

Gerald Ford's Clemency Board Reconsidered

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President Gerald Ford (seated, center) at the signing of the first pardons on November 29, 1974, surrounded by the original members of the PCB. Left to right: Fr. Theodore Hesburgh, Gen. Lewis Walt, Charles Goodell, Vernon Jordan, James Maye, John Dougovito, Aida O'Connor, Ralph Adams.

Gerald Ford's all too brief honeymoon with the American public ended on September 8, 1974, just a month after his inauguration, with his pardon of Richard Nixon. Thereafter, Ford came under intense pressure from the left to grant amnesty to the hundreds of thousands of middle-class young men who had fled to Canada, went underground, or otherwise resisted military service during the Vietnam War. Equal pressure against amnesty came from the right, offended that anyone should be forgiven for shirking a duty that had cost 50,000 American servicemen their lives.

Eight days after the Nixon pardon, the conservative Ford ordered the creation of a program of clemency, which he viewed as a reasonable and fair compromise. Under his program, fugitive draft evaders could turn themselves in, perform alternative

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service as a means of earning re-entry into society, and receive a pardon thereafter. Fugitive deserters could turn themselves in for an immediate undesirable discharge and then seek a clemency discharge after performing up to two years of alternative service. For those who had already been convicted of a crime or discharged as a deserter, the Presidential Clemency Board (PCB) was established to review their cases on an individual basis and recommend a pardon after a specified term of alternative service. The nine-member PCB would be politically diverse, with the conservative faction led by Marine Corps Lt. Gen. Lewis W. Walt and the liberals headed by Father Theodore Hesburgh, Catholic priest and president of the University of Notre Dame. The PCB would be chaired by Senator Charles E. Goodell (R-NY), Ford's colleague from the House of Representatives.

The problem for Ford was that America was not ready for a compromise. Draft resistance organizations quickly announced a boycott of Ford's program, arguing that accepting any alternative service would be an admission that they had done something wrong. Veterans' organizations denounced the idea that anyone who had violated the law in evading the draft could earn a pardon by safely performing alternative service when so many had faced the real dangers of combat. Nobody was interested in a compromise. Ford quickly realized that he had broken a cardinal rule of politics: he had created a program that pleased nobody, and was not going to heal anything. He had made lots of enemies and no friends. He thereafter distanced himself from his own program, realizing that any reminders of it in the press would only harm his chances of retaining the presidency.

Despite the lack of support from anyone, the PCB did not fade away. In fact, the PCB employed hundreds of federal workers, mostly lawyers, who worked feverishly for a year to process the approximately 21,500 applications for clemency made within the time allowed. During that time, the PCB endured considerable internal strife, mirroring the polarized American society. Mistake and happenstance explain why a program with no support from anyone, including its creator, and active boycott by its intended beneficiaries, still engendered so much dedicated effort and active disagreement.

The mistake, made by Ford himself in his rush to establish a clemency program, was in assuming that those soldiers who had deserted during the Vietnam War were motivated by the prevailing antiwar attitude of the majority of middle-class American youth. While Ford was inherently conservative, he was not mean-spirited. He made the decision to include deserters in his clemency program because he thought it fair to include all who had opposed the war on moral grounds, whether they were civilian or military. Even

though the intended middle-class beneficiaries largely boycotted Ford's program, their lack of interest was more than compensated by the active interest of former soldiers, many of whom had completed tours of duty in Vietnam.¹ Only after the PCB was in full operation did anyone realize that antiwar motivations were almost entirely absent from the applications of deserters, but that most applicants had stories of personal strife and, in many cases, honorable service in Vietnam that justified the pardons they would receive.²

The happenstance involved publicity over the availability of clemency from the PCB for military deserters, as there was no way to individually notify these men of their eligibility. There had been only about 8,700 civilians convicted of draft-related offenses during the whole period of the Vietnam War; the PCB had their names and, in most cases, contact information. These were individually invited by mail to apply for clemency. In contrast, there was no list of the hundreds of thousands of soldiers expelled from the military, let alone which of them had been discharged for absence-related offenses that could be considered by the PCB. Moreover, during the later years of the war deserters were usually offered an undesirable discharge administratively, so that there was no court record at all, even though an undesirable discharge was the legal equivalent of a bad conduct discharge ordered by court martial. Publicity for the availability of pardons from the PCB was only through an underfunded program of leaflets and public service announcements made by the PCB's most prominent members, Father Hesburgh and General Walt. These outreach efforts were having negligible effect until January 9, 1975, the date of Super Bowl IX. It appears that one of the public service announcements, perhaps the one made by Walt, aired during or near this event, resulting in a torrent of applications to the PCB. Thus, the PCB was transformed overnight from a forgotten orphan to an overworked and underfunded presidential program.

¹ Approximately 3,700 applicants to the PCB had served in Vietnam. *Presidential Clemency Board Report to the President* (Berkeley: University of California Libraries Collection, 1976), xiv. Typical of many such deserters was a young black soldier who grew up as one of 10 children in a low-income family in the South. His father was a disabled farm laborer. The applicant quit school after the 8th grade to work as a farm laborer. He was drafted into the Army and served a full tour of duty in Vietnam. He then deserted to support his family, working as a farm laborer. Memoranda—President and White House Staff, 39, Box 8, Goodell Papers (hereinafter GP), Gerald R. Ford Library (FL). Similar is the case of a young Hispanic soldier who left the Army after completing a full tour in Vietnam to deal with the imprisonment of his father and the pregnancy of his girlfriend. Ibid., 37. In fact, of the 29 cases summarized in those papers, opposition to the war was only a factor in one.

² The PCB ended up recommending 1,757 civilian pardons, 80% outright with no alternative service required. *Report to the President*, 123. It recommended 11,872 military pardons, 39% outright with no alternative service required. Ibid., 124. Ford adopted all of the PCB's recommendations.

Little has been written about how the PCB went about its task and the hundreds of federal workers it enlisted in the unpopular cause of clemency, and much of that reflects the polarization of the times rather than balanced analysis. Underneath the divisive feelings, the rhetoric, and the early assessments of failure is a very human story of fairness, perseverance, invention, accomplishment, and individual justice, justifying a reassessment. The passage of nearly half a century, together with the availability of the PCB's records and the personal notes of its principals, make it possible to examine the inner workings of the PCB, its procedures and dynamics, and draw conclusions about its effectiveness at variance from those made at the time.³ By evaluating the PCB based on its impact on individual lives rather than against Ford's stated goal of "healing the nation," a different story of the PCB emerges.

