

Evacuation in Doubt For Jailed Americans

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SAIGON, April 28 — Behind the halls of Saigon's Chi Ho Prison, six American convicts have a real problem. What happens to them if the American evacuate South Vietnam?

Right now, no one knows. The six prisoners are bound in red tape as confining as the prison walls. The U.S. consulate is trying to get the men out of South Vietnam, but with the North Vietnamese armies knocking at the city gates, their case gets low priority.

If the six are turned over to American custody and flown out, they will be free men because the charges on which they got in trouble in South Vietnam could not be binding in the United States.

Joseph Berger, convicted on a drug charge, and Russell Smith, convicted in a smuggling case, both received 10-year sentences about two years ago. Of the others, three are serving shorter sentences and one is awaiting trial on a minor charge.

The South Vietnamese

government is officially willing to let them go and has privately told the U.S. embassy so.

The problem is the amnesty board, and even with the government on the verge of disappearing, bureaucrats are concerned with such things. The amnesty board, which corresponds roughly to an American parole board, seems to have ceased to exist.

When he was still president, Nguyen Van Thieu signed an order directing that the six be turned over to U.S. officials. The order was based on a recommendation of the amnesty board, which then still existed.

It was dutifully noted by the Justice Ministry that the proper procedure has to convene the amnesty board to approve the presidential order. Unfortunately, all members of the amnesty board have resigned.

Without an order from the amnesty board, the Justice Ministry will not act. The Interior Ministry refuses to do anything without an order from the Justice Ministry.