

**The original documents are located in Box 6, folder “Clemency Program - Requests for White House Guidance (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

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 Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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

Wednesday 10/30/74

10:20 Jay advises that Mr. Marsh has spoken to Larry Silberman who will research the question of whether a certificate of executive clemency can be issued without using the operative word "pardon" -- Mr. Silberman will be ready to discuss this at the Cabinet meeting this morning.

Mr. Marsh thinks it will fall to you to contact Louis Walt (former Marine Corps General) to explain the resolution of the question.

Marsh suggested Jay hold off on doing anything more.

10/31 - Marsh called. Said Walt was now agreeable to issuing pardon after completion of alternate service & Cert. of Clemency in meantime.  
PR



# THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

## BOARD MEMBERS

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

PHONE: (202) 456-6476

October 29, 1974

MEMORANDUM FOR:

PRESIDENTIAL CLEMENCY  
BOARD

FROM:

CAPTAIN JOHN EULER

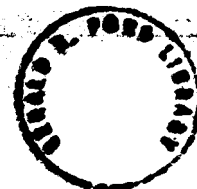
SUBJECT:

Alternatives to Pardon

The fundamental question with which this Board is faced is the operative definition of the word "clemency" and specifically whether it is intended that a Presidential Pardon is the form of clemency generally to be granted. There is argument on both sides of the question. Without attempting to address the basic issue, which is one for determination by the members, this memorandum is an attempt to set forth some clemency alternatives to a full Presidential Pardon should it be determined that a Pardon is to be recommended in only a limited number of cases.

It should first be noted that a Presidential Pardon is available for military as well as civilian court convictions. Therefore, if this Board decides to recommend a Pardon in a few cases of exceeding merit, it may wish to also consider some military cases for such action in order to equalize potential remedial action for all applicants. In other words, to say that a Pardon is only available to the civilian applicant may appear to unfairly shut part of the door to the serviceman.

If it is determined that the possibility of a full Pardon is available to both the civilian and military applicant, the question must be asked, "What is available to the civilian applicant other than a full pardon?" Short of a Pardon, a military applicant may be awarded a Clemency Discharge. It follows that his civilian counterpart should also have available some form of clemency short of a Presidential Pardon. It is suggested that this Board could promulgate a document



entitled Certificate of Executive Clemency which would be roughly equivalent to a Clemency Discharge. The phrase "Executive Clemency" is derived from Executive Order 11803 which established this Board. Such a certificate if awarded would advertise to society that the civilian possessor thereof, like the military clemency discharge recipient, took advantage of the President's program, performed his part of the bargain and is entitled to be received in good faith as a law-abiding member of the community who has chosen to re-enter the mainstream of American society and deserves a chance to do so. It is submitted that such a certificate would stand a fair chance of having a substantial remedial effect on a recipient's personal well being.

The question must be faced as to what real worth is such a piece of paper? The answer is that it will carry whatever intrinsic value that Americans choose to give it. Such is now the case with the Clemency Discharge. The hope must be, as it is with the President's entire program, that society will receive clemency recipients, both military and civilian, in a spirit of good will and with a sense of welcoming them back.

The advantages of utilizing a Certificate of Executive Clemency scheme may be:

1. The Board is possessed of a greater range of options or clemency tools and thereby has greater flexibility.
2. The addition of the Executive Clemency Certificate adds conceptual balance to the program and equalizes the quality of remedies available to civilian and military applicants.
3. The potentially disruptive issue of "wholesale pardons or no," is avoided while permitting the continued availability of the Pardon recommendation.

The disadvantages appear to be:

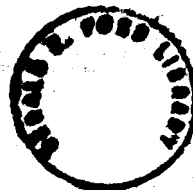
1. The Certificate of Executive Clemency may be attacked as of questionable real worth or a meaningless gesture.
2. The scheme may differ from some conceptions of what the President intended and thereby be unpalatable to some points of view.



