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Date: June 17, 1975

Time:

FOR ACTION: Phil Buchen ✓
John Marsh

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Thursday, June 19, 1975

Time: 2 P.M.

SUBJECT:

Proposed Letters to be sent by the President
to the Interagency Team who surveyed the Clemency Board.
Paul O'Neill's memo of June 12th on this subject. attached.

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

June 19, 1975

I strongly support the action requested.

P.
Philip Buchen

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

James Connor
Cabinet Secretary



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

JUN 12 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Clemency Board

On May 9, 1975, an Interagency Team was established, at your request, to survey the Clemency Board. The team was asked to review organization, management, staffing and case processing procedures with the specific objective of identifying changes that could be implemented rapidly in order to assist the Clemency Board in meeting your September 15, 1975 termination date.

This team was composed of senior level executives who spent an entire week of their time to accomplish this task. I personally feel that the composition of this team was one of the best group of individuals that could be found in the Federal Government.

The Interagency Team submitted their report on May 16, and are currently assisting the Clemency Board in implementing their recommendations.

Attached are letters for your signature to individual members of the team expressing your appreciation for their individual contributions, including a special letter to the Team Leader, Mr. Charles R. Work, Deputy Administrator for Administration, LEAA, thanking him for the leadership he provided concerning this task.

Also attached are letters to Mr. Art Sampson, Administrator, GSA, and Mr. Dwight Ink, Deputy Administrator, GSA, thanking them for the support provided by GSA. GSA has agreed to pick up most of the cost concerning space, equipment and other services on short notice to get this job done by September 15, 1975.

I recommend you sign the attached letters.

Paul H. O'Neill
Paul H. O'Neill
Deputy Director



Attachments

1 WHITE HOUSE
WASHINGTON

Dear Art:

I want to convey to you my personal appreciation for the support which the General Services Administration is providing to the Clemency Board. As you know, I consider the Clemency Board program I announced in September of 1974 a matter of high priority and of great importance in healing the Nation's wounds in the aftermath of Vietnam.

On several occasions, I have been advised of the extensive support GSA has offered in providing space, equipment and services so that the Board and its staff can fulfill the mission I have assigned to them.

Thank you again for your assistance concerning this effort.

Sincerely,

The Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C. 20405



WHITE HOUSE
WASHINGTON

Dear Dwight:

I have been informed of the extensive assistance the General Services Administration is providing to the Presidential Clemency Board. As you know, I place a high priority on the clemency program and I am especially grateful for the outstanding support which GSA has provided.

Also, I understand that Mr. Loy Shipp has played a critical role in obtaining office space and other resources which the Board has required. For his work and particularly for yours in orchestrating GSA assistance to the Board, I want to express my personal appreciation.

Sincerely,

The Honorable Dwight A. Ink
Deputy Administrator
General Services Administration
Washington, D. C. 20405





E WHITE HOUSE

WASHINGTON

Dear Mr. Work:

I want to convey to you my personal appreciation for the leadership and continued support you have demonstrated through the Interagency Team which was established to assist the Presidential Clemency Board. I personally feel that the composition of this team involved one of the best group of individuals that could be found in the Federal Government. As you know, I personally place a high priority on the work of the PCB and, hence, your leadership on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule.

Thank you again for your leadership, assistance and valuable advice concerning this effort.

Sincerely,

Mr. Charles R. Work
Deputy Administrator for Administration
Law Enforcement Assistance Administration
Room 1352
633 Indiana Avenue, NW.
Washington, D.C. 20530



WHITE HOUSE
WASHINGTON

Dear Mr. Smith:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. David A. Smith
Director of Manpower Requirements
Manpower and Reserve Affairs
Office of the Secretary of Defense
Department of Defense
Pentagon, Room 3D973
Washington, D.C. 20301



WHITE HOUSE
WASHINGTON

Dear Mr. Griner:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. G. Christopher Griner
Office of General Counsel
Office of the Secretary of Defense
Department of Defense
Pentagon, Room 3E977
Washington, D.C. 20301



WHITE HOUSE
WASHINGTON

Dear Mr. Malaga:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. Joseph F. Malaga
Assistant Administrator for
Institutional Management
National Aeronautics and
Space Administration
FOB 6, Room 5137
400 Maryland Avenue, SW.
Washington, D.C. 20546



WHITE HOUSE
WASHINGTON

Dear Mr. West:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. Bland West
Deputy General Counsel for
Military and Civilian Affairs
Office of the Secretary of the Army
Department of Defense
Pentagon, Room 2E727
Washington, D.C. 20301



WHITE HOUSE
WASHINGTON

Dear Mr. Lewis:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. William B. Lewis
Associate Manpower Administrator
for U.S. Employment Service
Room 8000
Patrick Henry Building
601 D Street, NW.
Washington, D.C. 20213



WHITE HOUSE
WASHINGTON

Dear Mr. Doyle:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. William J. Doyle
Office of Planning and Management
Law Enforcement Assistance Administration
Room 1352
633 Indiana Avenue, NW.
Washington, D.C. 20530



WHITE HOUSE
WASHINGTON

Dear Mr. Diegelman:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. Robert F. Diegelman
Office of Planning and Management
Law Enforcement Assistance Administration
Room 1200
633 Indiana Avenue, NW.
Washington, D.C. 20530



WHITE HOUSE
WASHINGTON

Dear Mr. Concklin:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. Bert M. Concklin
Department of Labor
Room S-2316
Third and Constitution Avenue, NW.
Washington, D.C. 20210



HOUSE
ON

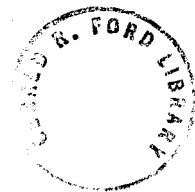
Dear Mr. Wortman:

I want to convey to you my personal appreciation for your contributions to the Interagency Team which was established to assist the Presidential Clemency Board. As you know, I personally place a high priority on the work of the PCB and, hence, your contribution on the team has been particularly appreciated.

