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PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

May 16, 1975

MEMORANDUM

TO : Charles R. Work
Chairman, OMB Working Team

FROM : Lawrence M. Baskir *L M Baskir*
General Counsel *LM*

SUBJECT: Draft Report to Paul O'Neill



This memo contains our general response to the major proposals you have made in the draft you presented to me this morning. We will have for you on Monday a response to other, more detailed points in your report.

First, let me express my appreciation and that of the PCB staff and the Chairman for the time, energy and spirit with which you approached your review of our operations. Even where we do not agree with your recommendations, we have found your questions and your suggestions very stimulating and helpful in our efforts to improve our operations and to ensure our meeting of the President's goal.

I wish to address seven points in this memo:

- I. Policy Questions
- II. Board and Staff Morale
- III. Additional Staffing
- IV. Senior General Manager
- V. Quality Control
- VI. Budget
- VII. Immediate issues which must be addressed by Paul O'Neill

I. Policy Questions

The Chairman has serious doubts as to the appropriateness of your making recommendations concerning the two policy issues. The issue of pardon for those with undesirable discharges is one to be raised by the Chairman with the President's Counsel, and with the President. Your report mistates the issue because the President has already approved the Board's position. At issue is an effort to reverse this decision.

The Chairman also believes that your observations with respect to alternative service do not bear upon Clemency Board production and are not properly a matter for OMB consideration.

II. Board Staff Morale

The Chairman and the Board staff very strongly agree with your recommendation with respect to improving staff morale by means of visits by the President and the Vice-President with the Clemency Board Staff. We believe the morale of Board members is also an important issue and that Board members should have more visible signs of the Presidential priority that attaches to their functions. We believe the President should meet the new Board members as he did with the original nine and that other signs of the Presidential priority be made evident to them. Our comments on the budget discuss one important element of this.

III. Additional Staffing

(a) Interns

We disagree most strongly with your recommendation that a total of 100 interns be the full measure of additional professional assistance to the Board. We believe that the staff must be increased by another 100 interns for the following reasons:

- We believe that your production estimates are optimistic. While we will make every effort to meet these goals, if in the future, your assumptions prove incorrect, or our efforts unsuccessful, we will be less able to secure additional professional help we need at that later point. The availability of law students effectively ends when they leave law school in the coming days for the summer recess.
- Should your estimates prove accurate, the additional 100 interns will provide a pool which we can use to return full-time permanent government attorneys to their home agencies. The result will be a cost saving to the government of the difference between the salary of a GS-7 for three months, compared with that of a GS-12 or better for the same period. There is an additional saving of federal employee benefits which summer law interns are not entitled to receive.
- The additional 100 interns will provide a pool of talent which will enable us to replace low productivity full-time government attorneys.
- Finally, the Defense Department has not been able to produce on schedule their complement of 100 interns. Should a substantial number of them not appear, or should they report at delayed intervals over the next 30 days, the full effectiveness of their 100 interns will be lost. We have identified fully 300 law students within the Washington area who are available on a few days notice.

Because of the open commitment of the Department to their group, the Board needs authority to make commitments to an additional 100 to meet this difficulty.

(b) Clerical Support

We agree with your recommendation that an additional 50 clerical personnel must report immediately. We have already identified a clerical shortage that these fifty will remedy. Of course, we will need an additional clerical support to provide assistance for the interns, whatever their number may be.

IV. Senior General Manager

We understand your proposal to be that we designate an individual in our existing staff who will be responsible for legal production--that is, from the receipt of a file by an attorney through presentation of the case to the Board. We have designated the Deputy General Counsel (Robert A. Knisely) to assume this function as his exclusive responsibility, beginning Thursday, May 15.

We disagree with your recommendation that a GS-16 Administrator be appointed from outside the present staff to supervise budget, personnel, office services and administrative production. Of these functions, the only one bearing on production is the last--administrative production. Our present Administrator, Ms. Handwerger, will continue to supervise all these functions, with special emphasis on administrative production. The other functions of budget, Executive Secretary, office services, and personnel are being handled by capable people reporting to Ms. Handwerger or to the Executive Secretary.

We agree that steps should be taken to locate an individual to be in charge of legal production should that become necessary in three weeks. However, we must note that an individual reporting after the first week in June will require a period of time to familiarize himself with his functions before he becomes effective. We have serious doubts whether any individual at that point will have time enough left until August 1 to perform his function successfully. We have similar feelings about the selection of a new GS-16 Administrator for that side of their production process.

V. Quality Control

We agree that we will begin to phase down the resources we are now devoting to quality control as our action attorneys become more experienced and as our new interns are trained.

We have serious doubts about the efficacy of your proposal to reorganize quality control, placing it in the line function responsible to team leaders. We hope to discuss with your team in the next few days the reason for the suggestion, and why you believe it will have a direct bearing on production.

VI. Budget

You recommend that we submit revised budget figures to OMB. We believe that an adjustment should be made to the budget estimates we submitted at least a month ago. However, we are very strongly of the opinion that OMB must approve the budget immediately. We are in especial agreement with you that the Board be granted authority to commit money directly for special emergency needs without seeking OMB approval for these details.

In addition to your recommendation for improving staff morale, we believe attention should be paid to Board morale. We urge that OMB approve items in the budget which we proposed for improving Board and staff working facilities. We proposed \$25,000 for Class "A" accommodations for Board meeting rooms and offices and \$20,000 for higher quality office partitions to improve staff working conditions. OMB has disapproved these proposals because it deems them frivolous. We believe them important to Board and staff morale. They will, of course, become available for other government uses on September 16.

VII. Issues for Immediate OMB Action

1. As discussed above, we need immediate authority to hire 200 interns because of their imminent unavailability.
2. The clerical tap should go out not later than Monday because we are presently experiencing typing and xeroxing and other support backlogs which interfere with present production levels.
3. Despite many weeks of effort by the Clemency Board and the attention given to this problem by OMB staff, a position has not yet been found for Gretcehn Handwerger. Your interim report stressed this point but no action has been taken on it. Ms. Handwerger's temporary employment terminates c.o.b. May 16, 1975. She has already suffered the inconvenience and hardship of being unemployed in her first weeks with the Board. She is qualified under Civil Service Regulation for a GS-16/3.
4. Your recommendation to freeze details, provide parking expenses, compensatory time, overtime, leave protection, and temporary promotions during the detail should be implemented as quickly as possible to assist the Board in maintaining staff morale as we increase our demands on their productivity.
5. An amount should be authorized to meet emergency expenses that occur in the immediate future.



UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
OFFICE OF THE DEPUTY ADMINISTRATOR

WASHINGTON, D. C. 20530

May 16, 1975

MEMORANDUM

TO : Paul H. O'Neill
Deputy Director
Office of Management and Budget

FROM: Charles R. Work *CRW*
Chairman
Interagency Team to Survey
the Presidential Clemency Board

The Interagency Team to Survey the Presidential Clemency Board was commissioned to examine the overall operation of the Board and to make recommendations for remedial action. The general finding of the Survey Team is that the many institutional problems which confront the Board are severe. It is the judgment of the Survey Team that without major policy, organizational and procedural alterations, the satisfactory performance of the Board is doubtful. Speed, force and competence in implementing the thrust of the Survey Team's recommendations, (outlined below and developed in detail in the attached report) are paramount.

The recommendations of the Survey Team fall into six broad areas of consideration:

- A. Major Policy Issues
- B. General Management within the Presidential Clemency Board
- C. The Role of the Clemency Board
- D. Case Processing
- E. The Role of the Action Attorney
- F. Quality Control

In the area of Major Policy Issues, the Survey Team has only "red-flagged" for your attention the following issues which we believe merit your immediate consideration:

1. The issue of Presidential Pardons for former members of the Armed Services with undesirable discharges.
2. The fact that even if the Clemency Board completes disposition of its present case-load by September 15, 1975, there will be a limited workload carry-over beyond that date.

In each of the other areas outlined above, the Survey Team has made specific recommendations designed to improve the overall operation of the Board. The major recommendations of the report are as follows:

1. The current Deputy General Counsel of the Board should develop by May 23, 1975, a plan for implementing the thrust of the recommendations of the Survey Team.
2. The OMB should extend the life of the Survey Team until June 6, 1975, in order to monitor and report on the progress of the Deputy General Counsel in directing the implementation plan.
3. The OMB should assign an experienced senior federal manager at the GS-16 level to act as head of the administrative side of the organization.
4. As to personnel needed to get the job done by September 15, 1975, OMB should (a) initiate immediately an additional tap for 50 clerical personnel; (b) provide for 100 summer legal interns*; and (c) establish a retention policy to continue all personnel currently assigned to the OMB.
5. The CB should integrate its Quality Control function with the Action Attorney team function. To the maximum extent possible, present Quality Control attorneys should be Action Attorneys.

* The Staff of the Clemency Board believes that an additional 100 legal interns over and above our recommendation should be authorized. The Survey Team disagrees with that proposal at this time.



6. In order to emphasize the clemency program as a Presidential program of high national priority, at an early occasion, the President or Vice President should meet with the entire CB staff.

The foregoing recommendations along with those contained in the body of the report are basically a collection of measures to alleviate a serious problem with respect to the production caseload of the CB. The important point is the necessity of forging a commitment to implement the essence of these measures quickly and comprehensively.

In conclusion, the Survey Team believes that it is necessary to emphasize that many of the problems being experienced by the Clemency Board are not unique to that organization but are similar to problems experienced by many new, high priority federal agencies. By separate memorandum to you, the members of the Survey Team will address what they believe the Federal Government under OMB's leadership should do to avoid the mistakes that are frequently made in organizing new, high priority federal agencies. The record of extremely critical start-up (as well as phase-down) problems as evidenced in this survey can be avoided with some advanced planning, capitalizing on the recent experiences of the Economic Stabilization Program, the Federal Energy Administration and the Clemency Board.

We would be happy to discuss with you our findings and recommendations at your convenience.



REPORT OF THE
INTERAGENCY TEAM TO
SURVEY THE
PRESIDENTIAL CLEMENCY BOARD



May 16, 1975

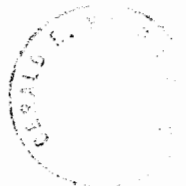
I. INTRODUCTION

On May 9, 1975, an Interagency Team (see Appendix A) was established by OMB at the request of the President to survey the Presidential Clemency Board (CB). The Team was asked to review organization, management, staffing and case processing procedures with the specific objective of identifying changes that could be implemented rapidly in order to aid the CB in meeting the President's deadline for Board resolution of the existing case workload by September 15, 1975. Interim recommendations were provided by the Team to the Deputy Director of OMB on May 13 (see Appendix B).

The Team accepted the following as basic working assumptions:

- * There was an approximate workload of 20,000 cases.
- * September 15 was the deadline to complete all case processing work.
- * Given the present case workload, time constraints, and organization of the CB any recommendations of the Team would have to address the realities of the present CB situation.
- * Team recommendations or modifications for improving staff productivity and processing procedures should not result in a decrease of the stringent quality control instituted by the CB.

Since January 1975, the CB has witnessed a dramatic increase in the number of applications for clemency which it must review and process. Applications have increased from an initial workload of approximately 850 cases in January to 19,500. This increase has been due in large part to the very active role which the CB has played in soliciting applications to the program as well as to the extension of the application submission deadline first to March 1, 1975 and then later to March 31, 1975. The Board of the CB has disposed of 840 individual cases, as of the date of this report.



It should be noted that the CB has gone from an initial staff of eight to its present complement of slightly over 400 in a very short period of time. This large infusion of staff into CB operations has contributed significantly to many of the present administrative problems facing the CB staff.

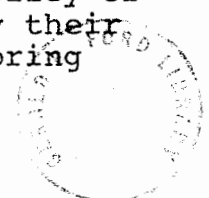
During the last seven days, the Survey Team has examined the CB organization, management, staffing and case processing procedures. In particular, the Team focused on the following areas for this review:

- * Major Policy Issues
- * General Management
- * The Role and Function of the Board
- * Case Processing
- * The Role of the Action Attorney
- * The Role of Quality Control

From the outset, the OMB and CB staffs were most cooperative in providing briefings and requested information to the Team as well as candid observations on existing operational difficulties. The Team was able to complete its review in a brief period because of the valuable assistance provided by OMB and CB staff.

In summary, the organizational, policy and process changes recommended by the Survey Team represent a balanced package, the thrust of which must be implemented in a very timely fashion, in order to be effective in resolving the problems which now confront the Presidential Clemency Board.

The following report specifies actions which either the CB management should take or the OMB should take in support of the Board, in some cases suggesting the timing for individual actions. Many of the actions involved fundamental realignments and alterations (in organization, policy or procedure) of the current situation and by their nature require very strong management to bring



to fruition. In consequence of this situation the Survey Team has recommended that OMB extend the existence of the Team through July 6, 1975 to both assist the CB in initiating the steps to effect the recommended changes and to assure, through oversight, that the steps are carried out promptly and with the intended effect.

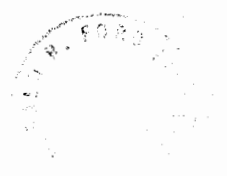
Study Approach

The approach to the study was as follows:

- * Orientation briefing by OMB and CB staff.
- * Review existing documentation prepared by OMB and CB.
- * Interview key OMB and CB personnel and pertinent members of their staffs to gather information on:
 - existing case processing procedures;
 - general management issues;
 - case presentation procedures to the Board;
 - unresolved policy issues;
 - CB quality control procedures.

