

Senate Panel Concludes Inquiry Into Amnesty for Draft Evaders

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WASHINGTON, March 2—

A Senate subcommittee took a fleeting look this week into the question of amnesty for the men who have evaded the draft or deserted from the armed forces during the war in Indochina.

The three days of hearings, called by Senator Edward M. Kennedy, Democrat of Massachusetts, were inconclusive, and few of the issues raised or positions taken were novel.

But the hearings marked the beginning of what is likely to be a long and emotional battle in Congress over the next few years on a wrenching question that the country will undoubtedly have to deal with eventually.

Senator Kennedy held the hearings in his capacity as chairman of the Judiciary Subcommittee on Administrative Practice and Procedure. The subcommittee has no authority to consider legislation on amnesty, but it can look into the administrative possibilities involved.

Say 50,000 Broke Law

Officials from the Selective Service System, the Justice Department and the Defense Department told Senator Kennedy that they knew of more than 50,000 men who had broken the law by deserting from the military or refusing to be drafted since 1964. Of these, fewer than 3,000 have gone to jail.

The total number of draft evaders is presumably much higher. There are probably thousands of men who have never registered for the draft and thus have never come to the attention of the Government.

Canadian officials estimate that there are 50,000 to 70,000 American exiles in Canada. These men and other is exile elsewhere are subject to prosecution only if they return to the United States.

Upholding the position taken by President Nixon in January, the Administration officials told Senator Kennedy that the entire question of amnesty should be put off until the war in Indochina has ended.

Dr. Curtis W. Tarr, the Director of Selective Service, declared that to grant amnesty now, while men are still subject to being drafted, would wreck the Selective Service System.

'Detrimental Impact' Seen

"The nation would accept a precedent for permitting the evasion of Selective Service law that might some day be an unwelcome tradition," Dr. Tarr said.

"A granting of amnesty at this time," he continued, "would be unfair and inequitable to the millions of Americans" who have served in Indochina.

John H. Geiger, national commander of the American Legion, said that amnesty would be "the last bitter pill to our servicemen how caught in a web of confusion and held in

disdain by those who hate the war."

He urged full prosecution of all deserters and draft evaders.

Senator Kennedy, who favors unconditional amnesty, said at one point in the hearings,

"How much of a penalty are we going to ask these people to pay? Most of the political leaders of this country are asking for amnesty from their past positions on war, and they're going to the American public to try to get it."

His position was supported by witnesses, recruited by his staff, that included the parents of a man in prison for draft evasion, the parents of a man killed in the war and the wife of a prisoner of war.

Bishop John Wesley Lord of the United Methodist Church and Henry Schwartzchild, director of the amnesty division of the American Civil Liberties Union also favored total amnesty.

Senator Robert Taft Jr., Republican of Ohio, and Representative Edward I. Koch, Democrat of Manhattan, have introduced legislation that would permit draft resisters to avoid prosecution by volunteering for two years of alternative service in some Federal social program. Their bills would leave to the military the disposition of deserters.

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Oppose Conditional Amnesty

Spokesmen for the draft resisters in Canada have said that they do not want a conditional amnesty. One of them, Jack Colhoun, wrote Mr. Koch recently that he and many others "would have been quick, willing and anxious" to have been given the opportunity for alternative service several years ago and were denied conscientious objector status by their draft boards.

But Mr. Colhoun wrote, "A government which has the stain of Indochina on its conscience has no business passing judgment on our 'crimes' and meting out punishment, no matter how seemingly tolerant and liberal it may be dressed up."

Neither the Koch bill nor the Taft bill is given a chance of passage this year.