Other options apparently open to the Board short of Presidential Pardon are:

1. Commutation of sentence.
2. Referral to a military applicant's respective Discharge Review Board for consideration of upgrading a given discharge.
3. Presidential upgrading of discharge. (This author recommends No. 2 above over this option.)
4. Suspension of an awarded period of alternate service conditioned on good behavior.

Should this Board adopt a form of clemency denoted as Executive Clemency, the attached diagram would generally denote clemency options available. It should be noted that Rick Tropp originally pointed out the majority of these options in his memorandum of 4 October 1974 concerning guidelines and categorization of cases.



**PRESIDENTIAL PARDON**

(civilian and military cases)  
(highest form of clemency)

**CLEMENCY DISCHARGE**

(Military)

**CERTIFICATE OF  
EXECUTIVE CLEMENCY**  
(Civilian)

**RECOMMENDATION FOR  
DISCHARGE UPGRADE**

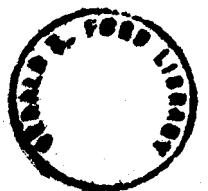
(referral to Service Board)  
or  
(direct Presidential action)

**COMMUTATION**

(civilian military applicants  
still under sentence)

**ALTERNATE SERVICE**

(Suspended)



Wednesday 10/30/74

*Amnesty*

10:20 Jay advises that Mr. Marsh has spoken to Larry Silberman who will research the question of whether a certificate of executive clemency can be issued without using the operative word "pardon" -- Mr. Silberman will be ready to discuss this at the Cabinet meeting this morning.

Mr. Marsh thinks it will fall to you to contact Louis Walt (former Marine Corps General) to explain the resolution of the question.

Marsh suggested Jay hold off on doing anything more.

*10/31 - Marsh called. Said Walt was now agreeable to issuing pardon after completion of alternate service + Cert. of Clemency in meantime.*  
*IR*



# THE PRESIDENTIAL CLEMENCY BOARD

OLD EXECUTIVE OFFICE BUILDING

WASHINGTON, D.C. 20500

## BOARD MEMBERS

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

PHONE: (202) 456-6176

October 29, 1974

MEMORANDUM FOR:

PRESIDENTIAL CLEMENCY  
BOARD

FROM:

CAPTAIN JOHN EULER

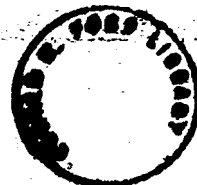
SUBJECT:

Alternatives to Pardon

The fundamental question with which this Board is faced is the operative definition of the word "clemency" and specifically whether it is intended that a Presidential Pardon is the form of clemency generally to be granted. There is argument on both sides of the question. Without attempting to address the basic issue, which is one for determination by the members, this memorandum is an attempt to set forth some clemency alternatives to a full Presidential Pardon should it be determined that a Pardon is to be recommended in only a limited number of cases.

It should first be noted that a Presidential Pardon is available for military as well as civilian court convictions. Therefore, if this Board decides to recommend a Pardon in a few cases of exceeding merit, it may wish to also consider some military cases for such action in order to equalize potential remedial action for all applicants. In other words, to say that a Pardon is only available to the civilian applicant may appear to unfairly shut part of the door to the serviceman.

If it is determined that the possibility of a full Pardon is available to both the civilian and military applicant, the question must be asked, "What is available to the civilian applicant other than a full pardon?" Short of a Pardon, a military applicant may be awarded a Clemency Discharge. It follows that his civilian counterpart should also have available some form of clemency short of a Presidential Pardon. It is suggested that this Board could promulgate a document





entitled Certificate of Executive Clemency which would be roughly equivalent to a Clemency Discharge. The phrase "Executive Clemency" is derived from Executive Order 11803 which established this Board. Such a certificate if awarded would advertise to society that the civilian possessor thereof, like the military clemency discharge recipient, took advantage of the President's program, performed his part of the bargain and is entitled to be received in good faith as a law-abiding member of the community who has chosen to re-enter the mainstream of American society and deserves a chance to do so. It is submitted that such a certificate would stand a fair chance of having a substantial remedial effect on a recipient's personal well being.

