with the larger trucking companies but they refused to hire him because of his discharge.

(Case #08232) Applicant, a Vietnam veteran, was unable to find work for his first month after discharge because everyone insisted upon knowing his discharge. He finally found work as a painter but was laid off five months later. Because of his discharge he was denied unemployment benefits.

A number of studies have shown that employers discriminate against former servicemen who do not hold Honorable Discharges. About 40% discriminate against General Discharges, 60% against Undesirable Discharges and 70% against Bad Conduct or Dishonorable Discharges. Many employers will not even consider an application from anyone with less than an Honorable Discharge.

Before applicants could submit to any proceeding which might result in undesirable discharge, each was warned to the effect:

"I understand that I may expect to encounter substantial prejudice in civilian life in the event a general discharge under honorable conditions is issued me. I further understand that, as a result of the issuance of an undesirable discharge under conditions other than honorable, I may be ineligible for many or all benefits as a veteran under both federal and state laws and that I may expect to encounter substantial prejudice in civilian life." _/

Civilian courts have taken judicial notice of the less-than-honorable discharge calling them

"punitive in nature, since it stigmatizes a serviceman's reputation, impedes his ability to gain employment and is in life, if not in law, prima facie evidence against a serviceman's character, patriotism or loyalty." Stapp v. Resor, 314 F. Supp._____; accord, Sofranoff v. U.S., ; 165 Ct. Cl. 47 478 (1964), Glidden v. U.S., 185 Ct. Cl. 515 (1968), Bland v. Connally, 293 F. 2d. 858 (___ Cir 1961)

_/ AR 635-200.

The injury caused by the less-than-honorable discharge is particularly acute in the case of our applicants who served more than enough time to have earned veterans' benefits, and who obtained Honorable Discharges for the purpose of re-enlisting, but who received bad discharges in their last period of enlistment. These soldiers were often denied benefits just as the soldier given the stigmatizing discharge prior to completing his first enlistment.

(Case #16332) Applicant had four years, four months creditable service.

(Case #4793) Applicant had 9 years, 10 months, 15 days creditable service.

(Case #0456) Applicant had 8 years, 7 months, 20 days creditable service.

IV
D.

IV. PCB APPLICANTS

D. CONCLUSION

D-Conclusion

An estimated ~~123,000~~ 100,000 persons could have applied for clemency. ~~Only~~ 22,300 ~~did~~ applied. Who were the ~~100,000~~ 80,000 who did not? Why did they fail to apply? What happens to them now?

Who Were They?

The following table identifies non-applicants in a very general sense:

Clemency Program	Type of Applicants	Percentage of Non-Applicants	Total Number of Non-Applicants
PCB	Military - UD	89%	66,600
PCB	Military-BCD/DD	78%	19,400
PCB	Convicted civilians	77%	6,700
DOD	Military absentees	47%	3,800
DOJ	Fugitive civilians	84%	3,800
	Total ----------	82%	100,400

We know little more about their characteristics than what this table shows. Discharged servicemen with Undesirable Discharges were the least likely to apply, in terms of percentage and total numbers. This is probably attributable to the fact that we mailed application materials to eligible persons with punitive (BCD/DD) discharges, but were unable to do so for those with Undesirable Discharges.

The Department of Defense had access to the military records of its eligible non-applicants. Using these records, it could make comparisons between its applicants and non-applicants. In most ways, they were

alike--family background, AFQT score education, type of offense, circumstances of offense, and so forth. Only a few clear differences could be found. Non-applicants committed their offenses earlier in the War, they were older, and they were more likely to be married. This implies that many may not have applied because their lives are settled, with their discharges more a matter of past than present concern.

Why did they Fail to Apply?

We can identify five reasons why eligible persons did not apply for clemency. We have listed them below in order of the significance we attribute to each of them:

Misunderstanding about eligibility criteria. Despite our public information campaign, many eligible persons may never have realized that they could apply for clemency.

Misunderstanding about the offerings of the program. Many prospective applicants may have been concerned about the usefulness of a Clemency Discharge. Others may not have known about the Presidential pardons given to all applicants to our Board -- or they may not have realized that our applicants were asked to perform an average of only three months of alternative service.

Settled status. Others may not have cared about the kind of discharge they had, or they may have been concerned that their application would have made their discharge public knowledge.

Inability or unwillingness to perform alternative service. Some individuals might have feared that if they quit their jobs to perform alternative service, they would not get them back later. Many fugitives in Canada had jobs and homes there, with chilren in school, so they might have seen two years of alternative service as more of a disruption than they were willing to bear.

General distrust of government. Unfortunately, some may not have applied because they were afraid that, somehow, they would only get in trouble by surfacing and applying for clemency. Some might have been unsuccessful in pursuing other appeals, despairing of any hope that a new appeal would be of any help.

Opposition to the program. Some might have felt, for reasons of conscience, that only unconditional amnesty would be an acceptable basis for them to make peace with the government.

What Happens to Them Now?

Civilians convicted of draft offenses and former servicemen discharged for AWOL offenses will have to live with the stigma of a bad record. They still have the same opportunities for appeal that existed before the President's program -- principally through the United States Pardon Attorney and the military Discharge Review Boards -- but their prospects for relief are realistically remote.

Military absentees still in fugitive status can surrender themselves to civilian or military authorities. They still face the possibility

of court-martial, but it is possible that many will quickly receive an Undesirable Discharge and be sent home.

Fugitive draft offenders can first inquire to learn whether they are on the Department of Justice's list of 4522 indictments. If they are not, they are free from any further threat of prosecution. If their names are on that list, they can surrender to the United States Attorney in the district where they committed their draft offense. They will then stand trial for their offenses. Although there have been exceptions, convicted draft offenders have been recently sentenced to 24 months of alternative service and no imprisonment. But they still have a felony conviction, involving a stigma and a loss of civil rights.

We encourage those who did not apply to do what they can to settle their score with the government. Likewise, we encourage military and civilian authorities to be reasonably clement with them.

V

V. MANAGING THE CLEMENCY BOARD

CHAPTER V
Managing the Clemency Board

In following a case-by-case approach, we elected to give each applicant's case a substantial amount of staff and Board attention. To prepare a single case properly took much effort. To prepare 15,000 cases properly took a large and dedicated staff, a great amount of management effort, and significant time.

Despite the size of this effort, we believe that our applicants should receive an accounting of why they usually had to wait six months for their clemency offers to be announced by the President. Were it not for the many thousands of cases, and the time-consuming procedures we chose to follow, the waiting time would have been much less. Because our applicants were not present during our process, we demanded high standards of fairness, accuracy, and consistency to protect their rights and interest.* We did our best, nonetheless, to compensate for the time-consuming nature of our process.

What we gained from this process was experience in crisis or "adaptive" management--experience which we think may help managers of comparable organizations. Heretofore, few Federal enterprises have had as tangible a mission and as clear a deadline as our own-most Federal agencies operate on a much different basis. This "crisis" management may become more commonplace as it becomes more widely recognized that unending government involvement is not always the right formula for

solutions to temporary problems. Through crisis management, reasonable solutions to temporary problems can be accomplished in a brief spurt of energy--without the need to create expensive, undying bureaucracies.

