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Larry Buskin

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

June 2, 1975

MEMORANDUM TO:

Associate General Counsels
Assistant General Counsels

FROM:

Rob Quartel *Quartel* *Bu S*

SUBJECT:

"Pipeline" Analysis Results

The results of the "Pipeline Survey" in which you, your teams, and other PCB Staff-members participated last Thursday are summarized in an overall process-oriented way in the attached Figure 1. Table 2 breaks out the results item-by-item, exactly as reported. The survey accounted for some 6700 case files. This, plus the number of cases already disposed of, is (only) 450 or so less than the 9615 case files that were reported by Col. Benson to have been handed out to the action attorneys over the last few months. This difference is relatively small, and, in fact, it surprised the Interagency Task Force from OMB and some of the people on our own staff.

The number of jurisdictional questions is about 20 higher per team than the quick walk-through survey of the week before had indicated, and the xeroxing backlog is one which we had not previously noted. The 450 (+) case difference may partially be accounted for in that some cases may have been in transition from Col. Benson to the teams, or may have been handed out Thursday afternoon after the survey was taken. Since we did not count his files, the figures could not show up.

In addition, we think that the number of cases that have been returned to the files awaiting further information may be greater than reported in the survey. It might be useful to suggest to your action attorneys that they pick up any cases that they may have filed with Benson during the moving period, or any others that they may have refiled while they await further information.

One interesting fact which came to light--surprising only because we had not thought about it--is that some 5800 cases were, as of last Thursday, in the physical possession of the action attorneys, the Associate General Counsels, or the Team Leaders. Thus, nearly 35% of the files accumulated by the PCB are not stored in the central files. Most are stuck in desk drawers and many may be stacked on the floor. Recommendations on this problem are still under discussion.



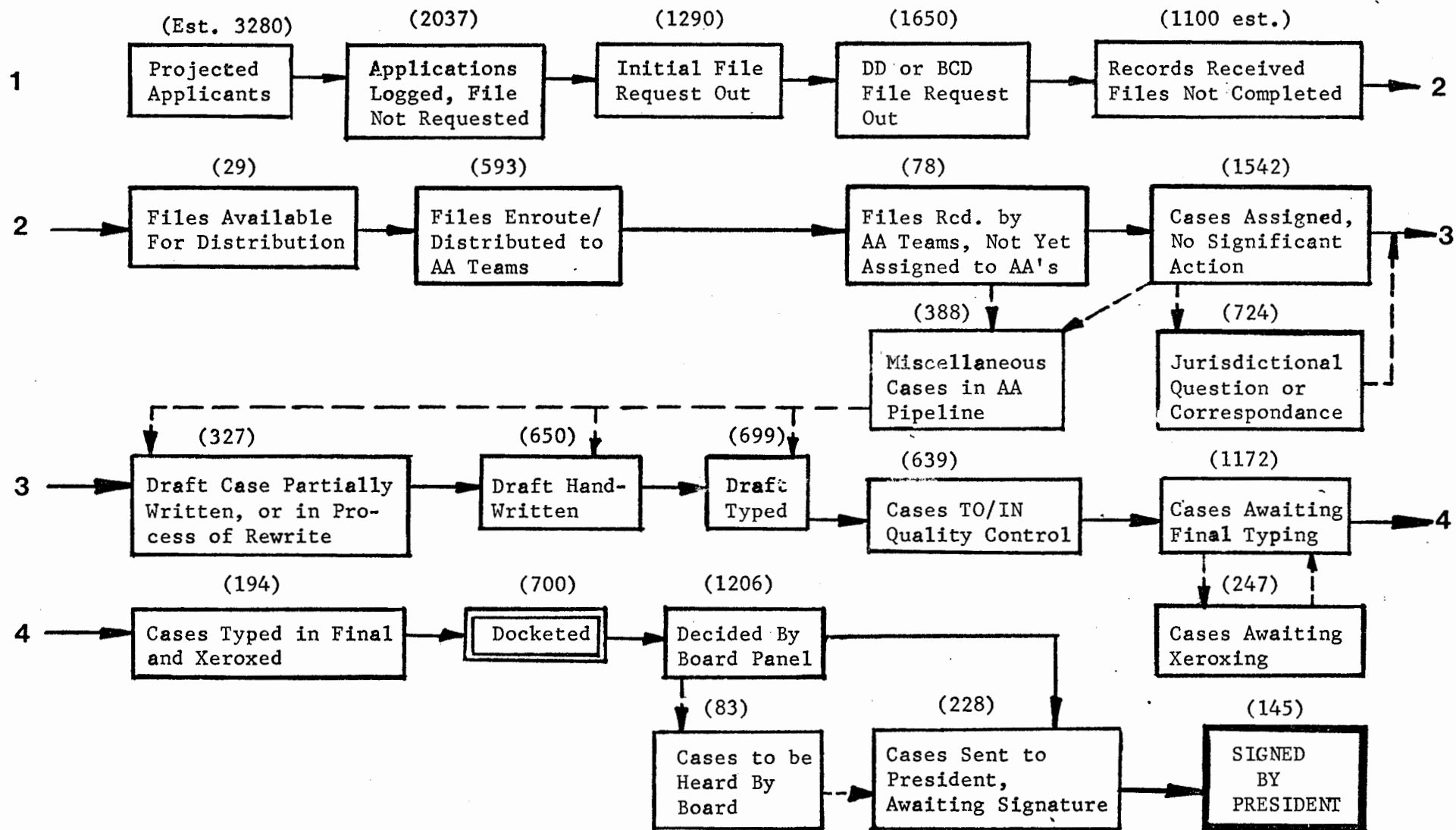
Before closing, I want to thank all of you for your help on this survey. We know that it puts an added burden on you to carry out any reporting function, and for that reason we have tried to minimize the amount of time that has to be spent on regular reporting.

The nature of this survey was such, however, that it had to be done essentially without warning. In this way, one person could not shift cases to another, just to get them out of the way to facilitate counting purposes--thereby possibly throwing the system picture out of whack. This survey came at the time that it did because of a late Wednesday afternoon meeting with the Interagency Team requesting a "pipeline analysis" by Saturday morning.

We found the results to be exceptionally useful. The survey has convinced us most pointedly of the need to reorganize the filing and case distribution system. In addition, it served to describe trouble spots and backlogs, and, finally, validate our thoughts on places where the system is working well.

