

The original documents are located in Box 7, folder “Meeting with Paul O'Neill (OMB), 5/7/75” of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

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To: Senator Goodell

From: Larry Baskir and Bob Horn

Re: Talking Paper for Senator Goodell's Meeting with Paul O'Neill

1. The purpose of the meeting is to discuss the Board's staffing needs. The memo sent to OMB highlights the problem, however the issue should be outlined and explained in light of the September 15th deadline.
2. OMB needs to unfreeze the intern ceilings for the agencies so we can get our interns from them. We need OMB approval to the agencies to pay interns we select on same ratio to replace not more than 150 attorneys. The best procedure would be for DoD to hire all attorneys -- doing the paperwork -- and then get reimbursed by all agencies as they are allocated the intern slots.
3. OMB needs to get the agencies to freeze the annual leave plans of our detailees.
4. The next issue that should be discussed is the budget. Although money has been provided to pay for office supplies, the remainder of the operating budget has not been approved. To my knowledge, the budget has been sent to O'Neill twice with a staff recommendation for approval. So far he has failed to approve it.

This budget request should be differentiated from the additional \$55,000 -- which supposedly has been allocated to us from the President's Unanticipated Needs Fund, bringing the total provided to us from that fund to \$240,000. - (\$185,000 plus \$55,000). It is my understanding that this money should be used principally to meet Board expenses. *\$691 T*

5. The next issue that should be discussed relates to your office space in the OEOB and OEOB passes for the senior staff. If you remember at the outset OMB agreed that we should maintain a presence, namely your suite, in the OEOB. Some contact has to be made with Jones' office in the White House which confirms this arrangement. A decision in this matter becomes critical because we intend to start moving into 2033 M Street at the end of this week.

May 5, 1975



May 7, 1975

MEMORANDUM

TO: Charles Goodell

FROM: Larry Baskir

RE: Gretchen's Employment

Another item you must raise with Paul O'Neill is Gretchen's employment. She has been on a consultant status only which expires Monday, May 12, or a few days later. We have tried unsuccessfully for months to get her a permanent position, and we have asked OMB since they came around to do the same. Gretchen deserves a permanent position with health benefits and the rest since she and Ray Mitchell are the only two indispensable staff members. Gretchen also worked a number of weeks before we could start getting her pay.

CLERK

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

May 2, 1975

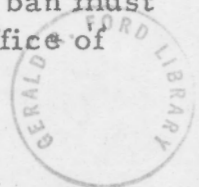
MEMORANDUM FOR: PAUL O'NEILL
DEPUTY DIRECTOR
OFFICE OF MANAGEMENT & BUDGET

FROM: CHARLES E. GOODELL
CHAIRMAN

SUBJECT: Staffing Requirements for Clemency Board

In our discussions of the staffing requirements for the Clemency Board, we agreed that the Board would require 400 attorneys writing cases in order to complete our projected case load by the President's deadline. We estimated that the first contingent of 200 attorneys would report by April 15, and the second 200 by May 5. This estimate was based on a case load of 16,000 to 18,000 cases. On March 27, you issued the first detailing requirement of 268 attorneys, leaving a request for the additional numbers to be made when the first contingent had arrived. As of COB 01 May 1975, we have received 244 attorneys of the 268 you called for. Because of the slowness of the response to your original tap and an increase of our applications from our 18,000 estimate to 19,500, we must revise upwards the 400 figure. We estimate that we will need to ask the agencies for 263 additional attorneys reporting by May 19, in order to meet our commitments. This represents a total of 132 attorneys (the difference of 268 you requested and the 400 we originally estimated), 92 attorneys to compensate for the delay in meeting our April 15 and May 5 goals, and 39 attorneys for the additional cases over our original estimate.

This figure of 263 additional attorneys assumes that no detailed attorneys will take scheduled annual leave between the time of their detailing and September 15, 1975. If two weeks (ten working days) of annual leave is permitted for each attorney, the number of attorneys needed in the second tap rises from 263 to 294, with a corresponding rise in needed clerical support staff. The Clemency Board is not in a position to enforce a ban on annual leave for detailed employees. Such a ban must be enforced by the detailing agencies at the direction of the Office of Management & Budget.



