

Amnesty Terms Detailed

Clemency Offered

By Carroll Kilpatrick
Washington Post Staff Writer

President Ford yesterday offered clemency to Vietnam war-era violators in exchange for up to 24 months of alternate service and a pledge of allegiance.

At a ceremony in his office, the President unveiled a program that he said would permit draft evaders and deserters to "earn their return to the mainstream of American society."

The President's ruling, which he said had proved to be "an immensely hard and complicated matter," marks the first offer of limited amnesty since the Korean War and the first major grant since World War II.

Designed to put an end to a bitterly divisive issue, the decision, while generally applauded in Congress, nevertheless was criticized by some veterans' groups as too lenient and by leading opponents of the wartime draft as harsh and unacceptable.

The 24 months of alternate service, which would be spent in hospital work or some other type of public-service-related activity, may be reduced if there are mitigating circumstances, the President said.

To deal with persons already convicted of desertion or draft evasion, Mr. Ford established a nine-member Clemency Review Board to make clemency recommendations to him on a case-by-case basis.

An accompanying statement said that the review board has been asked to give "priority consideration" to those serving prison sentences for evading the draft or for desertion.

"The President has also asked that their confinement be suspended as



CHARLES E. GOODELL
... heads clemency board

soon as possible, pending the board's review," the White House statement said.

Former Sen. Charles E. Goodell (R-N.Y.) was named chairman of the Clemency Review Board.

Mr. Ford announced that he was considering a conditional amnesty program in a dramatic speech before the Veterans of Foreign Wars convention in Chicago 10 days after he assumed the presidency.

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Veterans Critical

President Ford's clemency plan for Vietnam draft-dodgers and military deserters was given a mixed reaction by Congress but was firmly opposed, for different reasons, by veterans' organizations and the war resisters themselves.

Fom spokesmen for the several thousand young American exiles in Canada and Sweden came the unanimous reaction that it was unfair for President Ford to pardon former President Nixon unconditionally and to do less for them. They contend their resistance to a war they considered illegal and immoral was no crime.

On the other hand spokesmen for veterans' groups and families of servicemen missing in Southeast Asia were equally vigorous in their opposition, but on grounds that it did an injustice to those who served in uniform.

The congressional leader who supported the program most enthusiastically was Senate Majority Leader Mike Mansfield (D-Mont.), who was a few hours over-leave at a Navy base in 1917 and "spent 10 days on bread and water." He knows how it feels to be in trouble. "It's an opening of the door to a problem that has to be faced up to somehow," he said.

House Speaker Carl Albert said he was "accepting the leadership of the President" but appeared to have doubts as to how the program would work.

House Minority Leader John J. Rhodes (R-Ariz.) called it a "practical and fair solution."

Rep. F. Edward Hebert (D-La.), House Armed Services Committee chairman, who is strongly opposed to amnesty in any form for the war resisters, said Mr. Ford's program "is nothing more

See REACTION, A12, Col. 6



President Ford meets at the White House with House Speaker Carl Albert and Senate Majority Leader Mike Mansfield to discuss amnesty.

Associated Press

Vets, Exiles Hit Plan for Clemency

REACTION, From A1

or less than existing law merely clothed in a cloak of amnesty."

Dee Knight of the National Council for Universal and Unconditional Amnesty, agreed with Hebert. "It is no help whatsoever," said Knight. "It is really no change from what war resisters have had available to them for a long time."

Sen. James B. Allen (D-Ala.,) opposed the plan as "not fair to 2.5 million young men who served in Southeast Asia and 50,000 who were killed."

Rep. Bella S. Abzug (D-N.Y.) called the plan "punitive" not "clemency."

In Canada, where thousands of American exiles have settled, there were calls for boycotts of Mr. Ford's clemency program by the exile publication Amex and others.

"We shouldn't be made scapegoats for Nixon's crimes," said Jack Calhoun, 29, Philadelphia-born deserter and an editor of Amex. "It is the height of cynicism for Ford to pardon Nixon and then punish us in the name of reconciliation."

John Alberta, 23, a deserter from Elizabeth, N.J., said: "It sounds like he wants us to crawl back on our hands and knees. He is saying: 'You're going to have to say I'm sorry to us.' Instead, they should be the ones saying they're sorry."

Jerry Condon, 27, former Green Beret from San Mateo, Calif., said: "I think that we are definitely being asked to pay a penalty. It is too much to ask. It is our right and responsibility to resist illegal wars."

In Stockholm, Desmond Carragher, 30, from Eugene, Ore., a spokesman for The American Exile Project in Sweden, called Mr. Ford's plan "punishment not amnesty. To accept it must be an admission of guilt. I doubt seriously many exiles will return after this."

None of the war resisters interviewed by news services in other countries said he would return to the United States to take part in the program announced yesterday by President Ford.

Some have been away from the United States for eight years or more, have settled down in their adopted homes and have no desire to leave.

Nora McCabe, reporter for the Toronto Star, interviewed war resisters there and filed this report to The Washington Post quoting Jim Francis, formerly of Illinois, who has married, has two children and says he can't afford to go home:

"I think the American people are under the impression we're all just dying to come home, when in reality most of us have been here long enough to see that Canada is actually a much better place to live." He cited especially inexpensive national health insurance and clean streets. "I thought it rained every night here because the streets are so clean."