Arrangement of the Report

Following this introductory section, the report has been arranged into six additional sections:

- II Major Policy Issues
 - III General Management Within the Presidential Clemency Board
 - IV The Role of the Clemency Board
 - V Case Processing
 - VI The Role of the Action Attorney
 - VII Quality Control
- 

The following appendices to the report have been included:

- A) Interagency Team Composition
- B) Memorandum from Charles Work, Chairman, to Paul O'Neill, Deputy Director, Office of Management and Budget re: Interim Recommendations on the Presidential Clemency Board
- C) Suggested Organization Charts (3)
- D) Panel Decision Time Analysis
- E) Workload Calculations
- F) Suggested Team Organization



II. MAJOR POLICY ISSUES

A. Pardons For Those With Undesirable Discharges

This is a major policy issue which we believe has the potential for seriously hampering the clemency program if it is not resolved at the earliest possible date. Serious disagreement has apparently arisen between the CB on the one hand and the DOD and the DOJ on the other over the CB position that it can recommend Presidential pardons for certain former members of the armed services who have not been convicted by court martial but were separated from the service administratively with an undesirable discharge. As of this date, a recommendation to the President on this matter from Mr. Philip W. Buchen, Counsel to the President, is still pending and as a result further executive clemency actions are being delayed -- over three hundred cases await White House decision.

We are "red flagging" this policy issue because we believe that a decision on this matter must be made as soon as possible in order to clarify the issue for the CB and, more importantly to eliminate this serious impediment to the final disposition of the great majority of executive clemency actions. It also has a value to the CB staff in that they need to see public evidence that their work is being handled with dispatch at the White House if they are to believe in the importance of the September 15, 1975, date for getting this job done.

Recommendation

The issue of Presidential Pardons for former members of the Armed Services with undesirable discharges should be resolved by May 23, 1975.

B. September 15 Carry-Over Workload

We believe the CB can get its job done by September 15, 1975, if it adopts our Survey Team recommendations. Even so, there will be some carry-over workload, namely:

1. Section 101.11 of their regulations provides applicants a 30-day period after Board notice in which to request reconsideration. There is insufficient experience to date with only 65 Presidential actions to estimate the number of reconsiderations although we would expect them to run no more than a few hundred at most. In view of the fact that Board and Presidential decisions will probably continue to September 15, reconsideration under the present regulations will be permitted until October 15, 1975.
2. There undoubtedly will be several hundred or more "lost cases" in which the search for a service file or the reconstruction of a file which has been inadvertently destroyed prevents the CB staff from completing its work by September 15.

Recommendation

CB in consultation with OMB should prepare plans for the carry-over workload so that a decision how this will be handled can be made by the White House by June 30, 1975. One of the options to be considered is the delegation of the staff work for civilian cases to the Pardon Attorney at DOJ and the military cases to the appropriate Judge Advocate General at DOD with case disposition continuing under the CB as long as it exists.

C. Alternative Service

Based on case decision experience through May 10, 1975, a substantial percentage of the applicants will be required to perform a period of alternative service with this period being

either three of six months in most cases. CB staff expressed a concern that given general conditions, the Selective Service will have difficulty locating public service jobs for those individuals who registered for alternative service. They also believe the Clemency Board has a responsibility to monitor the alternative service requirement. This view is not shared by the Director of Selective Service and Executive Order 11804 clearly supports his view.

Regarding availability of public service jobs, Selective Service is reasonably confident that they can locate satisfactory alternative service jobs for those individuals who are willing to meet their obligation. They point to their success in the early seventies of having 10,000 to 12,000 conscientious objectors at work at any one time and their recent record of placing over 1,200 of the 4,500 military deserters who have enrolled with Selective Service.

Recommendation

1. The Director of Selective Service should be requested by OMB to provide a special report by August 15 of their experience in locating alternative service positions for those individuals who have reported to their offices.
2. CB should institute regular reports to Selective Service regarding Panel/Board case disposition so that the Service can plan for the number of alternative service positions they must provide.



III. MANAGEMENT

A. Senior Manager

The Survey Team believes the Clemency Board needs to have a production oriented manager who can recognize and take action on all bottlenecks in the process without impairing but in fact enhancing the quality of the action attorneys work. We have considered two options:

1. Immediately place a senior General Manager into their structure who reports to the General Counsel but who is the chief operating official leaving the chief policy role to the General Counsel.
2. Divide the current organization so that the current Deputy General Counsel in effect becomes the Deputy General Counsel for Operations with responsibility for case summary preparation by the teams, training, quality control, production control and policy and precedent analysis. Leaving all other managerial functions--budget, personnel, space and equipment, records, correspondence, etc. -- to report to a new administrative head or a GS-16. In this case we would be freeing the Deputy General Counsel's time to become the core, key production manager for the organization.

The debate on these options must necessarily take into account the current set of relationships and personal confidences that the senior staff of the CB have developed with each other over the last seven months. The organization is at a critical point and a major interruption in relationships could prove counter-productive.

Recommendations

1. Effective no later than May 23, OMB should assign an experienced senior federal manager at the GS-16 level to CB to act as head of their administration consistent with option number two above. (See Appendix C)

2. Effective immediately, the current Deputy General Counsel should become the chief operating official for production with immediate responsibility to develop by May 23, 1975, a plan for implementing the recommendations of the Survey Team and such other organizational and operational changes as required to assure maximum operational efficiency.
3. The OMB should extend the life of the Survey Team until June 6, 1975, in order to review and report on the progress of the Deputy General Counsel in directing the implementation plan. Specifically, by June 6, the Survey Team should evaluate and report, with remedial suggestions, to the CB Chairman and Deputy Director, OMB, on the progress of the CB in implementing corrective actions.

B. Morale

Essential to the achievement of the workload objective is maintaining and building a strong sense of teamwork and high morale. Various factors appear to be working in that direction:

- * Presidential program of high national visibility
- * Well known and respected Chairman who is a personal friend of the President
- * Backbone of staff are professional attorneys who have interest and pride in quality of their analysis
- * General condition of high spirit and optimism generated by senior staff in their leadership roles.

However, assimilating detailees, many of whom did not "volunteer" for this assignment, from various federal agencies with likely interruptions to family vacation plans is a severe test to any set of managers. In view of this, the Survey Team believes the following set of recommendations are important to the success of this effort.



Recommendation

1. The Chairman must take time to become known to the staff at all levels.
2. The Board members should individually praise the staff as evidence of quality work and outstanding production by Teams become known to them.
3. At an early occasion, the President or Vice-President should meet with the entire CJ staff.
4. OMB should impose upon all contributing agencies a liberal set of rules for all CB employees regarding reimbursement for parking, overtime payment and/or compensatory leave, extension of lost leave into FY 76 and any other personnel inconveniences that are likely to become matters of irritation as the summer progresses. A clear measure of liberality on the part of agencies is imperative. Simply developing a standard set of policies which represent the lowest common denominator of participating agency policies will be inadequate.
5. The CB staff should be immediately advised that personal vacation plans will not be considered until after August 1, 1975.

C. Team Leaders/Assistant Team Leaders

The front-line supervision of the action attorneys is critical in terms of both quality and quantity of work. There is no time to develop and train Team Leaders or Assistant Team Leaders. They will either prove they can perform in a week or two or have to be replaced. There is considerable evidence within the existing Teams as to what this means with one Team already producing 12 cases per week per attorney.



Recommendation


The Deputy General Counsel should adopt a philosophy of replacing promptly Team Leaders or Assistant Team Leaders if production goals and quality standards are not met. By the same token, this type of action should not be reflected in the permanent records of these employees because the CB workload environment is in no way a fair judgement over the longer term of an individual's supervisory capacity. It is just that this job does not permit CB management any time for "developing" supervisory skills.

D. Fund Availability and Authority for Minor Expenditures

There are several uncertainties regarding the allocation from the President's Unanticipated Personnel Needs Fund. The FY 1975 allocation is \$185,000 with a request for an additional \$55,000 pending in OMB. Discussions regarding FY 1976 fund availability through September 15, 1975, have not led to a firm planning figure although OMB indicated a possible allocation of \$300,000. In addition it appears that CB does not have the authority for obligating funds for emergency services or supplies.

Recommendation

CB should present revised FY 1975 and FY 1976 expense estimates to OMB by May 23, 1975, so that OMB can respond the following week with a firm allocation for FY 1975 and a planned availability for FY 1976. In addition, OMB should resolve questions regarding CB's obligation authority for emergency or minor services and supplies by May 23, 1975.



IV. THE CLEMENCY BOARD

It is evident that Chairman Goodell has done a commendable job in leading the Board through a number of critical phases in its existence. The public education campaign undertaken by the original members of the Board was successful in increasing the number of applicants from 850 in January to 19,500 by the end of March. This was an outstanding contribution in keeping with the intent of the President in creating the clemency program.

The Board feels that individual case decision by panels of Board members is basic to the discharge of their responsibilities and they are prepared to devote the necessary time to do this.

The Chairman's plan is to operate with an 18 member Board (the original nine members with one replacement and nine relatively new members). If the decision workload clusters in such a way that he needs additional Board Panels of three members each, he is prepared to quickly appoint additional members.

Of the present Board members, three are clearly part-time but one of those has asked to be replaced. Once that is done the Chairman has a total of 16 members who are prepared to work full-time beginning June 1st on deciding cases. With that availability, he should have no trouble manning four 3 member decision panels every work day and going to five if need be. The Survey Team's analysis, based in part on the Chairman's judgment, which is included as Appendix B, shows that Panel decision workload should not be a barrier.

For the Panels to do their job, we are making a number of assumptions and a number of recommendations. The assumptions are:

1. Referrals to the full Board will be relatively few. On May 8 and 9, with new members participating for the first time, there were 24 referrals out of 363 cases reviewed. However, 14 of the 25 were on one issue from one panel and that issue in terms of

general policy was resolved by the full Board the following day. As the Board spells out policy during the remainder of May and early in June, the necessity for referrals to the full Board should reduce to a trickle during the summer. This is the view of the Chairman.

Note: In Part VII, Quality Control, we recommend the addition of a policy/precedent function under the Deputy General Counsel for Operations. This function will not only assist the staff by giving them prompt feedback of Panel and Board policy and "style" developments, but should assist the Chairman in determining when referrals of a certain type need a general policy resolution. The emphasis at the full Board has to be on generating policy guidance for its members as they function on decision panels and for the staff and not on individual case review.

2. Reconsideration workload will not be a significant workload factor. There may be a tendency for the Board to want to hear all reconsiderations as an 18 member body and that should be avoided. If time permits, a better investment of their time in the Survey Team's judgment would be to elevate all Panel "no clemency" decisions to the full Board for review.

Our recommendations are discussed in the following subsections of this Part.

A. Post Audit of Panel Decisions

With a workload of this magnitude and as many as ten relatively new members, the Panels are bound to make individual case decisions occasionally which are inconsistent with the vast majority of decisions they have made on similar cases. Already, the Chairman and General Counsel receive staff analyses and the mitigating and aggravating factors as to those

decisions which appear to be outside the normal distribution. Thus far, the Chairman has individually re-reviewed those cases and already has taken 25 back for Board re-review.

Recommendation

1. A policy/precedent function should be established to perfect and perform this post audit of panel decisions.
2. The Chairman should obtain Board approval by the end of May for instituting this system with understanding that a small percentage of cases will be returned to Panels for re-review.

Note: The recommendations for adding an entry on the case summary for "Board Precedent for Disposition" under Part VI, ACTION ATTORNEYS, should also help assure consistency of decisions by the four or five panels.

B. Docketing of Cases before Panels

The critical factor in meeting the September 15 deadline is the time of the Action Attorneys and their immediate supervisors. Although some time for new staff can be justified for training and orientation purposes, the number of action attorneys "cooling their heels" waiting for the Panel to hear their cases must approximate zero if this job is to get done. That is currently not the case and the Board members have not been sensitized to this.

The major burden, however, lies with the CB staff in scheduling and controlling this activity although they will need the full cooperation of Panel Chairmen every step of the way. For example, once the schedule of cases batched by Action Attorney is posted for each Panel then it is critical that each Panel meet for scheduled time periods. One

or more Panels deciding to meet at hours "more convenient to their individual members" will invalidate every time factor we have put into this report and would make it impossible for the CB General Counsel to even figure out how many people he would need to meet such an unpredictable workload.

Recommendation

1. CB staff develop system for docketing cases before individual panels that permits each Action Attorney to present all of his or her cases that are ready for disposition that week (or that can be handled by the Panel that week) during: (a) one continuous time period on one day and (b) before one Panel only. This should permit an Action Attorney to plan his or her work effectively so that once they have refreshed their memory about an individual case they do not have to repeat that process a week or two later.
2. Chairman should instill in Board members generally and Panel Chairmen specifically the importance of protecting Action Attorney time. Both Chairman and General Counsels of Panels will need to be continuously alert and phone Assistant Team Leaders when delays are developing on Panel dockets.

C. General Counsel's Role At Panel

The role of General Counsel at Panel Hearings is currently being performed by Team Leaders or Assistant Team Leaders. This is the wrong application of these key supervisors time given the workload. Our recommendation for production per attorney plus holding professional attorneys accountable - once trained - for the accuracy/quality of their work require that the Team Leaders at all levels devote their time to being supervisors. It does appear that the impartial, technical expertise

of a more experienced attorney is needed as Panels deliberate. Come June 1st when four panels will be meeting continuously, this General Counsel function essentially becomes a full-time job for four (occasionally five) experienced attorneys.