The question must be faced as to what real worth is such a piece of paper? The answer is that it will carry whatever intrinsic value that Americans choose to give it. Such is now the case with the Clemency Discharge. The hope must be, as it is with the President's entire program, that society will receive clemency recipients, both military and civilian, in a spirit of good will and with a sense of welcoming them back.

The advantages of utilizing a Certificate of Executive Clemency scheme may be:

1. The Board is possessed of a greater range of options or clemency tools and thereby has greater flexibility.
2. The addition of the Executive Clemency Certificate adds conceptual balance to the program and equalizes the quality of remedies available to civilian and military applicants.
3. The potentially disruptive issue of "wholesale pardons or no," is avoided while permitting the continued availability of the Pardon recommendation.

The disadvantages appear to be:

1. The Certificate of Executive Clemency may be attacked as of questionable real worth or a meaningless gesture.
2. The scheme may differ from some conceptions of what the President intended and thereby be unpalatable to some points of view.



Other options apparently open to the Board short of Presidential Pardon are:

1. Commutation of sentence.
2. Referral to a military applicant's respective Discharge Review Board for consideration of upgrading a given discharge.
3. Presidential upgrading of discharge. (This author recommends No. 2 above over this option.)
4. Suspension of an awarded period of alternate service conditioned on good behavior.

Should this Board adopt a form of clemency denoted as Executive Clemency, the attached diagram would generally denote clemency options available. It should be noted that Rick Tropp originally pointed out the majority of these options in his memorandum of 4 October 1974 concerning guidelines and categorization of cases.



PRESIDENTIAL PARDON

(civilian and military cases)  
(highest form of clemency)

CLEMENCY DISCHARGE

(Military)

CERTIFICATE OF  
EXECUTIVE CLEMENCY  
(Civilian)

RECOMMENDATION FOR  
DISCHARGE UPGRADE

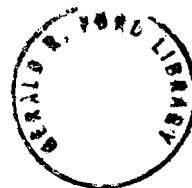
(referral to Service Board)  
or  
(direct Presidential action)

COMMUTATION

(civilian military applicants  
still under sentence)

ALTERNATE SERVICE

(Suspended)





OFFICE OF THE DEPUTY ATTORNEY GENERAL  
WASHINGTON, D.C. 20530

October 31, 1974

*For filing  
in Clemency  
Board*

TO: The Honorable  
Philip W. Buchen  
Counsel to the President

The Honorable  
John O. Marsh, Jr.  
Counsellor to the President

FROM: Jonathan C. Rose *[Signature]*  
Associate Deputy Attorney General

SUBJECT: The President's authority to issue an Executive  
Clemency Certificate that would have the effect  
of a pardon

The Deputy Attorney General has requested that I forward this memorandum to you. It discusses (1) the President's authority to issue a clemency certificate that would have the legal effect of a pardon but would not be called a pardon; and (2) the legal hazards in such a course of action.

A. Collateral Disabilities <sup>1/</sup> Caused by a Draft Evasion  
Conviction<sup>2/</sup>

1. Under Federal Law. Generally speaking, a convicted draft evader suffers few collateral disabilities. The Secretary of Agriculture may refuse to register felons as commission merchants and floor brokers for commodity futures.<sup>3/</sup>

1/ For a thorough discussion of a felon's loss of political, professional, property, judicial, and domestic rights, see Note, The Collateral Consequences of a Criminal Conviction, 23 Vand. L. Rev. 939 (1970).

2/ The draft evasion offenses subject to possible clemency under the Clemency Program are felonies.

3/ 7 U.S.C. 12a(2) (B).

cont.