Management experts often claim that government could work better if it would pattern itself more after private enterprise.2/ To do this, a government agency must often have the ability to do the following: (1) To spring into action immediately upon request, with little or no time for advance planning; (2) to set clear goals whose achievement can be monitored as a measure of performance; (3) to identify staff and other resource needs quickly and accurately, obtain them promptly, and apply them flexibly; and (4) to reduce in size as soon as staff is no longer needed. We were fortunate to have these abilities, and we expect that other crisis enterprises would also. We are not sure that we used them to full advantage, but we could not have met the President's deadline without them.

In this chapter, we described our management experiences during our twelve months of operations. During that year, we generated 21,000 applications, 3/ recommended 15,500 case dispositions to the President, and referred 500 cases with incomplete files to the Justice Department for further action. Extending from

*See Chapter _____.

September 16, 1974, to September 15, the year was split into five distinct phases:

(1) September through December -- our policy formulation phase, during which very few applications were received, with our Board concentrating on developing policies and procedures.

(2) January through March -- our Public Information Phase, with our Board and staff concentrating on informing the American people about our eligibility criteria.

(3) April and May -- our expansion phase, as we grew by a factor of ten to accomodate our mid-summer case production requirements.

(4) June and July -- our peak case production phase, with our staff producing cases and our Board deciding them at a rate of over one thousand cases per week.

(5) August and September -- our contraction phase, as we finished our "clean-up" production tasks while reducing (and eventually disbanding) our staff.

1. September through December -- Our policy formulation phase

In the early days of our mission, we had little idea of what lay ahead. Our nine-member Board concentrated on resolving key policy issues: Setting the baseline formula, determining aggravating and mitigating factors, and recommending categories of case dispositions to the President.

3/ 5,000 applicants were found to be ineligible for the President's Program. See Chapter _____.

Initially, we had a staff of thirty , approximately one-half of whom were attorneys, detailed from permanent Executive Agencies. The staff quickly developed a process for handling applications and presenting cases to the Board. That process was time-consuming, yet high standards of quality were strongly emphasized. It was also rather informal, well-suited to a small staff with a moderate workload. During this period, we were developing our rules and testing our ability to apply them. We learned that using our aggravating and mitigating factors just as informal guides was not enough; some clearly inconsistent case dispositions resulted from that practice. Therefore, we decided to apply our baseline formula and aggravating/ mitigating factors very explicitly. After every case, we determined not only the actual disposition , but also the factors which were applicable. Based upon our new rules, we reconsidered our first few cases, with significantly different results. The Board was usually able to reach a consensus, despite the diversity of our respective background.

Our management structure was very informal, as one might expect from a small, new organization. Almost everyone on the staff had some case production responsibility -- either processing applicants, writing case summaries, or sitting with the Board as panel counsels. Each case received individual attention from our senior staff. Aside from its review of casework quality, the senior staff concentrated much

less on mangement than on substantive policy issues. Regulations had to be drafted, and our Board needed substantive help with major questions of policy and procedure.

During those early months, we developed the basic elements of the case production process which we followed throughout the year, with surprisingly few modifications. Our administrative staff developed a procedure for processing applications. Our case summary evolved into a format which we found useful--and which resisted change--throughout the year. We introduced a quality control staff into the system in December, to review case summaries and assure the accuracy and impartiality of case attorney's work. The presentation of cases before the Board was done in much the same manner as it would later occur; each case however, received about 15 minutes of Board time -- something which would prove impossible during our peak production phase.

We achieved something of a balance in our operations: Our 8 - 10 case attorneys could each produce roughly a case a day, and our Board could decide about 30 cases per day. With the Board meeting two or three days every two weeks, we processed cases at the steady rate of about 150 per month. With an estimated final workload of not much over 1,000 cases, we expected to be finished by spring. In such an informal organization, we saw no need to set goals, implement informaion systems, or monitor case inventories at different stages of our process. In many ways, we resembled a moderate-sized law firm.

Our primary management goal in those early months was to submit a reasonable number of case recommendations to the President by late November. Our purpose was to give the President the opportunity to announce case dispositions quickly, in order to alert prospective applicants about what they were likely to receive from the President's program. Around Thanksgiving, the President signed warrants for the first 45 cases.

We expected that the Presidential announcement of case dispositions would stimulate more applications. It did not. We also expected that around Christmas time, many eligible persons would sense the approaching deadline and apply. That, too, did not happen. By the year's end, we had received application from only 850 persons, less than 1% of those eligible. Our Board had already decided over one-fourth of those cases, and we expected to be finished by April.

2. January through March -- our public information phase

As the Board heard the first few hundred cases, we began to realize the limited educational background of many of our applicants. Through informal surveys and other means we developed some doubts about the extent to which the American public -- and especially our prospective applicants -- understood our eligibility criteria. By mid-December, the need for public information campaign was apparent. Plans were laid and materials were readied. By the second week in January both the Board and the staff concentrated on spreading the word about our eligibility criteria during the next three months.*

We were not particularly well-equipped to run such a campaign; our public information staff numbered only three, and our funds for travel and information materials were quite limited. Lacking staff and dollar resources; we relied on others to mail letters to our applicants, send tapes to radio and television stations, and so forth.

Almost everyone on the Board and staff participated in the public information campaign. The Board cancelled half of its scheduled meetings throughout January, February, and March to allow some of us to spend time spreading our eligibility message in major cities across the country. Our staff, now numbering about fifty, planned future public information activities while endlessly stuffing envelopes.

By late January, thousands of letters and phone calls were received from applicants who had just learned of their eligibility. For

weeks at a time, our staff attorneys set aside their casework to man the phones and respond to the letters.

Because of this, and despite our slowly enlarging staff, case production fell to less than 100 per month. Our administrative staff fell days behind in its efforts to count and log new applications. Much of the administrative work had to be done by volunteers. In fact, these non-professional volunteers had to be relied upon to read mail from applicants and determine their eligibility.**

We realized that our late April target date for completing our work had become unrealistic. However, during January and February we could never make accurate estimates of what our final workload would be. We always had boxes full of uncounted mail and drawers full of telephone inquiries from persons whose eligibility we could not determine. We never were sure when -- or whether -- our application rate would peak. Until early March, we could only speculate about how long the President would allow us to accept applications. As shown in the table below, our workload estimates were never more than a few thousand cases more than the applications we had in hand at the time:

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*See chapter _____ for a description of our public information campaign.

*Many of these eligibility determinations later proved to be inaccurate. At the time, we only had staff attorneys review letters from applicants considered ineligible by the volunteers. Of the 18,000 presumably eligible cases logged in by the end of our application period, 2,000 were later found to be ineligible.