Recommendation

Effective June 1st, Team Leaders and Assistant Team Leaders should no longer serve as General Counsels at Panels. Four experienced attorneys, under the Deputy General Counsel, should be designated to serve in this important role so that the Team Leaders can devote their time to supervision. Four experienced attorneys advising the panels on a continuous basis should also facilitate the objective of consistent decisions on the part of the Panels.

D. Recording Panel Decisions

It appears that the recording of Panel dispositions is currently being done by the Chairman of the Panel, the General Counsel and by two executive secretariat staff members.

Recommendation

Effective June 1st, the responsibility for recording Panel dispositions should be placed primarily on the General Counsel with the secondary verification done by the Chairman who will undoubtedly want to do this anyway for his personal assurance. CB staff should incorporate in the policy/precedent function the responsibility to take the General Counsel's disposition sheets at the close of each day and run a 100% verification against the Chairman's records on the day following a Panel meeting so that any discrepancies can be resolved by the Chairman and the General Counsel of that Panel within 24 hours.

V. PROCESSING

A. Staffing Requirements

Included under processing are the activities beginning with the receipt of an application and ending with final case disposition and action by the President. The principal activities are logging, securing case records from various locations, case preparation, quality control, board action and file disposition. Without question, the critical path leading to final case disposition is case preparation by the action attorney. The key issue is the rate at which action attorneys can prepare cases for action by the Board. Although the preparation of cases has barely begun at the CB, the amount of time it takes to process a case is known today and substantial improvement is evident as the action attorney gains experience. The projected size of the staff of the CB are extremely sensitive to the production rates achieved by the action attorneys since they comprise the largest component of the staff and all other staffing requirements are derivatives of this component.

The case load is bounded in the lower limit by the number of bonafide applications logged in and in the upper limit by the applications logged plus the number of written and verbal applications which have not matured to a point where they may be considered as bonafide applications. These values are 15,484 and 21,175, respectively. On the basis of experienced maturing rates for incomplete applications, a case load of 19,500 is set as the most probable case load and it is this value which CB planning and estimates for staffing are based. With approximately 840 cases completed by the Board at this point, 18,660 remain to be processed between the week of May 12 and the week ending August 1. The current CB estimate for staffing indicates that 528 professional and 264 supporting personnel, totaling 792, are required to get the job done. This estimate is based on a learning

period for each action attorney of four weeks at which point a maximum production rate of eight cases per week is achieved on the average. This maximum rate is reduced to five per week during the first week of June when daily panel meetings begin, on the assumption that a significant portion of the action attorney's time will be spent in presenting cases to the panels.

Based on the Team's discussions with Team Leaders, Assistant Team Leaders, quality control people and numerous action attorneys, it is felt that the CB estimates are extremely conservative and that significantly higher production rates are possible. Based on the assessment of the situation, it is estimated that an average production rate of ten cases per week can be achieved and that during the periods of intense panel activity a rate of eight cases per week can be maintained. With these production rates, the requirements for professional staff would be 322, with clerical support of 161 for a total CB staff of 483. The table below summarizes the CB estimates and the Survey Team's workload analysis.

	<u>CB Estimate</u>	<u>Survey Team's Workload Analysis</u>
Action Attorney	305	195
Quality Control	122	40
Supervision	61	47
Central Staff	<u>40</u>	<u>40</u>
Total	528	322
Support	<u>264</u>	<u>161</u>
Total CB Staffing	<u>792</u>	<u>483</u>



In terms of total numbers, the assumed staffing commitment to CB appears more than adequate but there is some skill imbalance between professional and clerical support. The CB is at present experiencing a very serious clerical personnel deficit. This deficit could become quite critical if the case processing recommendations included in this report were to be implemented. The present professional to clerical ratio for the CB was developed on a ratio of 3 to 1. Case typing backlogs are already beginning to develop. This situation will become even more critical as case preparation is accelerated by the development of improved case processing procedures, the stabilization of existing detailed personnel and the commitment increase in case attorney productivity through increased experience on the job. See Appendix E for overall workforce calculation.

The Survey Team's proposed staffing recommendation for the CB is developed on the following table:

<u>Proposed Staffing</u>	
On Board May 1	408
Plus: Legal Interns	+100
Clerical	+ <u>50</u>
Total Staffing For CB	558
Survey Team's Workload Analysis	<u>483</u>
Contingency Factor	75

Given the priority attached to this effort and the fact that workload will peak at times, this 75 person overage appears reasonable.

Recommendation

- 1) OMB should direct a program for obtaining 100 summer legal interns for case processing with such

staff in place by May 30. This amends our May 13, 1975 interim recommendation which called for 100 interns in addition to the 100 DoD is providing as replacements for the 50 DoD attorneys currently assigned to the CB.

(The CB has indicated that they disagree with this recommendation of the Survey Team. The CB estimates that they will need at least 200 summer interns rather than the 100 interns which the Survey Team recommends.)

- 2) OMB should tap Federal agencies for an additional 50 clerical persons of whom at least 10 should be in the GS-6 through 8 range by May 30.
- 3) OMB should issue, by May 23, a retention policy applying to all Federal employees presently detailed to CB which holds these employees in place until the August 1, 1975 case summary workload is met. Any exception to this policy should be of an urgent nature and replacements provided by contributing agencies two weeks before departures of an experienced staff member.
- 4) CB should provide detailed weekly personnel reports to OMB showing: personnel authorized, accessions, and returns that week, a comparison of the professional and clerical staff totals to the preceding weeks' totals, by contributing agencies.

B. Production Control

The Survey Team is impressed with the attempts by the CB staff to identify each step of production. Also, a surprising amount of work has been done on productivity and this has put the CB in a strong position now



to measure very closely the performance of each team and each action attorney. This information has proven invaluable not only in translating current and projected workload into staffing requirements but also in increasing productivity. The Team does have a concern, however, that an integrated production control system is not on line. There is not today a clear understanding of the pipeline inventory at each major stop in the process. This is essential if workload is to be expedited through backlog management and timeline controls. For example, it is obvious that the concentration of effort of the teams is in preparing cases to the point of submission to quality control--at which time a case is considered a unit produced--and attention turns back to getting other cases "produced." The result is that a backlog of cases in the final preparation stage exists and is growing. Although this results in higher production, this backlog must be managed and it is our feeling that additional clerical support is needed to take cases to final without turning attention away from case preparation. Although several organizational configurations are workable, it seems important to have a small but separate unit reporting to the Deputy General Counsel whose principal function would be production control on a day-to-day basis.

Recommendation

The Deputy General Counsel should place heavy reliance on his production control function for collecting status data and monitoring production on a day-to-day basis.

C. Front End Processing

There are several real and potential major problems in front end processing (logging applications, completing information on applications, and records). Already 15,484 applications have been logged. An additional 2,300 telephone applications have not been

followed up by the applicant in writing and approximately 3,000 incomplete written inquiries represent other possible eligibles. It is not expected that all of the latter two categories will be eligible, and some discount based on experience has been applied to arrive at the working case load of 19,500. It is our understanding that after considerable delay follow-up letters will be sent this week to those who have not submitted complete applications with a deadline of June 1st for receipt of properly prepared forms. While no further action is indicated, at this time, some thinking must be done soon about the disposition of cases in which a response is not received by June 1st. This has been identified as a possible carry-over workload.

Of the 15,484 applications logged in, 14,545 have been sent to the records section to secure personnel files and other needed records. At this point, 12,170 records have been ordered. The balance, 2,375, represents mainly applications which do not contain sufficient information to order records. We understand that follow-up letters on these cases will also be sent out this week in an attempt to complete these applications. These cases also represent potential carry-over, possibly raising that workload to above 7,000 cases. Of the total files requested, approximately 10,000 have been received, with approximately 6,000 assigned to attorneys and approximately 3,200 will be assigned to action attorneys as records of trial are received.

There are serious problems with respect to cases involving military trial records. CB estimates that approximately 40% of the military cases involve BCD's or DD's, necessitating the review of a trial record. Personnel records are ordered from St. Louis and are received within 10 to 14 days. For cases involving BCD's and DD's, requests cannot be made for the record of trial until receipt of the personnel file from St. Louis.

We understand that this is necessary since sufficient identifying information is not available on the application and must be extracted from the personnel file. Another 10 to 14 days are consumed awaiting records of trials which means that in these kinds of cases, it takes approximately four weeks to complete the case file. Although all trial records are kept in Suitland, Maryland, they must be requested from the Navy Yard for Navy and Marine applicants, from the Forrestal Building for Air Force applicants, and from the NASSIF Building for Army applicants.

In each center, the CB request is handled only as a "routine request" for military personnel and trial records. Given the priority of the President's Clemency Program such delays caused by the routine handling of requests is simply unacceptable.

Recommendation

The OMB in concert with the CB should direct the DoD and the GSA to give a "high priority" status including the assignment of additional personnel to all requests for military personnel files and court martial trial records originating from the CB.

D. Final File Disposition

A plan must be prepared to provide for an orderly and timely return of the case files to the originating agencies and the disposal by destruction or archival storage of the Presidential Clemency Board internal records. The problem with regard to the return of the case files stems from a lack of guidance to the action attorneys and the record section concerning the necessary final processing of the files.

The staff of the Presidential Clemency Board must act quickly to prepare a final file disposition plan. They must advise all action attorneys that once a file has been



reviewed by the panel or Board and no appeal is likely the attorney must strip the file of all extraneous material. A decision must be made and the action attorneys informed about which material will remain in the file so that no reprocessing of files is necessary to satisfy records disposition requirements. Additionally, a decision must be made by the CB after discussions with the file originating agencies as to what if any indication there will be in the individual's return file that that person's case was reviewed by the Presidential Clemency Board.

After the above decisions are made, files can be processed by the action attorneys, retained by the records section for the requisite thirty days after a decision by the Board for an appeal to be made and then returned to the agencies. A proper system must exist containing file and court record numbers plus their location for the retrieval of these files if at any time a question is raised on the case.

Recommendation

A plan should be prepared for the orderly disposal of the internal records of the Presidential Clemency Board. A working agreement should be reached with National Archives to guide the Presidential Clemency Board in the determination of which records must be kept and which can be destroyed.



VI. ACTION ATTORNEYS

A. Organization and Completeness of Case Files

Case files assigned to action attorneys by the Records Unit often are incomplete and/or in a state of disarray. This causes the action attorney assigned to the case to lose valuable processing time in organizing materials in the files and, where necessary, in attempting to augment that material sufficiently to permit completion of a case summary.

Recommendation

CB policy should be announced that a case file will not be turned over by the Records Unit to an action attorney until it is properly organized and is as complete as possible. Further, action attorneys should be instructed to prepare case summaries on the basis of the files submitted to them and to limit their efforts to obtain additional case material to telephone calls or letters to clarify essential matters.

B. Use of Standard Forms

Action attorneys all use a standard form for recording aggravating and mitigating circumstances, but use a variety of forms for preparation of the case summary proper. Several proposals to standardize the case summary forms have been studied by CB staff, but no decision has been made. Use of a standard form should shorten learning time and save time in preparation of summaries.

Recommendation

CB should implement use of a standard form for case summaries by May 23.

C. Citing Board Precedents

Writing of case summaries day after day is a dull and frustrating experience, particularly for attorneys who are accustomed to more dynamic activity. Much of the work does not require an



attorney's expertise. Morale building incentives are considered vital to maintain the production efficiency of the AA's. The action attorney should be permitted to participate in the disposition of each case by making a recommendation as to the clemency to be granted, if any. The Board is, however, known to be opposed to receiving disposition recommendations from the action attorney. An alternate incentive for the AA would be to add a final line to the case summary in which the AA would enter a "Board Precedent for Disposition". This would serve to inform the Board of how it has acted on similar cases previously presented and should be of material assistance to the Board in arriving at its decisions. Where the AA believes there is no applicable precedent for disposition of a particular case he should so indicate by a statement such as "No Applicable Precedent Found". The effectiveness of this new procedure will depend upon the adequacy of records of past Board actions on cases. The need for improvement in recording Board precedents is discussed elsewhere.

Recommendation

CB should add a final line to case summary: "Board Precedent for Disposition".

D. Certifying Action Attorneys

It is standard policy at present for the case summaries of all action attorneys to be reviewed by Quality Control attorneys for changes and corrections which they consider required. Experience establishes that some action attorneys are so competent that their work needs little or no review by Quality Control. It would save processing time and would boost morale of action attorneys for a policy to be established under which action attorneys would be certified by Team Leaders as qualified to complete case summaries without review by Quality Control. An acceptable alternative would be to have Quality Control merely spot-check the work of certified AA's.



Recommendation

CB should consider implementing a policy of certifying action attorneys.

E. Integration of Quality Control with AA Teams

There are 50 attorneys in Quality Control occupied with reviewing case summaries prepared by AA's. The type of review accomplished by Quality Control duplicates to a considerable extent the review of case summaries accomplished by AA team leaders and assistant team leaders. Integration of the Quality Control function with the AA team function would permit AA team leaders to gain total control of processing of cases to completion and make a more realistic production unit possible. (Refer to Section VII, Quality Control for further discussion and recommendations.)

