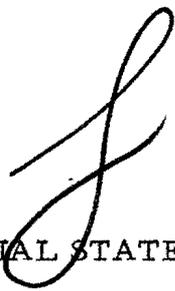


The original documents are located in Box 1, folder “Amnesty - Clemency Program Deadline Extensions” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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[Jan. 1975?]



PRESIDENTIAL STATEMENT

Last September I announced a program of earned return for those who were draft evaders and military absentees during the Vietnam conflict.

This program was intended to reach a broad group of young Americans who had been convicted, charged, investigated or who were still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice. Also, this program was intended to provide a way for many persons who received an Undesirable Discharge from military service, for absentee related offenses, to upgrade their discharge certificate to a Clemency Discharge.

After reviewing the progress of this program, I believe that many of those who could benefit from it are only now learning of its application to their cases. This belief is based on a significant increase in the number of applications and inquiries over the past few weeks when publicity and communications about the program were greatly expanded.

Therefore, I am today extending the termination date for applications from January 31 until March 1, 1975.



[Feb. 1975?]

J

PRESIDENTIAL MESSAGE

On January 30, 1975, I extended the termination date for applications to the earned return program for draft evaders and military absentees during the Vietnam conflict until March 1, 1975.

Based on a further review of the progress of this program, I believe that many of those who could benefit from it are still only now learning of its application to their cases. This belief is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board.

Therefore, I am today granting a final extension of the termination date for applications from March 1 until March 31, 1975.



JAN 16 1975

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
January 16, 1975

MEMORANDUM FOR JOHN O. MARSH

SUBJECT: Attached Memorandum to the President

Attached for your information is a copy of a memorandum I will be presenting to the President in the next few days. If you have any comments or suggestions, I would be pleased to talk with you about it.

Charles E. Goodell
Chairman

Enclosure



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON

January 15, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: Extension of January 31 Deadline for Applications
to the Presidential Clemency Board

This memorandum forwards the Presidential Clemency Board's recommendation that you extend the deadline for applications to the Presidential Clemency Board from January 31 to July 31. This recommendation is unanimous, Robert Finch and James Maye not being present at the meeting.

I. Presidential Clemency Board - Evaluation

As of January 15, 1975, the following numbers of persons have participated in the program so far:

Presidential Clemency Board - Over 1,200 applicants
of a potential 100,000

Department of Defense - 3,015 applicants of a potential
12,500

Department of Justice - 194 applicants of a potential
6,200

Although the Presidential Clemency Board has had a dramatic increase in the level of participation in the past 10 days, the number of applicants is still disappointingly low.

We attribute this to the problem of providing information about the program to the special class of persons which is eligible for the Board's phase of the clemency program.



Contrary to the natural assumption about the kind of person eligible for the clemency program, the Board has found that most of its applicants are not sophisticated, articulate, well-educated, or socially favored. Unlike the stereotyped highly vocal group of war-resisters in Canada, the Board's class of persons does not belong to politically active amnesty groups which are well aware of the program and presumably have made conscious decisions about whether they wish to participate. Furthermore, unlike the unconvicted draft-evader or deserter, all the Board's prospective candidates have already been punished for their offense. They do not have that natural incentive to participate in the program that is motivated by a desire to free themselves of any legal jeopardy that awaits them. For these reasons, it requires an extra effort to contact the Board's potential applicants, to inform them of the program and to enlighten them about the benefits of participating in it.

The Board has endeavored to do this by publicizing your grants of clemency. The first results of the program for civilian applicants were announced on November 29, and on December 28 for military applicants. It was not until this time that potential applicants could see first-hand the benefits of the Board's program. These announcements came 2 1/2 and 3 1/2 months after the Board's creation on September 17. The interim was necessitated by the Board's resolution of initial policy questions and its decision to afford full rights of participation to those who had applied. The Board's procedures require a minimum of 30 days from initial application for a case to be processed.

The Board has undertaken extensive efforts to inform the public of its phase of the program. Utilizing the volunteer services of a prominent advertising agency, it has taped and distributed a series of radio and television public service announcements by General Walt and Father Hesburgh. Mrs. O'Connor has recorded announcements in Spanish. Normally, such a program requires no less than three months to produce, but the outstanding cooperation we received made this production and national distribution possible in 1/3 that time.

Together with a program of direct-mail to 9,000 convicted draft-evaders, which will not be completed by January 31, we believe that these efforts for the first time inform the Board's applicants



and the public of the Board's phase of the program. Until this time, there has been an unfortunate tendency to regard your entire program as aimed only at draft-resisters in Canada, which is the most vocal and controversial group.

Now that the press and the public are coming to realize that the Board is responsible for persons who have already received punishment for their offenses, the upturn in Board participation has been dramatic. In the week since the public announcement of our information campaign, our applications have jumped nearly 50%, and we have received hundreds of phone inquiries. Every time a spot announcement is played, we immediately receive inquiries from that area. We are also informed that the Defense Department has received an increase in participation which they attribute to these announcements.

II. Arguments in Favor of an Extension

Your Proclamation creating the clemency program contemplated a limited application period ending January 31, with the goal of resolving the clemency program within that time.

The selection of January 31 as the deadline apparently rested upon the assumption that persons eligible for the program would quickly learn of its provisions. The 4 1/2 month period between September 17 and January 31 was thought to give them sufficient time to decide whether to participate.

This assumption was based on the mistaken belief that the persons covered by your program are for the most part reasonably well educated, middle or upper-class persons whose motivation to violate Selective Service or military law was ideological -- opposition to the war in Vietnam. These people generally have substantial exposure to broadcast and print media, and would also learn of the program through the evader/deserter community information network.

The Presidential Clemency Board has found, at least with respect to the punished draft-evaders and deserters eligible for consideration under our part of the clemency program, that these assumptions are wrong.



In reviewing our cases, we have found our applicants generally to be uneducated and not from middle or upper-class backgrounds. Most of them were unable to pursue their remedies properly within the legal system precisely because they were unsophisticated and inarticulate. Those who believed deeply that they should not kill, but who couldn't express their feelings adequately, often wound up with conviction records and jail sentences, while the articulate and sophisticated got a better shake in the first place. Many of our applicants would have received hardship deferments, or compassionate reassignments or hardship discharges in the military, had they known how to proceed properly.

Even for those potential Board applicants who are more sophisticated, or who were motivated by strong feelings about Vietnam, we believe that their circumstances are different. First, they, too, are generally not part of any underground or exile information network since they have already paid their legal penalty and have no need to be in hiding. Second, they, like all Board potential applicants, have long ago resolved their problems with the government and the law. They have no pressing reason like a pending indictment or AWOL to move them to participate. Most of these persons, we believe, do not yet know of the program. Or, if they do, they are awaiting clear indications of how the Presidential Clemency Board phase works before they subject themselves and their fate once again to the government.

It has only been since late November that your first decisions on the Presidential Clemency Board have been announced. The Board believes that the process of informing and explaining its program to potential applicants is just beginning, and that January 31 is too precipitous a deadline.

On Monday, January 7, the Board announced its public service information campaign. It was given great play on radio and TV Monday night. It was first-page news on major national papers Tuesday. By Wednesday night, the Board had received 150 new written applications, and about the same number of phone inquiries. This far exceeded the usual rate. By January 15, the applications had risen from about 850 before the campaign to over 1200, almost a 50% jump in one week.



We believe that this demonstrates that Board applicants, especially, cannot be assumed to be aware of their opportunities under the program in the same way deserters and draft-evaders probably are; and second, that the Board phase needs additional time and a major public information effort before it can be fairly said to have had a fair test of its success.

III. Arguments Against

There are three primary arguments against an extension for the Board's phase of the program. First, the program as a whole has served to defuse the amnesty issue as a public and political question. Extending the program merely prolongs a source of criticism. The applicants have had their chance to apply. If they failed to learn of the program, or remain unconvinced, your obligation to them has still been satisfied by having made them an offer of clemency. Second, there is no guarantee that those who have not applied are uninformed about the program, or that additional information will attract many more applicants. Third, a partial extension of the program for the Board phase only, while letting the DOD and Justice Department portion lapse, may be hard to justify.

The first reason, we believe, is not much different from the arguments raised prior to September 17 against having any clemency program. They are political arguments and, while not without merit on those grounds, they were disregarded by you in September. They should be disregarded now. Your clemency program was not instituted to give you political benefits, but because it was the necessary and right thing to do. An extension is necessary because the job is not yet done, and the Board program has not had a fair test. It would be wrong for you to have taken this courageous action and now to let it end before it has really gotten started.

While the Board cannot guarantee that the program will be a numerical success by July 31, we do believe it needs that amount of time to try. It is my personal feeling that you have nothing politically to lose by extending the Board's program, but you have much to gain in an increase in participation once the information program becomes effective.