I am well aware of the impact of this project upon your regular agency responsibilities, and your contributions were exemplary under a demanding time schedule. Thank you again for your support and valuable assistance.

Sincerely,

Mr. Don I. Wortman
Deputy Assistant Secretary
for Program Systems
Office of Assistant Secretary of
Planning and Evaluation
Department of Health, Education and Welfare
Room 4639
330 Independence Avenue, SW.
Washington, D.C. 20201



THE WHITE HOUSE
WASHINGTON

June 18, 1975

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

In regard to the letters which Paul O'Neill proposes that the President send to those who served on the Interagency Team, I recommend you strongly support this action. The Team did an excellent job on short notice.

Attachments

*Write in remarks:
"I strongly support
the action requested"*



THE WHITE HOUSE

WASHINGTON

June 25, 1975

Dear Senator Thurmond:

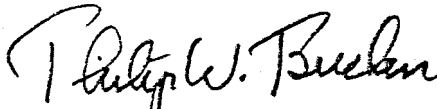
As a result of your inquiry to the President, I have checked about the possible consideration in the White House of a proposal to create a permanent or expanded Clemency program for service to deserters and draft evaders.

I find that no such proposal is being considered, and, in ordinary course, if such a proposal were to be considered, it would come to the Counsel's Office before it is submitted to the President.

As you know, the President's limited program of earned re-entry for certain persons convicted, or threatened with prosecution, of draft evasion or military desertion during the period of fighting in South Vietnam is still underway and the processing of existing applications will not be concluded for some months.

We welcome having your views before us, but you can be assured that no permanent or expanded program of the type in question is under consideration.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510



THE WHITE HOUSE

WASHINGTON

July 1, 1975

MEMORANDUM FOR: PHIL BUCHEN ✓
JACK MARSH

FROM: DICK CHENEY D

The attached letter from Senators Javits and Nelson was hand-delivered to me after Senator Nelson's Administrative Assistant called. They brought it to me supposedly to make certain that it got to the President.

I have not taken it in.

I am referring it to you for appropriate handling. Certainly it deserves an answer, but I will assume you have the action.

Attachment



HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JESSE MANOLPH, W. VA.
CLAYBORNE ELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
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THOMAS F. EAGLETON, MO.
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PETER H. DOMINICK, COLO.
RICHARD S. SCHWEIKER, PA.
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J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.

STEWART E. MCCLURE, STAFF DIRECTOR
ROBERT E. NAGLE, GENERAL COUNSEL

United States Senate

COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

June 26, 1975

The Honorable Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

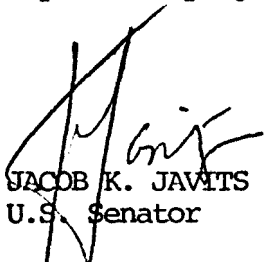
We are writing with respect to young men who want to participate in the clemency program but who failed to meet the March 31st deadline. According to the Clemency Board, there are several hundred young men in this category.

We have stated on numerous occasions that we believe that your promulgation of the clemency program last summer was a very constructive step toward healing the deep and bitter wounds caused by the Vietnam conflict. For that reason we have introduced a bill to continue that program with certain modifications. The Senate Government Operations Committee has stated that there will be hearings on this measure, and we are hopeful that at some point in the near future Congress will pass appropriate legislation.

In the meantime, it seems to us that people who have already indicated their desire to participate in the program should be given that opportunity. The administrative costs would be minimal. The benefits to human lives would be immeasurable. We think it would be most unfortunate if people who share your desire for reconciliation were turned away while they wait for the legislative process to take hold. We are particularly concerned about their situation in light of newspaper reports that one draft evader was placed in jail when he returned to the United States on the mistaken assumption that he could apply for clemency after March 31st. A copy of that report is enclosed. Also, we regret the small numbers -- compared to the total involved -- so far reached by the program.

Again, we think you should be commended for your very constructive steps in this area. We will make every effort to get the Congress to stand with you in trying to bind up the wounds of Vietnam.

Sincerely,


JACOB K. JAVITS
U.S. Senator


GAYLORD NELSON
U.S. Senator

cc: Hon. Charles Goodell
Hon. Edward H. Levi



To Free Queens War Resister

By PAUL L. MONTGOMERY

NEW YORK TIMES

Thursday, May 15, 1975

Groups seeking unconditional amnesty for war resisters are mounting a campaign in behalf of a 32-year-old Queens man who is one of a handful of Americans still in jail for refusing to serve in Vietnam. get clemency if they agreed to a year of two of "alternate service" in public-service jobs. About 600 men were freed from jails or military stockades under the program, and many fugitives turned themselves in.

THE WHITE HOUSE
WASHINGTON

Amnesty

July 7, 1975

Dear Mrs. Zimmerman:

On behalf of the President I would like to acknowledge receipt of your letter of June 14, 1975, concerning the detention of your son by Federal authorities when he attempted to enter the United States at Thousand Islands, New York.

Your letter is being referred to the Department of Justice for further review. Also, you may be assured that your opinion that the President should grant unconditional amnesty for draft evaders has been noted.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mrs. G. Carl Zimmerman
309 South Union Avenue
Cranford, New Jersey 07016



THE WHITE HOUSE
WASHINGTON

July 16, 1975

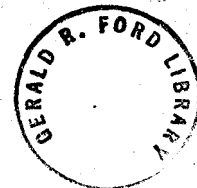
Clemency

Dear Senator Javits and Senator Nelson:

On behalf of the President, I would like to acknowledge receipt of your letter dated June 26 expressing your concern for those young Americans who filed late applications to participate in the President's Program for the Return of Draft Evaders and Military Deserters. Also, I have reviewed the news clipping which you attached describing the particular circumstances of Andrew Davis.