F. No-Jurisdiction Cases

Each team is identifying cases in which it seems clear that the Board has no jurisdiction to act on the particular application for clemency. Because no policy has been established as to disposition of these cases, they are accumulating within the teams and there are approximately 200 such cases at present. It is believed that these cases should be disposed of by Board action so that it is clear that the applicants concerned have received due process. Special sessions of the Board, possibly acting in panels to dispose of these cases would seem advisable.

Recommendation

The General Counsel should ensure that no-jurisdiction cases are periodically disposed of by the Board.

G. Summer Legal Interns

A total of 100 legal interns is being recruited for summer work with the Board; 12 have already reported. Some are being assigned to non-legal duties. Legal interns could be used initially to go through a case file and



record personal data, circumstances of the offense (where applicable), applicant's background and similar data. The particularly completed case summary could then be turned over to an action attorney who would, in exercising his judgment as an attorney, complete the summary by adding additional materials, possibly including information obtained from the applicant by telephone. Interns can also be phased into writing complete summaries, subject to review by an action attorney. Interviews with action attorneys indicate that an action attorney's output could be increased substantially if legal interns were employed as indicated to supplement the action attorneys.

Recommendation


Summer legal interns should be assigned to teams to supplement the action attorney work force.

H. Reorganization of AA Teams

The AA teams should be organized to reflect organizational and functional changes recommended throughout this report. A chart reflecting these recommended changes is included in Appendix F.

Recommendation

The AA teams should be reorganized as soon as possible in accordance with the chart included in Appendix F.



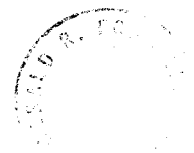
VII. QUALITY CONTROL

The development of individual cases and the case-by-case decision making by the CB panels/board in simplest form is a quasi-judicial process within which very critical decisions are made by the members. These decisions literally can have a permanent impact on the welfare, reputation, employability and social standing of the individual who has petitioned for clemency. In recognition of the enormous imperative for quality and equity in carrying out this analysis and decision process, the CB, in its formative period, established an extraordinary case development process. This was done to provide maximum assurance that individual cases were thoroughly developed, free of errors, and therefore susceptible to the most informed and equitable decision on the part of the panels/board.

The particular approach referred to above involves the development of individual cases by an Action Attorney within the General Counsel operational organization, which in turn is referred to a separate "Quality Control" group that virtually re-processes by checking essentially every detail of the "Case Summary" (the vehicle for presenting a case to the panel/board). This was appropriate in the initial period of the Board's existence and can be credited with materially upgrading the quality of the cases presented to the panel/board for decision.

The Quality Control Unit consists of approximately 50 attorneys in contrast with an estimated 175 Action Attorneys who initially prepare the cases for review by Quality Control. There is, therefore, a ratio of slightly less than one Quality Control review professional to three Action Attorneys who originally prepare case summaries.

The organization, systems, and processes of the CB have matured and expanded rapidly in the past one-month period to the extent that there is a demonstrable increase in productivity and quality of case work. The organization and staffing are beginning to stabilize and the panel/board has



demonstrated an ability to make reasonably uniform decisions. The current process for assuring a high quality of case work can be characterized by the following observations:

- Generally the Teams with the highest production also have the lowest quality control rejection rate.
- The Teams that achieve high productivity and quality are exercising internal quality control through Assistant Team Leaders.
- A substantial amount of the defects found by the Quality Control Unit are of a cosmetic (i.e., format, numerical, consistency boiler plate nature) character and take an inordinate amount of time to reconcile between the Action Attorney and Quality Control analysts. This is the result of a combination of having two different organizational units, a tendency of these two individuals to debate over minor points, a natural antipathy between developer and reviewer (where frequently the reviewer has no more experience or absolute knowledge than the developer), and some lack of overall agreement within the organization as to the mandatory format and content requirements of a case summary.
- There is no systematic, uniform method of feedback, visibility and understanding of the policy and precedent implications of decisions made by the panels/board. The panel/board is in effect evolving "case law" which over time strongly impacts the approach to developing cases.
- The Teams with the lowest productivity/quality appear to be in that state from a combination of inadequate internal Quality Control at the Assistant Team Leader level and an indeterminant combination of low motivation and weak supervision.

- ° The implicit and explicit success measure for General Counsel Teams is the rate at which they produce cases for forwarding to the Quality Control Unit. This in subtle and direct ways places a much higher value on simply "pushing out" cases rather than the usual, traditional, balanced values of case production and assuring quality (because the line managers are fully accountable for that quality).

The situation described above from a management processing efficiency and morale point of view is obviously undesirable. The notion of a group that literally checks the work, in detail, of another group actually performing the work on a case-by-case basis is unorthodox and has no credence or standing in analogous professional situations.

Recommendations

There can be no compromise with respect to assuring that the work product (Case Summary) which goes to the panel/board for decision is an accurate representation of the petitioner's circumstances. This requires that the CB have an organizational and functional means to assure the quality of each case. It is strongly believed that case productive capacity can be materially increased without any loss of quality if the following are implemented:

1. Policy and Precedent Analysis

CB should establish a policy/precedent analysis capability reporting directly to the Office of the Deputy General Counsel. Its primary function would be to observe all proceedings of the panels and the full Board, and to distribute at the immediate conclusion of such proceedings appropriate synopses of policy directions and evolving precedents emanating from the panel.



An additional function would involve analysis of any tendency on the part of Panels or the Board to render decisions that are significantly inconsistent with prior policies and precedents. Such instances would be analyzed, documented, and presented to the Chairman and if necessary, the full Board for resolution.

A third function would involve a highly selective post-audit of major case decisions, with the basis for audit selectivity subject to the approval of the Deputy General Counsel.


This capability should be staffed from the current Action Attorney Teams and the current Quality Control Unit and should include highly competent individuals, given the nature of the functions.

2. Staff Redeployment

The professional staff currently constituting the Quality Control Unit should be redeployed into the Action Attorney Teams. It is expected that the majority of the current QC staff should be assigned to these Teams.

3. Line Organization Accountability

The Team Leaders and Assistant Team Leaders should have it clearly communicated to them that they are fully accountable for substantive review and resultant quality of all cases and that they must adapt internal organization and functional activity to assure the quality of work products. It is considered desirable to maintain at least one individual within each team whose primary function is quality control



in response to guidance provided by the Team Leaders or Assistant Team Leaders of that team. He/she would also provide a secondary but very important function of liaison to the policy and precedent analysis function to assure that the Team's case development was in consonance with the evolving precedence contained in the Panel/Board's decision and otherwise to seek interpretation of anomolous issues from the policy and precedence analysis unit.

APPENDIX "A"

Interagency Team Members

The Interagency Team was composed of the following ten individuals representing five different Federal agencies:

Charles R. Work (Team Leader)	LEAA
Bert M. Concklin	DOL
Robert F. Diegelman	LEAA
William J. Doyle	LEAA
Chris Griner	DOD
Bert Lewis	DOL
Joseph F. Malaga	NASA
Dave Smith	DOD
Bland West	DOD
Donald I. Wortman	HEW

May 13, 1975

MEMORANDUM FOR: Paul O'Neill, Deputy Director, Office of
Management and Budget

FROM : Charles R. Work, Chairman *CWR*
Interagency Team on the Presidential Clemency Board

SUBJECT : Interim Recommendations on the Presidential Clemency
Board

Since our meeting with you on Friday, May 9, the team has been involved in two days of staff discussion with the staff of the Presidential Clemency Board (PCB) and the OMB. Based upon our initial discussions, we believe that there are several interim recommendations that should be brought to your attention immediately. These recommendations, we believe, can and should be acted upon immediately and would, if accepted, help to relieve the present intense workload and severe administrative problems being experienced by the PCB.

The Interagency Team would therefore make the following interim recommendations:

- 1) The PCB should be authorized to initiate immediately a Summer Legal Intern Program. This program would be designed to bring on board approximately 100 law school students as summer interns and would be launched immediately, before the law schools go into summer recess. These interns would be used to augment the existing staff of approximately 175 action attorneys and would be used primarily for case preparation. The DOD has already arranged for a summer intern program in support of the PCB and has already agreed to supply approximately 100 law student interns to the PCB as a 2 for 1 replacement of 50 of the DOD lawyers presently working for the PCB. The estimated cost for the DOD intern program is approximately \$300,000. The program which we are recommending would be in addition to the DOD program, i. e. an additional 100 law student interns over and above the 100 interns presently being promised by DOD. The DOD has already indicated that they would be willing to recruit an additional 100 interns through their program but that money would be the problem. The estimated cost for additional 100 interns would therefore be about \$300,000 and it is our recommendation that this sum be equitably allocated among the several agencies which are presently supporting the PCB program.

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- 2) The OMB should develop and issue immediately to all agencies presently contributing details to the PCB a clear and definitive personnel policy statement that outlines for all agencies the policy which shall govern for all personnel detailed to the PCB program. In particular, this policy statement must cover the following specific topics:

- (A) Overtime compensation for detailed personnel
- (B) Annual leave for detailed personnel
- (C) Compensatory time for detailed personnel
- (D) Reimbursement for parking expenses for detailed personnel

The emphasis of such a policy statement should definitely be on standardization of personnel policy for the detailees of the participating agencies and on liberalization of overtime, compensatory time and reimbursement policies in support of this high priority effort.

- 3) The OMB should inform all participating agencies presently detailing staff to the PCB that due to the tremendous workload faced by the PCB, low productivity employees who have been detailed to the PCB will be returned to their home agencies and that home agencies will be expected to supply replacement details. As of May 9, 1975, the PCB has already developed rather sophisticated workload analysis techniques and has already produced some excellent individual performance analysis. As of May 16, 1975, the PCB should be in a position to have clearly identified those particular detailed staff members whose productivity while on detail has been excessively low. The PCB should be authorized to return such individual details to their home agencies and to request replacement details for the details returned. Such a replacement program should obviously be phased so that no low productivity employee is returned before his replacement is on board.
- 4) OMB should resolve immediately the status of Ms. Gretchen Handwerger on the PCB staff. Ms. Handwerger has from all accounts been playing a critical role as the administrative officer of the PCB. Apparently, however, some confusion exist over Ms. Handwerger's status with the PCB. Her detail from DOT as an expert consultant is at an end as of this date and the GS-16 slot which was promised by OMB to the PCB and against which Ms. Handwerger was to be hired has apparently not been forthcoming. The loss of Ms. Handwerger's services at this point in time could only add to the administrative problems presently plaguing the PCB.

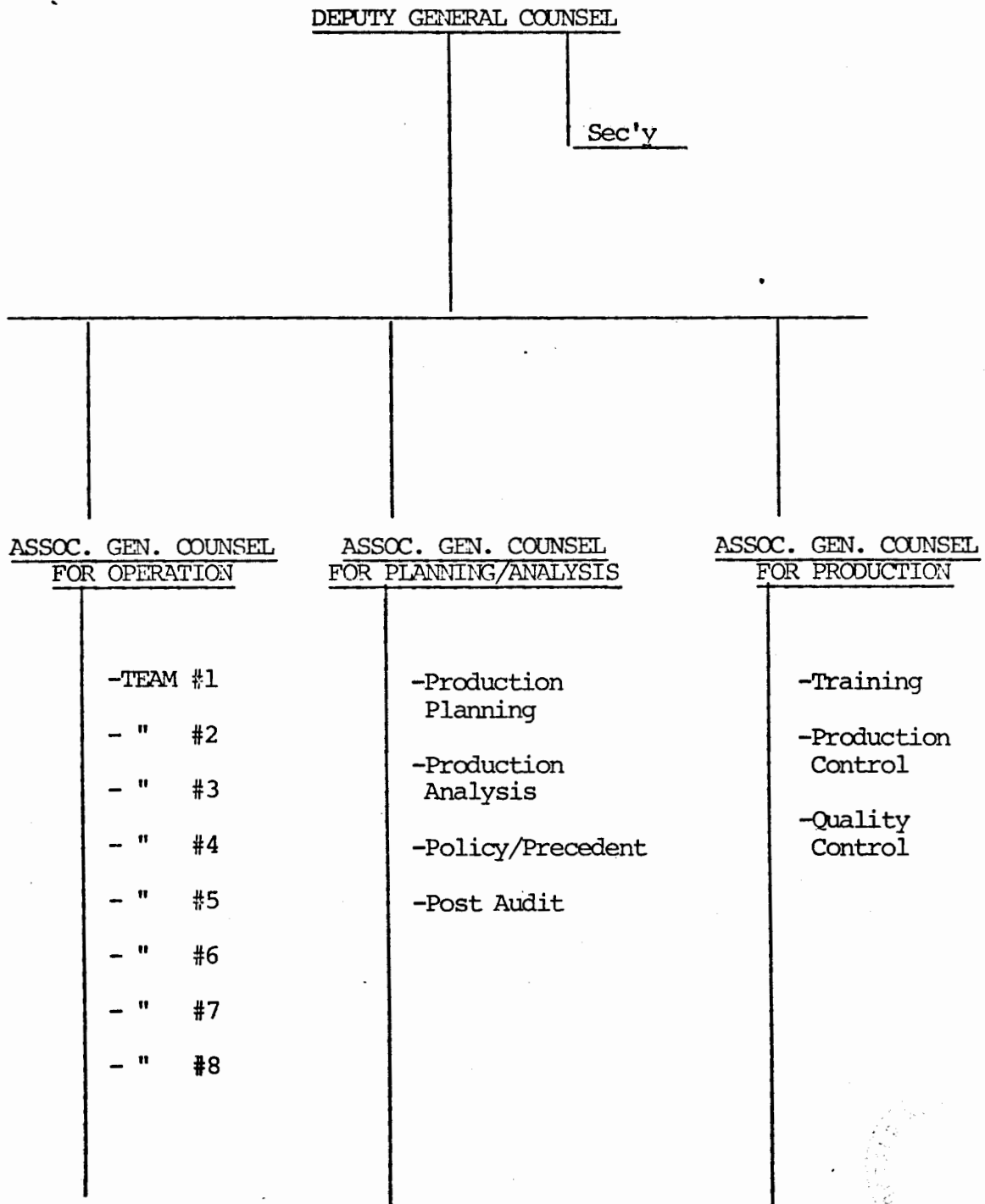


In conclusion, we must emphasize that the recommendations outlined above are only interim. They represent our collective opinion as to immediate actions which should be taken in order to relieve a few of the most obvious and pressing problems presently facing the PCB. In the next few days we shall be exploring the more substantive issues and we shall make more developed recommendations on those issues in our final report to be delivered to you on Friday, May 16.