If you decide to extend the Board's deadline, General Walt has expressed his willingness to join with me in meeting with the Veterans' groups. The General believes that the opposition by the Veterans' groups is based largely on a misunderstanding of the Board's phase of the program, and from a confusion of our eligible population with the exiles.

We believe that the second argument is not supported by the facts we now have. It has become quite apparent that the press until recently misconceived and misunderstood your program. Most public attention - and criticism - has been directed at those who are unconvicted draft-evaders. Informal surveys we have taken demonstrate that few people are aware that there is a part of your program open to those who have already been punished for their offenses. It may be true that the Board will not attract in the next six months tens of thousands of applicants from its potential of over 100,000. But the dramatic increase in responses and in increased sophistication by the press in recent days makes us hopeful that an additional six months will result in a very respectable showing for the Presidential Clemency Board part of the program.

It may be argued that an extension is an admission of the failure of the program. Insofar as the numbers are concerned, that charge can be made even if you do not order an extension. When the reasons for an extension are explained, this argument we believe loses its validity.

The last argument, that of the difficulty of extending only one part of your three part program, has merit. To that there are two responses.

First, the Board program is very different in nature from the other phases. It deals not with persons who have unresolved obligations to society, but those who have already discharged their debt. It is legitimate to distinguish between those who have had fair notice -- the evaders and deserters -- and those we know have not. It is also important to note that the Board's program, while the least understood, is also the least controversial. It has not been greatly criticized by liberal groups or conservative groups. In fact, when explained it is generally supported.



Second, it is our impression that the DOD portion is a substantial success, having processed as of January 10, some 3,000 of a potential 12,500 eligible. It is noteworthy that the Defense Department believes that the characteristics of its population are very similar to that of the Board's. The important difference, of course, is that any person now AWOL knows of his unresolved military obligation. He has been out in the country apprehensive of being arrested by the FBI at any moment. Naturally, he is highly motivated to learn of the Defense program and to participate. Subject to their first-hand report, of course, it is our belief that the Department would have a very good chance of processing the vast majority of their remaining cases in the next six months. And, it is our informal impression that the Department would not be opposed to extending its phase.

If so, then there are good reasons to extend 2 of the 3 programs. This might persuade you to extend the Justice Department phase as well.

The Board does not recommend, however, that you extend the program for just two phases--the Presidential Clemency Board and the Department of Defense. We do not believe that would be a tenable alternative.

IV. Public Justification for a Board Extension

If you decide to extend the Board's phase of the clemency program, it can be based on the following points:

- 1) The different nature of Board potential applicants and the fact that more time is needed to inform them.
- 2) The substantial ignorance and confusion on the part of the applicants, the public, and the press about the nature of the Board's special program.
- 3) The fact that this is not simply a program for exiles, but offers rehabilitation for a wide range of citizens who have already paid their penalty and now can be reintegrated into society.



4) Emphasizing the great initial response in applications and understanding that followed the January 7 beginning of the information program.

V. Your Alternatives:

1) Extend the deadline for the Presidential Clemency Board phase of the clemency program to July 31, 1975. _____

2) Extend the deadline for the entire Clemency Program to July 31, 1975. _____

3) No extension of the deadline. _____



THE WHITE HOUSE
WASHINGTON

February 10, 1975

Jack, attached memorandum was re-routed by Jerry Jones' Office per your request. . . Phil Buchen, et al.

It is my understanding Jay French is already preparing an extensive memorandum on this item.

Russ



THE WHITE HOUSE
WASHINGTON

SUGGESTED REMARKS:

"Clemency Board applications should be monitored very closely for the next month. In the absence of any compelling arguments to the contrary, I strongly urge the present application deadline of February 28 be adhered to."

R - Before we respond
Get this
re-routed to
add Gen Counsel
Very important!
m



Date: February 7, 1975

Time:

FOR ACTION: Phil Buchen
Jack Marsh
Ted Marrs

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, February 11, 1975 Time: cob

SUBJECT:

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

ACTION REQUESTED:

- | | |
|-------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Jerry H. Jones
Staff Secretary

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
January 27, 1975

INFORMATION

MEMORANDUM FOR THE PRESIDENT

CGJ FROM:

CHARLES E. GOODELL

SUBJECT:

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

Recent Developments in Board Applications

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

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

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



Factors Contributing to the Increased Rate of Applications

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

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

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

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



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

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

Conclusions

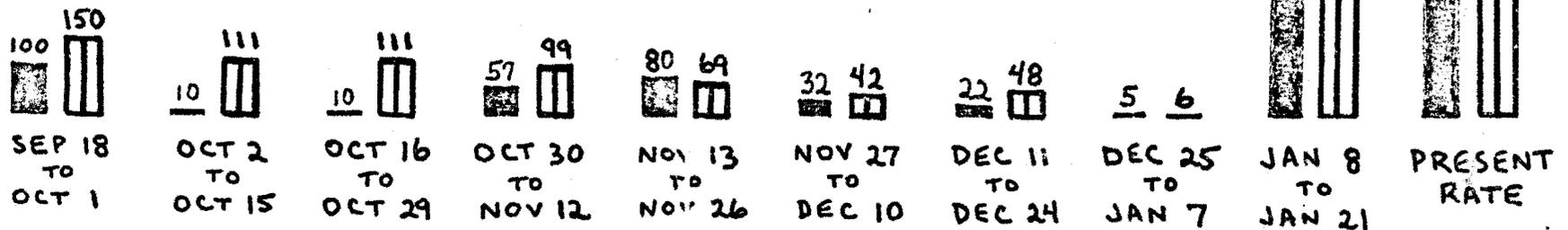
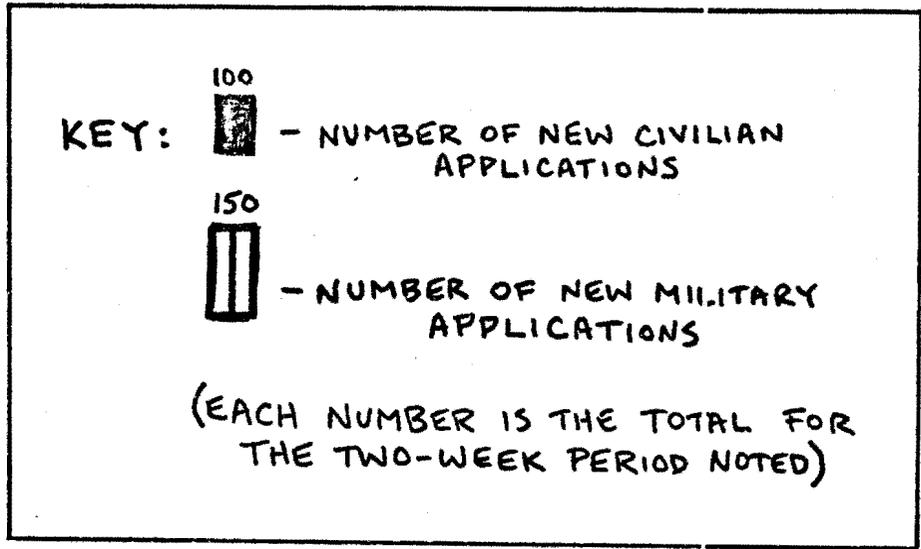
The tripling of applications in twenty days is clearly attributable to the impact of our public information campaign. We expect a total of 5000 by January 31, and there is every reason to believe we can reach a total of 10-20,000 in the next six months.

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



CHANGING PCB APPLICATION RATES

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



THE WHITE HOUSE

WASHINGTON

January 8, 1975

MEMORANDUM FOR:

JOHN O. MARSH, JR

THROUGH:

PHILIP W. BUCHEN

FROM:

JAY FRENCH 

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

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

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

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



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

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

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

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



January 16, 1975

MEETING WITH CHARLES E. GOODELL

Friday, January 17, 1975

2:00 p.m. (10 minutes)

The Oval Office

From: Philip W. Buchen

I. PURPOSE

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

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

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

THE WHITE HOUSE

WASHINGTON

January 15, 1975

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

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

Meeting: With Charles Goodell, Chairman of the Clemency Board

Date: Friday, Jan. 17, 1975 Time: 2:⁰⁰~~10~~ p.m. Duration: 10 minutes

Location: The Oval Office

Press Coverage: White House Photographer

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

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

M

THE WHITE HOUSE
WASHINGTON

January 20, 1975

BRIEFING MEMORANDUM FOR THE PRESIDENT

Monday, January 20, 1975
12 o'clock Noon
The Oval Office

1. PURPOSE

To discuss certain recommendations with regard to the earned re-entry program.