In estimating the number of attorneys necessary to compensate for the delays in meeting our April 15 and May 5 reporting goals, we made the following calculations: On April 15, we had received 107 attorneys, thus leaving a deficit of 93 for that goal of 200. As of COB 01 May 1975, we have received 137 attorneys which we have artificially allocated to the second 200 goal. This means that we have lost the production of the first 93 missing attorneys from April 15 on, and 63 attorneys from May 5 on. We have assumed that on May 19, we can begin to recoup these deficits and so we are calculating lost time from April 15 to May 19 and May 5 to May 19.

As of May 19, there will be 40 "full production" working days remaining until August 1*, which is when the staff must complete case preparation so the Board can decide all cases by September 15. We have based our calculation of case production at 1-1/3 days of attorney's time for each case from receipt of file through presentation to the Board. By this calculation, we estimate that we have lost 2,769 production days because of the failure of the 400 attorneys to report by scheduled date. This translates into 92 attorneys working from May 19 on.

When we first talked our original estimate was a case load of 16,000-18,000 cases, and we now have 19,500 cases, an increase of 1,500. We estimate that it will require an additional 38 attorneys working from May 19 to August 1 to handle this higher case load.

In accordance with our previous estimate, we calculate that we will need one additional support person for every two attorneys; thus in the new requirement, we will need 132 additional support, again reporting by May 19th.

It is of course understood that these calculations are being made on the assumption that funds and space will be provided to meet our additional staffing needs. Detailed calculations appear in Appendix A and Appendix B.

*Assuming 30 actual working days per attorney if annual leave is to be granted during the summer, identical calculations to those that follow produce a total of 294 attorneys and 147 support staff required in the second tap.

Calculations

- a. 200 attorneys promised by 15 April 1975; 107 arrived; 93 did not.
- b. 200 more attorneys promised by 05 May 1975; 137 have arrived, 63 have not (COB 01 May).
- c. Assume median arrival date for next tap of 19 May 1975
- d. 23 lost working days between 15 April and 19 May; 10 lost between 05 May and 19 May.
- e. $93 \times 23 = 2,139$ production days lost from first increment of 200 attorneys
- f. $63 \times 10 = 630$ production days lost from second increment of 200 attorneys.
- g. $2,139 + 630 = 2,769$ total production days lost from two increments.
- h. 55 working days between 19 May 1975 and 01 August 1975 (case preparation deadline).
- i. Five days lost to 2 paid holidays and emergency, sick leave.
- j. Ten days lost due to attorneys' learning curve; we are getting two weeks production out of each attorney's first four weeks.
- [k. Another 10 days lost for two weeks of annual leave per attorney. Calculations resulting from this assumption are presented in brackets in following lines.]
- l. Working days less deductions = actual working days before August 1, 1975 = 40 [30].
- m. One and one-third days per case per attorney (actual experience to date).
- n. One and one-third days per case for 40 [30] days = 30 [23] cases per attorney.
- o. 2,769 lost production days as of 19 May 1975; 30 [23] cases per attorney starting 19 May 1975 = 92 [120] additional attorneys to make up for lost production time.
- p. 400 in original agreement plus 92 [120] = 492 [520] to meet original goal.
- q. Case load has increased by 1.500 (about 8%) since last estimate made.
- r. 108% of 492 [520] is 531 [562] total attorneys required by 19 May 1975.
- s. Assume 24 attorneys still due from the 268 tap of the agencies do arrive by 19 May 1975.
- t. 531 [562] less 268 equals 263 [294] attorneys required in second tap.
- u. Support staff at 50% of 263 [294] equals 132 [147] additional clerical staff required in second tap.