cc V. Puritano, OMB
L. Baskir, PCB

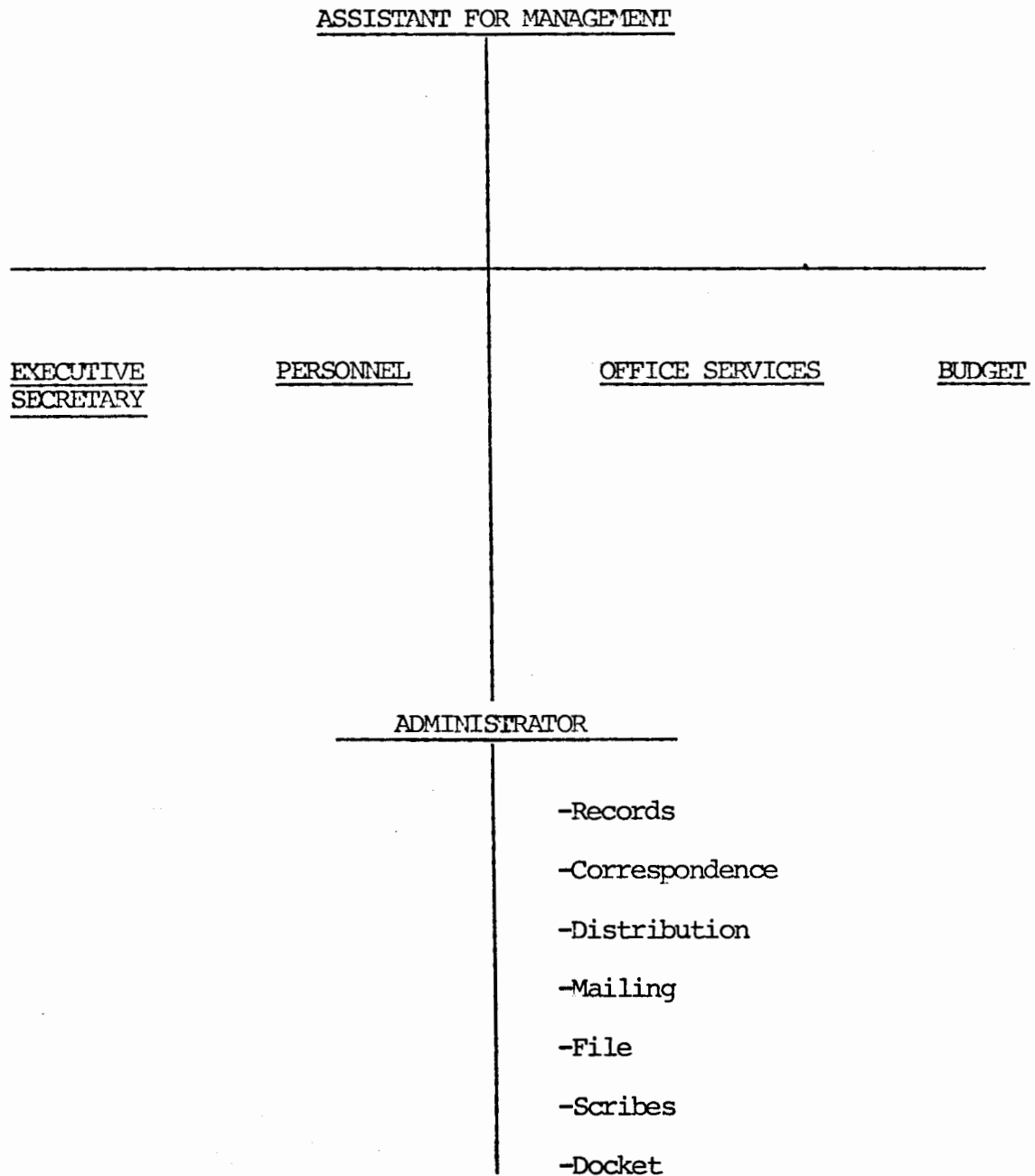
APPENDIX "C"- 1

SUGGESTED ORGANIZATION OF PRODUCTION SIDE



APPENDIX "C"- 2

SUGGESTED ORGANIZATION FOR MANAGEMENT SIDE



APPENDIX "C" - 3

SUGGESTED FRONT OFFICE ORGANIZATION

BOARD * * * * * CHAIRMAN * * * * * SPECIAL COUNSEL

Sec'y

GENERAL COUNSEL * * * SPECIAL ASSISTANT

Sec'y

ASSISTANT for MANAGEMENT

DEPUTY GENERAL COUNSEL



APPENDIX "D"

PANEL DECISION TIME ANALYSIS

Assumptions:*

- a) 6 hours of decision time/day
- b) 5 days a week, not necessarily Monday thru Friday
- c) 5 minutes/decision or 12 decisions/hour
- d) 15 weeks between week beginning June 1 and including week beginning Sept. 7

Therefore -

Four Panels with 120 hours of decision time per week for 15 weeks can handle 21,600 cases

Five Panels with 150 hours of decision time per week for 15 weeks can handle 27,00 cases

Workload Analysis:

a) Total Cases to be decided	19,500
b) Decided by May 9	- 840
subtotal	<u>18,660</u>
c) 5% recall based on further staff work or outside decision boundaries	+ 925
Total Panel Decisions	<u>19,425</u>

Points:

- 1) Chairman Goodel feels strongly that Panels will not be a barrier and he is prepared to add Board members if that is necessary.
- 2) Chairman feels time per case will definitely improve since panels are in early part of their learning curve

* Lee Beck's May 12, 1975 analysis shows:

	<u>May 8&9</u>
Cases/hr.	8.2
Net Cases excluding referrals	7.5

- 3) Since Action Attorneys time is key factor in this operation, Panels must adhere to firm schedule and chairman of panels must keep Team Leaders and Assistant Team Leaders advised of docket status so that Action Attorneys are not cooling their heels awaiting on the Panel.
- 4) CB Management should "bunch" cases by Action Attorney so that Attorney is scheduled to hear all his or her cases during one time segment a week.

APPENDIX "E"

WORKFORCE CALCULATIONS

Weekly Production At Rates For

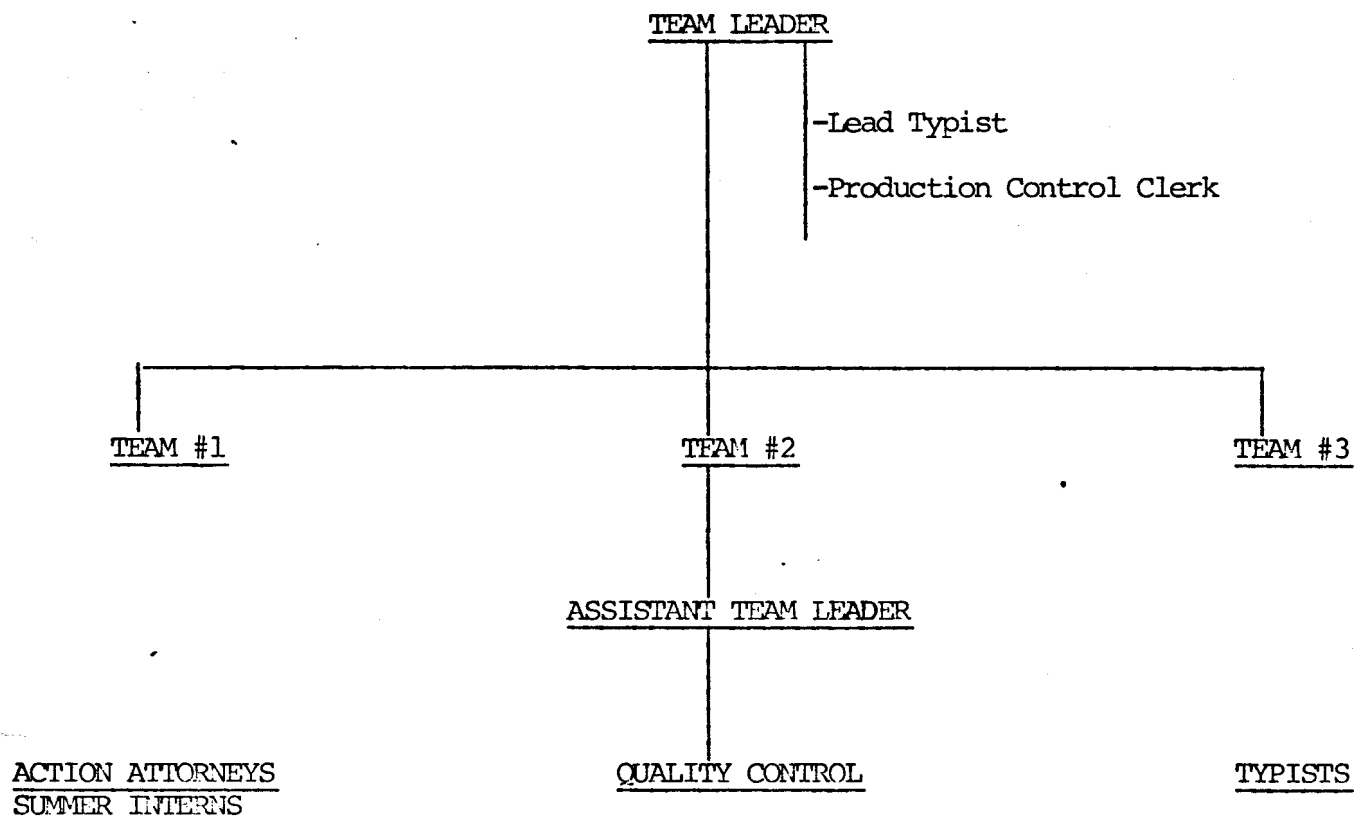
<u>Weeks of</u> <u>Exp.</u>	<u>No. of</u> <u>Att.</u>	<u>Max</u>	<u>Reg.</u>	<u>3rd Week</u>	<u>2nd Week</u>	<u>1st Wk</u>	<u>Total</u> <u>Wks</u>	<u>Total</u> <u>Att</u> <u>Wks</u>
4	70	3	9	-	-	-	12	840
3	35	2	9	1	-	-	12	420
2	55	1	9	1	1	-	12	660
1	15	-	9	1	1	1	12	180
	<u>175</u>	<u>6</u>	<u>36</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>48</u>	
Att. Weeks	X 12	-	-	-	-	-	-	-
	<u>2100</u>	<u>335</u>	<u>1575</u>	<u>105</u>	<u>70</u>	<u>15</u>		<u>2100</u>
Rate/Wk		10	8	7	4	2		
Cases Produced (12 May - 1 Aug)		3350	12,600	735	280	30		16,995
Cases Completed								
Aug from Q.C.	20	-	10	-	-	-		840
Att Wks			200					<u>17,835</u>
Rate/Wk			8					<u>1,600</u>
Add. Prod.			<u>1600</u>					<u>19,435</u>

Total Action Att. 195

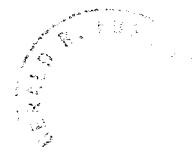


APPENDIX "F"

SUGGESTED TEAM ORGANIZATION



<u>RECAP</u>	<u>TOTAL</u>	<u>PROF.</u>	<u>NON-PROF.</u>
Team Leader + Typist	2	1	1
Asst. Team Leaders	3	3	--
Action Attorneys	24	24	--
Summer Interns	12	12	--
Quality Control	3	3	--
Production Control	1	--	1
Typists	12	--	12
TOTAL/TEAM	57	43	14
Eight Teams	456	344	112
Less Interns	-96	-96	--
TOTAL	360	248	112



Tuesday, May 20

75

Charles E. Goodell

Presidential Clemency Board:

9:30 a.m.:

Bert Concklin

Chris Griner

Joseph Malaga

κ David Smith POD SOB

Don Wortman

Charles Work

Robert Diegelman

William Doyle



E. O. B.

360

Marilyn Meinking

360

2135

May 20, 1975



UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
OFFICE OF THE DEPUTY ADMINISTRATOR
WASHINGTON, D. C. 20530
June 11, 1975

at

MEMORANDUM

TO : Honorable Charles E. Goodell
Chairman
Presidential Clemency Board

FROM: Charles R. Work *CRW*
Chairman
Interagency Team to Survey the
Presidential Clemency Board

Attached is the supplemental report of the Interagency Team to Survey the Presidential Clemency Board, submitted to Paul O'Neill, Deputy Director, OMB on June 11, 1975.

at



UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
OFFICE OF THE DEPUTY ADMINISTRATOR

WASHINGTON, D. C. 20530

June 11, 1975

MEMORANDUM

TO : Paul H. O'Neill
Deputy Director
Office of Management and Budget

FROM : Charles R. Work *aw*
Chairman
Interagency Team to Survey the
Presidential Clemency Board

SUBJECT: Supplemental Report of the Interagency Survey Team

Since the submission of the Survey Team's Report on the Presidential Clemency Board (CB) on May 16, 1975, the Team has, as recommended, been monitoring the progress of the CB in implementing the Team's recommendations and in processing its present caseload. On May 28, 1975, the CB submitted its Implementation Plan to the Survey Team in response to the Team's recommendations. The Team reviewed the CB Implementation Plan, discussed its comments on the Plan at length with the CB General Counsel and further communicated its findings on the Plan to the CB General Counsel by memorandum on June 5, 1975. In addition, members of the Team have held several working sessions with the CB staff to review weekly case production figures. In the paragraphs below are presented our final comments to you on the CB's progress in implementing the Team's recommendations and several additional final recommendations which we believe merit your close attention since the submission of this report formally concludes the existence of the Survey Team.