2. PERSONS ATTENDING

Philip W. Buchen
John O. Marsh, Jr.
Dr. Theodore C. Marrs
Weldon Latham (OMB)
Jay T. French

3. POINTS FOR DISCUSSION

A. Deadline for filing applications

January 31st is the last day, according to your Proclamation, that a draft evader or military absentee may apply to the Clemency Board, Department of Justice or Department of Defense for clemency. Chairman Goodell has indicated that he would like an extension of time for the Clemency Board until July 31. An extension, of either the Board or the entire program, is undesirable for the following reasons:

- a. It is an unjustified admission of the program's failure. See Tab A.

- b. An extension of only the Board's deadline and not the deadlines for Justice and Defense, would be misunderstood by the public as unequal treatment. An extension of the entire program is not favored by Justice and Defense.
- c. Congressional funds for the Board might be required if it continues beyond June 30.
- d. Selective Service indicates that locating jobs is becoming more difficult in the present economic climate. A significant extension of the program, resulting in a significant increase in applicants, might make Selective Service's role impossible to perform.

Chairman Goodell urges extension for these reasons:

- a. Many of the Board's potential applicants are unaware of the opportunities of your program because they are unsophisticated, uneducated and poorly informed. The Board points to the increase of total applications from 850 to 1200 in one week, which it believes is a result of its information campaign, as proof of this assumption.
- b. Although the program began in September, many potential applicants did not become aware of it until your first acts of clemency were made public in late November.

B. Deadline for consideration of applicants

If you approve the recommendation not to extend the application deadline, then we further recommend that you urge the Clemency Board to finish consideration of all applications no later than June 30, 1975. Justice and Defense will have concluded consideration shortly after the deadline. The following reasons support this request:

- a. A June 30 conclusion insures that no congressional appropriation will be required for the Board for FY 76.
- b. OMB reports, from its discussions with the Clemency Board staff, that June 30 is a reasonable deadline.

C. Funding the Clemency Board

The Board was initially funded (\$85,000) from the "Unanticipated Personnel Needs Fund". These early funds will run out by January 31. We recommend that you allocate \$100,000 from the "Fund" to provide the Board enough funds through June 30, 1975.

- a. There are sufficient funds in the "Unanticipated Personnel Needs Fund" for this purpose. See Tab B.
- b. OMB has reviewed the Board's budget and agrees that at least \$100,000 is a fair amount to allocate.

D. Presidential Statement Proposed

Recently Chairman Goodell launched a massive media campaign to increase awareness of the earned re-entry program. This action, and the frequent comments of proponents for unconditional amnesty have led many people to believe that your earned re-entry program was a failure because of the lack of applicants. If the program concludes without further comment from the Administration, it will appear that we too accept this judgment. We believe that an honest appraisal of the facts discloses that your program was successful and we recommend that you issue the attached statement after your meeting with Chairman Goodell. See Tab C.

FAB A

TAB A

1. The program is designed to provide an opportunity to return, not a guarantee that everyone must return (unconditional amnesty).
2. While other presidential amnesty programs have had a similar goal, none in the last century has required the offender to satisfy two conditions: application and alternate service.
3. For these reasons, the measure of success of the program is not the number of offenders who apply: the decision to return is up to each individual.
4. What is meaningful, however, is that of those who have elected to return, 99 % have been given clemency. By contrast, the Truman Board reviewed every file of every draft evader automatically and gave clemency to only 10%.
5. See chart on following page for current statistics.

STATISTICS

	Potential Returnees	No. of Applications to date: 1/17/75	Rate of Flow (Per Week) Dec. 9-13	Rate of Flow (Per Week) Jan. 13-17
Department of Justice (Draft Evaders)	4,900 (1400 dismissed)	230	12	35
Department of Defense (Deserters)	12,500	3,500	125	275
Clemency Board (All Convicted or Issued an Undesirable Discharge)	85,000 (Undesirable Discharge Only) 30,000 (all others)	300 1,000		700+
TOTAL				

TAB B

UNANTICIPATED PERSONNEL NEEDS FUND

Appropriated FY 75		500,000
--------------------	--	---------

Expended or allocated

1.	Council on Wage & Price Stability, 9/9/74	8,000	
2.	Presidential Transition 9/19/75	50,000	
3.	Presidential Clemency Board 9/26/75	85,000	
4.	Council on Wage & Price Stability, 12/23/74	2,500	
	Sub Total	145,500	

Proposed Allocation

1.	CIA Commission	150,000	
2.	Presidential Clemency Board	100,000	
3.	Harry S. Truman Schol- arship Fund	60,000	
	Sub Total	310,000	

TOTAL	455,500
-------	---------

Balance	44,500
---------	--------

Reimbursable (Subsequent Appropriations Allowed Reimbursement)

1.	Council on Wage & Price Stability	10,500	
2.	Presidential Transition	50,000	
	TOTAL	60,500	

TAB C

Last September I announced a program of earned return for draft evaders and military absentees during the Vietnam military engagement. It was my intention by this offer to create an avenue of return for those who violated the law, for whatever motive, and wished to rejoin American society.

To accomplish this aim, I purposefully conditioned my offer by requiring each person to take a positive step by coming forward to apply and agree to a period of alternate service in the national interest. Without these conditions I believe there would have been no reconciliation--no meeting ground halfway for all Americans.

This program has achieved the goal which I intended: it has identified those who wanted to return. Of this group, almost everyone has been or will be offered clemency.

Shortly, on January 31, my offer will end. Thereafter, those who remain in violation of the law will be subject to prosecution. I will support those in the Executive Branch whose duty it is to bring offenders before the courts; although, I trust that only those cases will be brought in which the evidence is proper and clear. Finally, in cases of great merit, I recommend to the departments such leniency as they determine to be fair and just.

The turmoil of Vietnam has given way to new times and concerns. When in the years to come we have occasion to look back to that era, let our first thoughts be for those who died in the service of their nation. It is our tradition to do so.

THE WHITE HOUSE
WASHINGTON

January 24, 1975

TO: RUSS ROURKE
FROM: DIANNA GWIN



Attached is the memorandum
discussed this morning.

Thank you.

For
11.

mtg

M

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON

January 15, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: Extension of January 31 Deadline for Applications
to the Presidential Clemency Board

This memorandum forwards the Presidential Clemency Board's recommendation that you extend the deadline for applications to the Presidential Clemency Board from January 31 to July 31. This recommendation is unanimous, Robert Finch and James Maye not being present at the meeting.

I. Presidential Clemency Board - Evaluation

As of January 15, 1975, the following numbers of persons have participated in the program so far:

Presidential Clemency Board - Over 1,200 applicants
of a potential 100,000

Department of Defense, - 3,015 applicants of a potential
12,500

Department of Justice - 194 applicants of a potential
6,200

Although the Presidential Clemency Board has had a dramatic increase in the level of participation in the past 10 days, the number of applicants is still disappointingly low.

We attribute this to the problem of providing information about the program to the special class of persons which is eligible for the Board's phase of the clemency program.



Contrary to the natural assumption about the kind of person eligible for the clemency program, the Board has found that most of its applicants are not sophisticated, articulate, well-educated, or socially favored. Unlike the stereotyped highly vocal group of war-resisters in Canada, the Board's class of persons does not belong to politically active amnesty groups which are well aware of the program and presumably have made conscious decisions about whether they wish to participate. Furthermore, unlike the unconvicted draft-evader or deserter, all the Board's prospective candidates have already been punished for their offense. They do not have that natural incentive to participate in the program that is motivated by a desire to free themselves of any legal jeopardy that awaits them. For these reasons, it requires an extra effort to contact the Board's potential applicants, to inform them of the program and to enlighten them about the benefits of participating in it.

The Board has endeavored to do this by publicizing your grants of clemency. The first results of the program for civilian applicants were announced on November 29, and on December 28 for military applicants. It was not until this time that potential applicants could see first-hand the benefits of the Board's program. These announcements came 2 1/2 and 3 1/2 months after the Board's creation on September 17. The interim was necessitated by the Board's resolution of initial policy questions and its decision to afford full rights of participation to those who had applied. The Board's procedures require a minimum of 30 days from initial application for a case to be processed.

The Board has undertaken extensive efforts to inform the public of its phase of the program. Utilizing the volunteer services of a prominent advertising agency, it has taped and distributed a series of radio and television public service announcements by General Walt and Father Hesburgh. Mrs. O'Connor has recorded announcements in Spanish. Normally, such a program requires no less than three months to produce, but the outstanding cooperation we received made this production and national distribution possible in 1/3 that time.

Together with a program of direct-mail to 9,000 convicted draft-evaders, which will not be completed by January 31, we believe that these efforts for the first time inform the Board's applicants



and the public of the Board's phase of the program. Until this time, there has been an unfortunate tendency to regard your entire program as aimed only at draft-resisters in Canada, which is the most vocal and controversial group.