Ford's Compromise and Its Precedent

Ford's clemency program has been criticized as an "awkward compromise" whose procedures were "complex and expensive."⁴ But that was unavoidable in Ford's compromise. It would have been simple and cheap to grant blanket amnesty, as Jimmy Carter would later do, and simpler and cheaper to offer no clemency at all. A compromise entailed difficulties and expense. That is undoubtedly why case-by-case clemency on a large scale had only one precedent, President Harry Truman's Amnesty Board of 1946–47.

In the wake of victory in World War II, Truman established his Amnesty Board to review all convictions for violations of the Selective Service Act (i.e., draft evasion or refusal to serve when called). Although the report of Truman's board was not published, a copy found its way into Goodell's files from the office of Senator Edward Kennedy, together with a 1972 memorandum from counsel for the Senate Subcommittee on Administrative Practice and Procedure.⁵ The functioning of the

³ The official records of the PCB are at the National Archives at College Park, MD, in Records of the Presidential Clemency Board, 1974–75, Subgroup 10, Records of Organizations in the Executive Office of the President, Record Group 429. Copies of much of the records were retained by its chairman, Charles Goodell, and are now kept at the Gerald R. Ford Presidential Library in Ann Arbor, Michigan. These include personal notes, internal memoranda, and individual case summaries. In addition, the personal files of many Ford administration White House officials are held by the Ford Library and contain notes and memoranda regarding the PCB.

⁴ Lawrence Baskir and William Strauss, *Reconciliation after Vietnam: Program of Relief for Vietnam Era Draft and Military Offenders* (Notre Dame, IN: University of Notre Dame Press, 1978), 45–46. Baskir and Strauss were senior officials of the PCB. Writing soon after the PCB finished its work, and as strong advocates for further amnesty, they were often critical of the PCB as inadequate.

⁵ Owen J. Roberts, Willis Smith, and James O'Neil, *Report of the President's Amnesty Board*, December 1947. Initially not published, it was inserted into the *Congressional Record*, Volume 119, p. 16884, on May 24, 1973. This Report and Kennedy's memorandum are in Box 10, GP, FL.

PCB had many aspects in common with Truman's Amnesty Board, but there were significant differences as well.

Like the PCB, Truman's board set out to review the 15,805 convictions under the Selective Service Act on a case-by-case basis. Unlike the PCB, the exact number of such convictions was known and there was no application procedure; each conviction was automatically reviewed. Unlike the PCB, there was no inclusion of military deserters.

Like the PCB, each case considered by Truman's board was initially summarized by a "corps of trained reviewers," looking for aggravating and mitigating circumstances as identified by the board. Unlike the PCB, the "trained reviewers" were not lawyers or law students and played no part in the review beyond report preparation. And unlike the PCB, which could and did condition many pardons on alternative service, Truman's board had only two choices, pardon or no pardon.

Significantly, Truman's Amnesty Board consisted of only three members, and no attempt was made to make them diverse. The chairman of Truman's board was a retired associate justice of the U.S. Supreme Court, Owen J. Roberts, and as such dominated the proceedings. The other two members were lawyer Willis Smith, a former president of the American Bar Association, and James F. O'Neil, chief of police of Manchester, New Hampshire.

In the end, Truman's board and the PCB evolved quite differently. Truman's board recommended only 1,523 pardons, about 10 percent of the convictions it considered, whereas the PCB offered pardons to over 90 percent of those applicants who were eligible. Only in a few types of cases—most notably interned citizens of Japanese descent—did Truman's board express any sympathy for the offenders.⁶ By contrast, Jehovah's Witness offenders—about a quarter of the total—garnered little sympathy from the Truman board and were generally not recommended for pardon. Unlike Truman's board, the PCB evolved toward relief as the default decision, with denial the rare exception.

Charles Goodell

Born in 1926 in Jamestown, New York, Goodell was 48 years old in 1974. He served in the Navy in World War II as an enlisted sailor; after the war, he obtained both a

⁶ Significantly, the chairman of Truman's board was retired Supreme Court Justice Owen Roberts, who had been one of the three dissenters in *Korematsu v. United States*, 323 U.S. 214 (1944). In that decision, the majority of the Court found the internment of U.S. citizens of Japanese descent during World War II to be constitutional.



President Gerald Ford with General Walt (left) and PCB Chairman Goodell (right).

law degree and a master's degree in government from Yale. He returned to the military as an Air Force officer during the Korean War. After that war, he practiced law and worked in Washington, DC, until 1959, when he was elected to the House of Representatives as a Republican from New York. In the House, Goodell was one of the "Young Turks" who wrested control of the Republican leadership from the older generation and succeeded in elevating Gerald Ford to speaker of the House. Goodell served in the House until 1968, when he was named to the Senate by New York governor Nelson Rockefeller to complete the term of Robert Kennedy, who had been assassinated.

During his few years as a senator, "to the astonishment of everyone who knew him, Goodell metamorphosed from a solid Republican conservative to wooly liberal, constant critic of President Nixon, and vocal opponent of the Vietnam War."⁷ Among Goodell's actions in the Senate were proposed legislation to cut off all funds for the Vietnam War, to allow conscientious objection to specific wars, and significantly, to grant amnesty for antiwar draft resisters. In 1969, Goodell participated in an antiwar march on Washington together with George McGovern and Eugene McCarthy.

The 1970 election proved to be the end of Goodell's career as an elected politician. Despite endorsement by a long list of antiwar activists including the Berrigan Brothers, Noam Chomsky, Jane Fonda, Betty Friedan, Coretta King, Benjamin

⁷ James Cannon, *Gerald R. Ford: An Honorable Life* (Ann Arbor: University of Michigan Press, 2013), 216.

Spock, and many others,⁸ he was urged to withdraw from the election when polls showed him trailing badly. Goodell refused, and was defeated ignominiously, coming in third. He and the Democratic nominee split the liberal vote, giving the election to conservative James Buckley.

Many considered Goodell a political pariah after losing the 1970 election.⁹ However, the rise of Ford to the presidency in 1974 seemed to give Goodell new political life, with some friends believing that Ford would name him attorney general, appoint him to the Supreme Court, or even choose him as a running mate in the 1976 election. Goodell quickly accepted Ford's offer to chair the Presidential Clemency Board.