In general, it is our observation that the rate of CB staff case summary production for Board presentation and the rate of Board disposition of cases have both increased sufficiently to assure that the September 15, 1975 target date for final disposition of cases can be met. Last

week alone (week ending June 6) approximately 1,200 case summaries were produced and the Board disposed of an equal number of cases. As of June 6, 1975, approximately 2,900 cases have been decided by the Board. In addition, approximately 1,500 case summaries already stand prepared and docketed for Board consideration for the week of June 9, 1975. Major typing backlogs and Quality Control slowdown have been eliminated. In addition, the CB has revised downward its estimate of the total number of cases which must be processed by the Board by September 15 from approximately 19,000 to approximately 17,000. This downward revision is due generally to the identification of approximately 1,000 "No Jurisdiction" cases which the Board cannot process and the passage of the deadline (June 1) by which applicants were required to "perfect" their applications for clemency by providing needed additional information. It is the opinion of the Team, therefore, that if the present rates of case production and Board case disposition are maintained, the September 15 deadline remains an achievable target for final disposition of cases given the present commitment of resources to the program.

The key factor in the achievement of this deadline remains, however, the maintenance by CB top management of a high level of morale and dedication to the completion of the CB mission by September 15. We indicated this in our May 16 report and recommended an early Presidential or Vice Presidential visit in order to demonstrate clearly the importance of the CB mission as a Presidential program. It is the opinion of the Team that such a visit is still needed, even though the responsibility for morale must rest ultimately with CB management. We believe it is necessary, therefore, to reiterate for your consideration our earlier recommendation:

Recommendation: OMB should initiate action to obtain if at all possible, an early visit of the President or Vice President to the entire CB staff.

In addition, it must be emphasized that although the Team believes that the September 15 deadline can be met there will still be, as we indicated in our May 16 report, some carry-over workload. This carry-over workload may be as high as 2,000 - 3,000 cases and would obviously include the 1,000 "No Jurisdiction" cases presently identified as well as perhaps another 1,000 - 2,000 cases which did not meet the June 1 deadline as well as additional cases in which reconsideration has been requested.

Therefore, at this point, we must also repeat another recommendation included in our May 16 report:

Recommendation: CB in consultation with OMB should prepare plans for the carry-over workload so that a decision as to how this will be handled can be made by the White House by June 30, 1975.

In addition to the two recommendations indicated above, there are in the opinion of the Team several other recommendations which were contained in our May 16 report which have yet to be fully implemented and which we believe merit your careful attention. These are indicated below with our comments and further recommendations for implementation:


1. Report Recommendation: Effective no later than May 23, OMB should assign an experienced senior federal manager at the GS-16 level to CB to act as head of their administration.

Comment: After three weeks of observation of the CB, it is the opinion of the Team that the need of the CB for a senior administrative officer still remains critical. Many of the personnel and administrative problems being experienced by the CB are, in our opinion, attributable to the absence of anyone with overall administrative responsibility for the CB. At your request, we have over the last several weeks attempted informally to find just such a person but unfortunately without any success. The CB has indicated a willingness to interview such a person if identified.

Final Recommendation: Effective as soon as possible, OMB should assign an experienced senior administrative officer at the GS-16 level to the CB.

2. Report Recommendation: OMB should tap the Federal agencies for an additional 50 clerical persons of whom at least 10 should be in the GS-6 through 8 range by May 30.

Comment: Due to the slowness of this clerical tap, the CB experienced over the past several weeks serious typing backlogs. On May 31, the CB had a typing backlog of almost 1,200 case



summaries. They were able to reduce this backlog only by hiring private temporary secretaries (approximately 30) using funds out of their own budget. As of this date, the typing backlog has been eliminated but our recommended tap of an additional 50 clerical persons has not been completed (CB and OMB numbers differ on the size of the deficit, but both agree that the full tap is not on board).

Final Recommendation: OMB must take action to ensure that all 50 clericals requested by the Survey Team are on board by June 16, 1975, if major typing backlogs are to be avoided.

3. Report Recommendation: CB staff should develop a system for docketing cases before individual panels that permits each Action Attorney to present all of his or her cases that are ready for disposition that week during: (a) one continuous time period on one day and (b) before one panel only.

Comment: The Survey Team believes that this recommendation is critical to the efficient use of the Action Attorney's and Assistant Team Leader's time as well as to efficient and timely Board disposition of cases. As of this date, the CB staff has developed a case docketing system which while it is not completely responsive to the details of the Survey Team's recommendation, is surely a completely acceptable variant, responsive to the thrust of the Team's recommendation. The problem is, however, the docketing system has not been implemented.

Final Recommendation: The case docketing system developed by the CB staff should be fully implemented no later than June 20, 1975.

4. Report Recommendation: The CB staff should be immediately advised that personal vacation plans will not be considered until after August 1, 1975.

Comment: Although the Team is not adamant about a "no vacations until August 1" policy, it does believe strongly that a limited "case-by-case"



vacations policy must be instituted by the CB to ensure that a majority of critical professional staff are not absent on vacation during the major case production months ahead. CB admits that it has no "definitive vacations policy" at present.

Final Recommendation: CB must implement by June 16, 1975, a limited "case-by-case" vacations policy through August 1 to ensure the presence of critical professional staff throughout the major production months ahead.

5. Report Recommendations: CB should establish a policy/precedent analysis capability reporting directly to the Office of the Deputy General Counsel. In addition, CB should add a final line to the case summary: "Board Precedent for Disposition."

Comment: As of this date, the policy/precedent analysis function established by CB is only "fledgling." The National Aeronautics and Space Administration, in response to a Survey Team request is presently providing computer support to the CB in order to aid them in the rapid analysis of Board dispositions. Action Attorneys however, are still strongly cautioned against in any way indicating to the Board how they disposed of similar cases in the past. In order to ensure consistency in Board decisions and in order to aid in the rapid disposition of a heavy caseload, the Survey Team strongly believes that the role of the Action Attorney in indicating to the Board its precedent for disposition of similar cases must be greatly increased.

Final Recommendation: The CB should implement by June 20, 1975, a system whereby Action Attorneys can clearly indicate to the Board their own precedent for handling similar cases in the past. The CB must additionally strengthen the role of its policy/precedent analysis function to ensure that this system can be implemented.




Finally, the Survey Team proposes for your consideration two supplemental recommendations which we believe should be implemented immediately. Our first recommendation is designed to ensure a continuing monitoring and close management of the CB program by OMB now that the Team is no longer in existence. Our second recommendation is designed to ensure closer coordination between the CB and the Selective Service in monitoring the ability of the Selective Service to locate public service jobs for those individuals granted clemency on the condition of alternative service:

Recommendation: The CB should provide to the OMB starting Monday, June 16, 1975, a written "pipeline analysis" report showing the status of the entire CB caseload by the various stages of production from applications logged, through case summaries produced, Board dispositions and eventual Presidential signature. This management analysis technique was developed by CB staff in cooperation with the Survey Team and has proved particularly effective in spotting backlogs and management problems. These written reports with appropriate CB analysis and comments should be supplied to OMB every three weeks starting Monday, June 16, 1975, and continuing through August 31, 1975.

Recommendation: The CB should designate by June 16, 1975, a senior staff member to serve as permanent liaison with the Selective Service for the alternative service aspect of the CB program. The Selective Service has already initiated such a request to OMB and has already designated a member of their staff to serve as permanent liaison to the CB.

In conclusion, we would reiterate that after several weeks of intensive analysis and close observation of CB operations, it is the general opinion of the Survey Team that the President's deadline for Board resolution of existing case workload by September 15, 1975, is a reasonable target which can be accomplished with the resources presently available to the CB given the completion of the clerical tap as indicated above and the recognition that there will be a modest workload carry-over for which the OMB must plan now. The critical factor in the equation is still, in our opinion, the key role which must be played by CB top management in generating and maintaining a high level of morale and dedication to



the completion of the CB mission by September 15. The focus of the energy and leadership for CB top management must in the days ahead be only the completion of the task at hand by September 15, 1975.



Sen. Goodlee

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

June 27, 1975

MEMORANDUM FOR: CHARLES R. WORK, CHAIRMAN
INTER-AGENCY TEAM

FROM: LAWRENCE M. BASKIR *LMB*

SUBJECT: CONCLUDING REPORT OF THE INTER-AGENCY TEAM

First of all, it has been a pleasure for my staff and myself to work with you and your colleagues on the Inter-Agency Team. We found your Team to be composed of dedicated professionals whose purpose -- and whose accomplishment, in our opinion -- was the enhancement of the PCB's ability to complete its work with quality and on time. I sincerely hope that the Team members found the cooperative enterprise to be as enjoyable and worthwhile as we did.

We agree that September 15 remains an achievable target for the final disposition of all but the most intractable of our cases. Our best estimate of the number of cases we must process has dropped still further, and we now project a total caseload of about 16,000 cases. Through Friday, June 20, our action attorneys have drafted case summaries for 10,600 applicants (9,000 of which have gone to Quality Control), an increase of 9,700 in the past eight weeks. At our current pace, we expect to meet our August 1 deadline for draft summary completion. The Board should have no difficulty meeting its August 15 deadline for hearing all cases in panels.

However, a few nagging problems remain. The last 3,000 files are proving to be rather difficult to obtain. It is likely that a few hundred (perhaps several hundred) may not be recovered in time for the Board to review those cases before our deadline. Some may not be obtainable at all, giving us the choice between reviewing cases with no official record or reconstructing entire files. For this reason, the Board may not be able to review more than 15,000 - 15,500 cases before the September 15 deadline.

RECEIVED R. FORD

Very soon, we shall have an oversupply of professional staff. When we are reasonably certain of this, we shall begin returning detailed civil servants to their agencies. (Our remaining staff, mostly summer interns, will present to the Board cases prepared by departed Action Attorneys). We shall carry out our summer job commitments to the 135 interns on our staff and will shift them to administrative or clerical tasks as necessary. Gearing down our organization may be as difficult as gearing up has been, and we would appreciate any suggestions which your Team might offer.

In the discussion below (with appendices following), I would like to respond to the recommendations in your concluding report. I understand that Bill Strauss, in a meeting with Bob Diegelman and Dave Smith, helped resolve some of the questions in your earlier report which did not appear in your subsequent draft. Therefore, I see no reason to cover those same points again here.

1. Recommendation: OMB should initiate action to obtain, if at all possible, an early visit of the President or Vice President to the entire PCB staff.

Action: We understand that The White House has approved a meeting between the President and the Board. Some administrative problems on The White House end may prevent his meeting with our staff, however.

2. Recommendation: PCB, in consultation with OMB, should prepare plans for the carry-over workload so that a decision as to how this will be handled can be made by The White House by June 30, 1975.

Action: We are now trying to ascertain what the carry-over workload will be. This workload will depend upon (1) the number of cases for which files cannot be obtained by August 1; (2) the rate of applicant appeal requests; (3) the Board's final policy on monitoring the alternative service of its applicants; and (4) our progress in completing the Board's final report. We could have further thoughts to OMB by 30 June, 1975, but we suggest July 31, 1975, as a date by which we can report to the OMB in considerably greater detail on this subject.

3. Recommendation: Effective as soon as possible, OMB should assign an experienced senior administrative officer at GS-16 level to the the PCB.



Action: We have expressed our willingness to interview any candidates identified by OMB as suitable for this assignment. However, no candidate has been referred to us. The start-up time required by such a new Administrator now outweighs the advantages of bringing on a new person with the characteristics desired by the Inter-Agency Team and ourselves.

4. Recommendation: OMB must take action to ensure that all 50 clericals requested by the Survey Team are on board by June 16, 1975, if major typing backlogs are to be avoided.

Action: The clerical tap is being filled, but slowly -- and with administrative personnel who are not all typists. Through June 24, we have received all but 7 of our last clerical tap, approximately half of whom have typing skills. To solve our typing backlogs, we are experimenting with having Action Attorneys prepare clean summary drafts which would not require retyping before going to quality control. If this experiment is successful, we shall implement this procedure within the next few days. We may also have to continue relying on contract typists.

5. Recommendation: The case docketing system developed by the PCB staff should be fully implemented no later than June 20, 1975.

