

ACLU Challenges Assertion in Clemency Board That Ford's Amnesty Program Was A Success

A.C.L.U. Cha

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WASHINGTON, Jan. 6—The American Civil Liberties Union made public today a copy of the final report of the Presidential Clemency Board for Vietnam war resisters and immediately challenged the document's assertion that the program had been a success.

"In conclusion, we consider ourselves to have been partners in a mission of national reconciliation, wisely conceived by the President," the introduction to the report says.

"A less generous program would have left old wounds festering; blanket, unconditional amnesty would have opened new wounds," the report continues. "We are confident that the President's clemency program provides the cornerstone for national reconciliation at the end of a turbulent and divisive era. We are proud to have played a role in that undertaking."

Work Unfinished

The introduction asserted that "history will regard this program as a success," although it added that "much of the work remains unfinished."

But A.C.L.U. officials said at a news conference that the contents of the report itself documented the failure of President Ford's program to deal with deserters and draft evaders in the Vietnam war.

The report said that 113,337 persons were eligible for the amnesty program, but that only 21,729 had applied for inclusion in the program.

But the A.C.L.U. officials, including Ramsey Clark, who was Attorney General in the Johnson Administration, contend that the total number of Americans who are in "legal jeopardy" for war resistance activities is about 2 million.

"This is a begrudging program and only one person in 100 has applied for clemency, although many have been convicted and served criminal sentences," Mr. Clark said.

Targets of Discrimination

The A.C.L.U. officials said that the Federal Bureau of Investigation was harassing groups seeking amnesty for war resisters and that thousands of men—even some who had gone through the clemency program—were targets of discrimination by prospective employers and the Veterans Administration.

In releasing the report, the A.C.L.U. officials, including Henry Schwarzschild, director of the group's amnesty project,

of trying to suppress its content. Mr. Schwarzschild said the report was completed two months ago, sent to the White House a month ago and that officials there "are sitting on it and may never make it public."

John Carlson, a deputy White House press secretary, denied the accusation, saying, "The

President has received the report and it is to be reviewed by the staff," Mr. Carlson said that the report was "a public document" and that copies were available to anyone. He added that the chairman of the Presidential Clemency Board, former Senator Charles E. Goodell, Republican of New York, should be available to respond to questions about its contents.

Attempts to discuss the report with Mr. Goodell were unavailing. Persons at his law office here said he had left Washington after the A.C.L.U. news conference and that he was not available for comment.

They, in turn, referred questions about the report to the White House.

The 409-page document was published by the Government Printing Office. Its cost is \$3.80, but officials of the printing office said the White House had not approved public sale of the report.

Last September four of the 19 members of the clemency board refused to sign the report, contending that Mr. Goodell and his staff had violated the spirit of the President's order. The board's decision of the year was being reconsidered by those who opposed clemency.

The report, saying that "much of the work remains unfinished," advocated continuation of the program, in which persons seeking clemency perform unpaid work in the national interest.

As to the disposition of the 21,729 persons who had applied for the clemency program, the report said that 5,951 had been recommended for outright pardons, 7,721 had been recommended for alternative service, and that 8,057 had been denied any form of clemency.

The 8,215 remaining cases are yet to be resolved. About 1,000 of these cases have yet

to be acted upon by the President, while the board has made no recommendations about the remainder.

Of those eligible for inclusion in the clemency program, the report said that 10,115 fugitive AWOL offenders had been eligible and that 55 percent had applied, that 4,522 unconvicted draft offenders had been eligible and that 16 percent had applied, that 90,000 discharged AWOL offenders had been eligible and that 15 percent had applied, and that 8,700 convicted draft offenders had been eligible and that 22 percent had applied.

The A.C.L.U. distributed what it described as a "fact sheet" stating that about 750,000 Americans "would be affected by a general amnesty" because they had either willfully evaded military service, refused to register for the draft, were court-martialed for being AWOL or had received less than honorable military discharges.

Failed to Register

But Mr. Clark said that, rather than 750,000, a closer number was 2 million because the A.C.L.U. estimate omitted hundreds of thousands of men who had not registered for the draft when they reached the age of 18 during the war period, which ranged from 1964 to 1973.

He added that many of the young men were also drafted from the Bureau of Prisons, but in some cases they were still in the military system. "We think that the A.C.L.U. is being very liberal in its estimate," he said.

The A.C.L.U. also said that the FBI was its files on the amnesty movement.

A spokesman for the bureau replied that the F.B.I. did not conduct any investigations of any amnesty groups solely because they advocated amnesty.

The spokesman said the F.B.I. had previously investigated the member of a group called the Vietnam Veterans against the War because of the letters that they had tried to submit to the group.