Goodell's performance as chair of the PCB is the subject of considerable historical disagreement. He was savaged by Ford biographer James Cannon, who in *Gerald R. Ford: An Honorable Life* called him "injudicious and inept" and the PCB a "disaster."¹⁰ Cannon's clear fondness for Ford and his position as Ford's assistant for domestic affairs are possible reasons for his making Goodell the scapegoat for the "failure" of the PCB. In contrast to Cannon's views, historian John Robert Greene described the PCB as a "well-run and dutiful commission" with an impressive record.¹¹

A significant piece of evidence in Goodell's favor is the extensive "Report of the Interagency Team to Survey the Presidential Clemency Board," dated May 16, 1975. The report was commissioned by the White House Office of Management and Budget (OMB)—no friend of Goodell—and noted, "It is evident that Chairman Goodell has done a commendable job in leading the Board through a number of critical phases in its existence."¹²

A review of Goodell's notes and consideration of the difficulties Ford saddled him with easily justifies an assessment more in line with Greene and the Interagency Team and different from that of Cannon. Moreover, if the antiwar community had not turned fickle on Goodell he might well have emerged as a hero of the left and the PCB acclaimed as an unqualified success.

⁸ Letter to the Editors, *New York Review of Books*, October 22, 1970.

⁹ Cannon, *An Honorable Life*, *ibid.*

¹⁰ *ibid.*, 216.

¹¹ John Robert Greene, *The Presidency of Gerald R. Ford* (Lawrence, KA: University Press of Kansas, 1995), 42.

¹² Interagency Team Survey Report (2), 12, Box 7, GP, FL. See note 38, *infra*, regarding Goodell's sometimes frayed relations with the OMB.

A Fractious Team

There were originally eight members of the PCB, together with Chairman Goodell. They were intentionally selected so that the PCB would have an even balance of conservative, moderate, and liberal members. The unexpectedly large number of applications and the unexpectedly short time limit on the PCB soon required a number of changes, including the doubling of the number of board members and the division into three-member panels.

The only requirement for membership on the PCB was that a member be committed to a program of earned clemency as opposed to either no clemency at all or blanket amnesty. The role of the PCB, as he saw it, was clearly stated by its most well-known conservative member, Marine Corps Lt. General Walt:

We must not lose our objectivity. We are a “Clemency Board” not “Pardon Board” . . . The President has given us guidelines—within those guidelines we must find a “medium”. We must search each man’s record. We must consider matters of mitigation and matters of aggravation. We must make our decisions with unemotional objectivity and be prepared to defend them from all angles of attack. We must constantly keep in mind, the long range effects of our decisions and the irreparable [sic] damage which could be done to the effectiveness of Selective Service and the discipline of our Armed Forces.¹³

Although Walt’s views were probably close to those of Ford himself, he and the other conservatives were frequently at odds with the majority of the PCB.

Walt had retired after 34 years of service. He was a decorated veteran of the Second World War, Korea, and Vietnam, where he commanded the 3rd Marine Division.¹⁴ Included among the original nine members of the PCB were two other conservatives: Ralph Adams and James Dougovito. Adams was the president of Troy State University in Alabama and a brigadier general in the Alabama Air National Guard. Dougovito had served as a Marine officer in Vietnam, where he had been wounded and decorated. When the PCB was expanded to 18, the conservatives were joined by John Everhard, retired

¹³ Alternatives to Pardon, 3, Box 1, GP, FL.

¹⁴ Walt had served as assistant commandant of the Marine Corps. He had two sons who were members of the Marine Corps Reserves during the Vietnam War. They did not see action. “The Board That Sits in Judgment on Men Who Chose Not to Fight,” *People Magazine*, October 17, 1974.

Air Force colonel and legal officer; Harry Riggs, retired Army colonel; and Fred Agnich, Republican national committeeman from Texas and member of the Texas House of Representatives.

The three moderate members of the original PCB were attorney Robert Finch, a former secretary of Health, Education, and Welfare; James Maye, a former Marine pilot paralyzed from the waist down as a result of a combat injury in Vietnam and subsequently president of the Paralyzed Veterans of America; and Aida O'Connor, a lawyer of Puerto Rican descent and a Republican from New York. When the PCB expanded, they were joined by Timothy Craig, former Marine and president of a nonideological Vietnam veterans' organization; Antoinette Ford, former member of the Washington City Council; and Frederick Morrow, director, Institute for Urban and Minority Education, Educational Testing Service, at Princeton.

The three liberal members of the original PCB were Chairman Goodell; Vernon Jordan, lawyer and executive director of the Urban League; and Father Hesburgh. The three added liberals were Joan Vinson, wife of an airman missing in action in Vietnam; Monsignor Francis Lally, Catholic priest; and Lewis Puller, Jr., a former staff attorney for the PCB. As a Marine officer, Puller had been horribly wounded and permanently disabled in combat in Vietnam.¹⁵

At first, there was little disagreement between conservative and liberal members of the PCB. They had agreed on aggravating and mitigating circumstances, with only a few disagreements. In fact, even the most conservative members recognized that when members of the military returned home they were met with an antimilitary



Father Theodore Hesburgh, president of Notre Dame University.

¹⁵ Puller, Jr., would go on to win a 1992 Pulitzer Prize for his autobiography. He committed suicide in 1994.

atmosphere in which their service was not appreciated, and as a result, “peer pressure forced them to do things which under normal conditions they would not have done.”¹⁶

The eventual split that led to a “minority report” of the conservative members was primarily the result of the number of outright pardons the PCB recommended for many of the deserters. All members of the PCB had originally committed themselves to a program of earned clemency, not a pardon without any community service. Over time, the views of the majority evolved from the concept of a “clemency board,” as described by Walt, to more of a “pardon board.” The conservative members of the PCB felt betrayed by the moderate and liberal members, but they did not realize that the attitudes of many of the members of the PCB had merely evolved. There were at least two identifiable reasons for the evolution.

First, the PCB’s set of internal procedures and resources closely tracked common American jurisprudence and, as such, encouraged the natural evolution that characterizes American law, especially given the passionate belief in forgiveness held by most of the attorneys and interns who themselves evolved into advocates. Their reasoned arguments, using established precedents as reported in the *Clemency Law Reporter*, gave the liberals and many of the moderates on the PCB the justification they needed to vote for outright pardons.

Second, there was an unexpressed suspicion that for many of the deserters a requirement of even 30 days of public service was the same thing as a denial of clemency.¹⁷ While draft evaders were generally educated and connected and easily able to fulfill a public service requirement, many of the deserters had only been accepted into the military under lowered standards and lacked the ability to arrange for public service even if they understood what was required and were in a position to perform it.¹⁸

¹⁶ Memorandum for the President of February 6, 1975, signed by Walt, Dougovito, and Maye, urging discharge upgrades for Vietnam veterans who deserted after returning from combat. Memoranda-President and White House Staff, 52, Box 8, GP, FL.

¹⁷ Alternative service was administered through the Selective Service System. It might consist of a paid full-time job with a nonprofit organization promoting the national health, safety, or interest; or 16 hours per week of unpaid work in the national interest. The PCB could condition the pardon on up to a year of such service. *Report to the President*, 17–19.