Action: Our case docketing system has been revised in a manner quite similar to that described earlier to the Inter-Agency Team. Implementation of the revised system began during the week of June 16, and it is now fully in place. Except for backlogs caused by a shortage of support personnel (typists), our docketing procedures are working well. They are described at length in Appendix A.

6. Recommendation: PCB must implement by June 16, 1975, a limited "case-by-case" vacations policy through August 1, to ensure the presence of critical professional staff throughout the major production months ahead.

Action: We did circulate such a memo on June 16, a copy of which is attached as Appendix B. We expect to be generous in allowing annual leave, given our expected gearing-down of activities during the upcoming months.

7. Recommendation: The PCB should provide to the OMB starting Monday, June 16, 1975, a written "pipeline analysis" report showing the status of the entire PCB caseload by the various stages of production from applications logged, through case summaries produced, Board dispositions, and eventual Presidential

signature. This management analysis technique was developed by PCB staff in cooperation with the Survey Team and has proved particularly effective in spotting backlogs and management problems. These written reports with appropriate PCB analysis and comments should be supplied to OMB every three weeks starting Monday, June 16, 1975, and continuing through August 31, 1975.

Action: We have taken pipeline "snapshots" three times so far -- May 30, June 12, and June 24. We plan to repeat this procedure once every 7 - 9 days during the next several weeks. We have just completed our analysis of the most recent pipeline snapshot, which we are including (with our first two snapshots) in Appendix C.

8. Recommendation: The PCB should designate by June 16, 1975, a senior staff member to serve as permanent liaison with the Selective Service for the alternative service aspect of the PCB program. The Selective Service has already designated a member of their staff to serve as permanent liaison to the PCB.

Action: We have designated Charles S. Craig, Deputy Associate General Counsel for Planning, Management, and Evaluation, as our liaison with the Selective Service System. The PM&E staff has identified a number of issues which we may shortly need to discuss with Selective Service.

Attachments



Appendix
A



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

June 18, 1975

Standard Operating Procedures for Docketing

A. Advance Planning of the Docket Schedule

1. Senator Goodell will assign panel members to docket blocks (i.e., 90 minute time segments, four of which will be the typical day's workload). He must do this no later than COB Friday, a full week before the beginning of the docket week in question. He will do this by filling out the appropriate parts of the weekly docket form (D-1), then sending it to Jim Poole of the Board Interface Unit. Jim will assist him at his request in making these schedules.

2. The same panel members will work together as a designated panel (A,B,C,D, or E) for an entire week. Panel rearranging will be done only on a weekly basis. Senator Goodell will assign panel chairpersons as he makes panel assignments.

3. There will be four docket blocks. The first and third docket blocks will begin at 9 AM and 2 PM, respectively, without fail. The second and fourth docket blocks are "flexible" and will be scheduled to begin at 11 AM and 4 PM, respectively, but they are not required to do so. These flexible docket blocks may:

- (a) Begin early, at panel request and with adequate notice to panel counsels
- (b) Be canceled, for cause, with consent of the Board Chairman; or
- (c) Begin on time.

Under no circumstances may any panel begin more than five minutes later than scheduled.



B. Team Leaders Submissions to Docketing

Team Leaders will be responsible for ensuring that the following procedures are carried out:

1. On the case summary, the section in the upper left hand corner entitled "P.C.B. Attorney:" will be completed as follows:

Case Attorney's Name/if reassigned, new case attorney's name--Asst. Team Leader/Team Leader

2. Case Attorneys are responsible for submitting a packet (Case Summary, A and M Sheet, B-A form, and 3 or 4 prepared address labels (to be discussed below)) to a team secretary for final typing of the summary. Note that the A and M sheet, B-A form and 3 or 4 labels remain attached. The secretary returns the packet to the case attorney for final review. Thereafter, the case attorney returns the packet to the secretary who is responsible for xeroxing the packet in the following number of copies:

- a) The final summary.....15 copies
- b) The A and M Sheet.....12 copies
- c) The B-A Form.. 3 copies
- d) Labels. 0 copies

C. Distribution of Packet and Xerox Copies

The completed packet and attached forms and labels are distributed as follows:

- a) Original and 3 copies of the case summary and A and M sheet to the case attorney; Original and 1 copy of each to the file proper, 1 copy of each for the case attorney's use in his presentation to the board/panel, and one copy of the summary and A and M sheet to the Assistant Team Leader. The balance of the packet and attached forms and labels is submitted to the Summary Distribution Section (Jay Pacini) for distribution as described below:



- b) One copy of the summary is mailed via certified mail to the applicant's address as indicated on the B-A Form (Note: If the labels, which contained in all files numbered 8000 and above, contain the current best address, they should be used on the envelope to mail the summary to the applicant. In this regard it is incumbent upon case attorneys to check these labels carefully against the most recent correspondence from applicant and, if labels are correct, USE THEM! Of course, if the applicant has moved since the labels were prepared so that they are no longer correct, discard them.)
- c) One copy of the case summary is sent to the applicant's attorney, if any, at the address listed on the B and A form.
- d) One copy of the summary is submitted to the administrative staff (Gretchen Handwerger.) This copy will have the certified mail slip attached, indicating the date mailed.
- e) One copy of the case summary will be filed in Docketing Section Master File.
- f) One summary copy is an extra to avoid unnecessary re-xeroxing.
- g) Seven copies of the summary are used in the preparation of the "Docket Packets" (3 or 4 to panel members, 1 to panel counsel, 1 copy is for Senator Goodell, and 1 or 2 are extras which always seem to be used).
- h) One copy of the A and M sheet will be filed along with the case summary in the Docketing Section Master File.
- i) One copy of the A and M Sheet is an extra to avoid unnecessary re-xeroxing.
- j) Seven copies of the A and M sheet are used in the preparation of the "Docket Packets".
- k) One copy of the B-A form is used by Summary Distribution.
- l) One copy of the B-A form is forwarded to Gretchen Handwerger along with the 2 or 3 remaining labels, if correct.



All teams when submitting the packets (case summary, A and M sheet, B-A forms and labels) to Distribution Section should submit them without mixing them with those of another team. This will eliminate unnecessary sorting in the Distribution Section.

Once "Docket Packets" are prepared and a Packet List (Docket) is prepared one copy of both will be returned to the panel counsel for his use.

D. Case Docketing

1. The Distribution Section will compile cases by team using one bin per team as is current practice.

2. When thirty cases have accumulated in a team bin, the packet will be matched to the next available Board Panel docket block. The Weekly docket form (D-1), as prepared by Senator Goodell, will be posted prominently in the Distribution Section and used for making docketing assignments. The only exceptions to the "next available" rule (provided that enough cases are otherwise available to meet the Board docket schedule) will be when the Assistant General Counsel notes, in a memo to accompany his cases, that certain dates or times will be impossible for him, his assistant team leaders or his action attorneys.

3. In the packets, the cases will be arranged sequentially, by case number--even if this mixes the batches of separate Assistant Team Leaders.

4. A packet list (Form D-2), listing cases in numerical order, will be prepared for each AGC with cases in each packet.

5. The seven packets for each panel block will each have a cover sheet prepared (Form D-3), noting some identifying information and stapled to the top of each packet. The packet lists (Form D-2) will be the second page of the packets sent back to AGC.

6. The seven packets will be distributed as follows:



- a. One to the Assistant Team Leader
- b. One retained in the Docketing Section
- c. One to the Administrator's staff.
- d. Three or four to the Board panel members, with the extra copy (if any 3 panel members) retained by the Docketing Section if necessary.

E. Sequencing Cases

1. With cases docketed and packets returned to the AGC's not later than three days before the scheduled docket block, the AGC's will prepare a Presentation List for each packet not later than COB, two days before the scheduled panel appearance. He will group the cases by Assistant Team Leader, and to the extent possible, by individual action attorneys.
2. After confirming the schedule with his attorneys, he will have three copies made of his filled-out Presentation List (Form D-4). Not later than 4 PM of the day before the scheduled docket block, he will distribute the three copies to Central Docket Control on the ground floor of 2033 M Street, which will relay a copy to the scribes and panel chairpersons (retaining the third). The ATLs will keep the original Presentation List.
3. Assistant Team Leaders should note approximate times for attorneys presentations on their Presentation Lists as well as approximate times for their own initial appearance in the overall Team Docket block. It is only necessary to note the time of the first case for each attorney, is rounded to the nearest 5 (or even 10) minutes. If an ATL has the second half of a docket block, he should anticipate beginning his presentations at 9:45, 11:45, 2:45 or 4:45 (as appropriate). As a rule of thumb, figure 3 minutes per case--but 5-6 minutes for cases involving possible veterans benefits, no clemency, or special fact circumstances.



F. Panel Presentations

1. The Assistant Team Leader will serve as Panel Counsel for all cases presented by his action attorneys. At the start and later, as appropriate, AGCs will assist them in this role. In this role, the DAGC is responsible for having reviewed or familiarized himself/herself with all cases to be presented before a given panel. Under extraordinary circumstances, a substitute may be appointed by the Assistant General Counsel: The substitute will in turn be responsible for having familiarized himself with all cases prior to presentation.
2. The ATL will call off cases from his Presentation List, remembering that Board members will have the cases in numerically sequenced packets.
3. The ATL should arrive with two attorneys, one with cases to present right away. The other action attorney should study his cases in the Central Docket Control waiting area; he will be "on deck." When the first attorney finishes, he should leave the panel meeting room and be replaced by the next "on deck" attorney.
4. If the schedule is being followed (plus or minus a few minutes), the next "on deck" attorney should arrive ten minutes early without being summoned. If the panel is running early or late, the departing attorney should immediately call a team secretary to alert other attorneys of the revised schedule.
5. Board panels will spend a maximum of two hours (120 minutes) on a single packet. All leftover cases must be redocketed.
6. If a Board panel is running late, it will have its 9 AM docket block run until 11 AM, when it will start its 11 AM docket block (unless the 11 AM block is started early, as previously noted). The panel is guaranteed a minimum of one hour's mid-day break for lunch. If it also runs late in the afternoon, its sessions could run straight through from 2 PM to 6 PM. If it runs through its docket blocks on schedule, it will have mid-morning and mid-afternoon breaks.



G. Redocketed Cases

1. If docket blocks must be cancelled because of any change in Board members' schedules, entire packets may have to be redocketed. If so, the packets circulated to the Board members will be returned to the Docketing Section for reassignment to the next available docket block. Revised cover sheets (Form D-3) will be sent to the appropriate AGCs to the Administrator's staff, and to the Board members on the next panel.
2. If the Board panel does not hear all its cases on a given docket block, the AGC will alert Central Docket Control before he leaves. Central Docket Control will keep a simple numerical log of cases individually redocketed (to assure that none are inadvertently forgotten). The AGC and DAGC will retrieve original copies of the case summaries upon return to the case files.

H. Administrative Oversight

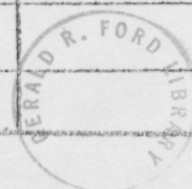
1. It will be the responsibility of Senator Goodell, Jim Poole, and the Assistant General Counsels to assure that these procedures are being followed and that special unforeseen problems are solved.
2. A weekly statistical progress report will be implemented shortly.

Attachments

WEEKLY DOCKET

For the Week of _____ to _____

DATE:		/	/	/	/	/
		M	T	W	Th	F
Panel Chairperson:	9					
A PANEL:	11					
	2					
	4					
Panel Chairperson:	9					
B PANEL:	11					
	2					
	4					
Panel Chairperson:	9					
C PANEL:	11					
	2					
	4					
Panel Chairperson:	9					
D PANEL:	11					
	2					
	4					
Panel Chairperson:	9					
E PANEL:	11					
	2					
	4					
	9					
FULL BOARD	11					
	2					
	4					



PACKET LIST

DATE: _____ PANEL: _____ DOCKET BLOCK: _____
MO/DA Day of Week (starting time)

	Case #	Attorney
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2.		
3.		
4.		
5.		
6.		
7.		
8.		
Panel Counsel	9.	
	10.	
	11.	
	12.	
	13.	
AGC Team	14.	
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	28.	
	29.	
Panel Counsel	30.	



DOCKET COVER SHEET

Distribution to: Board Member

Panel Counsel

Administrator

Docketing

Docket Date: MO/DA Day of Week

Panel:

Docket Block:
(starting time)

Panel Counsel:
(ATL)



PRESENTATION LIST

Date: _____ Panel: _____ Docket Block: _____
MO/DA Day of Week

	Time	Case #	Attorney	Comments
1.1.				
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30.				

Panel Counsel: _____

AGC Team: _____

Appendix
B

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

June 16, 1975

MEMORANDUM FOR: PRESIDENTIAL CLEMENCY BOARD STAFF
FROM: LAWRENCE M. BASKIN *LMB*
SUBJECT: LEAVE POLICY

As you all know and have heard many times, the PCB has the unusual and difficult responsibility of completing its assigned goal not later than September 15. This obligation presents us with personal burdens that ordinary government agency work doesn't have. In addition to the inconveniences and discomforts all of you must bear as detailees, I must impose yet another. The September 15 deadline means, quite obviously, that the normal leave practices and plans must defer to our work schedules. We simply can't finish if the staff disappears on leave during June, July and August. Therefore, all leave plans must be approved by your team-leader or PCB supervisor. I have asked the PCB supervisors to ensure that staff leave schedules not jeopardize our production, and they will not approve leave unless work will not suffer.