A convicted felon may have his conviction used against him in applying for federal employment under the jurisdiction of the Civil Service Commission.<sup>1/</sup> Felons are also barred from possessing, handling, or transporting firearms under federal law.<sup>2/</sup>

2. Under State Law. In a substantial number of states, a felon is disfranchised,<sup>3/</sup> loses the right to hold state or local public office<sup>4/</sup> or employment,<sup>5/</sup> loses the right to practice in a licensed occupation,<sup>6/</sup> and loses the right to serve as a juror,<sup>7/</sup> executor, administrator,<sup>8/</sup> or guardian.<sup>9/</sup>

#### B. Effect of a Presidential Pardon

1. On Legal Disabilities Imposed by Federal Law. A Presidential pardon removes the legal disabilities under federal law attributed to a felony conviction.

2. On Legal Disabilities Imposed by State Law. Generally speaking, state courts have held that a Presidential pardon of a federal offender removes the civil disabilities imposed on the offender under state law<sup>10/</sup> that would have been removed if the pardon had been granted by state authority. Those decisions, however, are not mandated either by the Constitution or federal law but rest on interpretation of state law. However, in most states a pardoned offender remains ineligible for an occupational or professional license that, by statute, can be issued only to persons without a criminal record.<sup>11/</sup>

<sup>1/</sup> 5 C.F.R. 731.201.

<sup>2/</sup> 18 U.S.C. 922(g)(1), (h)(i); 18 U.S.C. App. 1203, 26 C.F.R. 178.142.

<sup>3/</sup> See n. 1 at 975.

<sup>4/</sup> Id. at 987.

<sup>5/</sup> Id. at 1017.

<sup>6/</sup> Id. at 1002.

<sup>7/</sup> Id. at 1051.

<sup>8/</sup> Id. at 1060.

<sup>9/</sup> Id. at 1062.

<sup>10/</sup> Id. at 1146 n. 603.

<sup>11/</sup> Id. at 1145-1146.

cont.



C. State Statutes Restoring Certain Civil Rights by Virtue of a Pardon

Most state statutes use the term "pardon" in describing what type of executive action will restore to an offender certain civil rights.<sup>1/</sup>

Presidential Authority to Issue a Clemency Certificate with the Same Legal Effect as a Pardon

The President's constitutional pardon authority would permit him to issue a so-called Executive Clemency Certificate to convicted draft evaders eligible for the Clemency Program. The Clemency Certificate could specify that it would remove all disabilities the evader had incurred under federal law due to his conviction. That would make the Certificate tantamount to a pardon for purposes of federal law.

However, under state law it is unclear whether the Certificate would be accorded the same respect as a full pardon in determining whether certain state disabilities would be removed. As set forth above most of the state statutes that restore civil rights speak in terms of a "pardon". Whether most state courts would interpret the word "pardon" to include an Executive Clemency Certificate of the type contemplated is uncertain. If the Certificate states that it constitutes an exercise of the President's full pardon authority under the Constitution and is intended to restore to the maximum extent possible the draft evader's legal rights under state law, then the likelihood that state courts would treat the Certificate as tantamount to a pardon is increased. If the Certificate is silent on this point, then it is less likely that state courts would treat it with the same deference they would treat a pardon.

Conclusion

The President could issue to draft evaders an Executive Clemency Certificate which would have the same effect as a pardon for purposes of federal law. However, it is uncertain whether such a Certificate would have the same effect as a pardon for purposes of state law. This fact is important because virtually all of the significant rights which a felon loses by virtue of his conviction are due to the operation of state and not federal law.

<sup>1/</sup> See the statutes cited in Disfranchisement of Convicted Felons, Cong. Research Service, Library of Congress (1971).



THE WHITE HOUSE  
WASHINGTON

In holding the  
original and  
Marsh's & Goodell's  
copies of this.



**THE WHITE HOUSE**

WASHINGTON

January 28, 1975

BRIEFING MEMORANDUM FOR THE PRESIDENT

Tuesday, January 28, 1975

2:00 P.M.

The Oval Office

1. PURPOSE

To discuss certain policy matters relating to the functions of the Clemency Board.