The manner in which the President's Program was structured and the way it was to function necessitated a cutoff date for the filing of applications, the setting of which was twice altered for the purpose of further publicizing and emphasizing the need to take timely action. It is not feasible to allow all late applications also to be processed. For instance, out of fairness to every potential applicant who has not acted simply because of a previously set deadline, a new future date with reasonably adequate notice would be required, and then the Program would have to be reopened in its entirety.

While it is not feasible to process every late application, the Clemency Board has reviewed the facts surrounding particular late applications to determine whether the applicant had manifested an intent to apply before the deadline. In this respect, the Clemency Board on July 15 determined that Andrew Davis intended to apply before the deadline because he contacted both the U.S. Consulate in Toronto and the Clemency Board's staff prior to the deadline. His case, therefore, will be processed, but it, of course, is subject thereafter to Presidential consideration.



Thank you for indicating your interest in the disposition of these late applications.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Honorable Jacob K. Javits
United States Senate
Washington, D. C. 20510

The Honorable Gaylord Nelson
United States Senate
Washington, D. C. 20510



THE WHITE HOUSE

WASHINGTON

July 16, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH

Yesterday, the Presidential Clemency Board held a public session to consider whether it had jurisdiction in the case of Andrew Davis. You will recall that his case was the subject in a news clipping attached to the letter from Senators Javits and Nelson. Upon learning of the Board's meeting, I asked Eva to hold your reply to these Senators in order to provide you the chance to alter your letter if you so desired.

The meeting was public because Davis waived his right to a private hearing. Thus, members of the press, including Mary McGrory, were in attendance.

The Board reviewed an affidavit submitted by Davis which alleged that Davis had telephoned the Board's staff in March, before the deadline, to inform them that he would be making an application. Also, the affidavit alleged that the U.S. Consulate in Toronto told David there was no deadline for applications to the Clemency Board. Based on these facts the Board decided that Davis demonstrated "an intent to apply before the deadline." His application will now be processed.

Further, I have been informed that the Clemency Board intends to review all applications, including those filed after the deadline, to determine whether it has jurisdiction in each case.

In light of the forgoing discussion, I redrafted your letter to reflect these new facts. This draft contains a new third paragraph.



THE WHITE HOUSE
WASHINGTON

July 14, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH

You forwarded to me a copy of the proposed response to the letter from Senators Javits and Nelson dealing with late applications to the Reconciliation Program. Since the Program's deadline was twice extended, perhaps the first sentence of the second paragraph should be altered to reflect this fact.

Attachments



THE WHITE HOUSE

WASHINGTON

July 9, 1975

MEMORANDUM FOR:

JACK MARSH
JIM LYNN

FROM:

PHILIP BUCHEN

P.W.B.

Attached is a copy of an incoming letter from Senators Javits and Nelson along with a copy of my proposed draft reply.

Kindly give me your comments as promptly as possible.

cc: Jay French ✓



HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JEF THOMAS RANDOLPH, W. VA.
CUM BOBNEY TELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
HAROLD S. HUGHES, IOWA
WILLIAM D. HATHAWAY, MAINE
JACOB K. JAVITS, N.Y.
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J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.

STEWART E. MCCLURE, STAFF DIRECTOR
ROBERT E. NAGLE, GENERAL COUNSEL

United States Senate

COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

June 26, 1975

The Honorable Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

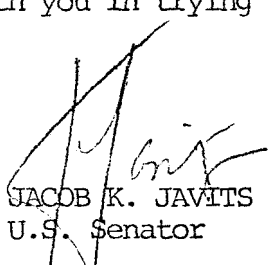
We are writing with respect to young men who want to participate in the clemency program but who failed to meet the March 31st deadline. According to the Clemency Board, there are several hundred young men in this category.


We have stated on numerous occasions that we believe that your promulgation of the clemency program last summer was a very constructive step toward healing the deep and bitter wounds caused by the Vietnam conflict. For that reason we have introduced a bill to continue that program with certain modifications. The Senate Government Operations Committee has stated that there will be hearings on this measure, and we are hopeful that at some point in the near future Congress will pass appropriate legislation.

In the meantime, it seems to us that people who have already indicated their desire to participate in the program should be given that opportunity. The administrative costs would be minimal. The benefits to human lives would be immeasurable. We think it would be most unfortunate if people who share your desire for reconciliation were turned away while they wait for the legislative process to take hold. We are particularly concerned about their situation in light of newspaper reports that one draft evader was placed in jail when he returned to the United States on the mistaken assumption that he could apply for clemency after March 31st. A copy of that report is enclosed. Also, we regret the small numbers -- compared to the total involved -- so far reached by the program.

Again, we think you should be commended for your very constructive steps in this area. We will make every effort to get the Congress to stand with you in trying to bind up the wounds of Vietnam.

Sincerely,


JACOB K. JAVITS
U.S. Senator


GAYLORD NELSON
U.S. Senator

cc: Hon. Charles Goodell
Hon. Edward H. Levi



To Free Queens War Resister

By PAUL L. MONTGOMERY

NEW YORK TIMES

Thursday, May 15, 1975

Groups seeking unconditional amnesty for war resisters are mounting a campaign in behalf of a 32-year-old Queens man who is one of a handful of Americans still in jail for refusing to serve in Vietnam.

The draft resister, Andrew Davis, has been in the Federal House of Detention on West Street since April 10. He had returned to the United States from Canada to take advantage of President Ford's clemency program, but missed the March 31 deadline. Since he had fled the country after conviction on a draft charge in 1969, he was arrested as a fugitive and is being held without bail.