If you have any comments on the survey results or want to discuss it with me, or Bill Strauss you can reach us on 634-4823, or come by Room 903.

CASES IN PCB PIPELINE AS OF 30 MAY 1975



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

6 June 1975

TO: SENATOR CHARLES GOODELL

THROUGH: Larry Baskir
Bill Strauss

BWS, JMB

FROM: Lee Beck

LB

RE: CIVILIAN C.O. DISPOSITIONS OF 4 June, PER YOUR REQUEST
THIS DATE.

A quick review of the application of Mitigating Factors 4, 10, and 11 indicates that in every case except one there have been no Aggravating Factors applied and all dispositions have been Pardons with no Alternative Service. The one case which is the exception had Mitigating Factors 4 and 10 applied, with no Aggravating Factors, and the disposition was 6 Months of Alternative Service. (3773-PDB-C). The action attorney has filed a timely appeal from this disposition, and we will review the case.



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

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June 6, 1975

MEMORANDUM TO : SENATOR CHARLES GOODELL
THROUGH : LAWRENCE M. BASKIR
BILL STRAUSS *LB-8 (for UNB)*
FROM : LEE BECK *LB*
SUBJECT : Review of C. O. Cases Involving
Court-Imposed Probation and/or
Alternative Service

I have completed the review you requested today: To determine the Board's stance on the weight given court-imposed probation and/or alternative service in determining whether an applicant should be granted an immediate pardon or a pardon contingent on completion of alternative service. I attempted to look at dispositions from all panels and involving all teams, Not only did I ask the action attorneys what the circumstances of particular cases were, but also their impressions of the Board's feeling.

My conclusions are as follows: (1) In nearly every case there has been some probation or alternative service served, (2) the amount of probation or alternative service has fluctuated greatly, (3) completion of the judicially-imposed sentence has not been a determinative factor in case dispositions--except for two cases involving Board Members Walt, Dougovito, and Craig.


The Board has been generally consistent in granting pardons to those applicants who come under Mitigating Factors 10 and 11. This has occurred without substantial discussion in the Board meetings. On those occasions where the disposition has been other than a pardon, the discussion has been more substantial and has been led by the more conservative members.



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

June 6, 1975

Memorandum to: Senator Goodell

From: Bill Strauss 


Subject: Relationship between the Board's disposition
rate and the nature of its dispositions

We prepared a chart for you to show the relationship between the Board's disposition rate and its percentage of pardons. A similar relationship exists between the disposition rate and the average length of alternative service.

Bob Horn raised two questions -- whether this trend might not have resulted (1) from the increased number of UD cases recently or (2) from the Board's relatively harsh treatment of incarcerated applicants.

We sampled about 35 cases from each of the Board meetings in question and found that the percentage of UD cases was virtually identical. The UD factor thus seems insignificant. Also, the percentage of "no clemency" cases has remained fairly constant (4.2% for the early May meeting, and 6.5% for both the late May and June 4 meetings); it has been our impression that the "no clemency" disposition rate would be more affected by the percentage of incarcerated applicants than would the pardon rate.

Therefore, it appears that our increased disposition rate is the only factor which can explain the increased harshness of Board dispositions. Conversations I have had with some action attorneys reinforce this conclusion, as they say the rapid pace of dispositions prevents them from bringing mitigating aspects of cases to the attention of the Board.



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

June 6, 1975

Memorandum to: Senator Goodell

From: Bob Knisely and Bill Strauss

Subject: Impact of Board Panel Meetings on
Action Attorney Production

It still appears that Board panel meetings are interfering significantly with attorney production of draft summaries, even though fewer attorneys are milling about in the panel meeting areas.

On Wednesday, 223 cases were received in quality control -- representing mainly work done on Tuesday (when the Board was not in session). On Thursday, only 147 cases were received in quality control, reflecting the difficulties faced by attorneys having to produce summaries while the Board panels were meeting on Wednesday. This is a 33% dip in production.

We shall continue to monitor the impact of Board panel meetings on attorney production.



MEMORANDUM

June 10, 1975

TO: Assistant General Counsels
Deputy Assistant General Counsels
FROM: John Poote
SUBJECT: Post Case Preparation SOPS



We are presently under the gun to put as many of our cases as possible into the Docketing/Distribution system for Board presentation. Until recently, this was no problem, since Board meetings were every two weeks at most, and handled a relatively small number of cases.

Suddenly, the Board is meeting for twelve panel days a week or more, and processing as many as 125 cases per panel day.

As you have all been able to perceive, this puts a serious stress on a whole new segment of the staff process. Until now, the pressure has been on the production side, with which we have been successful enough to suggest that we will WRITE enough cases to meet our deadline. Now, some of the pressure has shifted to that portion of the processing of cases which begins with FINAL typing and ends with presentation to the Board. Evidence of this pressure was and will be seen in the employment of temporary clerical support.

With the increased pressure has come evidence of structural deficiencies. There are massive command and control problems in an enterprise with so many interrelating facets. The remainder of this memo will address itself to pointing out the problem areas, and suggesting methods for handling them. We must do better than in the past. It is worthless to prepare a case in rough and never get it to packets for the Board.

1. Assigning cases for final typing.

This has always been done on a more or less inadequate basis, because of our clerical shortage, and our push to get rough drafts to QC. Now there is a great need to get summaries typed in final. We are kicking around the possibility of using newly incoming clerical personnel to form our own typing pool like the Olsten people provided. We are presently short from our last tap approximately the same number of clericals as we hired from Olsten. It is apparent therefore, that to use the new people as they arrive in the Olsten function might give us the same capacity to prepare finals as the Olstens did. (And notwithstanding some disruption in the process caused by the Olstens, they did practically remove our final typing backlog in about 5 days!)

Another approach to this problem, one which the teams may readily take on their own, is to designate an appropriate number of team secretaries to do final typing and nothing else. This could be experimented with to see how production of drafts suffers, if at all.

2. Proofreading.

Here is a major bottleneck. Once summaries are typed in final, they are proofread by the casewriters. This can take anywhere from one hour to two days, depending upon the alacrity with which the summaries are distributed to the writers, the attention which writers pay to this seemingly menial task, and the diligence with which secretaries hunt down proofread summaries for xeroxing.

Teams must institute a system for distributing finals for proofreading and return to the honcho secretary that takes no more than a morning or an afternoon at most. Shorter time turnarounds are more useful still. You should do an internal check, having the lead secretary time the attorneys to determine average turnaround. You must cut that time down.

