



CLEMENCY CHAIRMAN GOODELL
No rush to return.

treated differently. Their cases will be reviewed by a new nine-member Presidential Clemency Board, headed by former New York Republican Senator Charles Goodell, who sharply opposed the Nixon Administration's Viet Nam War policy. This board will be able to recommend to the President that specific men serving in prison be released. It will determine how much compensating service in jobs must be performed in each case. It will also have the task of reviewing the files of some 216,500 veterans who received less than honorable discharges, and upgrade those discharges if the rating seems unjust.

Assessing Motives. Precisely how many men will be eligible for the program is in dispute. The White House issued the following figures: 15,500 draft evaders (including 8,700 men who have been convicted, 4,350 under indictment, 2,250 under investigation and 96 in prison); 12,500 deserters at large; 660 deserters either confined or awaiting military trial. Draft resisters' groups place the number of dodgers and deserters at more than 50,000.

Whatever the number of men who finally respond by the Jan. 31, 1975 deadline, the case-by-case review is certain to be a difficult task. To assess accurately the motives of men who evaded service as long as five years ago may prove impossible. There is a problem of equity too for the many men who sought status as conscientious objectors and would have served 24 months in alternate work, but were denied that classification by local draft boards. To ask them to take menial jobs now, when they have acquired careers and families, seems harsh. Many also became fugitives before the Supreme Court, in June 1970, broadened the definition of conscientious objector to embrace persons resisting service on ethical rather than purely religious grounds. In addition, many draft evaders have received short or suspended sentences from compas-

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sionate judges and face no job requirement at all. Draft evaders convicted during 1971, for example, served terms averaging only 9.4 months.

The program got off to a slow start last week as only 18 military deserters reported to Fort Benjamin Harrison, where the joint review board is prepared to process some cases in as little as four days. The Pentagon released 95 convicted deserters from military prisons while their situations are being studied. Attorney General William Saxbe gave 30-day prison furloughs to 83 convicted evaders pending reviews.

Contrasting Fates. The first men seeking to turn themselves in to civilian authorities met contrasting fates. Doug Bittle, 28, flew to San Francisco from Vancouver and basked in a well-publicized welcome. But he was unable to get any definitive information on his case by telephone from the U.S. Attorney's office. Unwilling to surrender without legal advice, he contends that every lawyer he contacted wanted between \$500 and \$2,500 to take his case, so he returned to Vancouver. "If I had had the opportunity to do valid public service four years ago," he says, "I never would have left the country." On the other hand, John Barry, 22, a draft-dodging San Francisco musician, hired a lawyer and gave himself up to the same U.S. Attorney's office. Considered a hardship case because he supports his widowed mother, he was told that he would probably have to work for only six months.

No amnesty plan, of course, could be expected to bridge the gulf between extreme views of the problem. To many, failure to fight when the nation called was a cowardly, treasonable act and an assault upon the values of all those who sacrificed so much. To others, evasion of service in an unprincipled war was a courageous and lonely act of high patriotism, challenging the national conscience and making future such wars less probable. Put more moderately, the problem is how to distinguish between society's need to enforce its laws and the individual's right to follow his conscience.

A balanced assessment of the Ford program was offered by Bill Meis, 29, an aspiring novelist who lives with his wife and two children in Montreal. Denied conscientious-objector status, he fled in 1968. "O.K., I accept the sentiment behind the proposal," he says, "but it's a kind of humiliation, a concept that we were subversive. It's a hardship for our families. Some of them would have to go on welfare for two years while husbands served out their debts. I've had a very good life here, but there's no point in denying it—there'll always be a lot of me that's American. I think that over the next three or four months, as a few test cases go through, the resistance is going to break down a bit. Maybe 15% or 20% will go home if leniency is shown."