124,400 Men Eligible

According to Administration

get clemency if they agreed to a year of two of "alternate service" in public-service jobs.

About 600 men were freed from jails or military stockades under the program, and many fugitives turned themselves in. It is believed that the only war resisters remaining in jail are Mr. Davis and a few others, perhaps three or four, who refused the clemency program.

Mr. Davis said that pressing business in Toronto prevented him from returning to the United States until after the March 31 deadline but that someone in the United States consulate in Toronto had told him he would still be eligible for clemency if he reported late. Assistant United States Attor-

THE WHITE HOUSE

WASHINGTON

July 17, 1975

Clemency Board

Dear Charlie:

As you know, the President is very firm in his views that the processing of applications by the Clemency Board be expedited so that the entire operation can be wound up in September.

As yet, we have had only a trickling of recommendations to the President, and I am eager that we receive the recommendations in groups of reasonable numbers and as quickly as possible. Therefore, I would appreciate your following through on this to let me know when and at what rate recommendations will be coming to us.

Furthermore, I have learned from Jay French that an effort is being made to increase the already huge volume of cases by a generous policy of dealing with late applicants. I have great concern about this development because it is contrary to the President's idea of setting a cut-off date for his program which was twice altered for the very purpose of further publicizing and emphasizing the need to take timely action. Should you now ask the President to favor a variety of late applicants, I am troubled not only by the possible additional burden placed on the system, but also about the unfairness of discriminating between actual delinquent applicants and potential applicants who failed to apply out of knowledge that they had missed the last deadline.

I would like your comments on this issue, rather than to face the problem of going to the President later with completed recommendations from your Board on cases involving late applicants.

Sincerely,



Philip W. Buchen
Counsel to the President



The Honorable Charles E. Goodell
Chairman
Presidential Clemency Board
The White House
Washington, D. C. 20500

bcc's: Marsh, French, O'Neill

Clemency

July 21, 1975

MEMORANDUM TO:

JACK MARSH

FROM:

RUSS ROURKE

Jim Dougovito, a member of the Clemency Board, called to advise us that he intends to bring up one of the controversial cases previously acted on by the Board. The case (number 16975) involves the individual who "inquired at a Consulate General's office (without even leaving his name) in November 1974." This same individual actually made application on April 10, 1975 (the deadline for receiving applications was March 31, 1975).

Neither Jim Dougovito nor General Lou Walt was present at the time of the Board's action. A Board member has the right to bring up any case for reconsideration at any time.

Dougovito believes that failure to reverse the Board's action on this case will open up a vast realm of future cases and eliminate any possibility of the Board completing its work in the foreseeable future ... not to mention the misapplication of the authority under which the Board operates.

✓ cc: Phil Buchen

RR:rs



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

Clemency

July 21, 1975

Dear Phil:

Thank you for your letter of July 17, 1975. I am aware that the President wishes the Clemency Board program to be completed by September 15.

We have now processed 9,000 cases, and we will complete all the cases for which we have files by September 15. There will be some carryover, for which we must make provision, because there are no files whatsoever on some cases. I have a special project working to reconstruct files where necessary in order to minimize that problem.

We sent 413 cases to the President last week, totaling 1,067 cases to the President to date. As you know, we guarantee an applicant 30 days in which to correct the summary of his record after receipt thereof. We began virtually full time operations the first week in June, disposing of 1200 to 1500 cases a week. Those cases are now "ripe" and the President will be receiving upwards of 1,000 recommendations per week from the Clemency Board hereafter.

You need have no concern about the matter of late applications. The Clemency Board established a policy from the outset that any confirmed inquiry to an official Government agency should be considered an application if followed up by a written application by May 31, 1975. Our projected applications, taking account of the fallout that we have had thus far, are between 16,000 and 17,000. The Clemency Board has not changed its rules in order to accommodate late applicants. I suspect that Jay French's inquiry arises from a single case which the full Board heard last week. The applicant had inquired as to how to apply for clemency to the United States consulate in Canada prior to March 31, 1975, the deadline for applications. He was given misinformation. He returned to the United States on April 12 and turned himself in to the U.S. Attorney.



The Board unanimously accepted the application since, on the basis of our established rule, he submitted his application prior to March 31, 1975.

I am not about to permit revision of rules contrary to the President's directives, and I certainly do not intend to complicate our problem of completing disposition of all cases for which we have adequate information by September 15. It will be done.

Sincerely,

Charlie

Charles E. Goodell
Chairman

Mr. Philip W. Buchen
The White House
Washington, D.C. 20500



THE WHITE HOUSE
WASHINGTON

July 22, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN *P.W.B.*

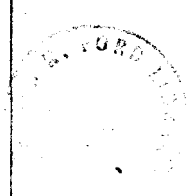
SUBJECT: Clemency Board

Attached is a copy of a letter I have received from Charlie Goodell on the subject we discussed the other day.

Attachment

cc: Jay French

Clemency Board



July 21, 1975

MEMORANDUM TO:

JACK MARSH

FROM:

RUSS ROURKE

Jim Dougovito, a member of the Clemency Board, called to advise us that he intends to bring up one of the controversial cases previously acted on by the Board. The case (number 16975) involves the individual who "inquired at a Consulate General's office (without even leaving his name) in November 1974." This same individual actually made application on April 10, 1975 (the deadline for receiving applications was March 31, 1975).

Neither Jim Dougovito nor General Lou Walt was present at the time of the Board's action. A Board member has the right to bring up any case for reconsideration at any time.

Dougovito believes that failure to reverse the Board's action on this case will open up a vast realm of future cases and eliminate any possibility of the Board completing its work in the foreseeable future ... not to mention the misapplication of the authority under which the Board operates.