3. Xeroxing.

Herewith is another bottleneck. Once the summaries are proofed, obviously they must be xeroxed. I understand that with full-time operators we have cut down some of the time necessary for getting summaries copied, but there is still the problem of having prepared material sit around the Xerox room. One Assistant General Counsel has suggested that each team assign one person to the function of collecting proofed summaries from attorneys and seeing that they are xeroxed, collated, stapled, and the original and three copies drawn for inclusion in the file. This seems to me a reasonable approach. This person is not his head secretary, who clearly has supervisory responsibility over the xerox function; rather it is someone whose mission in life is to REDUCE THE AMOUNT OF TIME THAT IT TAKES TO GET A SUMMARY FROM FINAL TYPING TO THE POINT WHERE IT CAN BE SENT TO JAY PACINI. Little comprehensive planning seems to have been done by the teams -- where it must be done -- to reduce this turnaround time.

4. Transportation to D/D.

Yesterday, Ray and I uncovered a substantial number (two hundred or more) summaries which were out of xeroxing but which had not yet gotten to distribution, despite lags of two or more hours. Each step in this process requires that time be cut. There is no reason why the lead secretary cannot dispatch a runner to carry summaries to D/D on a regular basis. To fail to do so is to require Jay's people to do nothing during regular hours, and when a load is deposited on their desks at five p.m., to work until 10 p.m. Jay is understaffed and she needs all the time she can get.

The gist of this memo, which hopes to uncover presently perceived log jams, is that the length of time from final typing to case docketing is far, far too long. It appears now to be taking as much as four days from final typing to placing cases in packets. That it has been that successful, it seems, is largely because Ray and I have personally gigged team leaders when we found cases lying about. In one team area, for whatever reason, we found over 100 cases awaiting xeroxing, which had been accumulating for a couple of days. We cannot constantly troop around looking for packets of unprocessed finals. That is your job.

Part of the problem is that for each team the number of summaries waiting xeroxing and transportation to D/D is relatively small. But if each team has only 50 such summaries in the pipeline, then you can see as readily as I that that makes for FOUR HUNDRED summaries which are "moments" from inclusion in packets.

We must obviously achieve a rate of cases out of D/D that is the equivalent of our production into that part of the process. If 1200 cases are produced in draft in a week, then we must get 1200 into packets within a week. It is now taking two weeks. This is not acceptable. We may suddenly reach a point at which the Board is sitting on its hands, though we have written a sizeable number of cases. They will simply not have been put through that essentially administrative process at the end of the team production system.

Each of the Assistant General Counsels must apply themselves assiduously to this problem. You should call whole team meetings to discuss it. You should talk it over with your deputies and devise supervisory systems for control of a process which involves EVERYBODY in the staff in the space of two or three days. You should meet with your secretaries to discuss with them the importance of all this.

We need your help to resolve our newest crisis. It is wearing Ray and me and Gretchen to a frazzle.

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE
WASHINGTON, D.C. 20500

June 11, 1975



Memorandum

TO: Charles E. Goodell and Lawrence M. Baskir
FROM: Michael J. Remington
THROUGH: William Strauss
SUBJECT: F.B.I. Identification Checks of PCB Applicants *

The foundation for the National Crime Information Center (NCIC) is laid in 28 U.S.C. §534:

- "(a) The Attorney General shall:
- (1) acquire, collect, classify, and preserve identification, crime, and other records; and
 - (2) exchange these records with, and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions.
- (b) The exchange of records authorized by subsection (a)(2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies."

Several important questions arise at to referral of PCB applicants' names to the FBI crime information and identification sections. They will be discussed below in a question and answer format.

QUESTION #1: Is Senator Goodell an "authorized official of the Federal Government" falling within the provisions of §534?
This is definitely at issue. Robert Conger, Computer Systems Section, responded affirmatively, but added that should the need arise, certification could be immediately granted by the Attorney General. Frank Still, Identification Section, answered in the negative, and stated that "authorization" means "express, written authorization". He warned that obtaining this might not be easy.

QUESTION # 2: What identification information would the PCB be required to provide the FBI to insure an accurate check?

* Information for this memorandum was obtained from the following individuals at the Federal Bureau of Investigation: Richard Taylor (324-2120), Legal Analysis Section; Frank Still (324-2518), Identification Section; and Andrew Decker (324-3000), Computer Systems Section.

The Computer Systems and Identification Section people would need the applicant's name, social security number, date of birth, race, sex, military identification number, and selective service number. Even with all this information, total accuracy could not be guaranteed and the FBI would stamp each rap-sheet with "Not Responsible for Accuracy; Identification Not Made on the Basis of Fingerprints".

QUESTION #3: How would the FBI identification-check work for PCB applicants?

The required information would be forwarded by the PCB to the FBI on separate sheets of paper prepared by Col. Benson's staff.

The FBI would run the information through its computerized system (NCIC) and then through its identification section. The former, which reveals information on fugitives and crime statistics for several states, could be accomplished very quickly. The latter, which involves the search of an alphabetical file, a fingerprint classification file, and a personal history file, takes much more time. At the end of this process, the FBI clerk ultimately arrives at the individual's rap-sheet (if it exists).

Frank Still described the whole process as somewhat "difficult". He provided the following example. Applicant's name is John Smith. In the FBI's alphabetical file there are 21,000,000 names, of which there are 17,000 John Smiths. Many of these individuals were born on the same day and they often do not have social security numbers. Without fingerprints, identification of the proper John Smith becomes very difficult.⁺

QUESTION #4: How much time would the identification check take? About two weeks, provided that "authorization" is obtained under §534 and the FBI is immediately provided with the necessary information. Note: there is presently a personnel shortage in the Identification Section and the PCB could not be given priority over the everyday fingerprint checks.⁷

QUESTION # 5: Would the information conveyed to the FBI be used to the applicant's detriment?

Since the applicant's address will not be submitted, the FBI will not immediately become aware of the individual's whereabouts. It should be presumed, however, that if one of the PCB applicants is presently a fugitive, the FBI will subsequently ask for his address.

QUESTION # 6: Could the PCB send the applicant's rap-sheet to him (along with his case summary)?