DATE	APPLICATIONS COUNTED	WORKLOAD ESTIMATE
January 1	850	1,000 - 1,500
February 1	4,000	5,000 - 6,000
March 1	10,000	12,000 - 14,000
April	15,000	16,000 - 18,000
April 15	18,000	18,000 - 20,000

It was not until February that we acknowledged that we either had to grow in size or streamline our process to get our work done in a reasonable time. In hindsight, it was not until mid-March that we came to realize the true dimensions of our task. Even then, there was little sense of crisis about our looming production problems. When top staff was not busy directing the last weeks of our public information campaign, it had to focus on the day-to-day needs of our severly-strained administrative staff. There seemed to be little time for long-range planning.

By late March, our staff had grown to almost 100, but only 500 cases had been processed through the Board. Based upon staff and procedures, one projections went that we would finish our workload no sooner than 1978. However, we recommended to the President that he set a deadline of September 15, 1974 (giving us a total life-span of exactly one year) and that he authorize the doubling of our Board and the expansion of our staff to approximately 600.

** Many applications postmarked by March 31 were not counted until mid-April.

3. April and May -- our expansion phase

By early April, we had a reasonably accurate workload projection, a promise of a six-fold increase in staff size, and a September deadline. We had to be working at full speed by mid-May to finish on time. Within six weeks, we had to develop a management planning capability, implement a new management structure, and assimiliate hundreds of new personnel. In the midst of all this, we had to move our quarters across town.

A management analysis staff was quickly formed. We recognized our need to set both short-term and long-term goals and to have information to enable us to measure goal achievement and timely completion of our effort. Giving ourselves a one-month margin of error (and basing our projections on a high estimate of 20,000 cases), we set weekly production goals starting at about 1,200 cases -- peaking at 1,600 cases -- for the key aspects of our case-writing process. A new management information system, focusing on those same key aspects for which we set goals, was implemented to replace our by then very overloaded reporting systems.

The management analysis staff also identified ways to improve the efficiency of our production process. Individual staff analysts were assigned to monitor each of the process. They developed intraphase information systems, productivity aids, and inventory control mechanisms.* Our process was very flexible, and our line staff was responsive to suggestions. This was our one chance to make fundamental process revisions; once our staff stopped expanding, it became more resistant to change.

Our efforts to review and modify our case production process were boosted by an Inter-Agency Task Force sent by OMB to review our resource needs. Our top staff (including most of our staff analysts) were lawyers,

*See Appendix_____for a description of the analytical tools were were applied.

and the Task Force members were high-level managers. Our two weeks together gave us a greater management orientation; indeed, those two weeks were the ones in which we mobilized our staff and started achieving our once hypothetical goals. However, we were reluctant to apply and shortcuts which would affect the fair process our applicants deserved.

Our new planning capability arose at the same time we were expanding our line management structure. In early April, we decided that we would keep the basic elements of our case disposition procedures: Narrative case summaries, quality control, case attorney presentations to the Board, and the presence of experienced panel counsels during Board deliverations. Therefore, the only persons experienced enough to be line managers were our original eight case attorneys. Most had never managed before, yet each would soon be responsible for a staff of sixty. They also had to designate a number of newly-hired duputies who would have immediate responsibility for teams of 6-8 case attorneys.

The scenario was this: Brand new staff attorneys were asked to supervise small teams of other brand new staff. Experienced attorneys who before had largely just prepared cases were now each the supervisors of 40 professional and 20 clerical staff. Two formerly middle-level managers now were responsible for a mini-agency of almost 500 people. The General Counsel,* his Deputy, the Executive Secretary, and their aides -- all lawyers -- had to assume the roles of exsutive-level managers.

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*Our General Counsel was Staff Director.

All of our senior staff were in their twenties and thirties, and because of differing abilities to adapt to new situations, GS-13's sometimes found themselves reporting to GS-11's.

It was into this new management swirl that our new case attorneys came. At the requestof the President, and with help from OMB, two "taps" for professional and clerical personnel were made of permanent executive agencies. Since we had no "slots" through which to hire our own preferred people, we had to borrow ("detailed") employees from other agencies. In addition, we put to work over 100 summer legal interns hired and referred by other agencies. One tap was made in early April and the other in early May -- but, in each case, most personnel came three to four weeks later. It was not until late June that our early-May tap for clerical personnel was filled. At the time, we were concerned about the slowness with which we were able to expand; in hindsight, we might have faced greater management and morale problems if we had gotten new staff in bigger bunches.

A training manual was prepared which provide information concerning the Clemency Program in general, and the procedures for writing cases in particular. Certain operational memoranda were included in the manual, but they rapidly became obsolete as experience forced the evolution of the process. Our earliest mistake in the communications area occurred at this stage:

Changes were implemented rapidly and met with reluctance on the part of our staff, which had once been informal and collegial. Because of our prior informality, many of our early procedures and rules were maintained

and amended orally. Had we to do it again, we would probably implement some sort of formal directive system.

Training sessions, lasting a day, were instituted upon arrival of personnel. Team assignments were made after these sessions.

The training process was meant to be primarily an overview both of the legal process and of our general mission. It was anticipated that the team leaders, and their slowly emerging internal team structures, would provide the continuing training necessary to fully integrate new personnel. This was successfully accomplished in some cases and scarcely attempted in others, reflecting different managerial styles.

When the process of building and training attorney teams had been completed, our organizational structure had become more formally pyramidal. With our increase in size came an increase in the diversity and complexity of tasks and roles. The senior staff, including the two primary line managers, eight team leaders in charge of case writing teams, one team leader in charge of all Quality Control attorneys and other planning, management, and administrative managers numbered, at the peak, some twenty-five people. In addition, each of the eight teams divided into sub-teams, under the direction of emerging assistant team leaders. The optimal span of control -- the number of persons that any one supervisor was able to manage -- was found to be approximately six, one serving as a principal deputy. The more successful teams also selected one of their clerical personnel to generally supervise the operations of the support personnel.

The slowest part of the development of the managerial structure proved to be the development of internal team structure. Some team leaders were slow to promote assistants, to delegate authority and responsibility. The senior staff felt that team leaders rarely utilized assistants fully. As a result, the team leaders were uniformly overworked during peak periods.

and could not adequately command or control all facets of their operations, nor respond fully to the demands of the senior staff. Notwithstanding the shortcomings imposed upon them by their lack of experience as managers of large staffs engaged in a crisis task, these managers generally performed adequately, and in about half of their number performed very well, adapting to the physical and emotional pressures of our operation with alacrity.

Our attorney staff was, on the whole, dedicated and competent, with many persons showing exceptional professionalism. On the other hand, we found that many of our lower grade detailed clerical and administrative personnel were poorly trained and unenthusiastic. Absenteeism among this group was high, and production low. However, those who served as executive secretaries proved to be as diligent and as professional in their work as our best attorneys.

During May and June, our management analysis staff carefully monitored attorney case summary production, through the use of a simplified management information system. In this information system, information on individual case production was funneled from the lowest level of the staff to the highest, becoming increasingly aggregated. This data was assembled with information from different production stages to produce a flow-type picture of our operations. The information system was implemented, monitored, and revised by the analytical staff responsible for interpreting the findings. Senior staff and team leaders alike were able to use this information to gauge both organizational and individual accomplishment of goals.