Attached to this memo is an order which OMB has sent to each agency detailing personnel to the Board. It ensures that no person will suffer any loss of leave or any other inconvenience because of being detailed here. This means at a minimum that if any of you are in the "use or lose" category of leave, you will not lose leave you cannot take.

If you have any difficulty with your home agency on the matter of leave, the appropriate provision of the FPM is Chapter 630, sub-chapter 3-4b, which states: "Annual leave provided by law is a benefit and accrues automatically. However, supervisors have the responsibility to decide when the leave may be taken. This decision will generally be made in the light of the needs of the service rather than solely on the desires of the employee."

You should quote this to your agency, as well as the OMB order. If you have any difficulties, please contact Charlie Mott or Rich Hunt in our Personnel Office for help (254-9787).

There are a few bright spots, to balance the strict leave limitations:

- (1) The PCB has been authorized a generous overtime policy for employees. We will continue to require overtime, and there should be no difficulty in getting your home agencies to approve it. If you have a problem, let Charlie Mott or Rick Hunt know promptly. Obviously, you must have it authorized by your PCB Supervisor.
- (2) Since you are now traveling to work outside your normal routes, you can be reimbursed for parking expenses while you are at the Board. See the OMB memo and our personnel office if you have any questions.
- (3) I personally want to make certain that nobody here is penalized in any way for working at the PCB. If you get any information that you may be jeopardized for a promotion or work assignment or any other job benefit because you are detailed here, please let us know, and we will take every necessary step we can to prevent it.

I want to thank all of you again for the fine job you are doing under these difficult circumstances. I hope you will let us know if there are problems we can solve, or things we can do to make working here more enjoyable.



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

MAY 23 1975

MEMORANDUM TO AGENCY CONTACTS

Subject: Presidential Clemency Board: Personnel Policy

As you are aware, the detailees from your agency to the Presidential Clemency Board are participating in an intense effort to process clemency applications. The President personally places a high priority on this program and has asked the PCB to complete its work by September 15.

Currently, a high level interagency team led by the Deputy Administrator of the Law Enforcement Administration is reviewing PCB operations with a view to making recommendations to the President on alleviating the workload, administrative and resource problems faced by the PCB.

As a result of interim discussions with the interagency team prior to their final report, I ask your cooperation regarding certain personnel policy questions. Inasmuch as this priority program is only temporary in nature and is staffed by detailees of some 23 agencies, it is important as a matter of equity and productivity that all personnel detailed to the PCB be treated in as nearly a standard a manner as agency policies and regulations permit.

There are three specific personnel topics which I would call to your attention:

1. Overtime compensation and compensatory time for detailed personnel.
2. Annual leave for detailed personnel.
3. Reimbursement for parking expenses.

1. Overtime Compensation and Compensatory Time.

Because of the heavy workload which the PCB staff must complete within the time frame established by the President, there will continue to be requirements for overtime work on the part of many personnel.

We request that the agencies detailing personnel provide overtime pay within available resources and in accordance with the provisions of Federal Personnel Manual Chapter 550

and agency regulations. In cases where agency policy requires the use of compensatory time in lieu of overtime pay for employees at levels above GS-10, we ask that agencies consider adjustments to the time limits within which compensatory time off is to be requested or taken. As indicated in FPM 550, the exigency of service at the PCB is a factor which agencies should consider in this regard.

2. Annual Leave.

Because of the intense workload of the PCB, some detailed employees may have to alter their scheduled annual leave plans. It is possible, of course, that some affected detailees may be able to rearrange their leave plans during the balance of the 1975 leave year once they have returned to their parent agencies, depending on the workload situation, discussions between the employee and the agency and other factors.

The provisions of Federal Personnel Manual Chapter 630 govern annual leave. Particular attention is drawn to FPM Letter 630-22 of January 11, 1974, providing guidance on the provisions of PL 93-181 which, among other things, provides for the suspension of leave forfeiture requirements under certain circumstances. Your agency has also developed policy to implement these provisions. In general, the law permits suspension of forfeiture under these conditions:

- a. To correct an administrative error.
- b. When annual leave was scheduled in advance but its use denied because of the exigencies of the public business.
- c. When the annual leave was scheduled in advance but its use was precluded because of illness or injury.

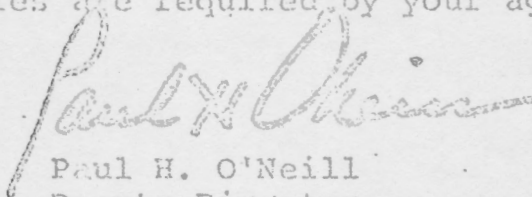
We request that you give detailees from your agency to the PCB every consideration in this regard should the exigencies of the PCB workload cause the alteration or cancellation of scheduled leave plans.

3. Reimbursement for Parking Expenses.

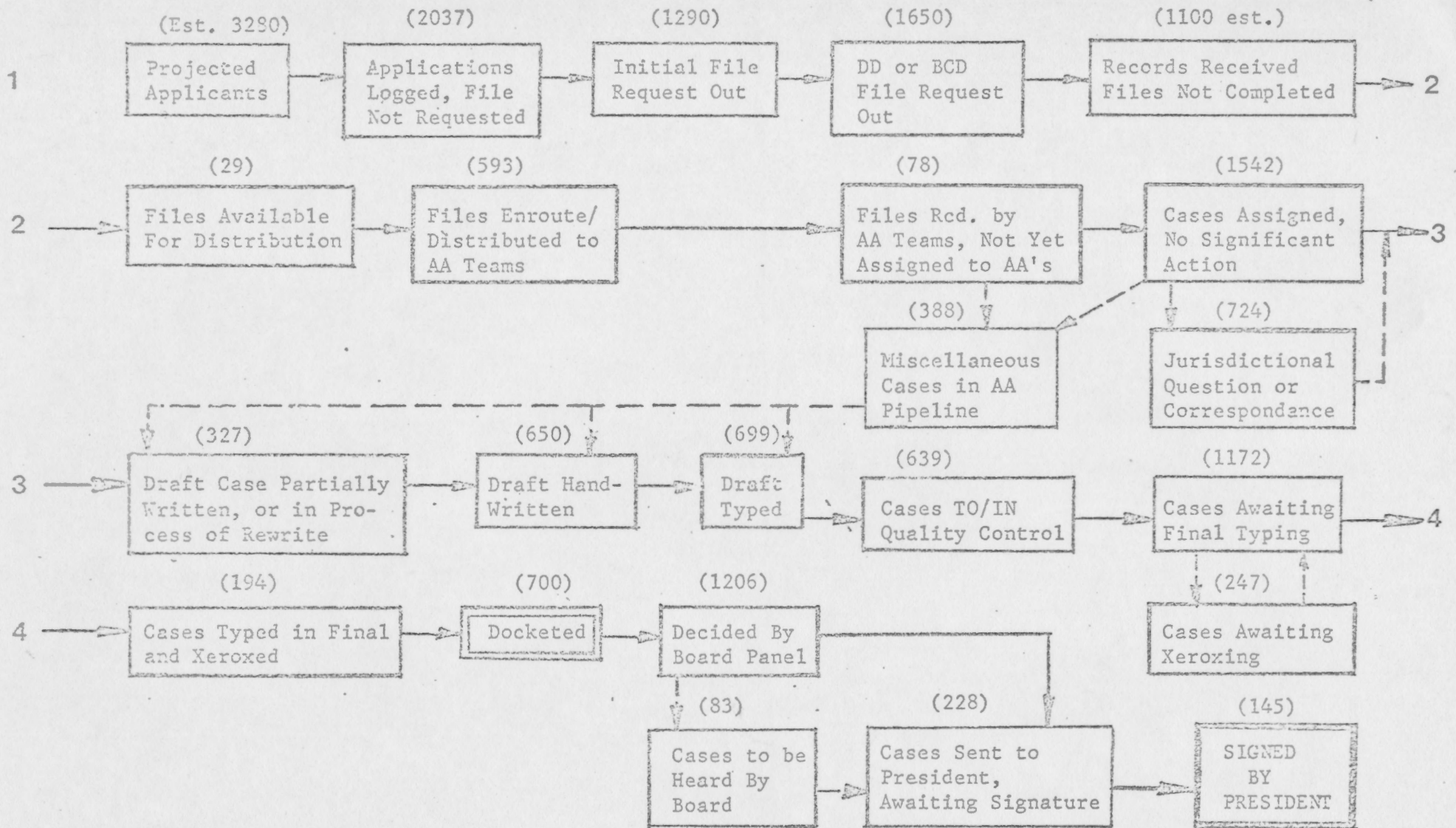
In some cases, detailees assigned to the PCB have faced disruptions in their normal means of traveling to and from their regular office locations. In certain instances, the parent agency of a detailee has paid for parking expenses. We would request that all agencies providing detailees to the PCB

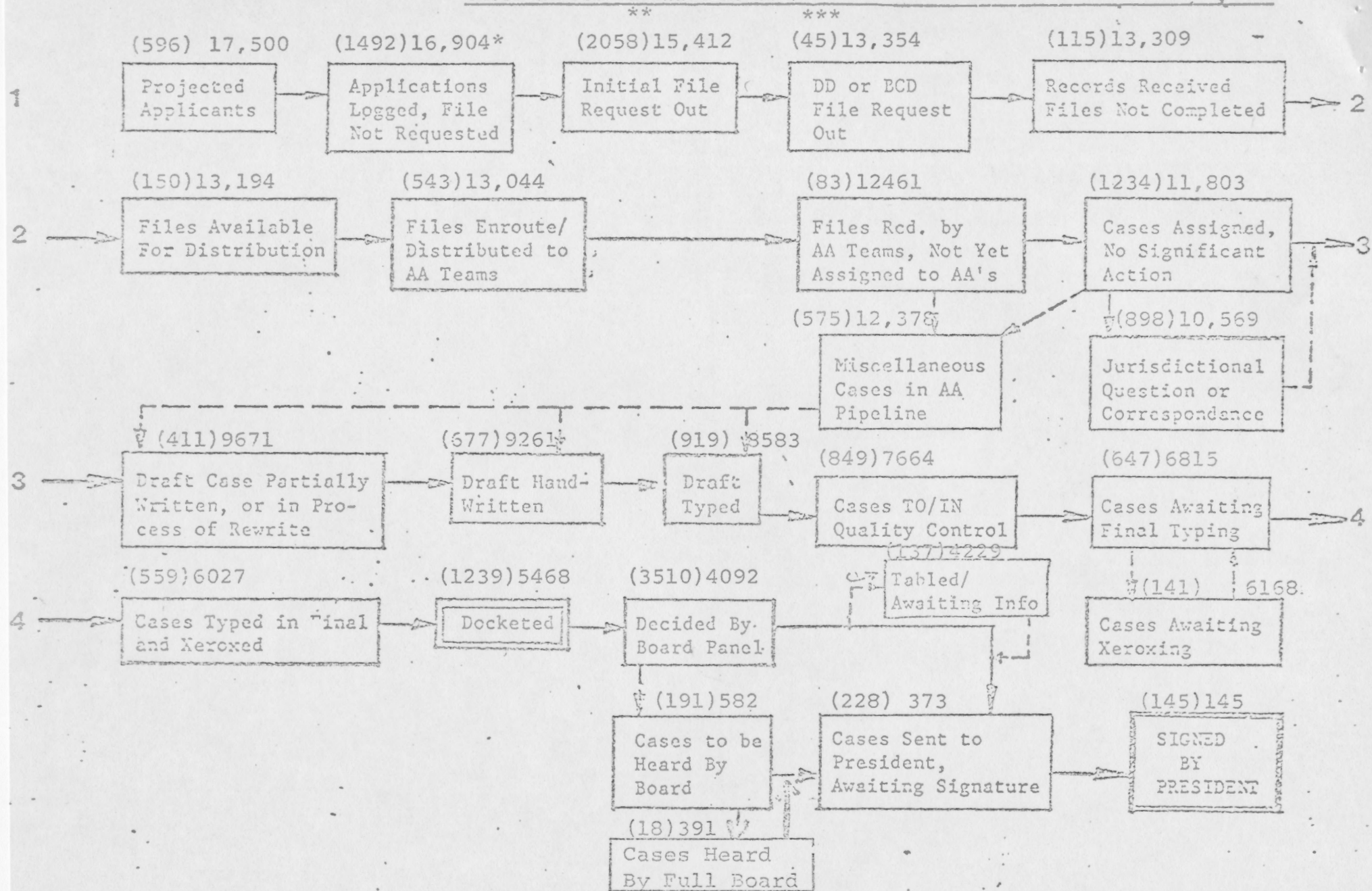
consider those cases in which a burden has been placed on an employee in this regard and provide for appropriate reimbursement in accordance with agency practice. In making such determinations, you may also wish to refer to two decisions of the Comptroller General, 32 Comp.Gen. 235 and 36 Comp.Gen. 795 which are applicable to this situation and indicate that such reimbursements are allowable under certain circumstances.

The PCB staff will continue to maintain information concerning attendance, overtime, etc.; however, the parent agency should maintain the official records concerning each detailee to the Clemency Board. In following up on these recommendations, please contact Ms. Sally Wells 254-9787 at the PCB to arrange whatever procedures are required by your agency.


Paul H. O'Neill
Deputy Director

Appendix
C





*16,904=16974-55-15

*431 on loan

*45 not available

CASES IN PCB PIPELINE AS OF 24 JUNE 1975 --- (30 MAY IN PARENTHESIS)

