

Amnesty?

- *Alternate service plan*
- *'Gut feeling' on Nixon*

Deserters, dodgers: ①

Associated Press

WASHINGTON — Two cabinet officers recommend that, as “a unique act of mercy,” more than 28,000 Vietnam era military deserters and draft dodgers be allowed to earn their way back. They would do so by spending up to 18 months in public service.

Defense Secretary James Schlesinger and Atty. Gen. William Saxbe told President Ford yesterday that returning deserters and draft evaders should be required to “execute a formal pledge of alternate service including a form of reaffirmation of allegiance to the United States.”

The term spent working in hospitals, schools, environmental work and other organizations could be reduced “in consideration of the circumstances of individual cases,” the cabinet officers said.

Ford is expected to announce a conditional amnesty program next week. Press Secretary Jerald terHorst cautioned that the cabinet recommendations are not necessarily what is going to come out. He said Ford has some ideas of his own that amend the recommendation.

Ford intends to put his program into effect through executive action, said terHorst, and no congressional action would be required.

He said the Ford program would deal not only with those now abroad or in hiding at home but also with others who already have received dishonorable discharges or

Richard M. Nixon: ②

By Morton Kondrake
Chicago Sun-Times

WASHINGTON — President Ford is described as “torn between his gut feelings and what may be his institutional responsibilities” on the question of leniency for President Nixon.

Ford's gut feeling is that Nixon's forced resignation was an extreme punishment for a man who had spent so long seeking the presidency, close associates of the President said yesterday.

They said Ford “would be happiest if the special prosecutor and the grand jury decide that Nixon shouldn't be prosecuted.”

On the other hand, Ford apparently has not decided whether to pardon Nixon, should he be indicted, a close friend of the President said.

A lawyer advising the President said Ford is unlikely to issue a pardon — if at all — unless Nixon is tried and found guilty. A pardon then would keep him out of jail.

But, according to a close associate, the President hopes the prosecution won't be necessary or that some solution short of indictment can be found. However, the President won't intervene to bring about any solution unless he is asked.

For Ford, the ideal solution “would be for Jaworski and the grand jury, after they've been through their processes, to find no need to prosecute,” a close associate said.

“Not only is this based on his gut feeling

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that Nixon has suffered enough, but also mixed in his genuine concern about his ability to heal the country if Nixon's blood is flowing for the next year or so. That would exacerbate the hard-core Nixon supporters, be indulging their blood lust. Ford obviously wants Watergate over with."

Another solution, said an associate, might be for the House and Senate to pass a "carefully worded sense-of-Congress resolution" calling on Jaworski and the grand jury not to prosecute Nixon for past offenses but clearly not exempting him, say, if he committed perjury as a witness in the Watergate trial.

While such a resolution "would not be binding on Jaworski or the grand jury, Jaworski presumably would have to bring it to the grand jury's attention. They have the discretion to take it into account or not. It's up to them," the associate said.

However, the Ford associate noted that feeling in Congress now makes a joint resolution "not feasible. "Suppose the vote were 203-200 for the resolution," he said. "It wouldn't be very impressive to the grand jury."

If Jaworski himself were seeking a way out, the associate said, "he might seek Ford's advice, and perhaps the two of them could get an expression from Congress.

However, the associate said Ford would not begin such a move, and Jaworski associates doubted that the prosecutor would either.

Friends of Ford mention other solutions to the Nixon problem:

• The grand jury could hand down a presentment against Nixon, rather than

an indictment. Authorized under the omnibus crime control act, a presentment is a grand jury report assailing the conduct of a public official that carries no threat of criminal penalties.

• Some form of bargained plea, similar to that of former vice president Agnew, permitting Nixon to plead no contest to grand jury charges and be spared a jail term or dismissing charges against Nixon if he agreed to admit wrongdoing.

If Nixon were indicted and convicted Jaworski could appeal for a suspended sentence and spare Ford the necessity of intervening to keep Nixon out of jail.

However, if the former President faces incarceration, Ford will have to consider a pardon.

To help him make up his mind, the President has ordered White House counsel Philip Buchen to draw up papers that examine the issues of equal justice under the law and the uses of imprisonment.

So far, the studies consist of a set of questions and partial answers in the minds of Ford associates. One of them said, "Suppose Ford pardons Nixon. Does he pardon just the chief and let the Indians go to jail? That's hard to justify.

"You can make an argument that removal from office is the most severe political punishment that can be contrived for Nixon, but that being removed from office was not a comparable punishment for the staff. That is, losing the Presidency is punishment. Losing a staff salary is not, that, for them, there's no punishment without a trial. That line of argument would let you pardon Nixon without pardoning the others."

have been convicted and are serving prison terms.

Schlesinger and Saxbe preferred to call the program earned re-entry and reconciliation rather than amnesty.

Spokesmen for exiles living in Canada and some of their relatives have rejected conditional amnesty or any acknowledgment of wrongdoing, insisting on unconditional amnesty, contending that the Vietnam war resisters acted out of conscience.

In a memorandum Schlesinger and Saxbe said there are about 15,500 draft evaders and 12,838 deserters potentially eligible for the program. About 3,000 of the draft dodgers and some 1,500 deserters are living in Canada, they said.

The Cabinet officers suggested that applications should be accepted starting 30 days from the date Ford formally proclaims the program and that deserters and draft dodgers be given 120 days to make their move.

Saxbe and Schlesinger recommended limiting eligibility to those "who committed offenses" between Aug. 4, 1964, when Congress enacted the Tonkin Gulf resolution, and the withdrawal of the last U.S. forces from Vietnam on March 28, 1973.

The draft evader would remain subject to indictment until he finishes his assigned period of alternate service. Then he would receive a certificate and the U.S. attorney would drop evasion charges.

A deserter, however, would immediately receive an undesirable discharge from the armed forces.

After he finished his alternate service, his undesirable discharge would be "marked with an appropriate legend to indicate fulfillment of his commitment."

Saxbe and Schlesinger recommended that a three-member clemency board be established under the President's pardon power to review the records of convicted draft evaders or deserters who apply "and recommend clemency consistent with the program for unconvicted evaders and deserters."