A careful review was made of every step taken by a case attorney as he prepared each case summary. Based upon these findings and an application of "learning curve" theory, a target case attorney "learning curve" was set: Two cases the first week, four the second week, six the third, and eight every week thereafter. Instead of our target 2-4-6-8, (and the 2-5-7-10 which the

Inter-Agency Task Force thought possible), our actual learning curve was 2-3-5-6. Summer legal interns were found to have a better learning curve and a higher production peak than detailed government attorneys. Learning curve calculations were made for each forty-person case attorney "team" with surprising differences in the results. The two most productive teams had learning curves of 2-6-10-12 and 2-6-8-8, while the three least productive teams were all unable to produce more than three cases per week per attorney. The worst learning curve was 1-2-2-2. Surprisingly, we also found that the most productive teams also did work of better quality than the least productive teams. Staff assignments were made randomly, and working conditions were identical. Therefore, we attributed the differences in productivity to the management styles of the team leaders.

Our best managers turned out to be the more aggressive individuals. They had set a heavy pace for themselves in their earlier work on our staff, and that same pace was apparently picked up by their new staffs. They had set high goals for new case attorneys -- usually ten or twelve cases per week -- and spent most of their time with those who were new or having trouble. On some teams a laissez-faire attitude contributed directly to low production. Most of the better managers quickly appointed enough deputies to keep the span of control at 6-8 persons per supervisor, and they began delegating responsibilities liberally. The less productive managers delegated much less and had an insufficient number of deputies. Those who were better case attorneys tended also to be better managers, but prior experience and civil service status did not seem to matter. Figure D compares each team on the basis of a number of performance factors. As one can see, leadership in one case tended to lead to good results in others.

Many of our new case attorneys were startled by our emphasis on production. Despite some disenchantment from government attorneys not comfortable with

casework quotas, the entire staff respond well to the notion of team and individual goals. Our top staff held weekly production meetings with the eight team leaders, reviewing productivity changes and identifying team production problems. The team leaders were told how their teams ranked, and management principles were shared. The production meetings kept the good teams good and made the bad teams acceptable, but the middle teams' production levels remained unchanged. By plan or by coincidence, production rose to the 1,200 per week levels we knew we had to maintain to meet the President's deadline.

The quality of our new staff was good--indeed, better than we expected, given that we had no chance to screen them initially. We had feared that many agencies would send us their unproductive people. Very few did. What we got instead were adaptable "shock troops," ready for new responsibilities and new experiences. Indeed, most would not have come unless they were of a mood to enjoy a crisis atmosphere. More experienced, more professionally capable, but less flexible detailees would not have performed as well. We could not have met our deadline without a staff willing to cooperate with young, inexperienced managers -- and able to tolerate some very difficult working conditions.

Our Board was expanded to eighteen members in late April.* Like the staff, we had to accustom ourselves to a much faster pace of work. If anything, the pressure on us was greater: Our number of case attorneys expanded from 10 to 300, while we only doubled in size. In March, the nine-member Board had begun to make case dispositions in panels of three. We were satisfied with the quality of the dispositions, but no panel had by that time decided more than 50 cases in a single day. We had to double that rate.

*Ten new members were added, one of whom filled vacancy left by the resignation of Board member Robert Finch.

This was impossible during the first several weeks, while our new members were familiarizing themselves with our range of cases. Nonetheless, most panels exceeded 100 cases per day by the end of May. With three panels meeting four days each week,* our Board output began matching -- and sometimes exceeding -- staff output of 1200 per week.

As our Board panels increased their decision-making pace, we were only able to spend three or four minutes per case. This left little time for case attorneys to make oral presentations. Usually, those presentations focused on mitigating evidence. Also, we had inexperienced deputy team leaders sitting as panel counsel during many of our sessions. They were not well-versed in Board policy, so they were unable to play the panel counsel's presumed role of assuring that we followed our rules scrupulously. As a result of these factors, different panels began applying different rules -- and our dispositions gradually became more severe. Many Board members began referring cases to our Full Board because of disagreements over our policies.

We could not slow down our pace, nor could we meet our deadline by having so many cases heard by the Full Board. Instead, we took the following steps: (1) We held more frequent Full Board meeting to discuss and define our policies; (2) we created two new aggravating factors, a pardon rule,** and a no clemency rule*** to clarify as Board policy what a number of panels were inclined to do with or without any rules: (3) copies of the newly-created Clemency Law Reporter were distributed to the Board and staff, with explicit definitions of Board rules and precedents; (4) our top staff held workshops to instruct panel counsels in Board policy; and (5) at the

*The fifth day was set aside for reading case summaries.
**The pardon rule was that civilian cases in which the applicant had conscientious reasons for his offense would receive an immediate pardon, in the absence of serious aggravating circumstances.
***the "no clemency" rule was that any applicant who had been convicted of a violent felony would be denied clemency, in the absence of significant mitigating circumstances.

instruction of the Chairman, our staff implemented a computer-aided review of Board panel dispositions.* Thereafter, our case disposition procedures worked much more smoothly. We still heard over 100 cases per day, with referring so many to the Full Board.

4. June and July -- our peak production phase

By early june, our estimated total caseload was still over 18,000. Our case attorneys had prepared only 4,000 case summaries, and our Board had heard less than 3,000 cases. We had to maintain our pace of the last week of May throughout the summer.

Based upon the production levels which our staff was not confident that we could meet at each stage of our process, we revised our weekly and monthly goals. Our top staff considered but rejected the idea of preparing an explicit work plan for the remainder of the program. Had a work plan been prepared for June during May, it would alfready have been outdated. Each week involved too many uncertainties we thought, to permit long-range planning.

Our need to respond quickly to production problems led to a revision on our management information system. "Need to know" was culled from "nice to know" as our staff concentrated on accurate reporting of production tallies and inventory counts at a few key stages of the process. Time-consuming productivity analysis was no longer done. Rather than look just at the case attorney production point, attention was now focused on other key production points and the smoothness of our work flow.

One point which had been ignored previously was our file room. By June, it was running out of new cases to give our case attorneys. Without enough work to do, production goals were meaningless. Our staff morale started to flag, as rumors spread that case attorneys would not have enough work to keep

*See Appendix___for a description of our computer-aided review of Board dispositions.

busy for the rest of the summer. The summer legal interns were so productive that it was never again to be possible to give case attorneys more work than they could finish. Through greater management attention, the immediate file problem was solved -- but our whole management emphasis changed as a result.

Instead of focusing on case production goals, our top staff concentrated on steering clumps of existing cases through the process. The management analysis staff developed a "pipeline" inventory count to identify production log jams on a weekly basis.* Pipeline analysis replaced productivity analysis as the basis for production meetings throughout the rest of the summer.

Case flows from point to point were closely monitored, and an expanded number of aides to top staff began to trouble-shoot in problem areas. Unfortunately, each pipeline "snapshot" required at least one and usually two days of staff time to collect and analyze data, making the information old before it could be applied. Occasionally, daily updates had to be made before any corrective actions could be taken.