2. PERSONS ATTENDING

Philip W. Buchen  
John O. Marsh, Jr.  
Charles E. Goodell

3. POINTS FOR DISCUSSION

- A. The Clemency Board would like to recommend, in a few military cases, that a higher discharge (one under honorable conditions) be given, than is contemplated by the program. The issue is whether such recommendations should be received and acted upon favorably.

(1) Background:

- (a) In its review of military cases, the Clemency Board has found five (5) meritorious cases which they believe justify recommendations for honorable discharges.

The Board on December 21st submitted a memorandum to you urging approval of these recommendations. See Tab A. However, because the Department of Defense had not reviewed this proposal, your decision was held in abeyance.





(2) Recommendations in brief:

- (a) Clemency Board -- The Board including its retired military personnel unanimously believe each of these five cases involves an individual who faithfully performed service in Vietnam and should be given honorable discharges. The Board cites examples of courage in Vietnam and hardship type occurrences for its reasons.
- (b) Defense -- The Department believes the Clemency Board is exceeding its authority in recommending "honorable discharges" instead of Clemency Discharges. These cases if given honorable discharges would receive veterans benefits contrary to your policy that the program shall not bestow such benefits. Defense points out that such extraordinary treatment is inconsistent with that given to similar cases it has processed at Ft. Benjamin Harrison (Defense's point of return). Finally, the Army Department has reviewed the service record of each of these five individuals and does believe the facts warrant honorable discharges.

The Secretary of the Army strongly recommends against granting honorable discharges. See Tab B.

(3) Considerations:

- (a) A favorable determination will be publicized by the Clemency Board to attract other returnees who hope to become eligible for veterans benefits.
- (b) An unfavorable decision will neither attract more applicants nor deter those who, understanding your program, intend to apply.
- (c) An option exists outside the program by which these cases could be quietly reviewed and, if they are found to be justifiable, honorable discharges could be awarded. This review could be accomplished through existing boards. The Department of the Army has two discharge review boards (one military, one civilian) and you could request a special review to determine whether,

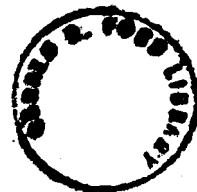


B. By what procedure should the Clemency Board's recommendations for upgraded discharges be effected in military cases.

(1) Recommendations in brief:

- (a) Clemency Board -- Recommendations in military cases involve two aspects (clemency and upgraded discharges) whereas recommendations in draft evasion cases involve only one aspect (clemency). The Board would like you to sign pardon warrants (as you have for draft evaders) which specifically order the appropriate military department to upgrade the discharge to a Clemency Discharge.
- (b) Justice -- The Department, through the Pardon Attorney, argues that a pardon warrant is not the appropriate document in which to direct upgrading of discharges. A pardon warrant is issued by virtue of the President's power to grant pardons and reprieves: the discharges are upgraded by virtue of the President's authority as Commander in Chief. Therefore, Justice recommends that, by separate letter, you request the appropriate military department to issue Clemency Discharges consistent, of course, with any conditions for alternate service.

The Department of Defense concurs.



TAB A



PRESIDENTIAL CLEMENCY BOARD  
THE WHITE HOUSE

WASHINGTON  
December 21, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL  
*Charles E. Goodell*  
SUBJECT: First Recommendations for Clemency: Persons  
Convicted of Military Offenses; Further  
Recommendations for Selective Service Cases

Summary of Recommendations

On behalf of the Presidential Clemency Board, I am pleased to submit to you a second group of recommendations for executive clemency for persons convicted of draft-evasion by federal civilian courts, and for persons convicted by courts-martial of Articles 85, 86, or 87 of the Uniform Code of Military Justice.

Attached to this memorandum as Exhibit 1 is a list showing the distribution of recommendations for the civilian and military cases.

Additional cases will be forwarded to you in the Tuesday pouch, along with the necessary formal documents and suggested language for a statement, should you wish to make one.