Now that the press and the public are coming to realize that the Board is responsible for persons who have already received punishment for their offenses, the upturn in Board participation has been dramatic. In the week since the public announcement of our information campaign, our applications have jumped nearly 50%, and we have received hundreds of phone inquiries. Every time a spot announcement is played, we immediately receive inquiries from that area. We are also informed that the Defense Department has received an increase in participation which they attribute to these announcements.

II. Arguments in Favor of an Extension

Your Proclamation creating the clemency program contemplated a limited application period ending January 31, with the goal of resolving the clemency program within that time.

The selection of January 31 as the deadline apparently rested upon the assumption that persons eligible for the program would quickly learn of its provisions. The 4 1/2 month period between September 17 and January 31 was thought to give them sufficient time to decide whether to participate.

This assumption was based on the mistaken belief that the persons covered by your program are for the most part reasonably well educated, middle or upper-class persons whose motivation to violate Selective Service or military law was ideological -- opposition to the war in Vietnam. These people generally have substantial exposure to broadcast and print media, and would also learn of the program through the evader/deserter community information network.

The Presidential Clemency Board has found, at least with respect to the punished draft-evaders and deserters eligible for consideration under our part of the clemency program, that these assumptions are wrong.



In reviewing our cases, we have found our applicants generally to be uneducated and not from middle or upper-class backgrounds. Most of them were unable to pursue their remedies properly within the legal system precisely because they were unsophisticated and inarticulate. Those who believed deeply that they should not kill, but who couldn't express their feelings adequately, often wound up with conviction records and jail sentences, while the articulate and sophisticated got a better shake in the first place. Many of our applicants would have received hardship deferments, or compassionate reassignments or hardship discharges in the military, had they known how to proceed properly.

Even for those potential Board applicants who are more sophisticated, or who were motivated by strong feelings about Vietnam, we believe that their circumstances are different. First, they, too, are generally not part of any underground or exile information network since they have already paid their legal penalty and have no need to be in hiding. Second, they, like all Board potential applicants, have long ago resolved their problems with the government and the law. They have no pressing reason like a pending indictment or AWOL to move them to participate. Most of these persons, we believe, do not yet know of the program. Or, if they do, they are awaiting clear indications of how the Presidential Clemency Board phase works before they subject themselves and their fate once again to the government.

It has only been since late November that your first decisions on the Presidential Clemency Board have been announced. The Board believes that the process of informing and explaining its program to potential applicants is just beginning, and that January 31 is too precipitous a deadline.

On Monday, January 7, the Board announced its public service information campaign. It was given great play on radio and TV Monday night. It was first-page news on major national papers Tuesday. By Wednesday night, the Board had received 150 new written applications, and about the same number of phone inquiries. This far exceeded the usual rate. By January 15, the applications had risen from about 850 before the campaign to over 1200, almost a 50% jump in one week.



We believe that this demonstrates that Board applicants, especially, cannot be assumed to be aware of their opportunities under the program in the same way deserters and draft-evaders probably are; and second, that the Board phase needs additional time and a major public information effort before it can be fairly said to have had a fair test of its success.

III. Arguments Against

There are three primary arguments against an extension for the Board's phase of the program. First, the program as a whole has served to defuse the amnesty issue as a public and political question. Extending the program merely prolongs a source of criticism. The applicants have had their chance to apply. If they failed to learn of the program, or remain unconvinced, your obligation to them has still been satisfied by having made them an offer of clemency. Second, there is no guarantee that those who have not applied are uninformed about the program, or that additional information will attract many more applicants. Third, a partial extension of the program for the Board phase only, while letting the DOD and Justice Department portion lapse, may be hard to justify.

The first reason, we believe, is not much different from the arguments raised prior to September 17 against having any clemency program. They are political arguments and, while not without merit on those grounds, they were disregarded by you in September. They should be disregarded now. Your clemency program was not instituted to give you political benefits, but because it was the necessary and right thing to do. An extension is necessary because the job is not yet done, and the Board program has not had a fair test. It would be wrong for you to have taken this courageous action and now to let it end before it has really gotten started.

While the Board cannot guarantee that the program will be a numerical success by July 31, we do believe it needs that amount of time to try. It is my personal feeling that you have nothing politically to lose by extending the Board's program, but you have much to gain in an increase in participation once the information program becomes effective.



If you decide to extend the Board's deadline, General Walt has expressed his willingness to join with me in meeting with the Veterans' groups. The General believes that the opposition by the Veterans' groups is based largely on a misunderstanding of the Board's phase of the program, and from a confusion of our eligible population with the exiles.

We believe that the second argument is not supported by the facts we now have. It has become quite apparent that the press until recently misconceived and misunderstood your program. Most public attention - and criticism - has been directed at those who are unconvicted draft-evaders. Informal surveys we have taken demonstrate that few people are aware that there is a part of your program open to those who have already been punished for their offenses. It may be true that the Board will not attract in the next six months tens of thousands of applicants from its potential of over 100,000. But the dramatic increase in responses and in increased sophistication by the press in recent days makes us hopeful that an additional six months will result in a very respectable showing for the Presidential Clemency Board part of the program.

It may be argued that an extension is an admission of the failure of the program. Insofar as the numbers are concerned, that charge can be made even if you do not order an extension. When the reasons for an extension are explained, this argument we believe loses its validity.

The last argument, that of the difficulty of extending only one part of your three part program, has merit. To that there are two responses.

First, the Board program is very different in nature from the other phases. It deals not with persons who have unresolved obligations to society, but those who have already discharged their debt. It is legitimate to distinguish between those who have had fair notice -- the evaders and deserters -- and those we know have not. It is also important to note that the Board's program, while the least understood, is also the least controversial. It has not been greatly criticized by liberal groups or conservative groups. In fact, when explained it is generally supported.



Second, it is our impression that the DOD portion is a substantial success, having processed as of January 10, some 3,000 of a potential 12,500 eligible. It is noteworthy that the Defense Department believes that the characteristics of its population are very similar to that of the Board's. The important difference, of course, is that any person now AWOL knows of his unresolved military obligation. He has been out in the country apprehensive of being arrested by the FBI at any moment. Naturally, he is highly motivated to learn of the Defense program and to participate. Subject to their first-hand report, of course, it is our belief that the Department would have a very good chance of processing the vast majority of their remaining cases in the next six months. And, it is our informal impression that the Department would not be opposed to extending its phase.

If so, then there are good reasons to extend 2 of the 3 programs. This might persuade you to extend the Justice Department phase as well.

The Board does not recommend, however, that you extend the program for just two phases--the Presidential Clemency Board and the Department of Defense. We do not believe that would be a tenable alternative.

IV. Public Justification for a Board Extension

If you decide to extend the Board's phase of the clemency program, it can be based on the following points:

- 1) The different nature of Board potential applicants and the fact that more time is needed to inform them.
- 2) The substantial ignorance and confusion on the part of the applicants, the public, and the press about the nature of the Board's special program.
- 3) The fact that this is not simply a program for exiles, but offers rehabilitation for a wide range of citizens who have already paid their penalty and now can be reintegrated into society.



4) Emphasizing the great initial response in applications and understanding that followed the January 7 beginning of the information program.

V. Your Alternatives:

1) Extend the deadline for the Presidential Clemency Board phase of the clemency program to July 31, 1975. _____

2) Extend the deadline for the entire Clemency Program to July 31, 1975. _____

3) No extension of the deadline. _____



1/28

THE WHITE HOUSE
WASHINGTON

Mr. Marsh --

You might want to look briefly at the attached papers re your meeting with the President, Goodell and Buchen at 2:00 today, Wed.

Thanks.

donna



1/28

THE WHITE HOUSE
WASHINGTON

BACKGROUND MATERIALS FOR

2:00 MEETING IN OVAL OFFICE RE:

AMNESTY.



JAN 28 1975

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 an extension of the application deadline of the earned return program.

2. PERSONS ATTENDING

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

3. POINTS FOR DISCUSSION

A. Should the application deadline be extended beyond January 31, and if so, should the extension apply to the Clemency Board only, or to Justice and Defense also.

(1) Recommendations in brief:

- (a) Clemency Board -- urges extension of the Board's deadline alone or of the entire program, for a period of six (6) months until July 31. See Tab A.
- (b) Justice -- does not favor extension of its portion of the program. If an extension is granted, Justice believes that thirty (30) days should be the maximum. See Tab B.
- (c) Defense -- does not favor extension of the program. If an extension is granted, it should be for two (2) to four (4) weeks. See Tab C.



(2) Discussion of points favoring extension:

- (a) Many of the Board's potential applicants are unaware of the opportunities of your program because they are unsophisticated, uneducated and poorly informed. The Board points to the increase of total applications from 850 to 1200 in one week, which it believes is a result of its information campaign, as proof of this assumption.
- (b) Although the program began in September, many potential applicants did not become aware of it until your first acts of clemency were made public in late November.