This is a very difficult question. The FBI normally allows an individual to procure his own rap-sheet, upon payment of \$5.00 and submission of his fingerprints (to insure accuracy). The Bureau of Prisons sometimes sends-out rap-sheets, but only when this would benefit the individual such as in a parole or probation proceeding. The principal problem with sending rap-sheets to PCB applicants is that of mistakes. A mistake as to a rap-sheet could represent a serious infringement of an individual's liberty. Note: there is a case pending in a D.C. Federal District Court concerning a

NCIC mistake.⁷

It should also be reiterated that §534(b) states that "...exchange of records authorized by subsection (a)(2) of this section is subject to cancellation if dissemination is made outside the receiving... agencies." It appears that this would prohibit sending the rap-sheet to the applicant. The question thus becomes how can the PCB insure to the applicant, especially if the FBI will not, that a mistake as to rap-sheet will not be made. I cannot answer this.

QUESTION # 7: What should the PCB do to immediately commence a crime identification check for all applicants?

First, Senator Goodell should get immediate "authorization". Second, letters should be written and either hand-delivered to Asst. Director Andrew Decker, Room 7222, Computer Systems (NCIC), or Frank Still, Identification Section, asking for immediate cooperation in this matter. In the alternative, a letter could be sent directly to Director Clarence Kelly, through Mr. Nick Callahan (because of Mr. Kelly's illness). This letter would formally request a NCIC and Identification check for PCB applicants. Some provision should be made for a personal meeting between one or two members of the PCB staff and several representatives of the FBI. This meeting would be used to establish a working relationship between the two organizations. Third, the PCB should implement a Standard Operating Procedure to provide the FBI with the necessary information. Fourth, immediate thought should be given to the "accuracy" problem.

⁺ A sample of the alphabetical index of PCB applicants reveals that there are several common names. For example, there are 7 individuals who are named John Smith. Other common names are Michael Smith (8), John Davis (6), William Davis (5), James Jones (6), James Taylor (9), John Johnson (7), William Williams (6), and William Brown (9).

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

June 16, 1975



MEMORANDUM TO:

Larry Baskir

FROM:

Bill Strauss *BWS*

SUBJECT:

Panel Counsel Meetings of June 13

COPIES TO:

Panel Counsels (Distribution C)

As you know, the PM & E staff held a series of six meetings with Panel Counsels on Friday, June 13. The meetings were well-attended and were quite useful in identifying policy discrepancies between the Clemency Law Reporter's language and the apparent policy of Board panels and action attorneys. The number of discrepancies was fairly large, perhaps to be expected insofar as these were our first meetings of this kind. (This reinforces our need for weekly meetings to keep communication lines open between Panel Counsels and ourselves.)

The following issues were raised -- and, if at all possible, you or the Board should clarify what is our policy on them:

AGGRAVATING FACTOR #1: There was considerable disagreement about what the term "felony conviction" does or should mean. Does a one-year suspended sentence apply? Does a six-month jail term for an offense which could have had a longer sentence apply? We need a firm rule for cases in which it is not clear whether the crime has in fact been designated as a felony under state law.

AGGRAVATING FACTOR #2: No issues.

AGGRAVATING FACTOR #3: No issues.

AGGRAVATING FACTOR #4: Not included in the Clemency Law Reporter language, but articulated by PM & E staff, was the test that this factor applies only if there is some evidence of (a) cowardice or (b) some risk of immediate danger to other troops. However, some members of the Board have been applying this factor in all cases where applicants went AWOL from anywhere else in Vietnam but Saigon -- or even while on home leave (or R&R) from Vietnam.

AGGRAVATING FACTOR #5: Should we omit the language "in circumstances where a reasonable inference may be drawn that the offense had been committed for selfish and manipulative reasons?" The Board may not be applying the rule in this manner, with the simple absence of evidence sufficient of itself to bring about this factor. However, except in extraordinary cases (e.g., very thin files), the absence of any explanation or circumstantial mitigating evidence tends to create a reasonable inference that the offense was indeed for selfish and manipulative reasons. It is my understanding that the Board may not apply this rule in thin (or absent) file cases.

AGGRAVATING FACTOR #6: Does this factor apply to a Jehovah's Witness who refuses to accept draft-board-ordered alternative service for non-religious (e.g., financial) reasons?

AGGRAVATING FACTOR #7: Does this factor apply just to civilian cases? In at least one instance, the Board has applied it to a military case. If it is to be so applied, should a suspended sentence in the military be equated with probated sentences and parole in the civilian context? If a suspended sentence is vacated in the military because of some misconduct on the part of the soldier, the Board has considered the vacation the same as a revocation of probation or parole and checked this factor. Frequently, in the military, when a suspended sentence is vacated, the soldier, is sent back to confinement, and in addition he must face a new court martial on the charges that caused the suspension to be vacated. The result is that the Board now checks this factor--and also checks aggravating factor #1 for an additional adult conviction.

AGGRAVATING FACTOR #8: Do unpunished AWOLs count in assessing multiple AWOLs? If the general rule is no, what about UD-unfitness cases where the discharge was the disciplinary response to the AWOL offenses? What if the UD had been based on both punished and unpunished AWOL offenses? What if the UD had been based at least in part on non-qualifying AWOL offenses? Also, action attorneys now must describe the form of punishment for each AWOL offense--listing summary court martials and non-judicial punishments. This is prejudicial and does not bear on any aggravating factor and so might be excluded from our summary format. However, changing our summary format would be painful. Should action attorneys continue to mention summary court martials for AWOL offenses--or should they simply note that it was a "punished AWOL offense."

AGGRAVATING FACTOR #9: Again, do unpunished or non-qualifying AWOLs count in tabulating the length of AWOL offenses? (We probably should apply the same rule for both aggravating #8 and #9.) Also, does the Board apply this factor to the last qualifying AWOL offense, to the longest qualifying AWOL offense, or to a cumulation of all qualifying AWOL offenses. Different Board panels seem to be applying the rule differently.

AGGRAVATING FACTOR #10: Does "overseas assignment" include Alaska and Hawaii?

AGGRAVATING FACTOR #11: There was considerable confusion about this factor. This factor was originally established to report a non-absence offense which contributed, along with an absence offense, to a discharge. So far, it has been applied by action attorneys only in UD-Chapter 10 cases. It has been applied by the Board panels in some UD-Unfitness cases, however. Should it apply in UD-Unfitness cases? If so, should this factor apply if the non-absence offenses resulted only in a general or special court martial -- or should it apply if any punishment resulted? Does it apply if no punishment (other than the UD-Unfitness discharge) resulted? Finally, do we apply this factor when an applicant receives a BCD or a DD for charges which include both absence and non-absence offenses? It appears that the Board panels have in fact done so.