✓ cc: Phil Buchen

RR:rs



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

July 21, 1975

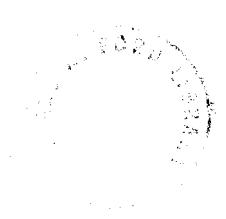
Dear Phil:

Thank you for your letter of July 17, 1975. I am aware that the President wishes the Clemency Board program to be completed by September 15.

We have now processed 9,000 cases, and we will complete all the cases for which we have files by September 15. There will be some carryover, for which we must make provision, because there are no files whatsoever on some cases. I have a special project working to reconstruct files where necessary in order to minimize that problem.

We sent 413 cases to the President last week, totaling 1,067 cases to the President to date. As you know, we guarantee an applicant 30 days in which to correct the summary of his record after receipt thereof. We began virtually full time operations the first week in June, disposing of 1200 to 1500 cases a week. Those cases are now "ripe" and the President will be receiving upwards of 1,000 recommendations per week from the Clemency Board hereafter.

You need have no concern about the matter of late applications. The Clemency Board established a policy from the outset that any confirmed inquiry to an official Government agency should be considered an application if followed up by a written application by May 31, 1975. Our projected applications, taking account of the fallout that we have had thus far, are between 16,000 and 17,000. The Clemency Board has not changed its rules in order to accommodate late applicants. I suspect that Jay French's inquiry arises from a single case which the full Board heard last week. The applicant had inquired as to how to apply for clemency to the United States consulate in Canada prior to March 31, 1975, the deadline for applications. He was given misinformation. He returned to the United States on April 12 and turned himself in to the U.S. Attorney.



The Board unanimously accepted the application since, on the basis of our established rule, he submitted his application prior to March 31, 1975.

I am not about to permit revision of rules contrary to the President's directives, and I certainly do not intend to complicate our problem of completing disposition of all cases for which we have adequate information by September 15. It will be done.

Sincerely,

Charlie

Charles E. Goodell
Chairman

Mr. Philip W. Buchen
The White House
Washington, D.C. 20500

Clemency

THE WHITE HOUSE
WASHINGTON

July 28, 1975

TO: RUSS ROURKE
THROUGH: PHILIP BUCHEN *P.W.B.*
FROM: JAY FRENCH *Jay*

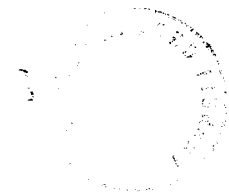
This is in response to your note to Phil Buchen concerning General Walt's inquiry of July 23. General Walt specifically inquired whether (a) it is "legal" for the President to indicate that he will give a pardon and clemency discharge at some future point in time, and whether (b) it is proper to use the word "clemency" to refer to action taken by the President on the Board's recommendations.

With respect to inquiry (a), there is a mandatory and time consuming review procedure by higher military authority of each conviction under the U.C.M.J. In several cases, the Presidential Clemency Board completed its review of applications before military authorities had completed review of the convictions. Therefore, letters similar to the one attached were sent to these applicants so that they might begin alternate service immediately. The letters were intended to assure these persons that the President would implement the Board's recommendations if military authorities upheld the convictions. Since the President has the authority to grant "reprieves and pardons", it follows that he can agree to grant relief (clemency) at a future time.

With respect to inquiry (b), the word "clemency" is a generic term describing specific forms of relief which the President may grant under Article II, Section 2, Clause 1 of the Constitution to those who commit Federal offenses. Thus, to grant a "pardon" is to grant

"clemency". However, these words are not interchangeable since merely to indicate that "clemency" has been granted is not sufficiently descriptive to indicate whether relief is in the form of a "pardon" or "commutation of sentence (reprieve.)" Based on the foregoing discussion, it is proper to use the word "clemency" as the Chairman has in his letter to Tyrone Graves. Therein, Chairman Goodell indicates that the Board has recommended Graves for "conditional clemency" the particular form of which will be a "pardon and clemency discharge."

I hope this response clears up any misunderstanding with respect to these inquiries from General Walt. However, please do not hesitate to contact me further if we can be of further assistance.



THE WHITE HOUSE
WASHINGTON

*cy sent to
Jury 7/24*

July 24, 1975

MEMORANDUM TO: PHIL BUCHEN

FROM: RUSS ROURKE

Phil, the attached is the item to which I made reference in our conversation. In General Walt's own words he wants to know whether "it is legal to indicate the prospective receipt of both a pardon and clemency discharge."

As I indicated to you, General Walt was under the impression that, as a result of a previous discussion, the words "clemency" and "pardon" were synonymous, but he cannot understand the use of both words in the attached letters.

For General Walt's purposes, the situation would appear to require a legal interpretation with appropriate guidance.

Many thanks.

Enclosures

7/23

Russ —

There are the letters & spoke
of yesterday — If "pardon"
and "Clemency" are synonymous
as argued last fall — why
use both terms? — Thanks
for your interest Love

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00658

Collection/Series/Folder ID No. : 001900098
Reason for Withdrawal : DR,Donor restriction
Type of Material : LET,Letter(s)
Creator's Name : Charles Goodell
Receiver's Name : Various Individuals
Description : re pardons and clemency discharge
Creation Date : 07/16/1975
Date Withdrawn : 05/10/1988

s

Thursday 7/31/75

10:10 Jay wanted you to know that Byron Pepitone (Selective Service) had asked Jay to come over and talk to him about the alternate service phase of the Selective Service program. Will be going over about 11 o'clock -- just wanted you to be aware of this.