(3) Discussion of points against extension:

- (a) Justice and Defense believe the program has accomplished its primary goal of reconciliation. They also believe that the recent surge of applicants is due to the fact that the program is scheduled to end shortly. See statistics at Tab D. If an extension is granted, it should be short enough so as not to change the basic purpose of the program and long enough (two weeks to one month) to insure that everyone has the chance to apply.
- (b) The program has been a success and a sufficient number of applicants have applied (or their cases have been dismissed). Almost every applicant has received clemency.
- (c) A significant extension (greater than four (4) weeks) could possibly necessitate congressional appropriations and could produce more applicants than Selective Service has jobs.

B. If an extension is granted, how should it be announced.

(1) Recommendations in brief:

- (a) By Presidential message explaining reasons.



(b) By other announcement.

(2) Points for consideration:

- (a) An extension should not appear to be more than the creation of an opportunity for those who were unaware of the nature of the program to apply.
- (b) Any message should clearly indicate there will be no further extensions or alterations of the program.
- (c) An announcement should be made on January 31st to bring as many applicants in as possible.



TAB A

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON

January 15, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: Extension of January 31 Deadline for Applications
to the Presidential Clemency Board

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6,200

Although the Presidential Clemency Board has had a dramatic increase in the level of participation in the past 10 days, the number of applicants is still disappointingly low.

We attribute this to the problem of providing information about the program to the special class of persons which is eligible for the Board's phase of the clemency program.



Contrary to the natural assumption about the kind of person eligible for the clemency program, the Board has found that most of its applicants are not sophisticated, articulate, well-educated, or socially favored. Unlike the stereotyped highly vocal group of war-resisters in Canada, the Board's class of persons does not belong to politically active amnesty groups which are well aware of the program and presumably have made conscious decisions about whether they wish to participate. Furthermore, unlike the unconvicted draft-evader or deserter, all the Board's prospective candidates have already been punished for their offense. They do not have that natural incentive to participate in the program that is motivated by a desire to free themselves of any legal jeopardy that awaits them. For these reasons, it requires an extra effort to contact the Board's potential applicants, to inform them of the program and to enlighten them about the benefits of participating in it.

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This assumption was based on the mistaken belief that the persons covered by your program are for the most part reasonably well educated, middle or upper-class persons whose motivation to violate Selective Service or military law was ideological -- opposition to the war in Vietnam. These people generally have substantial exposure to broadcast and print media, and would also learn of the program through the evader/deserter community information network.

The Presidential Clemency Board has found, at least with respect to the punished draft-evaders and deserters eligible for consideration under our part of the clemency program, that these assumptions are wrong.



In reviewing our cases, we have found our applicants generally to be uneducated and not from middle or upper-class backgrounds. Most of them were unable to pursue their remedies properly within the legal system precisely because they were unsophisticated and inarticulate. Those who believed deeply that they should not kill, but who couldn't express their feelings adequately, often wound up with conviction records and jail sentences, while the articulate and sophisticated got a better shake in the first place. Many of our applicants would have received hardship deferments, or compassionate reassignments or hardship discharges in the military, had they known how to proceed properly.

Even for those potential Board applicants who are more sophisticated, or who were motivated by strong feelings about Vietnam, we believe that their circumstances are different. First, they, too, are generally not part of any underground or exile information network since they have already paid their legal penalty and have no need to be in hiding. Second, they, like all Board potential applicants, have long ago resolved their problems with the government and the law. They have no pressing reason like a pending indictment or AWOL to move them to participate. Most of these persons, we believe, do not yet know of the program. Or, if they do, they are awaiting clear indications of how the Presidential Clemency Board phase works before they subject themselves and their fate once again to the government.

It has only been since late November that your first decisions on the Presidential Clemency Board have been announced. The Board believes that the process of informing and explaining its program to potential applicants is just beginning, and that January 31 is too precipitous a deadline.

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We believe that this demonstrates that Board applicants, especially, cannot be assumed to be aware of their opportunities under the program in the same way deserters and draft-evaders probably are; and second, that the Board phase needs additional time and a major public information effort before it can be fairly said to have had a fair test of its success.

III. Arguments Against

There are three primary arguments against an extension for the Board's phase of the program. First, the program as a whole has served to defuse the amnesty issue as a public and political question. Extending the program merely prolongs a source of criticism. The applicants have had their chance to apply. If they failed to learn of the program, or remain unconvinced, your obligation to them has still been satisfied by having made them an offer of clemency. Second, there is no guarantee that those who have not applied are uninformed about the program, or that additional information will attract many more applicants. Third, a partial extension of the program for the Board phase only, while letting the DOD and Justice Department portion lapse, may be hard to justify.

The first reason, we believe, is not much different from the arguments raised prior to September 17 against having any clemency program. They are political arguments and, while not without merit on those grounds, they were disregarded by you in September. They should be disregarded now. Your clemency program was not instituted to give you political benefits, but because it was the necessary and right thing to do. An extension is necessary because the job is not yet done, and the Board program has not had a fair test. It would be wrong for you to have taken this courageous action and now to let it end before it has really gotten started.

While the Board cannot guarantee that the program will be a numerical success by July 31, we do believe it needs that amount of time to try. It is my personal feeling that you have nothing politically to lose by extending the Board's program, but you have much to gain in an increase in participation once the information program becomes effective.



If you decide to extend the Board's deadline, General Walt has expressed his willingness to join with me in meeting with the Veterans' groups. The General believes that the opposition by the Veterans' groups is based largely on a misunderstanding of the Board's phase of the program, and from a confusion of our eligible population with the exiles.

We believe that the second argument is not supported by the facts we now have. It has become quite apparent that the press until recently misconceived and misunderstood your program. Most public attention - and criticism - has been directed at those who are unconvicted draft-evaders. Informal surveys we have taken demonstrate that few people are aware that there is a part of your program open to those who have already been punished for their offenses. It may be true that the Board will not attract in the next six months tens of thousands of applicants from its potential of over 100,000. But the dramatic increase in responses and in increased sophistication by the press in recent days makes us hopeful that an additional six months will result in a very respectable showing for the Presidential Clemency Board part of the program.

It may be argued that an extension is an admission of the failure of the program. Insofar as the numbers are concerned, that charge can be made even if you do not order an extension. When the reasons for an extension are explained, this argument we believe loses its validity.

The last argument, that of the difficulty of extending only one part of your three part program, has merit. To that there are two responses.

First, the Board program is very different in nature from the other phases. It deals not with persons who have unresolved obligations to society, but those who have already discharged their debt. It is legitimate to distinguish between those who have had fair notice -- the evaders and deserters -- and those we know have not. It is also important to note that the Board's program, while the least understood, is also the least controversial. It has not been greatly criticized by liberal groups or conservative groups. In fact, when explained it is generally supported.



Second, it is our impression that the DOD portion is a substantial success, having processed as of January 10, some 3,000 of a potential 12,500 eligible. It is noteworthy that the Defense Department believes that the characteristics of its population are very similar to that of the Board's. The important difference, of course, is that any person now AWOL knows of his unresolved military obligation. He has been out in the country apprehensive of being arrested by the FBI at any moment. Naturally, he is highly motivated to learn of the Defense program and to participate. Subject to their first-hand report, of course, it is our belief that the Department would have a very good chance of processing the vast majority of their remaining cases in the next six months. And, it is our informal impression that the Department would not be opposed to extending its phase.

If so, then there are good reasons to extend 2 of the 3 programs. This might persuade you to extend the Justice Department phase as well.

The Board does not recommend, however, that you extend the program for just two phases--the Presidential Clemency Board and the Department of Defense. We do not believe that would be a tenable alternative.

IV. Public Justification for a Board Extension

If you decide to extend the Board's phase of the clemency program, it can be based on the following points:

- 1) The different nature of Board potential applicants and the fact that more time is needed to inform them.
- 2) The substantial ignorance and confusion on the part of the applicants, the public, and the press about the nature of the Board's special program.
- 3) The fact that this is not simply a program for exiles, but offers rehabilitation for a wide range of citizens who have already paid their penalty and now can be reintegrated into society.



4) Emphasizing the great initial response in applications and understanding that followed the January 7 beginning of the information program.

V. Your Alternatives:

1) Extend the deadline for the Presidential Clemency Board phase of the clemency program to July 31, 1975. _____

2) Extend the deadline for the entire Clemency Program to July 31, 1975. _____

3) No extension of the deadline. _____



TAB B



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

January 22, 1975

Dear Mr. Chairman:

Thank you very much for a copy of your draft memorandum to the President recommending that he extend the deadline for applications to the Presidential Clemency Board from January 31 to July 31. Naturally, our knowledge of the clemency program as it pertains to the Clemency Board or the Department of Defense is limited. The Department of Justice, for its part, however, does not favor any extension of its portion of the clemency program for the reasons set forth below:

1. The main purpose of the clemency program was to heal the divisiveness caused by the Vietnam war. We believe the program is fair. Therefore, we think that this major goal has been achieved.