AGGRAVATING FACTOR #12: Does the Board apply the same rule as in mitigating factor #11 -- that only the last qualifying offense counts? Also, the Board does in fact consider simple apprehension to be sufficient to bring about this factor. The language in the Clemency Law Reporter indicated that some evidence of willful evasion of authorities is also needed, but the Board has yet to apply this rule.

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

June 17, 1975



MEMORANDUM TO: Panel Counsel (Distribution C)
FROM: Bill Strauss
SUBJECT: Clarification of Board Policy on Aggravating Factors

The Panel Counsel meetings of last Friday identified some policy discrepancies between the Clemency Law Reporter language and Board panels' application of aggravating factors. Today (June 17), the Full Board discussed these issues and has clarified its policies. In future Board panel meetings, Panel Counsels and Action Attorneys should apply the rules stated in the Clemency Law Reporter, as modified and clarified below:

Listed below are the issues presented to the Board and their respective resolutions:

AGGRAVATING FACTOR #1

ISSUES: There was considerable disagreement about what the term "felony conviction" does or should mean. Does a one-year suspended sentence apply? Does a six-month jail term for an offense which could have had a longer sentence apply? We need a firm rule for cases in which it is not clear whether the crime has in fact been designated as a felony under state law.

BOARD RESOLUTION: The Board announced that "felony conviction" means a conviction for any crime for which the sentence is or could have been imprisonment for one year or more. Some reference to state law may be necessary. The Board also reaffirmed that any such conviction, whether prior to or subsequent to the qualifying offense, brings rise to this factor.

AGGRAVATING FACTOR #2: No issues.

AGGRAVATING FACTOR #3: No issues.

AGGRAVATING FACTOR #4

ISSUES: Not included in the Clemency Law Reporter language, but articulated by PM & E staff, was the test that this factor applies only if there is some evidence of (a) cowardice or (b) some risk of immediate danger to other troops. However, some members of the Board have been applying this factor in all cases where applicants went AWOL from anywhere else in Vietnam but Saigon--or even while on home leave (or R&R) from Vietnam.

BOARD RESOLUTION: According to the Board, going AWOL directly from Vietnam brings rise to this factor automatically. Going AWOL from R&R or home leave does not constitute this factor--but does constitute aggravating factor #10.

AGGRAVATING FACTOR #5

ISSUES: Should we omit the language "in circumstances where a reasonable inference may be drawn that the offense had been committed for selfish and manipulative reasons?" The Board may not be applying the rule in this manner, with the simple absence of evidence sufficient of itself to bring about this factor. However, except in extraordinary cases (e.g., very thin files), the absence of any explanation or circumstantial mitigating evidence tends to create a reasonable inference that the offense was indeed for selfish and manipulative reasons. It is my understanding that the Board may not apply this rule in thin (or absent) file cases.

BOARD RESOLUTION: The Board will first determine whether evidence of selfish and manipulative reasons is present (i.e., whether aggravating #5 has its regular application). If no such evidence is found, a "weak" aggravating #5 will be applied in circumstances where a reasonable inference may be drawn that the offense had been committed for selfish and manipulative reasons. Such an inference may be drawn even if there are no apparent reasons in the record for the qualifying offense. However, this "weak" application of aggravating #5 will not arise if any of the mitigating factors #1, #2, #3, #8, #10, or #12 are present, except in unusual circumstances where these mitigating factors bear no reasonable relationship to the qualifying offense. This "weak" aggravating #5 application is a matter of Board discretion and should not be marked by Action Attorneys.

AGGRAVATING FACTOR #6

ISSUES: Does this factor apply to a Jehovah's Witness who refuses to accept draft-board ordered alternative service for non-religious (e.g., financial) reasons?

BOARD RESOLUTION: The religious exemption to this factor applies only in circumstances where an applicant had bona fide religious reasons for his offense.

AGGRAVATING FACTOR #7

ISSUES: Does this factor apply just to civilian cases? In at least one instance, the Board has applied it to a military case. If it is to be so applied, should a suspended sentence in the military be equated with probated sentences and parole in the civilian context? If a suspended sentence is vacated in the military because of some misconduct on the part of the soldier, the Board has considered the vacation the same as a revocation of probation or parole and checked this factor. Frequently, in the military, when a suspended sentence is vacated, the soldier, is sent back to confinement, and in addition he must face a new court martial on the charges that caused the suspension to be vacated. The result is that the Board now checks this factor--and also checks aggravating factor #1 for an additional adult conviction.

BOARD RESOLUTION: This factor applies to military as well as civilian cases. Also, it applies to any violation of probation or parole subsequent to a felony (or military court-martial) conviction, even if the conviction had been a for a non-qualifying offense.

AGGRAVATING FACTOR #8

ISSUES: Do unpunished AWOLs count in assessing multiple AWOLs? If the general rule is no, what about UD-unfitness cases where the discharge was the disciplinary response to the AWOL offenses? What if the UD had been based on both punished and unpunished AWOL offenses? What the UD had been based at least in part on non-qualifying AWOL offenses? Also, action attorneys now must describe the form of punishment for each AWOL offense--listing summary court martials and non-judicial punishments. This is prejudicial and does not bear on any aggravating factor and so might be excluded from our summary format. However, changing our summary format would be painful. Should action attorneys continue to mention summary court martials for AWOL offenses--or should they simply note that it was a "punished AWOL offense."

BOARD RESOLUTION: Non-qualifying (i.e., pre-1964) and unpunished AWOLs are to be counted in applying this factor.

AGGRAVATING FACTOR #9

ISSUES: Again, do unpunished or non-qualifying AWOLs count in tabulating the length of AWOL offenses? (We probably should apply the same rule for both aggravating #8 and #9.) Also, does the Board apply this factor to the last qualifying AWOL offense, to the longest qualifying AWOL offense, or to a cumulation of all qualifying AWOL offenses. Different Board panels seem to be applying the rule differently.

BOARD RESOLUTION: If the last AWOL offense resulted in an NJP or a court-martial conviction, only those AWOL offenses specified in the NJP or court-martial charges are counted in assessing the length of AWOL. If the last AWOL offense did not result in an NJP or a court-martial conviction (even if it directly led to an applicant's discharge), all unpunished AWOL offenses subsequent to the last punished AWOL offense are counted in assessing the length of AWOL.

