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MAY 5, 1976

SUBJECT:

PARDON FOR OTTO KERNER

In view of Otto Kerner's terminal illness, does the President plan to grant him a pardon?

GUIDANCE: The medical report was filed ten days ago with the Deputy Attorney General (Harold Tyler) requesting on behalf of his family that Otto Kerner be granted a pardon.

Because there is a statute which states that in the event of conviction of tax fraud, five years must elapse before a request for pardon can be considered, the Deputy Attorney General must first determine whether a waiver should be granted.

If the Deputy Attorney General determines that a waiver should be granted and a pardon can be considered at this time, the Deputy Attorney General would then decide the case on its merits. He would take into account the individual's past history, his record in society, possible harm to society, should he be released, etc., etc.

The Deputy Attorney General would then forward his recommendations to the legal counsel's office at the White House.

Mr. Buchen would then forward his recommendation, along with those of the Deputy Attorney General to the President for his final decisions.

The procedural point, that being whether a waiver should be granted to allow immediate consideration or pardon, should be decided within the next few days. A final recommendation from the Justice Department could be expedited and be here within one or two weeks.

JGC