As was your procedure when you reviewed the initial collection of recommendations, I suggest that you set aside only cases in which you have questions or which you wish to discuss with me further.

Discussion of Proposed Military Dispositions

There are two matters with respect to the military cases which should be brought to your attention. First, in five instances the Board, upon motion of those members with Vietnam service, unanimously recommends that instead of a Clemency Discharge, you order either a General Discharge or an Honorable Discharge.

The Board has in its review of military cases, found that some individuals performed well and faithfully their military duties prior to their offense. Many served courageously in Vietnam. Some were



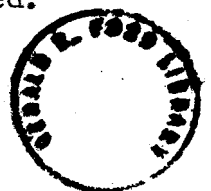
awarded decorations for valor in combat. Often they suffered severe psychological injuries from their experiences, and these led to the commission of the military offenses for which they were discharged under other than honorable circumstances.

Because the Clemency Discharge does not adequately reflect the prior faithful service of these individuals, and does not confer entitlement to the benefits which that prior service otherwise earns, the Board believes that further action is required in these cases.

We recommend that pursuant to your authority as Commander-in-Chief and consistent with existing statutory authority, you should order the immediate issuance of an Honorable Discharge or General Discharge in these special cases. The issuance of such discharges will result in the removal of such impediments to benefits that may accompany the issuance of a Clemency Discharge. Such further action is not precluded by the terms of the Proclamation and is entirely consistent with the spirit of your act. The Board has consulted with representatives of the Department of Defense and there is complete agreement that you have the authority, both constitutionally as Commander-in-Chief, and statutorily under Title 10 of the U.S. Code, to order such discharges.

Pursuant to discussions with representatives of the Department of Defense, the records of these cases have been temporarily returned to the appropriate service Secretaries for their review under existing military procedures. I have been informed that the Department will be able to advise me prior to the time of your anticipated action whether it concurs in the Board's recommendations and, if so, whether in each case you should order either a General or an Honorable Discharge. Summaries of these five cases have been included with this memorandum for your preliminary review.

Each of the military recommendations pertain to persons who were in military custody at the time of the announcement of your clemency Proclamation on September 16. Pursuant to your direction, they were then released. However, in each instance they remain under the jurisdiction of their appropriate military service until the completion of all avenues of review of their convictions and of the less than honorable discharges ordered in their cases. This review is not yet complete and in some instances may continue as long as until mid-1975. It is possible, although highly unlikely, that some of these convictions will be reversed or that the punitive discharges will not be executed.



In order not to foreclose procedural rights of these individuals which may possibly result in a disposition more favorable than a pardon and a Clemency Discharge, the Board recommends that you announce your grant of clemency now, but make it contingent upon the completion of available military review, the ultimate approval of the conviction, and the execution of the less than honorable discharge. The Uniform Code of Military Justice, in Article 74, authorizes the Secretaries of the military departments to upgrade or set aside unexecuted punitive discharges as an act of clemency. When presented with similar circumstances, the Secretaries also make their acts in mitigation contingent upon the final results of the courts-martial review. The Board believes that its recommended approach best accomplishes your desire to act promptly in the disposition of military cases, while not precluding the rights of review available to those individuals under military law.

#### Timing of Your Announcement

I recommend that you announce your decisions in this second collection of cases during Christmas week. This will serve to highlight your decisions and to bring further attention to the program. Prompt action is also desirable because of the imminent end of the application period on January 31, 1975. Persons eligible for the Board's jurisdiction have already been convicted of their military or civilian offenses and are under no further threat or jeopardy if they apply to the Board. To the contrary, they stand to gain substantial legal and practical benefits if they apply. Nonetheless, the Board is convinced that the low level of participation thus far in its program is due to the lack of knowledge and to the substantial confusion on the part of those eligible. The Board has begun steps to remedy this situation to the extent within its capabilities. An announcement by you during Christmas week will further help to explain the program and focus needed attention on it.