2. This Department has received no indication that eligible unconvicted draft evaders are unaware of the clemency program. At its inception the national media gave extensive coverage to the President's program, and particularly its content and scope. Thereafter United States Attorneys sent letters to the last known address of each individual then under indictment or investigation informing him of the program. In addition, the Department released a list of those under indictment or investigation to the A.C.L.U. and the United Church of Christ, both of whom indicated they would use the list to inform individuals about the clemency program. We thus believe that eligible unconvicted draft evaders who have failed to participate in the clemency program have done so by deliberate choice and not out of ignorance.

3. The Department independently undertook a review of all the case files on eligible unconvicted draft evaders to insure that they had prosecutive merit. We believe such an effort was necessary in light of the most recent Supreme Court decisions in Selective Service cases and of the stringent standards of proof required in criminal cases. To date, 1,475 cases have been dismissed. At the conclusion of this process, we believe no unmeritorious cases will remain to be prosecuted.



In short, we do not feel that an extension of the clemency program, as it pertains to this Department, is justified. However, should an extension be granted, we would hope it would not be beyond thirty days.

I hope the foregoing is helpful to you.

With best regards.

Sincerely,

/s/

Laurence H. Silberman
Deputy Attorney General

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



TAB C



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

24 JAN 1975

JAN 24 1975

rec'd PCB

MEMORANDUM FOR MR. JERRY JONES, STAFF SECRETARY, THE WHITE HOUSE

THROUGH: MR. THOMAS LATIMER, THE SPECIAL ASSISTANT TO THE SECRETARY AND DEPUTY SECRETARY OF DEFENSE

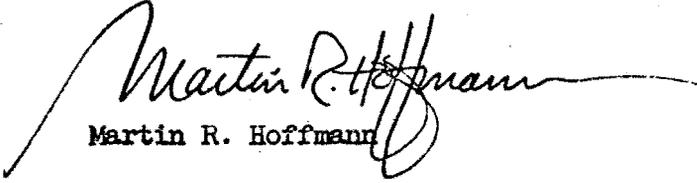
THROUGH: MAJOR GENERAL RICHARD LAWSON, MILITARY ASSISTANT TO THE PRESIDENT

SUBJECT: Presidential Clemency Program

The Chairman of the Presidential Clemency Board has provided the Department of Defense with a copy of his MEMORANDUM FOR THE PRESIDENT, dated January 15, 1975, in which he recommends extension of the President's Clemency Program to July 31, 1975. The Department of Defense has not been formally requested to comment on this proposal. It is desired, however, to furnish you with the views of the Department, so that they may be immediately available should the President desire them.

The Department of Defense does not favor an extension of the Program such as that suggested by Mr. Goodell. It is our view that enough time and publicity have already been provided so that those who wish the benefits of the program could apply for them. We believe the probability is small that there will be any substantial additional numbers wishing to participate. Also, any long-term extension of the program, such as that suggested would, in our view, serve to prolong and increase the criticisms of the program and the pressures for a substantive broadening of it.

The Department notes, however, that, during the month of January 1975, there has been a substantial increase in the number of military absentees participating in the DoD portion of the Program. Should this phenomenon continue throughout the remainder of this month, and should it appear possible that it will continue into February, the Department would not be opposed to a short extension to permit this last minute surge to be accommodated.


Martin R. Hoffmann



TAB D

STATISTICS

	Potential Returnees	No. of Applications to date: 1/24/75	Rate of Flow (Per Week) Dec. 9-13	Rate of Flow (Per Week) Jan. 11-17	Rate of Flow (Per Week) Jan. 18-24
Department of Justice (Draft Evaders)	4,400 (1,700 cases were dismissed of an original 6,100)	282	12	35	33
Department of Defense (Deserters)	12,500	3,208	125	275	371
Clemency Board (All Convicted or Issued an Undersirable Discharge)	85,000 (Undesirable Discharge only) 30,000 (all others)	2,450		700+	1,150
TOTAL	131,900	5,940		1,010+	1,554



TH

Jan 28, 1975

JAN 28 1975

To Office of Mr. Marsh

From: Elouise Frayer
Office of Congressional
Relations

I believe that Mr. Marsh will want these letters for review prior to his 2:00 meeting with the President today.



January 27, 1975

Dear Garry:

Thank you for your January 24 letter to the President in which you were joined by 19 of your colleagues in urging that the deadline for applications to the Presidential Clemency Board be extended from January 31 to July 31, 1975.

It is useful to have your views on this matter and I will see that they are called to the President's early attention.

With kind regards,

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Garry Brown
House of Representatives
Washington, D.C. 20515

— bcc w/inc to Jack Marsh - FYI

VCL:EF:kir

bcc w/inc to Charles Goodell
bcc w/inc to Philip Buchen



20

Congress of the United States

House of Representatives

Washington, D.C. 20515

January 24, 1975

The Honorable Gerald R. Ford
The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

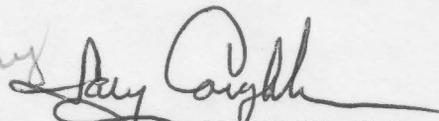
We are writing to urge that you extend by six months the deadline for applications to the Presidential Clemency Board, from the present expiration date of January 31, to July 31, 1975.

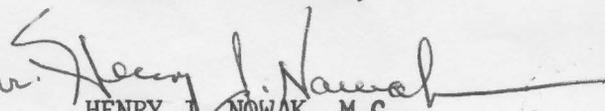
To date, only about 2,000 of the estimated 100,000 eligible applicants under the clemency program have applied. The Honorable Charles E. Goodell, Chairman of the Presidential Clemency Board, has attributed this low participation rate to a lack of awareness on the part of potential applicants, many of whom do not know that the program exists or that it applies to already convicted military deserters or convicted draft evaders. Prior to the launching of a public awareness campaign on January 6 to make this known, emphasis had been placed primarily on those individuals who had left the country.

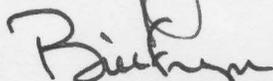
Since the inception of the public awareness movement just two weeks ago, the number of applicants to the Board has doubled. As you well know, Mr. Goodell and the Board unanimously have agreed to recommend to you that the program be extended.

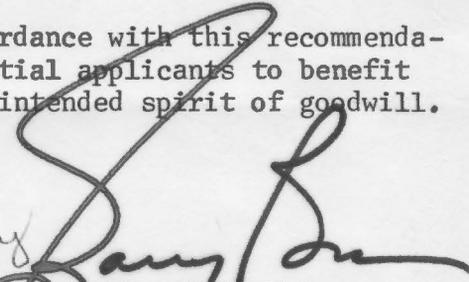
We wholeheartedly urge that you act in accordance with this recommendation in order to enable a greater number of potential applicants to benefit from this program and to further demonstrate its intended spirit of goodwill.

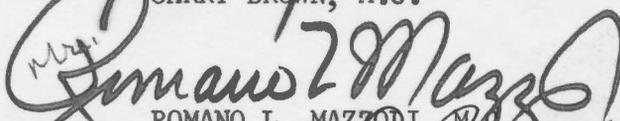
Sincerely,

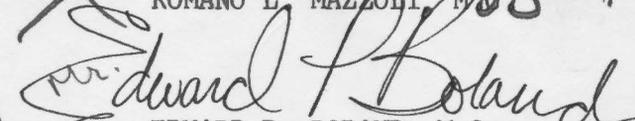
Harry

LAWRENCE COUGHLIN, M.C.

Mr. Henry J. Nowak

HENRY J. NOWAK, M.C.

Bill

BILL FRENZEL, M.C.

Garry

GARRY BROWN, M.C.

Mr. Romano L. Mazzoli

ROMANO L. MAZZOLI, M.C.

Mr. Edward P. Boland

EDWARD P. BOLAND, M.C.



Dave David F. Emery
DAVID F. EMERY, M.C.

Mr. George Miller
GEORGE MILLER, M.C.

Don Donald M. Fraser
DONALD M. FRASER, M.C.

Chuck Charles A. Mosher
CHARLES A. MOSHER, M.C.

Mr. Christopher J. Dodd
CHRISTOPHER J. DODD, M.C.

Mr. David R. Obey
DAVID R. OBEY, M.C.

Mr. Timothy E. Wirth
TIMOTHY E. WIRTH, M.C.

Stewart Stewart B. McKinney
STEWART B. MCKINNEY, M.C.

Mr. Edward I. Koch
EDWARD I. KOCH, M.C.