¹⁸ In fact, a year after the PCB had completed its work, fully half of the deserters who had begun public service had dropped out. Memorandum of Byron Pepitone, Director of the Selective Service System, November 9, 1976, Amnesty, 6, Box 3, Papers of James M. Cannon, FL. Baskir and Strauss estimated that only about 23% of deserters given the opportunity to receive a pardon in return for public service actually completed public service. Baskir and Strauss, *Reconciliation after Vietnam*, 30. The figure would have been even lower if so many underprivileged and “new standards” veterans had not been given outright pardons.

Boycott

As Goodell himself had noted in his book, *Political Prisoners in America*, political power in the 1970s in the United States resided “somewhere between the heart and the pocketbook” of the middle-class families whose sons had resisted the draft.¹⁹ These were to be the primary intended beneficiaries of Ford’s clemency program, and the friends he hoped to make. Almost as an afterthought were the tens of thousands of military deserters, whose families had little or no political power. The irony of Ford’s offer of clemency was that it was immediately rejected by the largely middle-class draft evaders he hoped to please; the primary beneficiaries turned out to be the sons of underprivileged families Ford did not really care about or even understand.

Although the draft resistance community was well-organized and politically active, the hurried nature of Ford’s clemency program left Ford no time to measure the reception his program would receive among draft resisters, let alone engage in any sort of negotiation.²⁰ Ford could only hope for a warm reception and was certainly deeply disappointed when his program was largely rejected. Within a week of its announcement, organized draft resisters announced a boycott of the program and demanded universal and unconditional amnesty, not the conditional pardons Ford offered.²¹

Instead of the approval he hoped for, Ford received a cold shoulder from the antiwar community. Draft resisters attacked the program for extracting retribution, punishment without trial, and presuming guilt. One exile attacked Ford’s program as concealing its real intent to punish in “deceitful and misleading language.”²² Goodell had been endorsed by a long list of nationally known antiwar activists in his 1970 run to retain his Senate seat, so Ford may have thought the selection

¹⁹ Charles Goodell, *Political Prisoners in America* (New York: Random House, 1973), 133.

²⁰ The Nixon pardon in particular put great pressure on Ford to announce the details of his program quickly and without adequate planning. Baskir and Strauss, *Reconciliation after Vietnam*, 46

²¹ “Deserters and Evaders Plan an Amnesty Boycott,” *New York Times*, September 22, 1974.

²² Ibid. The last accusation is completely unfair. Historians of the Ford presidency have agreed that Ford did not have a deceitful bone in his body. Typical is Douglas Brinkley, who called Ford the “exemplar of no-frills Midwestern straightforwardness” defined by a “rock-hard moral core.” *Gerald R. Ford* (New York: Henry Holt, 2007), 68, 74. James Cannon described Ford as “so incapable of pretense that he was also bereft of showmanship.” *Time and Chance: Gerald Ford’s Appointment with History* (New York: HarperCollins, Inc., 1994), 395. Edward L. and Frederick H. Schapsmeier, in *Gerald R. Ford’s Date with Destiny; A Political Biography* (New York: Peter Lang, 1989), 165, noted that Ford believed he could “allay the national mood of mistrust simply by setting a personal example of honest candor and forthright performance” of his duties. Following on the heels of Richard Nixon, the national mood was not so easily changed.

of Goodell would make his program palatable to draft evaders. If that was his thinking, he was quickly disappointed. Ford's pardon of Richard Nixon also may have undermined his offer of clemency to the antiwar community.

While Ford's program was largely rejected by the tens of thousands of draft evaders who had escaped prosecution, a decent percentage of those who had been convicted sought a pardon. There were only 8,700 actual convictions for draft evasion during the Vietnam War, and 1,757—about 20 percent—applied to the PCB.²³ Likely, more would have applied if they had known that over 80 percent of the convicted draft evaders who applied would receive outright pardons, without the need for any public service.²⁴

Fairness and Evolution

Citing newspaper articles and opinion pieces of the time, historians have characterized the PCB as a “bureaucratic Vietnam” or “erratically administered by a conglomerate of lawyers, soldiers, politicians, and bureaucrats.”²⁵ However, these accusations are unfair and inaccurate. The short time available and the intentionally diverse membership made smooth functioning impossible and disagreement inevitable, but within its practical constraints the PCB did an admirable job of reviewing applications fairly and expeditiously. At least one later historian has described the PCB as a “well-run and dutiful commission” with an impressive record.²⁶

Like everything else about the PCB, its methods of hearing cases evolved quickly and in unplanned ways. Instead of being a static review board similar to Harry Truman's postwar board, the PCB evolved as it proceeded to decide individual cases, adopting many of the common practices and safeguards of American jurisprudence including publication of and adherence to precedent, and appellate review. This was the result of a fundamental policy decision made by the PCB to encourage fairness and the appearance of fairness, even though the president is not constitutionally required to demonstrate fairness in exercising clemency. The large number of lawyers assigned to the PCB also encouraged evolution as they crafted arguments from board precedent.

²³ *Report to the President*, xiii.

²⁴ *Ibid.*, 123.

²⁵ Sharon Rudy Plaxton “To Reconcile a Nation: Gerald Ford, Jimmy Carter and the Question of Amnesty, 1974–1980” (Ph.D. diss., Queen's University, Kingston, Canada, 1996), 104–5.

²⁶ Greene, *The Presidency of Gerald R. Ford*, 42.

There is no legal requirement that a president exercise the power to pardon fairly; the president is free to be arbitrary, and pardons are not subject to challenge in court on grounds of fairness to those seeking pardons. Nonetheless, Ford felt that for his program to be a success there needed to be a public perception of fairness within the program.²⁷ These principles were outlined to the PCB in a memorandum by a White House special counsel in the fall of 1974, before the PCB had begun work or established its procedures.²⁸

Consistent with the desire for and the appearance of fairness, the PCB established rules governing the consideration of applications and published them in the *Federal Register*, while noting in the preamble that "time and resource constraints" might cause the PCB to stray from its desire to provide due process.²⁹ These rules established the PCB's jurisdiction and provided that after jurisdiction had been established the case was assigned to a staff "action attorney" for preparation of a case summary that the attorney would present to a panel of the PCB. To perform these duties, hundreds of government attorneys from two dozen agencies ranging from the Department of Agriculture to NASA to the Veterans Administration were temporarily assigned to the PCB.