A spokesman here for the National League of Families of American Prisoners and Missing in Southeast Asia said that group is "completely bewildered and disillusioned" with Mr. Ford "who today announced his plan for amnesty for draft dodgers and deserters before he announced any plans to obtain an acceptable accounting for the 1,300 U.S. servicemen still unaccounted for in Southeast Asia . . . Mr. President, the 1,300 POWs and MIAs have earned their re-entry whether they come back alive and walking or in a casket. Where are your priorities?"

John J. Stang, commander in chief of the Veterans of Foreign Wars, at whose annual convention Mr. Ford first announced his intention to begin a clemency program, said the President's plan "does a great injustice to those who served honorably, those who died and those who were for so long imprisoned. Why provide jobs to those who would not serve when the unemployment rate for young Vietnam veterans is over 10 per cent?"

William Hauck, national adjutant of the American Legion, said the President's program "violates the principles for which millions served their country honorably."

Sen. Barry M. Goldwater (R-Ariz.) called the clemency decision a "travesty on justice" and an "insult to every man who ever wore a military uniform." He said it would also comfort "every traitor living in our midst."

President Unveils Limited Amnesty

AMNESTY, From A1

He said then that he wanted draft evaders and deserters, now that American participation in the Vietnam war is ended, "to come home if they want to work their way back."

Yesterday, in a brief statement that was carried on national television, he repeated his pledge "to throw the weight of my presidency into the scales of justice on the side of leniency and mercy" but also to work "within the existing system of military and civilian law" and the precedents set by Abraham Lincoln and Harry Truman.

Individuals who left the United States to avoid service may now return immediately "without risking criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and satisfactorily serve a period of alternate

They have 15 days after returning to the United States to report to the proper authorities. The White House said there are approximately 15,500 draft evaders potentially eligible for the program and some 12,500 deserters still at large. Some 660 deserters are now in prison or awaiting trial.

Draft evaders must report to the U.S. attorney for the district in which they allegedly committed their offense.

They must take an oath of allegiance and agree to perform alternate service under the direction of the Selective Service System, which has administered the conscientious objectors program.

The Selective Service director will have responsibility for finding jobs for those

who report. After satisfactory completion of their service, the U.S. attorney will either dismiss the judgment against them, if one is outstanding, or agree not to press possible charges.

If the draft evader fails to perform the agreed term of alternate service, he will be subject to prosecution.

Military deserters who have not been convicted will apply to their respective services, take the oath of allegiance and pledge to perform alternate civilian service.

If they have other charges pending against them they will not be eligible for the clemency program until the other charges are disposed of in accordance with existing law.

Deserters who fulfill the requirements of the new program will initially receive an "undesirable discharge" and will not be eligible for Veterans Administration benefits.

The Army, Navy, Air Force or Coast Guard instead of the U.S. attorney will determine the period of service required of those charged with desertion, but Selective Service will administer the alternate service each is required to perform.

When the work is completed, the military service will then issue a "clemency discharge" to supplant the "undesirable discharge."

The Selective Service director must find work that is in the national interest and is not in competition with other employment.

"In prescribing the length of alternate service in individual cases, the Attorney General, the military department or the clemency board shall take into ac-

count such honorable service as an individual may have rendered prior to his absence, penalties already paid under the law, and such other mitigating factors as may be appropriate," the White House said.

There will be no grace period for those overseas to return and negotiate for clemency with the option of leaving the country again.

Anyone returning has 15 days to report and must do so no later than Jan. 31, 1975, to take part in the program.

The clemency board will review two kinds of cases: those who have been convicted of a draft evasion offense between Aug. 4, 1964, and March 28, 1973, the effective dates of the Vietnam fighting; and second, those who received a punitive or undesirable discharge because of desertion or are serving sentences for such violations.

"The board will recommend clemency to the President on a case-by-case basis," the White House said. "In the absence of aggravating factors, the clemency board would be expected to recommend clemency" after the performance of alternate service.

The board also would stop

WXPost

Text of Amnesty Oath

Here is the proposed wording of the oath of allegiance to the United States that war resisters and draft evaders would be required to take:

"I [name] do hereby solemnly reaffirm my allegiance to the United States of America. I will support, protect and defend the Constitution of the United States against all enemies, foreign and domestic, and will hereafter bear true faith and allegiance to the same.

"I take this obligation freely, without any mental reservation or purpose of evasion, so help me God."

considering cases after Jan. 31, 1975.

Deputy Attorney General Laurence H. Silberman explained that mitigating factors might be family hardship, the degree of willful violation on the part of a deserter and what happened to the individual after the alleged violation.

He said there would be central guidelines to U.S. attorneys throughout the country to assure equal treatment regardless of the jurisdiction.

Program

The U.S. attorney has broad authority because he can determine the term of alternate service required of a draft evader, the same function the military services perform in connection with deserters.

Selective Service Director Byron T. Pepitone said there seem to be sufficient public service jobs to meet all requirements. The employers would pay the wages just as they do in the employment of conscientious objectors, Pepitone said.

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