AGGRAVATING FACTOR #10

ISSUES: Does "overseas assignment" include Alaska and Hawaii?

BOARD RESOLUTION: Alaska and Hawaii are not included in this factor. In addition, this factor applies in full force only to any failure to report to Vietnam or to any overseas staging area for Vietnam (e.g., Okinawa) for all other overseas assignments (e.g., Germany or Korea), a "weak" aggravating #10 applies.

AGGRAVATING FACTOR #11

ISSUES: There was considerable confusion about this factor. This factor was originally established to report a non-absence offense, which contributed, along with an absence offense, to a discharge. So far, it has been applied by action attorneys only in UD-Chapter 10 cases. It has been applied by the Board panels in some UD Unfitness cases, however. Should it apply in UD-Unfitness cases? If so should this factor apply if the non-absence offenses resulted in a general or special court martial--or should it apply if any punishment resulted? Does it apply if no punishment (other than the UD-Unfitness discharge) resulted? Finally, do we apply this factor when an applicant receives a BCD or a DD for charges which include both absence and non-absence offenses? It appears that the Board panels have in fact done so.

BOARD RESOLUTION: This factor applies only to punished offenses in UD-Unfitness cases. Summary court-martial convictions and NJPs for non-qualifying offenses are included in its scope. This factor does not apply to UD-Chapter 10, BCD, or DD cases.

AGGRAVATING FACTOR #12

ISSUES: Does the Board apply the same rule as in mitigating factor #11 that only the last qualifying offense counts? Also, the Board does in fact consider simple apprehension to be sufficient to bring about this factor. The language in the Clemency Law Reporter indicated that some evidence of willful evasion of authorities is also needed, but the Board has yet to apply this rule.

BOARD RESOLUTION: Only the last qualifying offense counts, and some evidence of apprehension is necessary. If the applicant did not willfully evade authorities (e.g., if he lived openly at home) prior to his apprehension, a "weak" aggravating #12 is applied.

TAB 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
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
Panel Counsel 9.		
10.		
11.		
12.		
13.		
AGC Team 14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
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)

PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON, D.C. 20500

June 23, 1975

MEMORANDUM TO SENATOR GOODELL AND LARRY BASKIR

FROM : Rob Quartel *Rob Quartel*

THROUGH: Bill Strauss/ Bob Knisely *OK*

SUBJECT: The Production "Pipeline"



At the production meeting last week, you raised several points concerning backlogs, and specifically noted bottlenecks in (1) Xeroxing, and (2) Docketing and Distribution (D & D). We have addressed these problem areas as follows:

Xeroxing

1. All case summaries and attached sheets (Ag/Mit sheets and Best Address forms) are now being xeroxed--and typed--on legal-sized paper. This completely eliminates the need to collate by hand.
2. Previously, the xeroxed packets of summaries and attachments were sent back to the teams, where team copies were separated and the twelve remaining were sent on to D&D. We have eliminated that step by putting another operator in the xerox room, who both staples and separates the copies into two boxes per team for eventual distribution. One box goes directly back to the team, and the other goes directly to D&D. This same operator takes the copies from the D&D box directly to D&D, once every hour; the teams are responsible for retrieving their own copies and the original.

Docketing

The new docketing procedures have been fully implemented as of today. A copy of those procedures are attached at Tab A. The essential features of those procedures, as you know, are: (1) two fixed docket blocks per day, (2) two "flexible" docket blocks per day, (3) "special" docket blocks for full-board cases, (4) team assignment of docket order within a set block of cases, and (5) grouping of cases within a docket block by Assistant Team Leader whenever possible.

Other Backlogs

Another backlog pointed out at that meeting concerned the 2000 case summaries (from cases already decided by Board panels) which had not yet been sent to the applicants. A team of interns, working Thursday and Friday evenings, and all day Saturday, has reduced the backlog down to 218. This figure also includes incremental summaries which represent cases decide on Thursday, Friday, and at the full Board this morning.

In addition to the above, we are, tomorrow morning, running another "snapshot," the results of which should be available early Wednesday. It is our perception that the results will show that we have really squeezed the pipeline, and that we should plan to discuss de-staffing operations with you late in the week.

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

July 8, 1975

MEMORANDUM TO SENATOR GOODELL

FROM: Bill Strauss

SUBJ: Suggested Gallup Poll Questions



As a result of Rick Tropp's initiative, the Gallup organization is willing to ask three questions about clemency/amnesty in their next national poll. We have been asked to prepare the questions.

I have proposed four questions, of which I suggest the first three. I was tempted to include a question to highlight the public's misinformation about the program, but the public's opinion about a possible reopening of the program has greater policy implications.

(1) Last September, President Ford announced a program offering conditional clemency to draft evaders and military deserters of the Vietnam era. Which of the following statements best characterizes your opinion of President Ford's clemency program?

A. I am not in favor of it, because nothing less than unconditional amnesty is worthwhile.

B. I am not in favor of it, because it is not nearly all-inclusive or generous enough.

C. I am in favor of it, but I do not think it is all-inclusive or generous enough.

D. I am in favor of it, as it is a well-conceived and fair program.

E. I am in favor of it, but I think it is too all-inclusive or generous.

F. I am not in favor of it, because it is much too all-inclusive or generous.

G. I am not in favor of it, because there should never have been any clemency program for draft evaders and military deserters.

H. No opinion

(2) A major purpose of President Ford's clemency program was to heal some of the wounds which the nation incurred during the Vietnam era. Now that the war is over, do you think some of these wounds are being healed?

A. Yes, primarily because of the clemency program.

B. Yes, partly because of the clemency program.

C. Yes, but not at all because of the clemency program.

D. No, as the clemency program has had little effect.

E. No, partly because the clemency program has needlessly preserved or aggravated the wounds.

F. No, primarily because the clemency program has needlessly preserved or aggravated the wounds.

H. No opinion.

(3) About 130,000 persons were eligible to apply for clemency, but only about 25,000 actually did apply before the program's application deadline last March. No more applications are being accepted. Should the program be extended to give the other 105,000 draft evaders and military deserters another chance to apply?