Mr. Mark W. Hannaford
MARK W. HANNAFORD, M.C.

Mr. Robert W. Edgar
ROBERT W. EDGAR, M.C.

Mr. Frank Thompson, Jr.
FRANK THOMPSON, JR., M.C.

Bill William S. Moorhead
WILLIAM S. MOORHEAD, M.C.

Mr. Robert Duncan
ROBERT DUNCAN, M.C.



Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICIAL BUSINESS

Lawrence Caughlin
M.C.

The Honorable Gerald R. Ford
The President of the United States
The White House
Washington, D.C. 20500

Picked up

January 28, 1975

Dear Mr. Chairman:

Thank you for your January 27 letter to the President concerning the Presidential Clemency Board.

I am confident the President will appreciate having your recommendations on procedural and organizational changes for the operation of the program. I shall make certain he receives your letter promptly.

With kind regards,

Sincerely,

William T. Kendall
Deputy Assistant
to the President

The Honorable Edward M. Kennedy
Chairman
Subcommittee on Administrative Practice
and Procedure
United States Senate
Washington, D.C. 20510

— bcc w/inc to Mr. John Marsh
bcc: w/incoming to Charles Goodell for appropriate handling.
bcc: w/incoming to Philip Buchen - for your information.

WTK:EF:VO:vo



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United States Senate

COMMITTEE ON THE JUDICIARY
 SUBCOMMITTEE ON
 ADMINISTRATIVE PRACTICE AND PROCEDURE
 (PURSUANT TO SEC. 3, S. RES. 36, 93D CONGRESS)
 WASHINGTON, D.C. 20510

January 27, 1975

The President
 The White House
 Washington, D.C.

Dear Mr. President:

On December 18 and 19, 1974, the Senate Judiciary Subcommittee on Administrative Practice and Procedure held hearings regarding the Presidential Clemency Program established September 16. These hearings were designed to determine whether the program's procedures and practices are in keeping with the goals of leniency and reconciliation which you expressed in establishing it.

The hearings permitted us to compare the procedures of the Department of Justice, the Department of Defense, and the Presidential Clemency Board. We believe that certain of the concepts, procedures, and practices of the program should be changed to meet more fully the objectives you set forth. Since these findings may be of some help to you in your decision whether to extend the program beyond January 31, 1975, I would like to offer them along with certain specific recommendations for the improvement of the program.

I want initially to commend the Department of Justice for making available a definitive and final list of those who remain liable for prosecution for violation of the Selective Service laws. This will now allow men to determine their eligibility to participate in the Clemency Program without fear of self-incrimination. The compilation of this list by the Department and its transmittal to the Senate Subcommittee on Administrative Practice and Procedure.



MF

January 27, 1975

is a most sensitive and responsive step and fully in keeping with the objectives of the Clemency Program.

First, there is the question of the program's extension. It was clear even at the time of our hearings in mid-December that many eligible individuals still were in the process of learning about the program. Letters had not been sent to even the 8,000 men who had been convicted and completed their sentence. The January cut-off date would clearly deny some who might wish to participate in the Clemency Program of the opportunity to do so. In Massachusetts, for example, there are numerous persons whose indictments for offenses committed in 1970 and 1971 were not returned until late 1973 or 1974. Many of their cases will not be concluded until after the January 31 date. This means they would be denied the opportunity to participate in the program. Further, the regulations of the Board were not issued until late November, and the procedures of the Justice Department and the Defense Department also were not available until well into the program. Finally, the Justice Department has only last Friday made available to the Subcommittee the final list of men liable for prosecution for Selective Service violations and thus eligible to participate in the Clemency Program. I thus believe the program should be extended beyond the present termination date.

Second, it should be emphasized that improvements in the program structure could encourage a more positive response from those who are eligible. Thus, the Presidential Clemency Board has established guidelines for "mitigating circumstances" which seem comprehensive and just, but the Department of Defense and the Department of Justice have guidelines that appear neither comprehensive nor consistent. Consistency in this important area would seem crucial to the fairness of the overall program. For instance, while hardship is a factor in the Clemency Board considerations, it is not considered by the Department of Defense. This would seem even to contradict the normal administrative



January 27, 1975

discharge process in the military, where individual hardship is accorded major consideration.

In this regard, full procedural protections should be extended to participants, including the right to make a personal presentation. At the least, this and other rights which were incorporated by the Congress in the Selective Service Reform Act of 1971 should be part of the Clemency Program's procedural protections.

Third, the Presidential Clemency Board has announced a policy of review of military records to determine whether there are any offenses other than the "absentee" offense. If no such offense exists, a recommendation to upgrade the "Clemency Discharge" to a "General Discharge" would be made. Also, "Clemency Discharges" granted by the Clemency Board are to be automatically reviewable by the military discharge review process, without regard to the offense pardoned. The Department of Defense seems to differ on these sound policies. Again, consistency with the Board's position would seem appropriate and desirable.

Fourth, the hearings indicated that the pardon would not expunge the pardoned individual's record, but only be added to the conviction record. If we are to achieve reconciliation and encourage these young men to contribute fully to this society in the future, it would be appropriate to expunge or at least to seal the relevant records of men who complete the Clemency Program.

Fifth, the program now covers veterans with less than honorable discharges for "absentee" offenses, but does not cover veterans with such discharges for offenses less serious than desertion, who may be equally deserving of leniency. To exclude those men from the Clemency Program seems to be an oversight that inevitably produces inequities, especially since identical motivation may have led different men to different actions which should not merit different treatment under the Clemency Program.

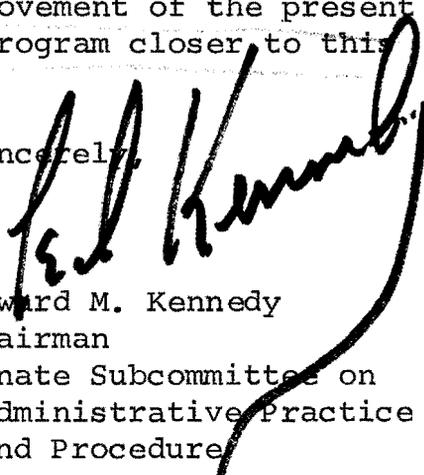


The President
Page Four

January 27, 1975

As I indicated to you last summer following your speech to the Veterans of Foreign Wars, I believe that the vast majority of Americans across the country agree with you that reconciliation is a precondition for national unity and progress. Your initiation of the Clemency Program in September reflected both courage and compassion. When you announced the program, you cited the example of President Lincoln's compassionate attitude of clemency after the Civil War. A continuation, expansion, and improvement of the present Clemency Program will move that program closer to this ideal.

Sincerely,



Edward M. Kennedy
Chairman
Senate Subcommittee on
Administrative Practice
and Procedure



United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C. 20510

OFFICIAL BUSINESS

Edward M. Kennedy

U.S.S.

The President
The White House

by messenger

January 27, 1975

Dear Senator:

This will acknowledge receipt and thank you for your January 23 letter to the President urging that the conditional amnesty program be extended for another six months and recommending several changes in the program itself.

I want to assure you that your letter will be called to the President's attention without delay.

With kindest regards,

Sincerely,

William T. Kendall
Deputy Assistant
to the President

The Honorable Robert Taft
United States Senate
Washington, D.C. 20510

bcc: w/incoming to Charles Goodell for further handling.
~~bcc: w/incoming to John Marsh - for your information.~~
bcc: w/incoming to Philip Buchen - for your information.

WTK:EF:VO:vo



14
ROBERT TAFT, JR.,
OHIO



United States Senate

WASHINGTON, D.C. 20510

1-27
January 23, 1975

attend amnesty program / suggestions
end
ME
The President
The White House
Washington, D. C. 20500

Dear Mr. President:

At this stage in your conditional amnesty program, I share your disappointment in the small fragmented response from Vietnam war draft evaders and deserters. Nevertheless, as I have previously advised you, your amnesty program is a positive step, capable of success, which seeks to reconcile the divergent views held by Americans on this most controversial subject. Recognizing the worth of the program, I urge you to extend its life for another six months. In making this recommendation, however, I urge you also to institute those necessary refinements in the program, based upon the experience of the past few months, which will help to achieve a better program.

First, Mr. President, I reoffer my proposals as put forth in my letter of September 24, 1974. As you then informed me, your advisors would report back to you with respect to the merits of these recommendations. I trust that this directive has been completed. I strongly believe that these suggestions are still valid and worthy of implementation.

Next, I believe a significant reason behind the failings of the program has been that war resisters and their advisors have a negative, distrustful attitude toward



The President
Page Two
January 23, 1975

the program and its administration. This distrust can be traced back to three predominant factors: (1) that they are truly uninformed as to the nature and content of the program; (2) there is no grace period for free entry into the United States to inquire personally into the program's benefits; and, (3) there is no central control or uniform application of the program where national standards have been established.