THE WHITE HOUSE

WASHINGTON

August 15, 1975

ADMINISTRATIVELY
CONFIDENTIAL

MEMORANDUM TO:

PHIL BUCHEN

FROM:

RUSS ROURKE *R*

Phil, General Walt hand delivered the attached memo to me.
It describes alleged Clemency Board "discrepancies."

I am under the impression that Jay French has already received
a verbal report on this matter.

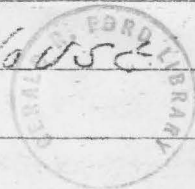
Enclosure



MEMO TO GEN. WALT
13 AUG 75 1200 HRS

THE FOLLOWING IS A LIST OF
DISCREPANCIES NOTED IN THE
OPERATION OF THE PRESIDENTIAL
CLEMENCY PROGRAM AS OF THIS
DATE:

1. IN A NUMBER OF INSTANCES IT
HAS BEEN DETERMINED THAT CASES
AFTER HAVING ONCE BEEN DECIDED
AND SUPPOSEDLY DISPOSED OF BY
THE FULL BOARD OR A PANEL HAVE AGAIN
BEEN DOCKETED AND PRESENTED TO A
PANEL OR THE FULL BOARD.
2. CASES BEING PRESENTED TO THE
FULL BOARD, WHICH HAD BEEN
FLAGGED EITHER BY THE COMPUTER
FOR VARIOUS REASONS, OR PHYSICALLY
HAD NOT BEEN MENTIONED AS
SUCH ON THE DOCKET IN ACCORDANCE
WITH POLICY ESTABLISHED.
3. AN AUTOMATIC HOLD HAS BEEN
PLACED ON ALL CASES INVOLVING A
"NO CLEMENCY" DISPOSITIONS AND
CASES INVOLVING APPLICANTS
CURRENTLY INCARCERATED.
CASES INVOLVING OTHER DISPOSITIONS
HAD BEEN SENT TO THE WHITE HOUSE
ON A REGULAR BASIS.



4. ALL CASES DECIDED BY THE FULL BOARD PRIOR TO 8 MAY 1975 (DATE BOARD ESTABLISHED) ARE BEING CONSIDERED AS CASES HAVING BEEN ACCORDED PANEL HEARINGS ONLY. AS SUCH SEVERAL CASES HEARD PRIOR TO THIS DATE HAVE BEEN FLAGGED AND ARE BEING HELD FOR POSSIBLE RECONSIDERATION BY THE "FULL BOARD".

(NOTE: PRIOR TO THE INCREASE IN NUMBER OF BOARD MEMBERS ON 8 MAY 1975, THE FULL BOARD MET AS A PANEL.)

IN OTHER WORDS, THOSE CASES DECIDED BY THE FULL BOARD PRIOR TO 8 MAY 1975 ARE NOT BEING ACCORDED FULL BOARD RECOGNITION.

5. AT THE PRESENT TIME, SOME 384 CASES ARE BEING HELD FOR VARIOUS REASONS. THESE ARE NOT TABLED CASES, ^{AWAITING FURTHER INFO} OR CASES BEING HELD FOR FULL BOARD PRESENTATION, BUT CASES ALREADY ACTED ON IN RESPECT TO FINAL DISPOSITIONS.

6. ASSUMING JURISDICTION IN SITUATIONS NOT COVERED BY THE ~~PROSECUTOR'S~~ EXECUTIVE ORDER. (SEE ATTACHED) ^{NOTE 6}



7. REFUSAL AND RELUCTANCE OF
^{SOME} KEY ADMINISTRATIVE CLEMENCY
BOARD PERSONNEL TO COOPERATE
WITH PREPARERS OF THE MINORITY
REPORT BY WITHHOLDING ESSENTIAL
INFORMATION MATERIAL TO THE
PREPARATION THEREOF.

Paul P. Engram
LTC, USAF
(Minority Report)



OFFICE OF
ASSISTANT ATTORNEY GENERAL

August 21, 1975

To - Philip W. Buchen

From - Michael M. Uhlmann *mu*

I thought you ought to know about this,
especially as Mr. Smith's letter gives every
indication that they intend to make some cheap
political hay out of it.



United States Senate

WASHINGTON, D.C. 20510

August 18, 1975

Honorable Edward H. Levi
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

In accordance with the Clemency Program established by the President last September, you directed the U.S. Attorneys of the various states to review all outstanding selective service cases and to dismiss those lacking prosecutive merit. The January 1975 list furnished to Senator Kennedy contained the names of those individuals who the Justice Department would continue to prosecute. Those individuals whose names appeared on the October list but not on the January list would not be prosecuted and their cases would be dismissed.

While this procedure has been of tremendous value to those whose cases were dismissed, it appears that the standards for determining "prosecutive merit" and the quality of the review undertaken by the various U.S. Attorneys varied widely. It has come to my attention that of the 60 selective service cases pending in the Western District of Michigan, no cases were dismissed, although one was rendered moot because the individual involved died. Compared with a dismissal of 31 of the 44 cases (70%) pending in the Western District of Wisconsin, or 50 of the 81 cases (62%) in Colorado, one is struck that the quality of the cases involved cannot explain such vast discrepancies. Even within the State of Michigan, the Eastern District saw fit to dismiss some 32% of the pending cases, reducing the original 260 individuals to 178.

Enclosed is a copy of a letter sent to me by William G. Smith of the California law firm Smith, Kogan, Honig and Smith which provides the information for this inquiry. That letter includes the tables from which the statistics cited above were taken. Your prompt inquiry into the discrepancies raised by this information, both in Michigan and elsewhere, would be most appreciated as would any remedies you may be able to suggest. Mr. Smith recommends the appointment of an independent prosecutor to review the case load in Michigan's Western District, and your comments on this would be most helpful.