The most serious inventory control problem of the summer related to the docketing of cases for the Board. During June, the case attorneys continued to produce case summaries at the rate of 1,200 per week -- but the Board panels were deciding cases at the rate of 1,500 per week. Eventually, the docketing staff was left with no case inventory, and Board members were receiving case summaries too soon before scheduled panel meetings to allow them to be read first.

What had created this problem was a previously-unmanaged interface among all parts of our production process at the docketing stage. To solve this problem, one manager was assigned to a newly-created Board Interface Unit.

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*See Appendix____for a description of our pipeline analysis.

New docketing procedures were developed, with cases batched in "docket blocks" according to fixed Board panel schedules.** To solve the immediate problem, the Board heard very few cases during the Fourth of July holiday week. Thereafter, our docketing inventory was carefully controlled.

To solve this and other pipeline problems, we had to be flexible in our use of personnel. In particular, our clerical and administrative staffs had to be ready to do new tasks at short notice. By July, individual production teams (consisting of an assistant team leader and the 6-8 case attorneys supervise by him) began to be assigned to special production or administrative problems.

Staff morale began to be a problem -- one which never could be solved. The pressure on case attorneys to write case summaries began to ease. Our earlier policy of discouraging staff vacations until August (to insure that the workload would be finished on time) began to backfire. Some case attorneys were idle. Others resented the "pressure-on, pressure-off" style of management which was the unavoidable consequence of our emphasis on inventory control rather than on simple production levels. Still others resisted reassignment to administrative tasks. Our 100+ summer legal interns, in particular, resisted the notion of doing non-legal work. Absenteeism was becoming a problem, but one which we failed to reconize adequately until late in July.

There was little that the top staff could do to provide case attorneys and other staff with incentives and rewards for good work. Only the detailing agencies could grant promotions and quality step increases. Performance bonuses, although possible, were hard to arrange. No funds were available to improve working conditions, which were tolerable but less comfortable than most staff had enjoyed at their agencies. Staff contact with our Board was usually limited

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*See Appendix___for a description of our case docketing procedures.

to very brief case presentations. The one major source of motivation was the understanding, common to all our staff, that the President's Clemency Program was helping people.

Throughout June and July, our Board heard cases as quickly as they could be docketed. Clear policies had been set, and all rules were being followed. Case dispositions were steady from panel to panel and from week to week. Case referrals to the Full Board continued, but at a slower rate. A five-member special upgrade panel was created to make unnecessary the referral to the full Board of cases involving recommendations for veterans benefits.

Other than fatigue, the major problem confronting our Board members was the fall-out from the July dip in staff morale. Many case attorneys broke from the standing fule of impartiality and began advocating an applicant's case in the manner of an adversary attorney representing a client. This could not be allowed, but two other actions were taken: First, case attorneys were given the opportunity to "flag" cases which they believed were decided incorrectly; these cases were then reviewed by the legal analysis staff (just as they reviewed cases flagged by the computer) and referred to our Chairman. Second, the Clemency Law Reporter became an in-house professional journal, providing a forum for case attorneys to bring policy questions to the attention of the top staff and Board.

5. August and September -- Our Contraction Phase

As we entered August, our September 15th deadline began to appear reachable. Two factors had contributed to this. Our production levels had been high throughout June, and had eased in July only because of the lack of new assignable cases. Total case summary production exceeded 12,000 by the first of August. At the same time, our final caseload estimate fell below 16,000. In May, our estimate had been 20,000 cases. What had happened, a bit at a time, was this: First, we discovered that 2,000 clearly ineligible cases had been logged in by our volunteer letter-openers during the hectic days of March and April. Second, almost 2,000 would-be applicants had given us little more than their name and address on their application forms (despite our letters), so we could not order files to have their cases prepared. Third, some 500 case files had been lost by the military or were otherwise unavailable,* making it impossible for our Board to review those cases.

In some ways, we were almost finished; in other ways, we had hardly begun. Many of the 3,000 + cases we had left were our hardest ones, many of them requiring time-consuming inquiries to obtain needed information. We also had roughly 500 cases which were "lost" from our audit process, never showing up in our weekly pipeline count until the last week of panel hearings. Also, by the first of August, we had still sent less than 1,000 case recommendations to the President. We had to solve these problems, write our final report, close up our agency, and plan a carry-over operation in the Department of Justice. June vacations, once postponed until August, now were sent for October.

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*These cases were later referred to our carry-over unit in the Department of Justice.

Not all of our remaining cases were "hard;" we still needed two weeks of normal case attorney production. To spur last-minute production, all case attorneys were advised that cases not submitted to quality control by mid-August would be referred to the Department of Justice carry-over unit. Rather than lose the chance to present their cases, attorneys completed their case summaries on time. To complete the "hard" cases, a special team responsible to top-level staff separated them into categories of possible and impossible. Later, case attorney production teams were assigned to write summaries on all cases (including impossible ones) based upon the information available at the time. These became "purple docket" cases, set aside from all others and heard by a special Board panel. Many were decided, but several hundred had to be referred to the carry-over unit for further action.

The "lost" cases had not been included in pipeline inventory counts either because they were in transit, held by an absent employee, or just plain lost. In late July, a month-long search for "lost" cases was begun. Because of the speed with which case files and other materials had to be circulated for production deadlines to be met, a system-wide logging procedure was needed to allow every case file to be traced to one source. Without it, the entire attorney staff had to engage in a one-day physical search of our two buildings at our firstdeadline for the completion of cases. The staff had to account for every one of our 18,000+ logged cases, with case files changing hands all the while. Eventually, our 500 "lost" cases were reduced to around 50, which were assigned with the "hard" cases to the Department of Justice carry-over unit.

Forwarding cases to the President was our last major management problem. This was an aspect of our operations to which we had previously

given little attention, but which loomed as an almost impossible job. Contributing to the delays in forwarding cases to the President had been the "30-day rule"* and the two-week turnaround time for the computer-aided review of case dispositions. By late August, we had to prepare master warrants involving over 3,000 cases per week -- a very staff-intensive job. To do this, we assigned all case attorneys not responsible for "hard" cases or working on other special task forces. With this awkwardly large and often unwilling staff of almost 100 case attorneys, our administrative staff was able to forward the bulk of the case recommendations to the President on September 15. Some procedures were simplified -- but we really attempted to solve this problem more by phalanx then finesse.

Our staff size, over 600 through most of June and July, gradually shrank to 400 during August. Approximately 50 detailed attorneys were returned to their agencies around the first of August as our caseload diminished. Our 100+ summer interns went back to school, a few at a time, through Labor Day. A few others had their details expire, but were not replaced. As our deadline grew near, final-stage production problems could be solved better by large doses of staff than by careful management planning. Therefore, we were reluctant to phase down in staff size any more quickly than we did.

August and September also witnessed the preparation of our Final Report -- and of plans for the carry-over unit in the Department of Justice. In that carry-over unit, about 120 persons (mostly administrative staff) would work until November 1. Records had to sent to the archives,

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*Applicants had 30 days to respond to their case summaries before any case recommendations became final and could be forwarded to the President. See Chapter_____.

final paperwork had to be completed, and applicants had to be allowed 30 days to appeal their case dispositions. Otherwise, the work of the staff was done.