THE ADMINISTRATION

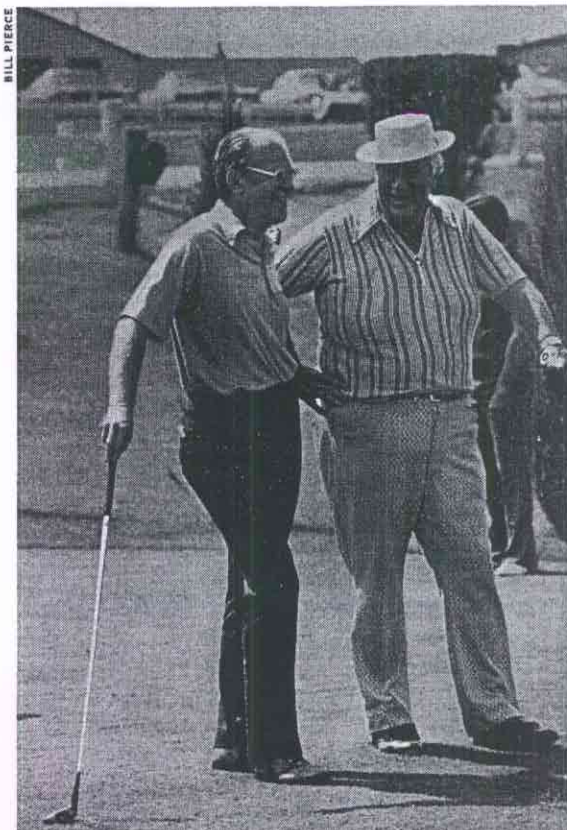
Taking the Heat On Nixon Pardon

Gerald Ford demonstrated one refreshing presidential trait last week: when the heat is on, he does not flee the kitchen. Despite the outcry over his premature pardon of Richard Nixon, Ford held the second press conference of his presidency—in prime televising time. Apart from some touchy questions about the CIA in Chile, most of the questions (16 out of 20) related to Nixon. Most of the questioners implied, and some said with insulting directness, that Ford had been deceptive and devious in reaching his decision. The President unflinchingly stood his ground.

Was there some undisclosed reason that made him shift so abruptly and free Nixon from prosecution? "I had no secret reason," Ford replied. But wasn't Nixon guilty of an impeachable offense? Ford found the unanimous report of the House Judiciary Committee "very persuasive" and conceded that acceptance of a pardon "can be construed . . . as an admission of guilt." Ford thought it was sufficient that Nixon had been "shamed and disgraced."

The President insisted that reports of Nixon's ill health were not a major factor ("I was more anxious to heal the nation"). He conceded that new negotiations were under way with Special Prosecutor Leon Jaworski on the controversial arrangement under which Nixon would retain effective control of

GOLFING WITH CONGRESSMAN TIP O'NEILL



BILL PIERCE



FORD INTRODUCING NESSEN
Flawless start.

his tapes and presidential papers. As for the pardon, however, "there was no understanding, no deal, between me and the former President." Ford admitted that "the decision has created more antagonism than I anticipated."

Inevitably, Ford was asked why he gave a full pardon to Nixon and only conditional amnesty to Viet Nam War evaders. Ford said that he saw no real connection between the two—hardly a convincing reply. Overall, it was a gutsy performance under fire, although Ford's explanation of the timing of the pardon remained thoroughly unsatisfying.

Continuing his frenzied pace but in an unperturbable fashion, Ford in one day rushed through eleven meetings, running from 8 a.m. until past 10:30 p.m. At a press party the next evening, he laughed when the Washington *Star-News'* Ronald Sarro, the first male president of the formerly all women's Washington Press Club, commented: "I guess it just proves that in America anyone can be President." In his own speech, Ford quipped: "You don't need a pool in the White House to get into deep water."

Sharp Defeat. Ford's extraverted socializing included some golfing with members of Congress. Yet this did not avert a sharp congressional defeat for him on the first issue on which he directly challenged the legislators. The Senate rejected, by a vote of 64 to 35, Ford's plan to save \$700 million by postponing for three months a pay raise for federal employees.

Ford continued to grapple with problems of fratricide within his own staff, mainly between his recent appointees and Nixon holdovers. The imminent exit of Chief of Staff Alexander Haig, who was approved by the NATO Council last week as Supreme Allied Commander of Europe effective Dec. 15, will help; more departures may follow.

For the first time, Ford ventured

publicly into foreign policy. In an address to the United Nations General Assembly in New York City, he expressed strong views on the need for international cooperation on oil and food (see THE WORLD). He wrote into his text an expression of firm support for Secretary of State Henry Kissinger, leading some diplomats to wonder just how serious Kissinger's domestic troubles may be.

With scores of foreign ministers in the U.S. for the convening of the Assembly, Ford seized the opportunity to invite a number of them to Washington. One visitor was Russia's Andrei Gromyko, whose search for trade concessions from the U.S. has so far been thwarted by congressional demands that Soviet immigration policies be liberalized first. As Gromyko entered the Oval Office, Senator Henry Jackson, chief opponent of the Soviet trade bill, was departing. Jackson introduced himself, waggled his forefingers from his forehead like horns, and declared good-humoredly: "I am the villain." Gromyko smiled noncommittally—but whether any progress on the matter was made during his 2½-hour meeting with Ford was not revealed.

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"A press secretary is responsible first to the public," said the new man. "I will never knowingly lie to the White House press corps. I will never knowingly mislead the White House press corps. And if I should, you are justified in questioning my staying in this job."

With that ringing declaration of conscience, Ron Nessen, 40, last week took on the demanding post of press secretary to President Ford. A White House reporter for NBC, Nessen replaces J.F. terHorst, Ford's first press secretary, who quit on the day that the President pardoned Richard Nixon.