The PCB was on a one-year deadline, which few people, if any, recognized initially. Ford created the PCB by executive order on September 16, 1974. Section 9 of that order specified, "The Board shall submit its final recommendations to the President no later than December 31, 1976, at which time it shall cease to exist."³⁰ However, it would appear nobody on the PCB nor any of the White House staff realized that the existence of the PCB was limited to one year, not the 25 months stated in Ford's order. A law enacted during the administration of Franklin Roosevelt provided that no funds appropriated by Congress for any purpose could be used to fund any federal agency, including those established by executive order, after the agency had been in existence for more than one

²⁷ In the preamble to its published procedures, the PCB noted that because it was a temporary organization within the White House whose only purpose was to advise the president in the exercise of his constitutional power of clemency, it was not bound by laws governing administrative procedures. It added, "Nonetheless, within the time and resource constraints governing it, the Board wishes to adhere as closely as possible to the principles of procedural due process." *Federal Register*, Vol. 40, no. 56, March 21, 1975.

²⁸ Memorandum from White House special counsel Richard Tropp on October 4, 1974. Amnesty-Presidential Clemency Board, 3-17, Box 2, John Marsh Papers, FL.

²⁹ The original procedures were published at 39 F.R. 41351, November 27, 1974.

³⁰ Clemency Board Regulations, *Federal Register*, vol. 40, no. 56, March 21, 1975.

year.³¹ Therefore, the Board, established on September 16, 1974, had to cease operations on September 15, 1975, instead of December 31, 1976, as initially announced.³²

As soon as he saw the approximately 21,500 applications and learned of the short deadline, Goodell insisted that the bulk of the staff of the PCB had to be lawyers. Goodell made a compelling argument that, because the major work of the PCB staff was the review of civil and military court records, the staff needed to understand the law involved and that there was simply no time to teach non-lawyers what they needed to know. Accordingly, several hundred lawyers from all agencies of the executive branch were “detailed” to the Board while their salaries were paid by their home agencies.³³

The PCB determined that the best way to individually adjudicate so many applications was first to determine general categories of aggravating and mitigating circumstances and then apply them to each case. The board members envisioned a three-step process: First, they would meet, establish, and publish what circumstances it would consider favorable and unfavorable to the granting of a pardon.³⁴ Next, the staff attorneys would write up summaries of each case,

³¹ USC section 696, also known as the “Russell Rider.”

³² The primary source of funding, at least for the initial operations of the board, was the \$500,000 Unanticipated Needs Fund authorized by Congress as part of the 1975 fiscal year appropriations. Funds for the majority of the Board’s work came from the other government agencies, which continued to pay the attorney salaries. Estimating the total cost of the PCB is not an easy matter, given the heavy reliance on other executive branch agencies to supply personnel, transfer funds, and absorb expenses. Officially, the cost was \$240,000 from the Unanticipated Needs Fund for FY 1975 and another \$281,000 for FY 1976, for a total of \$521,000. However, a budget included in an early draft of the *Report to the President* but not used in the final version estimated that the true cost was \$5,625,600, after factoring in contributions from other agencies.

³³ The initial “tap” of attorneys was made by Paul O’Neill, Deputy Director of Office of Management and Budget, on March 27, 1975. It called for 268 attorneys from two dozen agencies ranging from the Department of Agriculture to NASA to the Veterans Administration. A second “tap” for a further 230 attorneys, was made the next month.

³⁴ Aggravating circumstances were agreed to include other adult convictions, false statements to the PCB, use of physical force in committing the offense, AWOL in Vietnam, selfish motivation for offense, failure to do alternative service, violation of probation or parole, multiple AWOL offenses, missed overseas movement, non-AWOL offenses contributing to discharge, and apprehension by authorities. Mitigating circumstances included inability to understand obligations or remedies, personal or family problems, mental or physical condition, public service employment, service-connected disability, extended creditable military service, Vietnam service, procedural unfairness, questionable denial of conscientious objector status, conscientious motivation for offense, voluntary submission to authorities, mental stress from combat, combat volunteer, above average military performance ratings, decorations for valor, and wounds in combat. *Report to the President*, xviii–xix.

pointing out aggravating and mitigating circumstances, as defined by the Board, and recommend a disposition in accordance with Board guidelines in each case. Third, the Board would hold a hearing for each application and decide to either accept the attorney's recommendation or make a different disposition.

The first problem they encountered in implementing this system was that there were too many cases for the PCB to decide as a group. They therefore agreed to divide themselves into three- or four-member panels. This would allow more cases to be heard, but also created a risk that the panel decisions might not be uniform and that the same case could have different results depending on the panel to which it was assigned. To address this issue, any dissenting panel member was given the right to have a case reviewed by the whole Board. In this way, the PCB acted somewhat like a federal circuit court of appeals, which decides cases by three-judge panels but allows for review of decisions by the court as a whole.

The second fairness issue that needed to be addressed was that the PCB's attitude toward aggravating and mitigating circumstances changed and evolved as it heard cases; it would be unfair to have an individual's case decided differently depending on whether it had been decided early or late in the decision-making process. To address this issue, the PCB created the *Clemency Law Reporter* to inform case attorneys of recent decisions of the Board and modifications or clarifications of aggravating and mitigating circumstances. This gave the attorneys the ability to argue that a particular case was like a prior case where a pardon was or was not recommended and should therefore have the same outcome, or to distinguish a prior case where its outcome did not seem fair when applied to other cases.

Of course, the procedures the PCB set up to ensure fairness were very familiar to the hundreds of lawyers detailed to the PCB. They first reviewed the PCB aggravating and mitigating circumstance guidelines (statutory law), reviewed the prior decisions of the PCB summarized in the *Clemency Law Reporter* (case law), and then used them to both prepare a case summary (legal brief) and present the case to a panel (oral argument). Case attorneys were also authorized to seek full Board review of a panel decision the attorney felt was inconsistent with established PCB precedent (appeal).³⁵

³⁵ Case attorneys had the right to "flag" cases they believed were decided inconsistently with previous decisions. These cases were then audited for consistency by the legal analysis staff and submitted to Goodell for referral to the full Board at his discretion. *Report to the President*, 162–63.

Lawyers being lawyers, and with many of the applications calling out for justice and compassion, case attorneys fairly quickly began to consider themselves as advocates, using their skills and their ability to argue from precedent in a way that skewed the PCB to leniency.³⁶ Most attorneys resisted the temptation to be overt about this, maintaining at least the appearance of the neutrality the PCB, more specifically its conservative members, expected. This was a constant source of tension between the PCB and the lawyers, but one the PCB had to live with given the important role the lawyers played in the process and the revolt that would have followed any restrictions placed upon the lawyers.