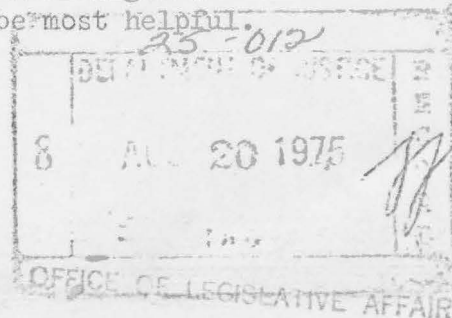
With best wishes,

Sincerely,

Philip A. Hart

Philip A. Hart

✓
Enclosure



SMITH KOGAN HONIG & SMITH ATTORNEYS AT LAW

August 13, 1975

Carol K. Smith, Michael L. Kogan, Barbara Honig, William G. Smith

Senator Phillip A. Hart
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Hart:

Our office has received a grant from the National Council of Churches to represent all Selective Service registrants charged with violations of the Selective Service Act during the Vietnam conflict. The American Civil Liberties Union in New York City has received a similar grant, and we have divided our responsibilities by agreeing that our office would handle cases arising west of the Mississippi and the A.C.L.U. would take those cases arising east of the Mississippi. I know that you have taken an active interest in Amnesty legislation currently pending before Congress, and I thought that you might be interested in some of the information we have developed in the course of our work. Also, as the Senator from Michigan, I thought you would be particularly interested in information we have developed concerning Selective Service cases pending in the Federal Courts in your State.

As part of our project, we have received copies of materials supplied to Senator Kennedy in October, 1974 and January, 1975 by the Department of Justice. By way of background information, the Department of Justice supplied to Senator Kennedy a list of all Selective Service registrants in the United States who were charged with violations of the Selective Service law in October, 1974. After the list was supplied, the Attorney General directed each U.S. Attorney in the United States to review his outstanding Selective Service case load and to dismiss any case lacking prosecutive merit. The review directed by the Attorney General was to be completed in January, 1975, so that a revised list of Selective Service registrants under indictment could be supplied to Senator Kennedy. Following the review directed by the Attorney General, a new list of Selective Service registrants charged with violations of the law was supplied to Senator Kennedy on January 24, 1975. It was specified that the list was complete and that it contained the names of all Selective Service registrants eligible for Clemency under the President's Clemency program, other than late or non-registrants. Furthermore, it was specifically agreed by Attorney General Levi that any individual not named on the list could not be prosecuted and that any outstanding indictment, etc. relating to any individual whose name was inadvertently left off of the list would be dismissed.

As a result of the assurances received from Attorney General Levi



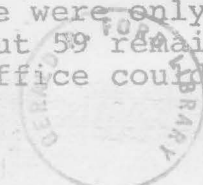
Page 2
August 13, 1975

To: Senator Phillip A. Hart

to the effect that the January, 1975 list was complete and final and that each U.S. Attorney had reviewed his outstanding Selective Service case load to dismiss those cases lacking prosecutive merit, our office undertook a project to test the validity of the assurances and to determine the degree of compliance by each U.S. Attorney with the instructions received from the Attorney General. This project involved a comparison of the list of Selective Service registrants charged with a violation of the law in October, 1974 with the list of such persons supplied to Senator Kennedy in January, 1975. Presumably, those individuals whose cases were dismissed for lack of prosecutive merit would be included on the October list, but not on the January list. Since each list identified the Federal District Court in which the person was pending charges for a violation of the Selective Service law, it was a simple matter to determine which U.S. Attorneys had in fact followed the instructions of the Attorney General to dismiss cases lacking prosecutive merit, and which had not. The results of our survey were quite startling. I have attached a copy of a table summarizing our survey, indicating the percentage of cases dismissed by each U.S. Attorney in the United States following their review of cases for prosecutive merit.

Of particular importance to you, as Senator from Michigan, is the fact that the U.S. Attorney in Grand Rapids, Michigan demonstrated the least degree of compliance with the instructions from Attorney General Levi, in comparison with all other U.S. Attorneys in the United States. According to our count, there were 60 Selective Service cases pending in Grand Rapids, Michigan as of October, 1974 and 59 pending as of January 24, 1975. The difference of one case is explained by the fact that one defendant charged with a violation of the Selective Service law died; apparently, death is the only factor considered by the U.S. Attorney in Grand Rapids in determining whether to dismiss an indictment. Since the January list was compiled, it is possible that other cases have been dismissed, but the record of the U.S. Attorney in Grand Rapids is dismal by any standard. We should also point out that the list supplied to Senator Kennedy in October, 1974 did not purport to be completely accurate and the statistical table we have attached reflects some inaccuracies in the October list. Nevertheless, some interesting comparisons can be made.

For example, you will note that the U.S. Attorney in San Francisco, California saw fit to dismiss approximately 92% of his outstanding Selective Service case load between October, 1974 and January, 1975 while the U.S. Attorney in Grand Rapids was determining that all of his case load retained prosecutive merit. Thus, in October, 1974, there were 434 Selective Service cases pending in San Francisco and 60 pending in Grand Rapids. By January, 1975, there were only 38 Selective Service cases pending in San Francisco, but 59 remaining in Grand Rapids. It would be appreciated if your office could make



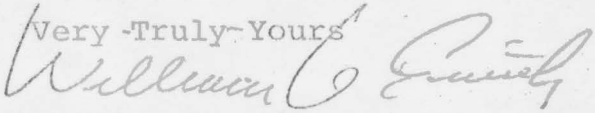
To: Senator Phillip A. Hart

appropriate inquiries with the Attorney General of the United States to determine why so few cases were dismissed in Grand Rapids in comparison with San Francisco. It seems inconceivable to me that the U.S. Attorney in San Francisco could determine that 434 cases in his District lacked prosecutive merit while the U.S. Attorney in Grand Rapids was making a determination that all 59 of his cases should be retained. Obviously, an entirely different standard was used in San Francisco as compared with Grand Rapids, and the fugitive Selective Service registrants from Michigan who are now living in Canada, Sweden or underground in the United States have a right to know why such different standards have been applied to their cases.