As to my first point that potential program participants are uninformed, I believe your advisors have recognized this fact and have authorized a vast media campaign in this late stage of the program's development. This is a step in the right direction, but it comes too late if a fixed termination date of January 31 is adhered to. This lack of awareness by would-be participants was brought home to me recently when a constituent wrote to me expressing the sentiment that evaders and deserters who are in Canada with whom he had contact, are completely misinformed about the program. As a consequence, a lack of accurate information has caused beneficiaries not to avail themselves of the program. I have attached for your review this constituent's letter deleting the name of the individual involved.

Surely an intensive national and perhaps international public relations program over the next few months would be warranted if you believe, as I do, that the word has not sifted through to those who are intended to be benefited.

Moreover, as I view it, a part of this distrust is rooted in the fact that there is no grace period for those outside the country to return and negotiate for clemency with the option of leaving the United States, unrestricted, assuming negotiations break down. Under the Justice Department's implementation of the program, all those eligible for the program and who have had no additional criminal charges outstanding who reenter the United States have only fifteen days to report to the appropriate authority from the date of their reentry. Once they contact the Federal authorities, they are subject to being apprehended. Attorney General Saxbe has stated, "Many draft evaders are highly suspicious of the Justice Department's motives."



The President
Page Three
January 23, 1975

The lack of a right to free U. S. entry to learn more of the program's operation and to negotiate for acceptable alternative service jobs precludes many potential applicants from considering the program. This is a further obstacle to the program's success and one that I think should be removed.

In line with my earlier letter to you, I believe that the experience gained since the program's inception now more than ever, requires that you vest the entire amnesty program in the Presidential Clemency Review Board. I believe it is imperative that we have uniform application of the program throughout the Nation and that this Board have the authority to review the actions of all governmental agencies which are responsible for administering portions of the Presidential Clemency Program.

The Clemency Board should have the right to review the length of alternative service terms as well as the types of service prescribed by either the Justice Department or the appropriate military command. Centralized control of the program by the Clemency Board should result in the promulgation of the national standards for establishing the conditions and procedures of this program. Any appearance of arbitrary prosecutorial or military action may be avoided and greater credibility in the program may be achieved.

Mr. President, I appreciate your consideration of my views. In light of the experience of the last four months, which should be treated by you in many respects as experimental, comes an unparalleled opportunity to change the program for the better. Your extension of the program and institution of needed change will reaffirm your commitment to justice and mercy for draft offenders and military deserters. It will further demonstrate your continuing good faith and pledge to the necessity for national reconciliation.

Personal regards.

Sincerely,


ROBERT TAFT, JR.
United States Senator



JOHN J. CHESTER

JOHN J. CHESTER
LAWYER
SIXTEEN EAST BROAD STREET
COLUMBUS, OHIO 43215

JOHN J. CHESTER
1860-1936
JOHN J. CHESTER
1898-1957

January 14, 1975

The Honorable Robert A. Taft
United States Senate
Senate Office Building
Washington, D. C.

JAN 16 1975

Dear Bob:

Originally I was opposed to your amnesty program for draft evaders and deserters. A recent experience that I have had, however, has changed my mind, and I wish to urge you to continue your efforts to have the amnesty program continued.

_____ a relative of my wife's from Urbana, Ohio, several years ago went to Canada and married a draft evader and lived in Canada until the fall of 1974. When President Ford's amnesty program was announced and put into effect, she sought my advice. I advised her to urge her husband to turn himself in under the new program. He proceeded to do so, and they are now living outside of New York City where he is doing an approved type of work. They were home for the holidays, and I had an opportunity to talk with them. They are both in their early twenties and are attractive people. He has become a skilled carpenter. They are enthusiastic about the program and the work that he is doing. They both repeatedly told me that the evaders and deserters who are still in Canada are completely misinformed about the program. They stated that if the people in Canada had any true understanding and realization about the program that virtually all of them would return to the United States. They stated that if they had not had the benefit of the information and advice that I had sent to



The Honorable Robert A. Taft

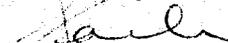
-2-

January 14, 1975

them they would have remained in Canada also, not understanding the program. Your efforts at least have led to two people returning to the United States where they will, I am sure, lead very happy and useful lives.

With kindest personal regards, I am

Sincerely,



John J. Chester

JJC:ec



United States Senate

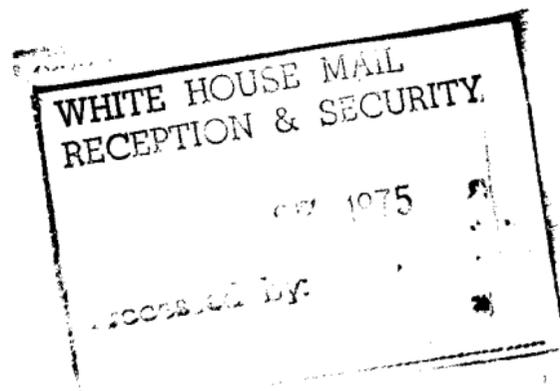
COMMITTEE ON BANKING, HOUSING AND
URBAN AFFAIRS

WASHINGTON, D.C. 20510

OFFICIAL BUSINESS

Robert J. F.
U.S.S.

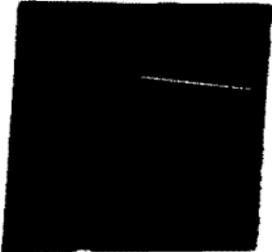
The President
The White House
Washington, D. C. 20500



Mike Douglas
1) Goodell —
Navy Deserter



2) Guest (American) re)
Zipping hell out of Goodell
because they in the war lost
their lives for nothing jobs being
given to meaningless program
studs - Navy deserter said well



THE WHITE HOUSE
WASHINGTON



RUSS:

Jay dropped this by - says it's rather important - since Phil Buchen is out of town and JOM is tied up with Congressional problems - thinks this may "snowball".

The President should act soon if it is not to be extended - Jay says many letters have come in against the extension, and these could be flown to Florida if necessary.

cb

P.S. Levi apparently expressed his desire to extend to the Pres.

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON
February 26, 1975

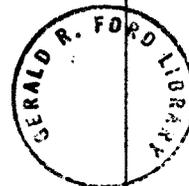
NOTE FOR JAY FRENCH

This was sent to Jerry Jones to be held against the time when it may be needed, per Senator Goodell's agreement with Don Rumsfeld. It is intended as a draft, not necessarily as the definitive final product.

Cheers,

Ride
Mu
RICHARD TROPP

Attachment:
Draft Statement



Bill Kendall

Draft Statement for the President

I am today extending the application deadline for the Presidential Clemency Board until April 1. The next month will be the final period during which clemency applications will be accepted from convicted draft evaders and from former servicemen with punitive or undesirable discharges. There will be no further extension, under any circumstances, beyond April 1.

I have taken this action for two reasons.

First, it is clear to me that many former servicemen are only now learning of the Clemency Board program. In the last few weeks, applications have been flooding in at an average rate of over 1,000 a week. There has been a tenfold increase in total applications since the Board began its public information program in January, to a current total of about 10,000.

Secondly, the Clemency Board has discovered that some veterans with bad discharges have served courageously in Vietnam, and some have suffered wounds and have been given decorations for valor. Those exceptional veterans deserve an upgrading of their discharge to one "under honorable conditions." The Board's recommendation on this was unanimous, and the veterans on the Board who have served in combat in Vietnam felt particularly strongly that this should be done.

I have therefore today directed that 5 such special cases be given discharges "under honorable conditions" -- General Discharges -- instead of the Clemency Discharges which will go to most veterans who receive clemency. These special cases will receive veterans' benefits.

It is my intent that the Clemency Board have the opportunity and the time to let all potential applicants learn of the program. I am therefore extending the application period to give the Board the time it needs to communicate with potential applicants.

Charles E. Goodell
February 25, 1975



FEB 28 1975

THE WHITE HOUSE
WASHINGTON

February 27, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: CHARLES GOODELL
PHIL BUCHEN
JACK MARSH

FROM: JERRY H. JONES

SUBJECT: Clemency Board

The President has made the decision to extend the Clemency Board application deadlines, as well as the deadlines of the Departments of Defense and Justice, for a period to end March 31st. This is to be the absolute final extension and the extension of time in no way implies any broadening of authority.

The announcement will be made at the daily press briefing by Ron Nessen on Friday, February 28.

We should also move immediately on the administrative recommendations to break up the board into panels so that the applications can be processed expeditiously.

Please follow-up with the appropriate action and if there are any questions, call me.

Thank you.

cc: Paul O'Neill
Ted Marrs
Jay French