The PCB process evolved in two other ways. First, the PCB realized that there was not enough time for them to adjudicate all of the applications within the time allowed, even after dividing the board into panels. The solution to this problem was doubling the membership of the Board from 9 to 18. This was done on May 1, 1975. The second evolution involved the use of interns. Originally, Goodell's vision was that 150 law students would be hired by the Department of Defense.³⁷ Goodell fought hard for these interns, who were expected to have a combination of legal and military experience, in order to assist attorneys in preparation of the cases.³⁸ However, the actual number of interns supplied by the DOD was less than promised, as was the number of attorneys who actually reported to the PCB. Moreover, many of the interns had served in Vietnam and had valuable military experience, which made them at least as qualified as the lawyers.³⁹ The PCB accordingly amended its definition of "Action Attorney" in its regulations from "an attorney on the staff of the Board who is assigned an applicant's case" to "any individual on the staff of the Board who is assigned an applicant's case."⁴⁰ The interns were then used as attorneys with the same responsibilities and status as

³⁶ The phenomenon was common enough that the drafters of the final *Report* felt compelled to mention it. *Ibid.* The reaction of attorneys to assignment to the PCB was varied. Many assumed the worst and considered their assignment to the PCB as an indication that they were not valued at their home agency. Some were unhappy to learn that a long-planned vacation needed to be cancelled because the PCB could not afford to lose work hours. But many, bored by routine assignments given to them as junior attorneys by their home agencies, were excited by the chance to do something interesting and meaningful and with more responsibility than they enjoyed at their home agency. *Ibid.*, 155.

³⁷ Goodell may well have been thinking of using legal interns as the PCB's "corps of trained reviewers" of Truman's Amnesty Board.

³⁸ Goodell's handwritten notes of meetings in mid-May of 1975 show that he was pushing hard for more interns and already anticipating using them as attorneys. His record of a meeting on May 21, 1975, with Paul O'Neill contains a quoted exchange in which O'Neill told him, "You're really being a prick about this," to which Goodell replied, "You have too. It's fortunate that we have the relationship we do, in this situation." Goodell then noted, "DOD interns. Now agreed to 125. Let's monitor it, may need more." Memoranda—OMB, 21, Box 8, GP, FL.

³⁹ The author was one of these interns.

⁴⁰ Clemency Board Regulations, *Federal Register*, vol. 40, no. 115, June 13, 1975.

government attorney detailees.⁴¹ While failing to mention explicitly that many interns were used as attorneys, the PCB in its *Report to the President* noted that “[s]ummer legal interns were found to have a better learning curve and higher production peak than detailed government attorneys, perhaps because of different job motivation.”⁴²

Only Chance of the Irrelevant

While the PCB has been criticized by historians as inadequate to address the needs of military deserters, for many years after the war it remained the only widely publicized attempt to do anything at all for them. In fact, “it would take more than a decade for any organized show of appreciation to surface for the returned veterans, and even then they were welcomed from a distance, almost as if a hug or a handshake implied support for the war.”⁴³ Most of the post-Vietnam attention was on civilian draft evaders, not former soldiers.

Ironically, the PCB was able to better the lives of many veterans because of the fundamental mistaken perception of who the deserters were. Perhaps influenced by the prominent role in the antiwar movement played by organizations such as the Vietnam Veterans Against the War (VVAW), Ford and his advisors assumed that military deserters were motivated by antiwar feelings, and thus were entitled to re-integration into society as much as the draft evaders. Only after the applications started to come in did anyone realize that only 14 percent of deserters had been

TABLE 8: CLEMENCY BOARD RECOMMENDATIONS - CIVILIAN CASES

	Number	Percent	Cumulative
Pardon	1432	81.5%	81.5%
1-3 months AS	140	8.0	89.5
4-6 months AS	91	5.2	94.7
7-9 months AS	24	1.4	96.1
10-12 months AS	35	2.0	98.1
13 + months AS	9	0.5	98.6
No Clemency	26	1.5	100.1
Total	1757		

TABLE 9: CLEMENCY BOARD RECOMMENDATIONS - MILITARY CASES

	Number	Percent	Cumulative
Pardon	4620	36.2%	36.2%
1-3 months AS	2555	20.0	56.2
4-6 months AS	2941	23.1	79.3
7-9 months AS	1295	10.2	89.5
10-12 months AS	441	3.5	93.0
13 + months AS	20	0.2	93.2
No Clemency	885	6.9	100.1
Total	12757		

TABLE 10: CLEMENCY BOARD RECOMMENDATIONS - ALL CASES

	Number	Percent	Cumulative
Pardon	6052	41.7%	41.7%
1-3 months AS	2695	18.6	60.3
4-6 months AS	3032	20.9	81.2
7-9 months AS	1319	9.1	90.3
10-12 months AS	476	3.3	93.6
13 + months AS	29	0.2	93.8
No Clemency	911	6.3	100.1
Total	14514		

Final summary of PCB recommendations. While pardons were originally intended to be earned by community service, 41.7% of the applicants were given outright pardons.

⁴¹ The use of interns as lawyers was no secret inside the PCB, though it was never discussed with outsiders or mentioned in the *Report to the President*. Baskir and Strauss made no mention of it either in their subsequent discussions of the PCB. Documentation of the use of interns as lawyers is scattered throughout Goodell's papers, with the author clearly identified as an attorney in several places. See, for example, Miscellaneous, Box 8, 77, GP, FL.

⁴² *Report to the President*, 157.

⁴³ Greene, *The Presidency of Gerald R. Ford*, 37.

motivated in any way by antiwar sentiment.⁴⁴ Much to the surprise of Ford and the members of the PCB, military deserters were not motivated by politics or questions of morality.

Goodell himself, no stranger to the antiwar community, admitted in testimony before Congress that he was surprised that the applicants to the PCB did not fit his preconceived stereotypes. Instead of deserters motivated by antiwar sentiments, he found ordinary, apolitical men “with wives about to leave them, whose fathers had died leaving a family without any means of support, or whose mother, wife or child had become acutely ill.”⁴⁵ He further noted that the applicants were generally “unsophisticated, inarticulate people” who were unable to ask for help. Goodell noted, “Had they been able to do so, many of these applicants would have received hardship deferments or conscientious objector deferments, or compassionate reassessments or hardship discharges in the military. They just did not know how to proceed.”⁴⁶

Sharon Rudy Plaxton, whose overall assessment of Ford’s clemency program was that it was “bankrupt,” recognized that for deserters the PCB was “possibly the only chance to improve their situation.”⁴⁷ The main thing limiting deserter applications was lack of knowledge of the program, not an outright rejection of its terms. Neither those discharged after court martial nor the many deserters given undesirable discharges administratively could know about the availability of a pardon unless they saw or heard a public service announcement, saw a poster, or were fortunate enough to have a veterans counselor.⁴⁸ Nevertheless, these soldiers constituted over 80 percent of the 21,500 applications to the PCB.⁴⁹

⁴⁴ Bruce D. Bell and Thomas J. Houston, “The Vietnam Deserter: Characteristics of Unconvicted Army Deserters Participating in the Presidential Clemency Program.” U.S. Army Research Institute (1976), ii.

