

A Proposal to the President

Amnesty for Arrested Foes of War

By James Reston Jr.

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The figures on what the war in Viet Nam has done to a generation of Americans are staggering. Beyond the 347,214 killed and wounded [as of Sept. 18], there are over 50,000 American exiles in Canada. Members of the Canadian Parliament expect this figure to reach 150,000 before the war and the draft are over.

The FBI received 146,554 draft violation complaints between 1966 and 1970, and needless to say, the bureau does not receive the name of every draft evader. Over 89,000 American soldiers deserted the military in 1970. In 1968, 723 men were in federal prisons for draft related convictions.

There is no way to compute the psychological casualties. Beyond the despair all around us, we now have a new, sad element: the bitterness of those who offered themselves up as soldiers in 1965-66 for patriotic reasons, and now find out they were lied to by their President. Thus for the Viet Nam generation, the country must prove itself worthy of respect, not as some would have it, the other way around.

Restitution Now

The immediate issue, however, is restitution to a generation that has both fought the war abroad and been the vanguard of protest at home. This must come in the form of major concessions to the dissident young, concessions which in no way demean the sacrifices of those who fought in Viet Nam.

What is needed is a program of universal amnesty for all who are or have been subject to prosecution by the United States government for crimes relating to opposition to the war in Viet Nam. This is the logical end result of a domestic application of Vietnamization, which is simply the national recognition of a mistake couched in bureaucratic language.

Amnesty can come either by Presidential or congressional action, either as the Amnesty Act or the Amnesty Proclamation of 1971. The President is authorized under Article I, Section II of the Constitution "to grant reprieves and pardons for offenses against the United States." In numerous cases in the post-Civil War era, Congress acted to relieve persons whose civil rights had been tak-

en away, before it finally passed the Universal Amnesty Act in 1868.

Universal amnesty is appropriate in the case of political exiles and political prisoners today, and is distinguished legally and historically from general amnesty. General amnesty has conditions and exceptions, whereas universal amnesty contains none.

President Abraham Lincoln made the first Civil War Amnesty Proclamation on Dec. 8, 1863. It was a general amnesty for all who would sign an oath of allegiance to the Union, except six classes of individuals: civil or diplomatic officers of the Confederate government; judges who defected to the Confederacy; military men above the rank

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of colonel in the Army or captain in the Navy; legislators who left Congress to aid the rebellion; commissioned officers in the U. S. military who resigned to become Confederate officers; and those who sold black escapees back into slavery across the battle lines.

President Andrew Johnson declared three general amnesties: on March 29, 1865, Sept. 7, 1867, and July 4, 1868—all requiring an oath of allegiance.

A President with a sense of history might choose Christmas Day 1971, the 97th anniversary of President Andrew Johnson's declaration as a fitting time for a Viet Nam Amnesty declaration. If President Lincoln could declare a general amnesty one year and a half before Lee's surrender at Appomattox, President Nixon can declare a universal amnesty this year.

Lose Their Flavor

The terms "draft dodging" and "desertion" have lost their old flavor, especially as the facts of U. S. involvement become more widely known. These offenses are, after all, not treasonous in the sense that the offenses pardoned under the Civil War amnesties were. The exiles in Canada or the prisoners at home have refused to participate in their country's intrigues; they have not actively joined the enemy.

I suspect that draft refusal, and even draft evasion and desertion will be overlooked by most Americans, and indeed admired by many after the war, just as today a jail sentence during the

Southern civil rights campaigns of the early 1960s is a badge of honor.

Amnesty for political exiles abroad should be only one aspect of a general program of restitution. It would be irresponsible to grant amnesty to the exiles without attending to the whole pattern of harassment.

Use the Machinery

The campaign might start with the investigative machinery that has been created during the Viet Nam years to track down the subversives and to report on the dissidents. This system is a hangover from the Johnson era when victory in Viet Nam was a national goal, and the refusal of participation

users, or at the very least, by limiting eligibility for arrest to a set period, say six months, after which the individual would be immune.

Of course, the President could obviate this need, by simply freezing further Justice Department action.

What About Resisters?

Finally, there are some 500 persons in prison convicted on draft refusal charges. To them an amnesty is also due, for they are perhaps the most hopeful breed of all draft resisters. They've stayed, which may indicate that they feel the country is worth fighting for.

Draft refusal or draft evasion questions have largely been an issue for the college educated. This is reflected in the exile population: The impulse to flee for the evader is abstract, political, whereas the impulse to flee for the deserter is often a gut reaction of outrage at what he sees in the military. What sort of amnesty is due the latter?

The main area for concern here is the proposed all-volunteer Army. In the two summers I worked in the Neighborhood Youth Corps in New York City, I saw time and again poor youngsters take the military option as the only escape from the streets.

They Know It

The Pentagon is perfectly aware of this opportunity. If you travel around the country, you notice the heavy advertising for the services in the rural areas or in poverty neighborhoods. The so-called combat skills get the biggest push, because the Army has the hardest time getting volunteers for these jobs. Thus recruiters armed with Madison Avenue techniques, appeal to the machismo of the 18- and 19-year-old for whom virility is something to be proved.

The poor youth of this country deserve an amnesty from the military dupe. The Army must cease to be a primary escape from the Appalachias, the inner cities and the small towns of America. A system of humanitarian alternatives of equal stature, duration, and sacrifice to military enlistment should be devised.

The streets of Brooklyn or the roads of Eastern Kentucky provide infinite possibilities for regional service if youth were mobilized for social programs. The goal must be to change our national emphasis: to admit error and get on with useful work, so that young people will again freely want to serve their country.