#### The Contents of Your Christmas Announcement

I recommend that your announcement stress, among other matters, the general nature of the military cases you are awarding General and Honorable Discharges. This will give further credence to the value of the program for former military personnel. Because of the appealing nature of these cases it will also serve to ease the doubts of those who have expressed concern over the advisability of granting clemency to persons who left military service in time of national need. Finally, and perhaps most important, your special recognition of service-



men who served with valor in Vietnam will be another and much needed expression of national gratitude to all those who served in this controversial, misunderstood and painful war.

Decision on Board's Recommendations

1. We recommend after your examination of the cases, that you sign the grants of clemency in the civilian cases (Tab A).

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

2. We recommend that you approve and sign the grants of clemency in the military cases involving Clemency Discharges (Tab B).

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

3. We recommend that you announce your action during Christmas week.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Enclosures:

Exhibit 1

Tab A

Tab B



EXH.

1

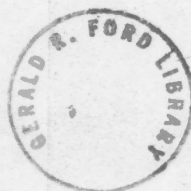




EXHIBIT I

DISTRIBUTION OF RECOMMENDATIONS  
December 21, 1974

Civilian:

9 persons	-	Immediate Pardon
5 persons	-	Pardon - Conditional on 3 months alternative service
1 person	-	Pardon - Conditional on 6 months alternative service
1 person	-	Pardon - Conditional on 9 months alternative service
1 person	-	Pardon - Conditional on 10 months alternative service
2 persons	-	Pardon - Conditional on 12 months alternative service

Total: 19 Cases

Military:

5 persons	-	Pardon and a General or Honorable Discharge
3 persons	-	Pardon and a Clemency Discharge
13 persons	-	Pardon and a Clemency Discharge Conditional on 3 months alternative service
6 persons	-	Pardon and a Clemency Discharge Conditional on 6 months alternative service



This white applicant is married, was born in the South, and is one of six children. When he was thirteen, his father died and his mother subsequently remarried. His relationship with his stepfather was poor and his home life became increasingly unstable. He quit school in the tenth grade and left home. During his initial enlistment, applicant served as a volunteer helicopter "door gunner," a very hazardous mission. He was honorably discharged in 1965 and re-enlisted for a three-year period. While in Vietnam, he was awarded the Armed Forces Expeditionary Medal and two Air Medals. He was consistently rated excellent for conduct and efficiency. He has a drinking problem growing out of his war experience which contributed to his unauthorized absence. During his absence, he was gainfully employed and managed to rehabilitate himself. Applicant surrendered voluntarily to authorities in 1974, and was tried and convicted by general court-martial. He received a Bad Conduct Discharge and a nine-month confinement at hard labor. He has served more than six months in jail.

Disposition: Pardon. Clemency Discharge with recommendation for discharge under honorable conditions with veterans benefits.



This white applicant in his early twenties is one of 17 children. Since his father was an alcoholic and unable to hold a steady job, his mother worked entrusting the care of her large family to a live-in babysitter. The family income was barely adequate. In the absence of a good family relationship applicant quit school in the 9th grade, left home and was employed at various jobs. Subsequently, he enlisted in the Army, was honorably discharged and then re-enlisted for a more desirable assignment. He served in Vietnam for one year as a medical corpsman and earned the Republic of Vietnam Campaign Medal, the Vietnam Service Medal and the Army Commendation Medal. After being in the states for approximately one year he assumed a status of unauthorized absence because of his dissatisfaction with no further overseas duty. He was apprehended by civilian authorities, tried and convicted by general court-martial and sentenced to a Bad Conduct Discharge, confinement at hard labor for seven months, total forfeiture and reduction to the lowest enlisted pay grade. He served more than six months of his approved confinement.

Disposition: Pardon. Clemency Discharge with recommendation for discharge under honorable conditions with veterans benefits.