⁴⁵ Testimony before U.S. Senate, December 18, 1974. Senate Hearings, Box 10, GP, FL.

⁴⁶ Ibid.

⁴⁷ Plaxton, “To Reconcile a Nation,” 235.

⁴⁸ A study of deserters who participated in Ford’s clemency program compared them with those deserters who had not applied. It found that “[t]he groups were remarkably similar. Those differences which were detected could most easily be explained by assuming that nonparticipation was mainly a function of not having heard about the Program. Furthermore, among those who had heard of the Program, only 17% realized that fugitives living in this country (the bulk of the men) were eligible for the Program.” Bruce and Houston, “The Vietnam Deserter,” iii.

⁴⁹ The favoring of civilian draft evaders over military deserters persisted well beyond the Ford administration. Carter’s first act as president was to grant amnesty to draft evaders, but he did not include deserters. Discharge review boards were established during Carter’s presidency to continue the work of the PCB, but their work was done quietly, and relief was granted only on an individual basis. There was never any blanket relief for deserters.

Project 100,000

Military service has long been an avenue for improving the condition of the underprivileged. However, in the early 1960s many underprivileged men in both urban and rural areas were excluded from service by intellectual and educational requirements they could not meet. As part of his Great Society programs, Lyndon Johnson approved Project 100,000, significantly lowering those requirements. Ultimately, more than 300,000 men were admitted to the military under Project 100,000. Unfortunately, the escalation of the Vietnam War had unforeseen consequences for those Project 100,000 admittees, as a significant portion were assigned to combat roles and, during the early years of the escalation, suffered a disproportionate casualty rate.

Few 20th-century historians who have studied Project 100,000 came away with a dispassionate assessment; they either attacked the program as a cynical, racist decision to let the least advantaged men fight an unpopular war—what one historian has called the “circle of class and race discrimination that marked the entire Vietnam experience”⁵⁰—or touted the program as a success while glossing over the disproportionate toll the war took on the most powerless elements of American society.⁵¹ The dual nature of military service, as both a burden to be borne and a privilege evidencing full American citizenship, allowed historians to see one side while ignoring the other.

Whatever the motivations for Project 100,000, two basic facts are undisputed. First, due to the widely available draft deferments for college students and the aptitude requirements for more technical (and seemingly safer) specialties within the military, the “new standards” men inducted under Project 100,000 bore a disproportionate

⁵⁰ Plaxton, “To Reconcile a Nation,” 270. Similar sentiments can be found in Christian G. Appy, *Working-Class War* (Chapel Hill: University of North Carolina Press, 1993), and Peter Barnes, *Pawns: The Plight of the Citizen-Soldier* (New York: Knopf, 1972). The latter commented, “One does not have to be a statistical wizard to recognize that Project 100,000 serves as a vehicle for channeling poor, mostly Southern and Negro youths to the front lines in Indochina.” *Ibid.*, 46.

⁵¹ The experience with Project 100,000 “provides substantial support for the conclusion recently affirmed by Secretary of Defense Clark Clifford that ‘Project 100,000’ has been a spectacular success. . . . On balance, the experience to date clearly supports Secretary McNamara’s original premise that previous minimum mental standards were unduly restrictive and had deprived many young men with high motivation and performance potential of an opportunity for entering military service.” Quoted in Harold Wool and Eli S. Flyer, “Project 100,000,” 223, in Peter B. Doeringer, ed., *Programs to Employ the Disadvantaged* (Englewood Cliffs, NJ: Prentice-Hall, 1969). Another opinion stated, “Given this highly successful record of performance, it is not clear why critics, both military and civilian, continue to declare the project a failure.” In Thomas G. Sticht, William B. Armstrong, Daniel T. Hickey, and John S. Caylor, *Cast-off Youth* (New York: Praeger Publishers, 1987), 64.

share of the ground combat in Vietnam between 1965 and 1967.⁵² Second, as expected, their rate of punitive discharges was much higher as well. While Project 100,000 did lift many men out of poverty as intended, it also made life worse for the men who were unable to successfully cope with military service. For these men, the PCB offered the only way to erase the stains on their records.

Project 100,000 was portrayed to the PCB and the lawyers and interns assigned to review the applications as highly negative without mentioning its good intentions. This assessment of Project 100,000, together with the Nixonian cynicism prevalent at the time, led most of the PCB as well as its staff to view the deserters, many of whom were clearly “new standards” men, with a great deal of sympathy.⁵³ The PCB accordingly came to view the application of a soldier accepted into the military under Project 100,000 very favorably on the grounds that he “should never have been in the military in the first place.”⁵⁴ This sympathy led to PCB precedents for outright pardons without public service.⁵⁵

Conclusion and Reassessment

The PCB faded quietly away at the conclusion of its one-year life. There was a final split between the conservatives and the other members of the PCB, but it was not nearly as serious as it could have been. General Walt, not wishing to embarrass Ford, agreed to mute his dissatisfaction as long as Ford did not publicly do or say anything that could be interpreted as an endorsement of the actions of the PCB, which was fine with Ford and his advisors.⁵⁶ Thus, the PCB passed into history without fanfare or recognition, the general consensus being that it had been a failure. If prior historians were not ascribing the failure to its low participation

⁵² Ibid. While Project 100,000 was intended to ease underprivileged men into the military, draft rules at the same time eased the ability of the privileged to avoid service. See, for example, Michael Foley’s description of how Bill Clinton, Dan Quayle, George W. Bush, and others legally dodged the draft. Michael S. Foley, *Confronting the War Machine: Draft Resistance During the Vietnam War* (Chapel Hill: University of North Carolina Press, 2003), 11–13. It was this contrasting treatment that probably brought Project 100,000 into disrepute more than the program itself.

⁵³ While the U.S. military did not officially designate a soldier as admitted under Project 100,000, the low test scores left no doubt.

⁵⁴ “Category IVs and Project 100,000” dated September 1, 1975. Memoranda–Internal (4), 2, Box 8, GP, FL.

⁵⁵ The notes of the PCB meeting of June 18, 1975, reflect Goodell’s observation that “when Mitigating Factor #8 ‘evidence of unfairness’ is marked, the applicant usually, but not always, has received a Pardon without alternative service on the grounds that he never should have been accepted into the military service.” Board–Minutes, Box 1, 35, GP, FL.

⁵⁶ Confidential memorandum to White House advisors from Russ Rourke dated September 12, 1975, Clemency Program – General (6), 17, Box 5, Philip Buchen Papers, FL.

rate, they were disparaging Ford and his clemency program for failing to “heal the nation.” The degree to which the nation was healed was the measure of success or failure applied to the PCB for decades after it had completed its work.