A. Instead of extending the program, President Ford should declare unconditional amnesty.

B. The program should be extended, but in a more all-inclusive or generous form.

C. The program should be extended, as is.

D. The program should not be extended, as eligible persons have already had sufficient opportunity to apply.

H. No opinion.

(4) After clemency is ^{granted}~~offered~~ to former draft evaders and military deserters (most of whom will have completed periods of alternative service), would you and your neighbors be willing to accept them as regular members of your community?

A. Yes, I would, and most of my neighbors probably would.

B. Yes, I would, but most of my neighbors probably would not.

C. No, I would not, but most of my neighbors probably would.

D. No, I would not, and most of my neighbors probably would not.

E. No opinion.

CEL: You should focus on Lee's alternative approaches
to my questions #1, 2 and 3. He and I
agree on the basic character of the
PRESIDENTIAL CLEMENCY BOARD QUESTIONS WE
THE WHITE HOUSE SHOULD ASK.
WASHINGTON, D.C. 20500

9 July 1975

Bzw

MEMORANDUM TO SENATOR GOODELL

FROM: Lee Beck

RE: Questions for the Gallup Poll.

After reviewing several polling formats, reviewing the questions prepared by Bill Strauss, and discussing the matter with Bill at length, I would like to submit an additional set of questions. We are preparing questions which will have several significant impacts:

(1) upon our final report, (2) upon the national viewpoint of clemency and (3) upon the national opinion of the President. The first of these impacts is our primary interest, but we cannot overlook the latter two unless we have been informed that Gallup does not intend to release the results to the Press.

Therefore, I have designed three questions which I believe to be methodologically sound and free from political bias. It is necessary to submit them for discussion only, however, as I feel it imperative that we discuss the form and content of the questions with the professional pollsters before final submission.

- (1) Last September, President Ford announced a program offering clemency to draft evaders and military deserters of the Vietnam Era. ~~If you were the President, what kind of program, if any, would you provide?~~ HAVE LIKED FOR HIM TO PROVIDE?

(a) An unconditional amnesty.

(b) A conditional amnesty, ~~REQUIRING COMPLETION OF~~ ALTERNATIVE SERVICE.

(c) An individual case-by-case review to grant unconditional pardons.

(d) An individual case-by-case review to grant pardons on completion of alternative service.

VS. MY #1

(e) An individual case-by-case review to grant conditional pardons only in cases of extreme injustice.

(f) I would not grant any clemency.

(g) No opinion.

Comment: The first question serves several functions. The explicit function is to find out if the President's idea of a clemency program and the public's idea(s) coincide. Option (d) seems best representative of the DoJ and DoD programs, while our program fall between (c) and (d). On this point we may want to include the category which we represent.

Secondly, this question inherently poses the standard amnesty extremes. The standard options of "Unconditional Amnesty" and "No Clemency" present themselves as parametric gauges to previous polls. We have seen marked changes in public opinion on this question in the last few years; depending to some extent on efforts of the resistance movement in this country and military activity in Viet Nam. Just after the President's announcement, 56% of the polling sample favored "qualified amnesty". The same poll indicates that 37% of the polling sample favored unconditional amnesty; the highest recorded percentage for unconditional amnesty during the Viet Nam era. I, therefore, believe it crucial that we sample the American thought, if not to be included in the report alone, but to advise the President on the general mood.

(2) Under President Ford's program, approximately 130,000 draft evaders and military deserters were eligible. Approximately 25,000 applications were received and are being individually reviewed to determine the conditions, if any, under which clemency is to be granted. Do you believe that the program should be extended to allow the additional 105,000 eligible persons to apply?

(a) Yes, indefinitely.

(b) Yes, for a limited period of time.

(c) No, the President has been generous enough.

VS. MY #3

(d) No, the President has already been too generous.

(e) No opinion.

Comment: We have been dealing in recent days with just this policy question, and we should be advised of the public thought. This question, on which Bill and I seem to basically agree, does not lend well to the final report. It would not be in keeping with our mission of reporting to assess whether the President listened to public polls on this policy matter, especially when we have initiated the question ourselves. There may, and I expect there are, other uses for this question in the report.

(3) A major purpose of President Ford's clemency program is to heal the wounds of the Viet Nam era. Do you believe that the clemency program ~~can~~ ^{is} help achieve that goal?

(a) Yes.

(b) Yes, but only in part.

(c) No, the clemency program has had little effect.

(d) No, the clemency program has needlessly preserved the wounds.

(e) No, the clemency program has aggravated the wounds.

(f) No opinion.

Comment: I believe we need such an evaluative question as this, but also feel it necessary to guard against presenting implicit value biases within the question. You will note that this question is a modification of Bill's question Number 2.

Finally, I would like to submit that any questions we might prepare are subject to methodological constraints which we may not be aware of. I would reiterate the need to submit tentative questions and ask the professional advice of the Gallup organization before closing the issue.

VS. Mt #2

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

July 12, 1975

MEMORANDUM

To: Jim Poole

From: Charlene Geraci *CG*

Subject: Number Assignments of Packets



Please find below a list of the numbers I have assigned to all the packets we have on file of Full Board Cases and Special Panel Cases. In the future, all packets leaving this office will have their assigned number in the upper right-hand corner. We will keep a master list of these numbers and all future numbers on file for ready reference.

Full Board Cases

Date

#1	1-47	5-30-75
#2	1-13	6-05-75
#3	1-135	6-17-75 & 6-18-75
#4	1-73	6-23-75
#5	1-75	6-25-75
#6	21-70	7-02-75
#7	1-35	(date not assigned yet)

Special Panel Cases

#1	1-58	5-30-75
#2	1-50	(date not assigned yet)
#3	1-50	(date not assigned yet)
#4	1-25	(date not assigned yet)
#5	1-25	(date not assigned yet)

Goodell

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

July 28, 1975

MEMORANDUM

TO : Distribution List B

FROM : John Foote *[Signature]*
Associate General Counsel

SUBJECT: Preparation of Remaining Cases and Deadlines for Same



It is no secret that we are fast approaching the end of the Clemency Program. September 15 will see us virtually non-existent as an organization. But there is much to be accomplished between now and then.

To achieve our final goal, we must meet interim goals based upon the following facts that constitute the world as we can see it today.

