

President Offers
Clemency to Vietnam
War Resisters

2 Years Of Work Required

Washington

President Ford offered clemency yesterday to thousands of Vietnam era draft evaders and military deserters who agree to work for up to two years in public service jobs.

"My sincere hope," he said in a statement, "is that this is a constructive step toward calmer and cooler appreciation of our individual rights and responsibilities and our common purpose as a nation, whose future is always more important than its past."

In announcing his "earned re-entry" program, the President also established a nine-member Presidential Clemency Board to review the cases of those already convicted or punished for desertion or draft evasion.

Mr. Ford designated Charles E. Goodell, a former Republican senator from New York and an early critic of U.S. involvement in the Vietnam War, as chairman of the clemency board.

Among others named to the clemency board was the Rev. Theodore Hesburgh, president of Notre Dame University, who has called for unconditional amnesty.

The clemency program became effective immediately just before noon when Mr. Ford signed a presidential proclamation and two executive orders in the Cabinet Room of the White House. Earlier, he had explained details of the program to congressional leaders of both parties. No congressional action is needed.

In his proclamation, the President declared that "desertion in time of war is a major serious offense," and that draft evasion "also is a serious offense." Such actions, he said, should not be condoned.

"Yet," he continued, "reconciliation calls for an act of mercy to bind the nation's wounds and to heal the scars of divisiveness."

White House spokesmen denied that the clemency plan is in any way linked to Mr. Ford's unconditional pardon of former president Richard M. Nixon on September 8 — an action that has created widespread controversy throughout the nation.

However, in both instances, Mr. Ford indicated that he was acting in the public interest in an effort to

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restore domestic tranquility and end divisiveness. It was uncertain whether either action would achieve the result the President had hoped for.

Deputy Attorney General Laurence Silberman said that those agreeing to participate in the plan should be prepared to serve the full 24 months of public service employment, although "mitigating circumstances" might lessen the term of service.

He said that those who failed to live up to the agreement would be subject to prosecution for the original charge of draft evasion or desertion.

Asked why he thought the program would be attractive, Silberman said that it guaranteed those who abided by the terms of the agreement that they would not have a felony conviction.

Many of the draft resisters and military deserters now living in Canada and in Sweden have indicated in recent interviews that they would not avail themselves of any "work re-entry" plan such as that disclosed yesterday by Mr. Ford.

Under the program, draft evaders or deserters who have not been convicted or punished have until January 31 to turn themselves in to authorities, reaffirm their allegiance to the United States, and agree to spend up to two years in public service jobs, such as hospi-

tal attendants or conservation work.

A draft evader would turn himself in to the U.S. attorney in the district in which the alleged offense occurred. A military deserter would report to the military service from which he deserted. Coast Guard deserters would report to the Secretary of Transportation.

The U.S. attorney or military service head would decide the length of alternate service to be performed by each individual. The President set no minimum period of alternate service, but he said that the maximum two-year requirement could be "reduced for mitigating circumstances," such as family hardship.

Placement of persons in public service jobs would be administered by the director of the Selective Service System, Byron V. Pepitone. He said yesterday that applicants would be encouraged to find their own jobs, subject to approval by his agency.

Pepitone said that the job program would be patterned after that operated by his agency for conscientious objectors. Now that the military draft has ended, this program is being phased out.

About half of the placements for conscientious objectors, Pepitone said, were in such hospital jobs as attendants, orderlies and food service workers. Others worked for Goodwill Industries, on ecological projects and for religious organizations devoted to public service needs.

He said that most of the jobs would be "at the low end of the minimum wage" and would not conflict with the normal labor market.

For those already convicted or punished for desertion or draft evasion, the new Presidential Clemency Board will review their cases on an individual basis. Priority will be given to those now in prison, and officials said that their confinement would be suspended as soon as possible.

Federal officials gave varying estimates as to the number of deserters and evaders potentially eligible under the program. The esti-

mates ranged from about 28,000 to 50,000 or more.

Some officials said that about 15,500 draft evaders would be eligible for clemency. Of these, about 8700 already have been convicted and another 4350 are under indictment. Of those under indictment, 4060 are listed as fugitives, 3000 of them in Canada. There are 130 persons now serving prison sentences for draft evasion.

Officials also said that there were 500,000 instances of military desertion during U.S. participation in the Vietnam war. They said that 660 deserters are now serving prison sentences or awaiting trial, and about 12,500 others are still at large, about 1500 of these now living in Canada.

The clemency program would cover offenses that took place between the Senate ratification of the Gulf of Tonkin resolution on August 4, 1964, and the day the last U.S. combat soldier left Vietnam, March 28, 1973.

Officials said that clemency would not be considered for deserters or evaders who face other, unrelated charges.

The White House had indicated that Mr. Ford would announce the program early last week, but this was postponed in the aftermath of the widespread criticism over the President's pardon of Mr. Nixon.

Mr. Ford's choice of Goodell as chairman of the clemency board was viewed as an effort to placate critics of the Vietnam war who have pressed for unconditional amnesty.

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