Not surprisingly, the Presidential Clemency Board itself, in its *Final Report*, stated with confidence that its work “reflected the spirit of the Presidential Proclamation which created it” and “helped enable Americans to put their war-engendered differences aside and live as friends and neighbors once again.”⁵⁷ A minority report, drafted by the most conservative members of the PCB, questioned or even sought to disprove this vague and optimistic conclusion.⁵⁸ General Walt certainly did not believe that the country had benefited in any way, and just a few years later would disparage the PCB as a communist plot, instigated to weaken American armed forces.⁵⁹

Lawrence Baskir and William Strauss, two senior members of the Presidential Clemency Board staff, reached a different conclusion than the official report. Pointing out the awkward and unpopular nature of the compromise underlying the clemency program, the serious misconceptions about Vietnam-era offenders, the meager relief the program could offer, the lack of sufficient time or publicity, and the essential abandonment of the clemency program by Ford himself, they concluded that the program was a “clear disappointment.”⁶⁰ Scholars who have



Farewell ceremony for the PCB on September 26, 1975. President Ford at microphone, surrounded by original and added members of the PCB. General Walt was notably absent, having distanced himself from the PCB. He would later denounce it as a communist plot.

⁵⁷ *Report to the President*, 183.

⁵⁸ The minority report was circulated but never published. A copy can be found at Ford Library, “Presidential Clemency Board Final Report,” 21–34, Box 2, John Marsh Papers, FL.

⁵⁹ Lewis W. Walt, *The Eleventh Hour* (New York: Caroline House, 1979), 53.

⁶⁰ Baskir and Strauss, *Reconciliation after Vietnam*, 27. Baskir and Strauss were strong advocates of further pardons, especially for the middle-class civilians. It is therefore not surprising that they would minimize the accomplishments of the PCB, notwithstanding their senior positions. However, even they conceded that a pardon restored civil rights, bettered employment opportunities, and “virtually guaranteed” at least some veterans’ benefits to Vietnam veterans. Lawrence Baskir and William Strauss, *Chance and Circumstance: The Draft, The War, and the Vietnam Generation* (New York: Alfred A. Knopf, 1978), 232.

considered the PCB have either declared it a total failure or found some sort of partial success for intangible reasons.⁶¹

Ford biographer James Cannon, who had been a member of Ford's White House staff, minced no words in calling the PCB a "disaster," blaming Goodell for its failure, calling him "injudicious and inept."⁶² The White House was unable to see what the perspective of time has made clear: the PCB's primary impact was on men from more humble backgrounds. Ford was a decent enough man that he might have taken more pride if he could have realized that his PCB helped thousands, even if they were not the beneficiaries he originally had in mind.

Forgotten in prior historical assessments are the apolitical deserters who applied to the PCB. Whether they were the underprivileged, with little influence in American society, or the intellectually and educationally deficient, accepted into a military with which they were unable to cope, or the Vietnam veterans who completed a combat tour before falling from grace, it seems that however many years pass by they remain largely irrelevant. The PCB's greatest impact was to improve the lives of these former soldiers about whom few people cared. Not only did Ford's pardons restore their civil rights and employment opportunities, but they also opened the door to the hundreds of veterans' benefits offered by federal and state governments as well as private businesses and organizations. These benefits range from treatment at Veterans Administration hospitals and discounts on insurance to free admission to state and local parks, cruise vacation discounts, and priority in homeless shelters.⁶³ At least as important was the restoration of personal dignity.

The apolitical deserters need to be part of the discussion in any attempt to evaluate the PCB, even if they were an afterthought to Ford when he created the PCB. The

⁶¹ See, for example, Joshua Dunton, "To Heal the Nation: The Creation of President Ford's Clemency Program." (MA thesis, University of Waterloo, Ontario, Canada, 2009), 100.

⁶² Cannon, *Gerald R. Ford: An Honorable Life*, 216.

⁶³ Deserters were issued a pardon and a clemency discharge, which state governments and private organizations often accepted in lieu of an honorable discharge. In addition, the military quietly convened periodic discharge review boards to consider upgrading veterans' discharges. A pardon obtained through the PCB was often the first step to obtaining an honorable discharge. Baskir and Strauss, *Chance and Circumstance*, 232. Goodell's files contain a memorandum dated October 17, 1975, documenting an agreement between the Department of Justice and the Department of Defense "to effectuate the select recommendations of the Presidential Clemency Board to upgrade less than honorable discharges to honorable discharges with entitlement to full veterans' benefits." The agreement also called for review of all cases by military discharge review boards. Alternative Service, 12, Box 1, GP, FL.

misconception about the nature of most offenders, coupled with the indignant boycott by middle-class draft evaders, meant that the PCB could concentrate on giving relief to those who actually needed it most and had nowhere else to go. This goal explains the dedication of the PCB staff, even in the face of abandonment by Ford and boycott by the more privileged. To the extent prior historians have failed to consider the 11,000 pardons the PCB afforded to the largely apolitical military deserters, including 4,620 unconditionally, they have missed the mark.

In a letter written to Ford after the conclusion of the PCB, Father Hesburgh got it right. Avoiding the vague “heal the nation” rhetoric, Father Hesburgh wrote:

While there were times during the year when I regretted having said “yes” when invited to serve on the Presidential Clemency Board, especially when problems mounted and decisions became very difficult. I must say in retrospect that it has been a great experience and I am grateful to you for making it possible. I have high hopes that during the years ahead we will be able to stand back and take a longer look at the great mass of facts that have been compiled and see emerging from them great public policies that will make for a stronger and better America. None of this would have been possible without your having initiated the program in the first place. While all of us, like yourself, received many nasty letters from the right and the left, I am sure in retrospect and, especially in historical perspective, this will emerge as one of the most generous and responsible programs in national clemency. There may well be more tasks yet to perform, but at least you should take some pride and satisfaction from the thought that many thousands of young men do indeed have a new lease on life, thanks to your initiative.⁶⁴

Many thousands of young men did in fact gain meaningful relief from the PCB. Even though they were not the intended beneficiaries of the PCB, and were essentially irrelevant to Ford when he created it, they still mattered. Intended or not, the thousands of pardons they received made the PCB a success.

Picture credits: President Ford signing, Ford with Walt and Goodell, press conference, Gerald R. Ford Presidential Library; Father Hesburgh, Lyndon B. Johnson Presidential Library; dispositions charts, *Presidential Clemency Board Report to the President* (1976)

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⁶⁴ Letter from Father Hesburgh, dated September 23, 1975. Personnel Matters (1), 77, Box 9, GP, FL.