We have heard consistent rumors that various right-wing groups in the Grand Rapids area have a degree of influence in the Grand Rapids office of the U.S. Attorney which is unhealthy in a democratic society. Although we have been unable to verify these rumors, the attached statistical table suggests that the Department of Justice should appoint an independent prosecutor to examine the Selective Service case load in Grand Rapids, since the incumbent United States Attorney in that City seems unable to perform that task in a fair and impartial manner. We are sending a copy of this letter to the local newspaper in Grand Rapids in the event that they wish to assign an enterprising young reporter to this story to determine why the U.S. Attorney in their city has acted so improperly.

Thank you for your attention to this matter.

Very Truly Yours


William G. Smith
Attorney at Law

WS:ws
encls.

cc's: Werner Veit, Editor, Grand Rapids Press
John P. Milanowski, United States Attorney, Grand Rapids, Mich.



8/14/75

Baltimore News American

Clemency Board

Many Deserters Escaped Punishment

THE WHITE HOUSE

WASHINGTON

August 25, 1975

Clemency
Conflict of Interest

MEMORANDUM FOR: DUDLEY CHAPMAN

FROM: PHILIP BUCHEN *P.W.B.*

SUBJECT: Charles Goodell

Attached is a copy of a memorandum from Charles E. Goodell to me of July 14, which I had referred to Nino Scalia on July 17. On August 22, I had a call from Charles Goodell saying that the corporation of which he is Chairman was intending to register under the Foreign Agents Registration Act and to do so on August 27th. He also said under those circumstances, he would immediately like an appropriate document signed in behalf of the President to exempt Charles Goodell from the penalty provisions of the Act. On the same day, I got the attached memorandum from Leon Ullman of the Office of Legal Counsel, which does not seem to be wholly consistent with Goodell's request, but maybe the simplest thing to do is to have you prepare an exemption from me to sign in behalf of the President. If you see any objections to this manner of proceeding, please let me know.

Attachments

The Washington Star

Tuesday, August 26, 1975

Mary McGrory

**Convict Clemency Plan:
No Justice, No Mercy**

Thursday 8/26/75

6:05 Message dictated by John Marsh:

"General Walt left the original with me with the request that we give it to the President. He would like to speak with you briefly tomorrow concerning this.

It would be helpful if you and I could chat about this because I am quite concerned by a number of the matters raised in the letter."

S E N S I T I V E



Thursday 8/26/75

6:05 Message dictated by John Marsh:

"General Walt left the original with me with the request that we give it to the President. He would like to speak with you briefly tomorrow concerning this.

It would be helpful if you and I could chat about this because I am quite concerned by a number of the matters raised in the letter."

S E N S I T I V E



Tuesday 9/2/75

6:45 Russ Rourke has talked with Jack Marsh;
Mr. Marsh did not take the letter in to the
President and would like you to take it in
or have it taken in -- whichever you would
prefer.

Russ Rourke would like to know the outcome.



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

August 26, 1975

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Because of our dedication and loyalty to our country, to you and to the military veterans, we feel we must report to you our concern relative to the operation of the Presidential Clemency Board.

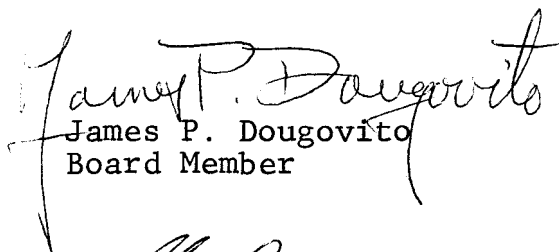
It is our belief that under its present policies, considerably altered from the policies of the original nine member Board, the PCB, mainly due to the liberal influence of the Chairman and the majority of the staff, is now misinterpreting, circumventing and acting in violation of at least the spirit of the Presidents Executive Order date 16 September, 1974 and the Presidents proclamation # 4313.

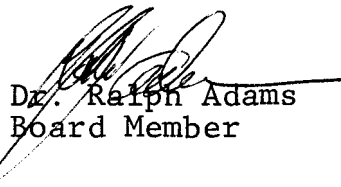
This questionable action has been initiated, it appears, to increase the number of eligible applicants, to liberalize the decisions of a majority of the Board in order to gain more favorable action for the applicants and to set a liberal precedence relative to Presidential pardons closely associated with felonous crimes. These actions, in our opinion, are not only unethical but they also border on illegality and could greatly discredit the Presidents Clemency Program in the eyes of the American public.

In short, we have lost confidence in the Board results being presented to you and we see a relatively limited capability on the part of your hard pressed White House staff to properly screen and evaluate the Boards work. This problem is further aggravated by the fact that it now appears the PCB staff plans to deliver over a thousand cases a week to the White House staff.

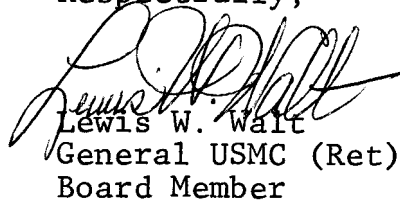
The President
August 26, 1975
Page Two

Mr. President, we believe now that action should be taken to carefully screen and evaluate the Board results to insure their legality and credibility.


James P. Dougovito
Board Member


Dr. Ralph Adams
Board Member

Respectfully,


Lewis W. Walt
General USMC (Ret)
Board Member


Harry Riggs
Board Member