

Nixon Pardon Lightens a Sentence Here

By ARNOLD H. LUBASCH

A Federal judge reduced a prison sentence to a \$1,000 fine for a tax evader yesterday because of the Presidential pardon for former President Richard M. Nixon.

The unusual sentence reduction was granted to a businessman in an income-tax case in Federal District Court here by Judge Marvin E. Frankel, a nationally known authority on sentencing, who stressed "the rule of equality under the law."

Judge Frankel had imposed a 30-day prison sentence and a \$1,000 fine last week on Craig A. Braun of 159 East 69th Street, a 35-year-old graphic designer who has won awards for record album designs and owns a marketing agency that operates in the entertainment field.

The sentence, which could have been as high as five years in prison and a fine of \$10,000, resulted from Mr. Braun's recent plea of guilty to one count of tax evasion for 1967.

'Shock and Relief'

Mr. Braun said in an interview that he felt "a tremendous sense of shock and relief" when he learned that his punishment had been reduced and that he would not have to go to prison next Monday to begin serving a sentence.

"My feelings were ambivalent when I first heard of a Presidential pardon last Sunday," Mr. Braun observed. "I felt short-changed in a sense."

But he added that Mr. Nixon had suffered enough, that he identified with the former President's suffering because of his own case and that "in a very real Christian and human sense the pardon was justified."

Mr. Braun's comments came after his identity was learned in court papers, although the decision on his sentence reduction



The New York Times
Craig E. Braun after hearing of his reduced sentence yesterday.

did not mention his name, apparently because Judge Frankel regarded the defendant's identity as irrelevant to the decision's broader issues.

In the 10-page decision, Judge Frankel explained that the basic reasons for imposing a prison sentence included equal justice, general deterrence and denunciation, which he defined as recording society's disapproval in a case where a lesser penalty would "depreciate the seriousness of the defendant's crime."

"But how do we reconcile the application of these factors to our defendant," he asked, "with the pardon granted last Sunday?"

This case involves a defendant who evaded at most \$22,000 in taxes, Judge Frankel

said, while "the alleged crimes embraced by the recent pardon may have included among the lesser items tax evasions to the extent of several hundreds of thousands of dollars."

"Comparison of the cases in terms of what might 'depreciate the seriousness' of the crimes would, obviously, be ludicrous," the judge added.

"As for deterrence," he said, "the cases of the former President and of our defendant are different, to be sure, but scarcely in any way that makes it comfortable to be harsher here."

Deterrence means making examples of people, he continued, but "the alleged example of a top-most leader has been declared immune by the pardoning power."

Judge Frankel said that equal justice required the just appraisal of differences between people and their crimes to determine "where the weight of severity should fall."

"Making the comparisons thrust upon us by recent events," he said, "it is difficult to tip the balance against the defendant before us. And yet the answer must in the long run be clear; if people in high (or even the highest) places may on occasion have been dealt with too easily, the remedy is not to loosen the bonds of law and decency for all of us, it is to resolve that we shall strive more earnestly, at every level, to enforce the rule."

The tax case of Mr. Braun, who said he had later paid the taxes he had evaded, ended with Judge Frankel's conclusion that "in the particular case at bar at this particular time, the prison sentence cannot justly be executed."

There were reports that some other judges indicated that President Ford's pardon of Mr. Nixon had influenced their sentences this week.