Calculations:

- a. Two hundred attorneys were promised by 15 April. One hundred and seven actually arrived as of that date; ninety-three did not.
- b. Two hundred more attorneys were promised by 05 May 1975. One hundred and thirty-seven have arrived as of close of business Thursday, May 1, 1975. Sixty-three have therefore not arrived.
- c. We assume that all attorneys in the second tap will arrive on the 19th of May. An equally valid assumption is that the median arrival date for the attorneys in the second tap is the 19th of May. In either case, the remaining working days are the same. This is an optimistic calculation, given the response to the earlier tap memo, and will require more pressure from the White House.
- d. There are 23 working days between 15 April and 19 May; there are ten working days between 05 May and 19 May. These working days are lost to the Board because the attorneys promised in the two taps of 200 each did not report as promised, and will not arrive until 19 May.
- e. Ninety-three missing attorneys from the first tap times the 23 missing days equals 2139 lost production days for the first increment of 200 attorneys.
- f. Sixty-three missing attorneys from the second tap times the 10 missing days equals 630 lost production days for the second increment of 200 attorneys.
- g. 2139 plus 630 equals 2769 lost production days due to the 400 attorneys not reporting on time.

- h. There are 55 working days (11 weeks) between 19 May 1975 and 01 August. The first of August is the target date we have set for the completion of case preparation, so that the Board may have until 15 September 1975, to hear the cases.
- i. Five of the 55 days will undoubtedly be lost due to the two paid vacation days (the Fourth of July and Memorial Day) in that time, plus three days allotted for sick and emergency leave.
- j. Ten days will be "lost" from case production due to the new attorneys' learning curve. Recent studies by our staff show that a new attorney will produce two weeks worth of cases during the first four weeks he is on board; thus in effect two weeks (ten days) are lost.
- k. The fifty-five working days thus are reduced to 40, with the subtraction of the five lost days and the learning curve.
- l. At the present time, each case is taking one and one-third days of attorney time in preparation and presentation. While this figure may be ultimately reduced due to either a change in our process or increased production, it is not possible to predict this in advance.
- m. One and one-third days per case for forty days equals 30 cases per attorney who comes on board as of 19 May for the rest of the summer.
- n. We have lost 2769 production days; assuming that the initial calculation of 400 attorneys was sufficient to meet the estimated case load at that time, we need 2769 lost production days divided by 30 cases per attorney equals 92 additional attorneys to compensate for the lost production days.

- o. The additional 92 attorneys added to the original 400 equals 492 needed to meet the original goal of 18,000 cases.
- p. Our case load has increased from 18,000 to 19,500 cases since those calculations were made. This is an increase of eight percent, and thus an additional 8% over and above the 492 will be required.
- q. Eight percent of 492 is 39; 492 plus 39 equals 531 total attorneys which must be on board as of 19 May 1975.
- r. If we assume that the 24 attorneys still outstanding from the O'Neill tap dated 27 March 1975 do arrive by 19 May, we will need 531 less 268 or 263 attorneys in the second tap.
- s. Support staff are still required at the 50% level; half of 263 additional attorneys is 132 additional support personnel.
- t. The totals for the second tap are, therefore, 263 attorneys and 132 support staff. The agencies should be told to have the people here by 19 May 1975; given some slippage such that the median arrival day is the 19th of May, these calculations hold.
- u. The tap memos should be delivered to the agencies by COB Monday, 05 May 1975. The Clemency Board staff stands ready to hand-deliver the memos.

NB: If OMB does not get the detailing agencies to enforce a NO ANNUAL LEAVE policy on their detailees, we anticipate each attorney will take two weeks (10 days) of annual leave at some time during the summer. This is the time during which most employees take annual leave. If the detailed attorneys are allowed to take annual leave, the calculations of necessary attorneys are as follows:

- [m] working days less deductions equals 30 actual working days.
- [n] at one and one-third cases per day, that equals 23 cases per attorney.
- [o] 2769 lost production days divided by 23 cases per attorney equals one hundred and twenty attorneys.
- [p] 400 in original agreement plus 120 additional equals 520 total.
- [q] case load has increased 8%; 108% of 520 equals 562 attorneys.
- [r] 562 less the 24 still owed on the 27 March tap equals 294 attorneys required in the second tap, with a corresponding 147 clerical detailees.