Before taking the job, Nessen got Ford's promise that he would be kept fully informed of the President's plans. Nessen told newsmen: "A press secretary does not always have to agree with the President. My job is to report to you the action and how the President arrived at the action."

Nessen, who comes across as a cool and balanced analyst, is the first electronic journalist to serve in the post of press secretary. But he is more a reporter than an on-camera showman. A graduate of American University in Washington, D.C., he spent five years in the capital with United Press International, joining NBC in 1962. While covering the Viet Nam War, Nessen was hit by a grenade fragment, which punctured his left lung.

Assigned to cover Ford last October, Nessen and his future boss became friends during long chats on the 57 trips that they made aboard Air Force Two.

After Nessen was introduced by Ford as the new press secretary, he could not resist the obvious joke: "I am a Ron, but not a Ziegler." It was a flawless start.

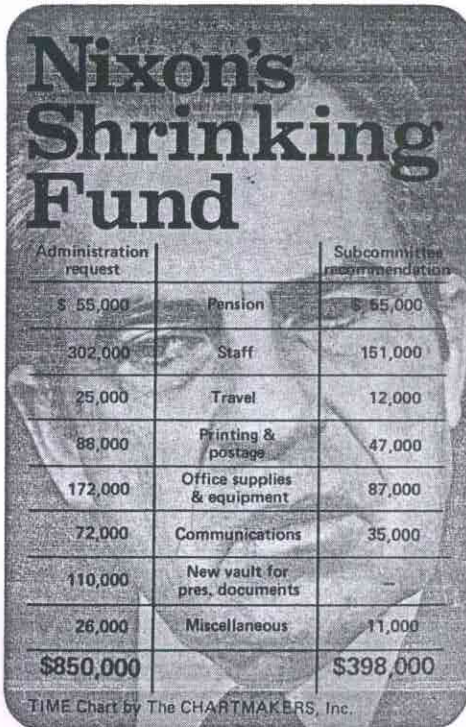
THE EX-PRESIDENT

A Question of Fitness

"Richard Nixon may not listen to Dr. Tkach, but he'll certainly take advice from Dr. Miller." That waspish Washington gibe reflected the cynicism, perhaps unfair, that greeted the news that this week the ex-President will finally enter a hospital for treatment of his thrombophlebitis. Dr. Walter Tkach, of course, is the former White House physician who two weeks ago, on a flying trip to California, had no luck at all in persuading Nixon to go into a hospital. Tkach even quoted his patient as saying that he feared he would die if he did so. "Dr." Miller, of course, is Nixon's lawyer, Jack Miller, who knows that health grounds could possibly help Nixon escape taking the stand as a witness in upcoming trials.

In California, Nixon's medical care is being handled by the ex-President's longtime friend and personal physician, Dr. John C. Lungren, an internist and cardiologist. Until 1971 he was chief of staff at the Memorial Hospital Medical Center of Long Beach, 50 miles north of San Clemente. That is where Nixon will be taken this week. Before flying to San Clemente to see her father, Julie Nixon Eisenhower told a press conference in New York City: "Mother says he is more irritable than usual, but that is because of his leg . . . He is taking medication and getting better, but he has to go in for a checkup."

Newsmen clustered outside the gates of San Clemente were able to pick up only a few crumbs of information. For a while, television crews tuned in on walkie-talkie conversations between Secret Service men patrolling the grounds,



including regular reports on the whereabouts of "Searchlight," as Nixon is code-named. Then the Secret Service got wise and all that the TV crews could hear was an electronic hissing. But newsmen did learn that Nixon was still driving a golf cart to his office a short distance from the house. He was seen in the swimming pool and walking about the grounds without crutches or a cane.

While Nixon is in the hospital, his lawyers will be questioned about his health. A California judge must decide whether to grant their motion to quash a subpoena for Nixon to appear in San-

ta Ana and give a deposition in a civil suit challenging security arrangements at a 1971 rally in Charlotte, N.C. The plaintiffs charge that their civil rights were violated when they were refused entry. Miller & Co. argue that giving the deposition would impose an "unreasonable burden" on their ailing client.

Too Ill. That proceeding is overshadowed by the Watergate conspiracy trial scheduled to begin Oct. 1. Dr. Tkach has advised the defendants that Nixon is too ill to testify in court and that it might jeopardize his health even to take a deposition from him. But Nix-

on has been subpoenaed as a witness by both Defendant John Ehrlichman and Prosecutor Leon Jaworski. Federal Judge John J. Sirica has turned down Ehrlichman's motion to delay the trial again because of Nixon's ill health, and the U.S. Court of Appeals has upheld an earlier Sirica ruling turning down six requests for delay on other grounds. To forestall any further postponements, Jaworski suggested last week that Miller "inform the court, if he is able to do so, what Mr. Nixon's present condition is." Despite news reports, Jaworski added pointedly, the court has "no sound ba-