Our Board panels heard all their cases by the end of August, with one panel day in mid-September for loose-end and tabled cases. The Full Board agenda had accumulated throughout the summer -- the one case inventory which was not controlled -- and the Board had to work without rest through the latter part of August and September to complete its docket. In mid-August, the full Board began to hear cases referred by the Chairman as having been flagged by the staff as statistically inconsistent through both computerized and personal reviews. The Board also began to review requests for rehearing from action attorneys at this time, but the two types of review overlapped almost 80%. In most cases, the rehearing resulted in a case disposition more in line with perceived Board precedent.

CONCLUSIONS

In a sense, our perception of the clear split among the five phases of the Clemency Board operation comes from hindsight. While we anticipated the last two management-intensive phases -- for example, we had carefully devised close down dates for case-writing and panel and board hearings -- we often had to deal with problems on an *ad hoc* basis. Our management techniques were developed in response to those problems.

We were fortunate in this enterprise to have had a particularly adaptable staff resource base. The utilization of this resource base, perhaps more than any other characteristic, epitomized the "crisis" management aspect of our work. Not only did the size of the staff undergo major changes, swinging from 100 to 600 people in six weeks, but the distribution of staff resources shifted radically as we moved from one phase to another. The beginning of the production-intensive phase IV saw eight teams, totaling 280 attorneys and interns, engaged in the case-writing process, 40 attorneys in line supervisor roles, and 23 in quality control. By mid-August, this had ended. Basic team or sub-team units worked as problem-oriented task forces on staff-intensive problems such as finishing correspondence, awaiting case files, writing information packets for carry-over handling of clemency recipients, and writing "hard" cases. Another group of 100 or so had joined the

regular administrative personnel in preparing the Presidential packets. Figure A illustrates these personnel shifts.

This flexible resource response was vital, in every way, to the completion of the program. We had anticipated shifting workloads from the earliest planning stages. Figure B shows our changing projections of workload and the eventual overlapping of the major aspects of our production process. The chart shows the relationship between our declining caseload estimates and our actual production accomplishments. What we did not expect, and what later charts show, was the sharp phasing and the degree to which the misdirection of a single resource could contribute to backlogs and "lumps" in an otherwise smooth production process. Figure C is drawn from our weekly pipeline analyses through August 19, and from other reporting figures thereafter. It shows this peaking of critical production phases and the delays between perceiving and resolving problems. Had the curves been entirely parallel, operations would have probably been smoother than they really were. For example, the irregular "file" curve--the one which shows the entry of military files into our production system, contributed directly to the irregular "production" curve. While we had planned for steadily increasing production, peaking at 1600 cases per week, by early June our production caught up with the entry of files into the system. Case attorneys, who had been asked to produce nearly 1600 cases per week, were unable to obtain enough files to accompany the level of production.

Our rate of production, in other words, was limited by our input of raw materials. This had two results: Lowered morale, because of the drive for ever higher production which was thereby made nearly impossible, and a lengthened production (or case-writing) time. Instead of finishing a predicted 20,000 cases by August 15, we completed the real, lower complement of 15,500 cases on September 1, two weeks later.

Our flexible resource use created significant personnel conflicts, high anxiety below the management level, and severe strains on the morale of staff shifted from one part of the organization to another. One of our major failures here was in communicating the "whys" along with the "wherefores" down to the staff level. Much of the breakdown in communications came at both the primary and secondary line supervisor levels. While senior management and top line supervisors felt approximately the same level of anxiety or concern at any given time, this concern was often not communicated down past the next level. In order to circumvent this problem--and the inexperience of our own line managers--we would have benefitted from some sort of general "gripe" session with the senior staff two or three times a week. This would have brought the entire staff into the decision-making process on at least a psychological level. We should also have admonished line supervisors to provide explicit written communication to supplement word-of-mouth.

Maintaining staff morale was very important in this sort of unpredictable, push-and-pull production operation. It was also the one task that we found to be almost unsolvable once we had recognized it. We

had started with a small staff with fewer than 40 people, with a very high feeling of camaraderie and esprit-de-corps, partly because everyone could see others, even at the top management levels, taking part in every sort of function. It took us a long time to recognize that others, coming in to this organization as it expanded, might not get that feeling. For example, what started out on May 1 to be an exciting chance to perform a real legal service as a government lawyer may have ended, on September 15, with the same person filing or checking the spelling on some 5000 warrants to the President. Even lawyers were needed for the administrative tasks. As we neared the end of the program, absenteeism from fatigue and lowered morale became a real problem, especially among low-level clerical help. Our only remedy, in a world of imperfect supervision, would have been daily monitoring of time and attendance. It was a function that we failed to perceive as necessary simple because of our inexperience with this peculiar type of situation.

Our Board operations were also affected by the different pressures of the five phases of our year's work. As shown in Figure D, our case disposition patterns were different from phase to phase. In the early phases, we were developing policies and procedures, so our approach to cases often changed from meeting to meeting. Hence, the pardon rates for civilian and military cases fluctuated considerably. As the Board began to meet in panels (and particularly after it expanded to eighteen members), the pardon rate increased at first. However, it soon began

began a several-week-long declining trend, as case dispositions began to be made on a 100-case-per-day basis. Once we became more accustomed to our new docketing and case disposition procedures, the pardon rate levelled off. Case dispositions varied little during the peak months of July and August. By late August, fatigue was beginning to affect Board members personally, but it apparently did not affect our case dispositions.