1. There are but 35 regular working days until September 15, and only 10 regular working days before the 8th of August.
2. There are some 2000 plus cases that have not yet entered the system. These have been "uncovered" by Russ Deane and Bill Gallo in their recent audit of the files, and include the cases which are yet on regular order from St. Louis, the cases for which there are no files extant, and the cases in which files are on loan to other agencies and have not yet been turned over to us--and may never be.
3. Cases must wait 30 days after Board decision to permit them to ripen, and Strauss to do his analysis of Board decision-making. This puts a deadline for presentation to the Board of approximately 15 August on our heads, so that the last of the cases can be on warrants to the President by September 15. (This has some leeway, since there will be a possible carry-over staff somewhere in the bowels of DOJ or DOD after September 15--but it will consist of approximately 15 people. There is very little excess that can remain.)
4. The strength of the case writing teams has been reduced, to meet the demands of the administrative difficulties faced, and to reflect overall reduced production requirements.

These facts of life have led Larry to set the following two goals which we must strive to meet in order to complete our entire task.

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First, by August 1, we must have pushed through the system all of the "routine" cases possible. They must be in draft and to QC. By routine, we here mean those cases on which files are extant, and on which summaries can be written up, including those on which there is enough information to write the major part of the summary, but which must be marked "incomplete" to indicate that there is something missing.

Second, by August 8, we must have put all remaining cases into the system. There will be some on which nothing can be done, but more on that below.

The above means that we will have to psychologically and physically get ourselves ready for another crunch period lasting 10 or so regular working days. We have faced and met such crises before, and there is no reason to believe that it will not be so again. We must return to the highest pitch production levels of 5+ per attorney per week. This will not be easy given the nature of some of the remaining cases, but every effort must be made.

AUGUST 1 DEADLINE

To achieve this deadline, we must simply continue to march. We must push production up once again, and put to work all available resources that are not needed in administrative tasks.

Summaries that cannot be completed should be marked "incomplete." The Board will be told what we are doing, and no one should suffer because they have to present a written addendum, or have to amend their summaries orally at presentation.

Each team should prepare, by August 1, a written report for Larry Baskir and Bob Knisely of what cases remain in the teams as of that date, and what the reasons for their so remaining are. We feel that this will provide you with a control device, and needed information for us. With the "hard" cases yet before us, there will be a completely natural tendency to put off routine cases with difficult aspects until it is too late to meet the August 1 deadline for them. We want to clear as many of these routine cases as humanly possible by that date, and this should help up spot any trouble areas.

AUGUST 8 DEADLINE

The above procedure should enable us to clear a majority of the remaining cases from the case writing system.

However, past August 1 there will be some cases yet to be dealt with. Hopefully, these will lie principally in two categories: (1) those where some information has been located, either from extant files or from file reconstruction efforts, but which the attorney believes cannot be presented to the Board because the information that is available is inadequate, and (2) those on which no information can be found.

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Needless to say, in attempting to deal with these remaining cases, some will turn out to be no jurisdiction cases, and some to be cases in which evidence of their having been disposed of by the Board is in the file, but which have slipped by the file audit to the teams (hopefully a small number.) The rest will require some processing.

We must make an attempt on all the "hard" cases to reconstruct enough information to enable us to write summaries. Each team has two persons who have been involved in this file reconstruction effort with Russ Deane. We recommend strongly that you have these people brief your entire team on the techniques employed to develop information. From this, we can write a substantial number of summaries.

By August 8, the team leaders should have developed a good grip on cases in each of the above two categories. If a case is in category (1), he should review it with the case attorney, and they should decide whether the case can be presented or not. If not, then the cases, in toto should be taken to Bob Knisely's office by that date. If a case is in category (2), that is, all efforts to develop information have proved fruitless, it should be forwarded directly to Bob by that date. Both of these groups will be reviewed there and presented to the Board for its determination as to how they should be resolved.

The teams have already begun to receive the remaining cases. Some 874 substantially complete records were distributed on Friday. However, today and in the next few days the records you will receive consist of largely incomplete files, as mentioned above. In most cases, not only the trial records, but the military service records are missing as well. There are several reasons for distributing these cases now, foremost among them being the time deadlines set forth here.

You will also notice that records have been ordered in most of these cases, but have not been received. We must assume that the records in these cases have been lost, and proceed accordingly. In the next few weeks, possibly before presentation of cases before the Board, the records may be received. In that situation the summaries can be revised. Otherwise we must consult alternative sources of information, as directed in other sections of this memorandum.

We will, of course, continue to search for those records that may be obtained, but at this late date, we cannot afford to hold up summary production of cases which can be reconstructed in the hope that records arrive in time.

Each of the Team Leaders has been given most of the information contained in this memo already. This is just confirming in writing the outlines of the plan we perceive will bring us to the end in some successful style. We are all aware of the difficulty of the task,

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but it is not much different from other such tasks that we have faced and defeated before this. Concentrated effort and control over the location and disposition of the remaining cases will be the key.

As always in this process, ultimate accomplishment of the goal is in your hands. We appreciate the effort and skill with which you have done your work, and are confident that this will fall before you as have all previous obstacles.

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

July 28, 1975



MEMORANDUM

TO: Whom It May Concern

FROM: Docketing

SUBJECT: Status of Full Board and Special Panel Packets

As of July 18, 1975, the following packets have been compiled for Full Board Cases and Special Panel Cases.

<u>FULL BOARD CASES</u>	<u>Date</u>
#1 1-47	5-30-75
#2 1-13	6-7-75
#3 1-135	6-17& 6-18-75
#4 1-73	6-23-75
<u>#5 1-75</u>	6-25-75
#6 21-70	7-02-75
#7 1-35	(compiled 7-3-75)
#8 1-25	(compiled 7-15-75)
#9 1-25	(compiled 7-16-75)
#10 1-25	(compiled 7-18-75)
#11 1-25	(compiled 7-23-75)
#12 1-25	(compiled 7-25-75)
#13 1-25	(compiled 7-25-75)

SPECIAL PANEL CASESDATE

#1	1-58	5-30-75
#2	1-50	(compiled 7-1-75)
#3	1-50	(compiled 7-2-75)
#4	1-25	(compiled 7-2-75)
#5	1-25	(compiled 7-16-75)
#6	1-25	(compiled 7-16-75)
#7	1-25	

In our shop we have 7 Full Board cases and 15 Special Panel cases awaiting packeting. On Thursday, July 21, we will receive 49 more Full Board cases and 32 more Special Panel Cases.

NOTE: Full Board packets 7-13 have not been assigned to a Full Board meeting and also all Special Panel cases have not been presented to a panel.