This white applicant is in his mid-twenties and has a 7th grade education. He resided with his mother until he was fourteen, at which time he was committed to a juvenile center for a period of eighteen months. He later enlisted in the Army, served more than eight months and was honorably discharged in order to re-enlist for duty in Vietnam. He served there as a scout and grenadier for one year, earning, among other awards, the Bronze Star, the Combat Infantryman's Badge and the Army Commendation Medal. During this combat tour, the applicant's platoon leader was killed as he was awakening applicant to start his tour of guard duty. This traumatic experience resulted in applicant's heroin addiction. Applicant was afraid that his problem with drugs would end his Army career so he went AWOL for 2 years in order to rehabilitate himself. While absent, applicant overcame his drug dependency only to become an alcoholic. Having finally rehabilitated himself, he surrendered to military authorities, was tried and convicted by general court-martial, and sentenced to a Bad Conduct Discharge, confinement at hard labor for six months, partial forfeiture of pay and allowances and reduction to the lowest enlisted pay grade. He has served more than two-thirds of his sentence.

Disposition: Pardon. Clemency discharge with recommendation for discharge under honorable conditions with veterans benefits.



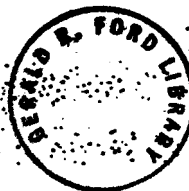
Applicant was born and reared in the Far West in a stable and intact family. He has above-average intelligence. Applicant withdrew from school in the 11th grade and thereafter enlisted in the U. S. Army. Completing basic and advanced training as a vehicle mechanic, applicant was assigned to Vietnam where he volunteered for service as a "door gunner" in an assault helicopter unit, a very hazardous mission. For this service, applicant received the Army Commendation and Air Medals. He also has been awarded the National Defense Service, the Vietnam Service and Vietnam Campaign Medals. On return from Vietnam, applicant found himself unable to adjust to a new environment. His Vietnam experiences made him irritable, tense and erratic. These psychiatric problems were unabated for two years. Applicant became dissatisfied with garrison life in the United States and volunteered for further service in Vietnam three times. His requests were denied. Frustrated by the denials and garrison life, applicant absented himself. He was convicted of an unauthorized absence of two months and eleven days by a general court-martial and was sentenced to a Bad Conduct Discharge and imprisonment for six months. Applicant is now a skilled technician in the oil industry.

Disposition: Pardon. Clemency Discharge with recommendation for discharge under honorable conditions with veterans benefits.



The applicant is black and was born and raised on the West Coast. He left school after the 11th grade and enlisted in the Army for three years. He was trained as a mechanic and assigned to a post in Texas where he married a girl from Mexico. He subsequently spent a year in Vietnam where he was wounded in combat, earned the Army Commendation Medal and was promoted to E-5. Upon his return, he re-enlisted for six years. Approximately one and one-half years later he received orders for a European assignment and was given eight days to report to Ft. Dix, N. J. He did not have sufficient time to sell his home and obtain citizenship status for his wife and daughter so that they could accompany him. Although he was allowed to return, his home had been repossessed and his wife had left. A few months later, he went AWOL, going first to Mexico and then to Florida in an attempt to find his wife and child. He was unsuccessful and was apprehended approximately two years later when he returned. He was sentenced to a reduction to E-1, confinement for seven months, forfeiture of \$225 per month for seven months, and a Bad Conduct Discharge. Prior to his release, he had been in prison for two and one-half months.

Disposition: Pardon. Clemency Discharge with recommendation for discharge under honorable conditions with veterans benefits.



TAB B



ITEM WITHDRAWAL SHEET  
WITHDRAWAL ID 00666

Collection/Series/Folder ID No. .... : 001900103  
Reason for Withdrawal ..... : DR, Donor restriction  
Type of Material ..... : MEM, Memo(s)  
Creator's Name ..... : Howard Callaway  
Receiver's Name ..... : President  
Description ..... : several memoranda dealing with re  
commendations of the Presidential Clemency Board in specific cases  
Creation Date ..... : 12/24/1974  
Date Withdrawn ..... : 05/10/1988