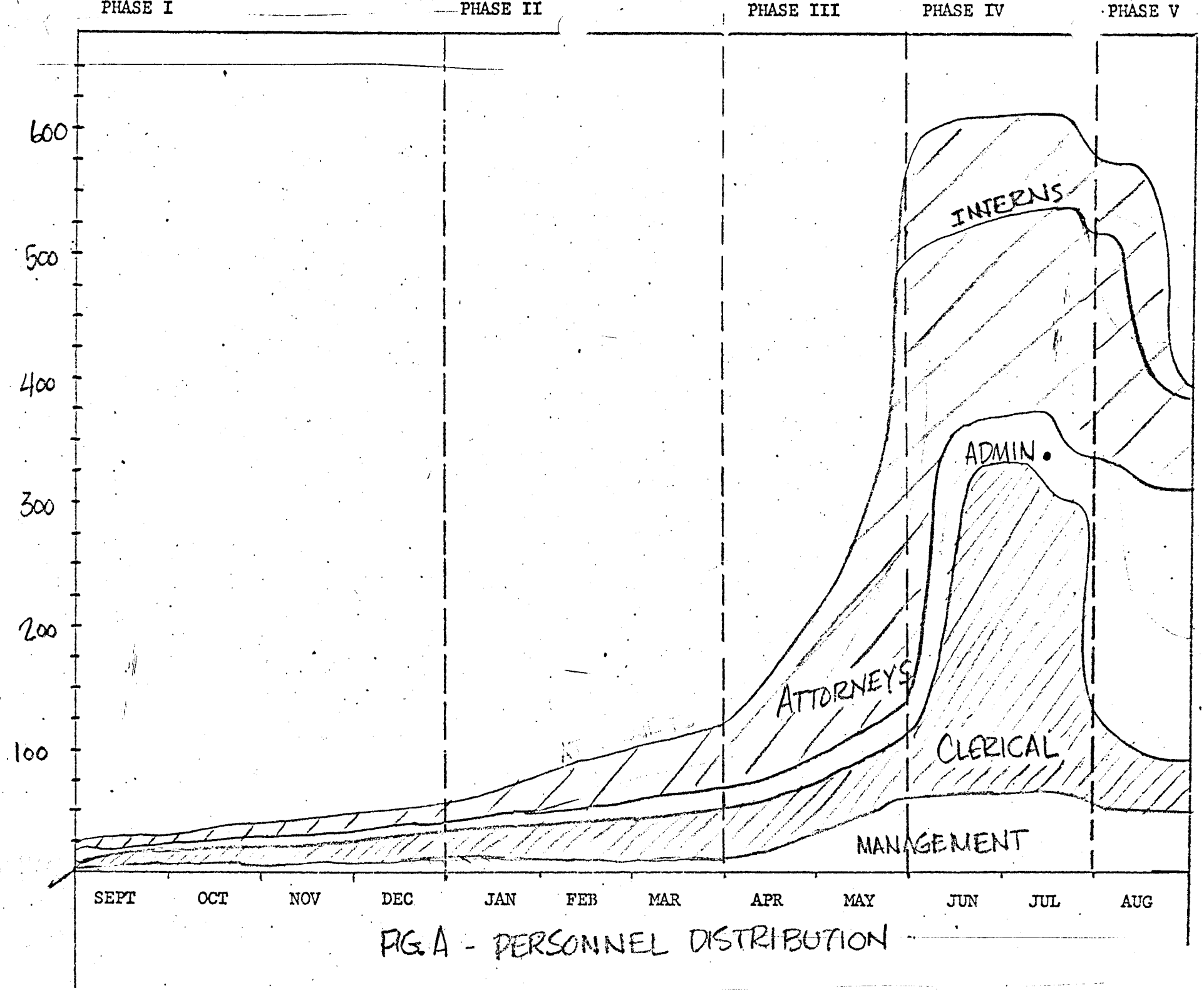

FIG. A - PERSONNEL DISTRIBUTION

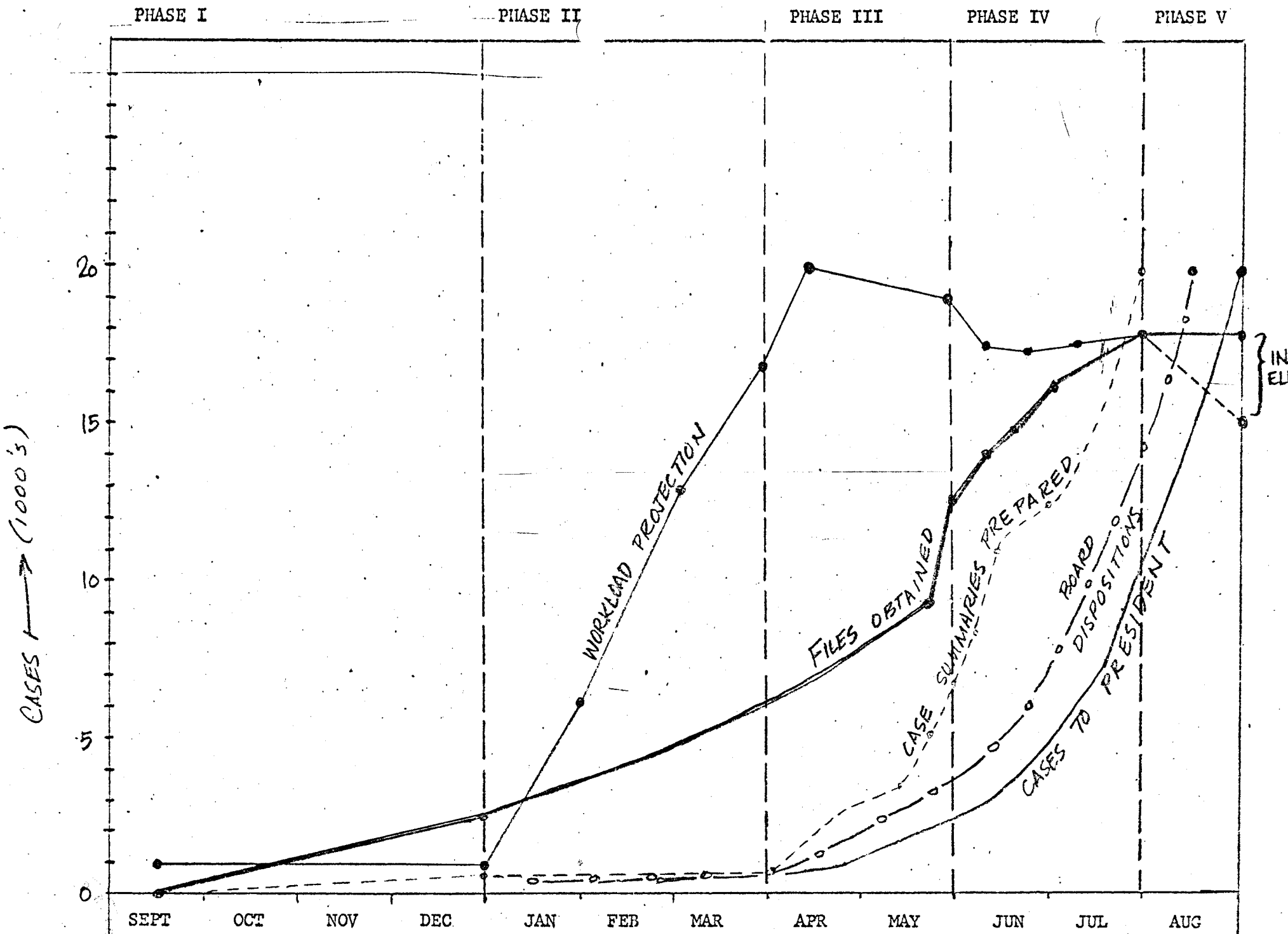

FIG. B - PROJECTED WORKLOADS AND PRODUCTION TIMETABLES

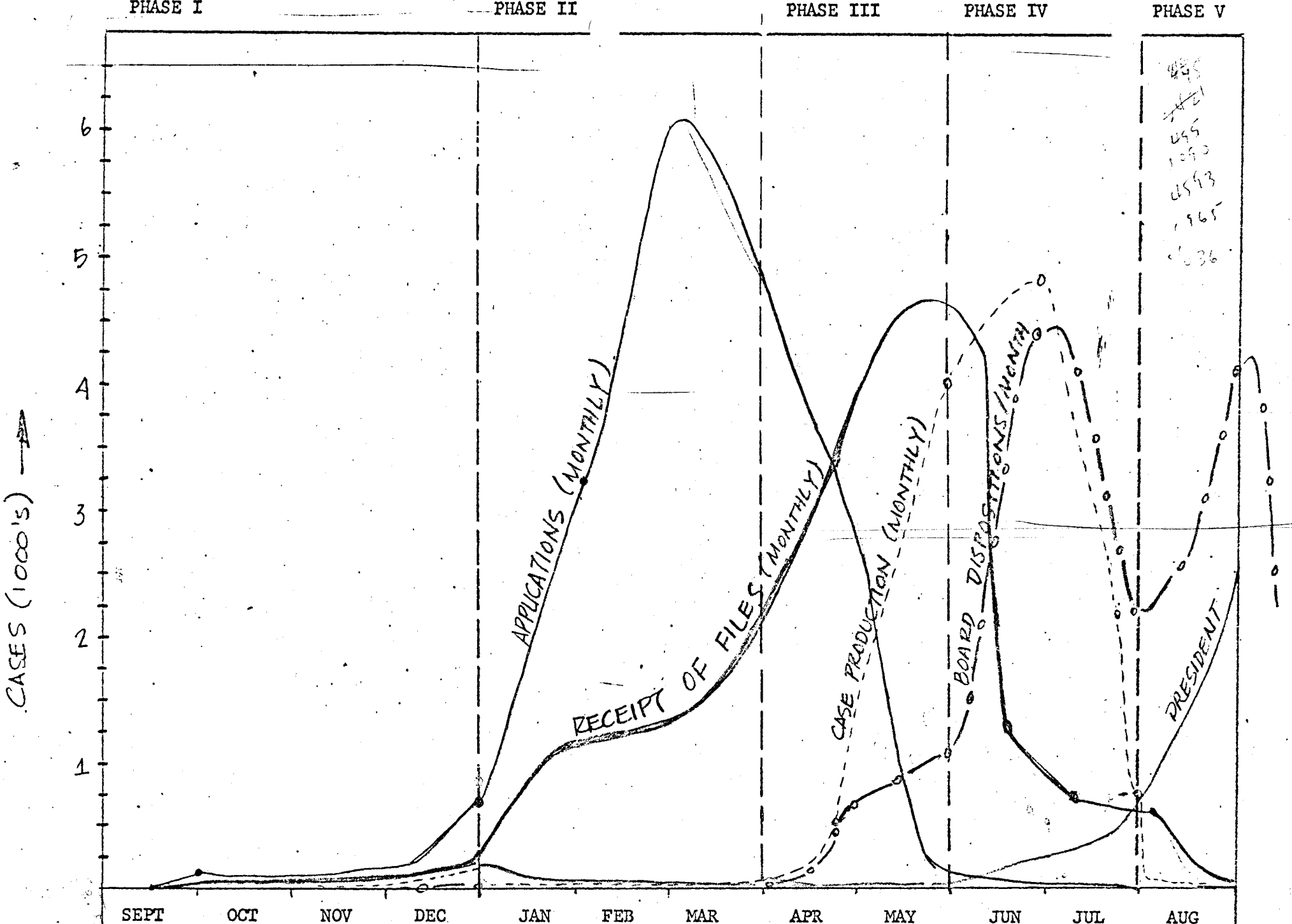

FIG.C - PRODUCTION PHASING

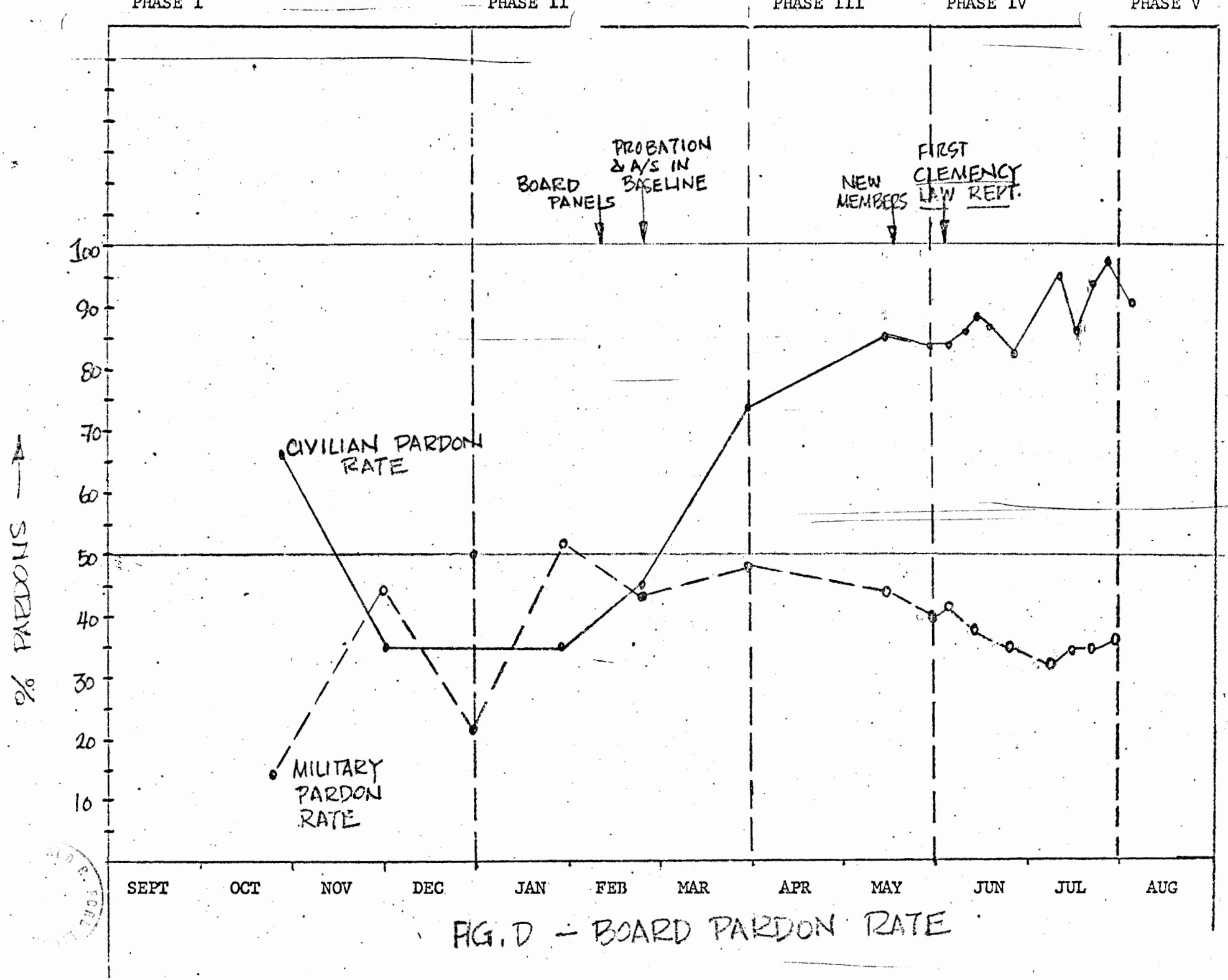

FIG. D – BOARD PARDON RATE