

Note: This sidebar is intended for a box to be run in conjunction with “Amnesty and Reconstruction.”

LESSER AMNESTIES FOR SMALLER CONVULSIONS

By James Reston, Jr.

The other amnesties in American history are significant more for their number than for their content. Over half the presidents in our history, 19, have declared amnesties in one form or another. In the majority of these cases, 11 proclamations, amnesty has been declared for direct, armed rebellion against the authority of the U.S. government, an action which falls squarely under the definition of treason. In 10 instances, amnesty has been declared for desertion or draft evasion, and in one instance for collaboration with the enemy. Amnesty is, in short, deep in the American tradition.

- George Washington declared amnesty for those convicted or untried participants in the Whiskey Rebellion of 1794. Amnesty came speedily seven months after the rebellion.
- John Adams declared a “full, free and absolute pardon” for several hundred rebels in the Fries Uprising of 1799, including the leader, John Fries, who had been convicted of treason and sentenced to death.
- Thomas Jefferson pardoned any convicted under the Sedition Act of 1798 which made it a crime to speak disrespectfully of the flag, the government, the President or Vice President. He also declared the first amnesty for deserters in 1837 on the condition that they return to service in four months.
- James Madison declared three amnesties for deserters during the war of 1812 on the same condition of returning to serve within four months. He also proclaimed amnesty for pirates and smugglers in the area of New Orleans who aided the U.S. side against the British
- Andrew Jackson declared amnesty for deserters on June 12, 1830 and released them from further military duty.
- President Lincoln, Johnson, Grant, and McKinley are cited in the article.
- Presidents Chester A. Arthur, Benjamin Harrison, and Grover Cleveland, in the bizarre aspect of America’s amnesty tradition, proclaimed amnesty for Mormons, who were guilty of “bigamy, polygamy, or unlawful cohabitation”

These presidents were specifically authorized to proclaim amnesty for these offences by a Congressional Act of March 22, 1882.

- Theodore Roosevelt declared amnesty for the widespread rebellion in the Philippines after the Islands reverted to American colonial control after the Spanish American War. Roosevelt put down the rebellion with troops, captured the leader, General Emilio Aguinaldo, and made him swear allegiance to the United States. Thereafter, on July 4, 1902, he proclaimed amnesty.
- Woodrow Wilson commuted sentences of some 50 people who had been convicted under the Espionage and Sedition Acts of 1917, but not Eugene Debs. Also under Wilson, the significant Burdick case was heard. (236 US 79) 1915. Wilson pardoned Burdick before he had been convicted of any crime, and Burdick refused the pardon. The Supreme Court ruled that granting pardon did not necessarily imply guilt. This case is fundamentally important to war resisters abroad today, who have said they would not accept an amnesty if it implied guilt of wrong doing.
- Warren G. Harding released Debs from prison with remaining disabilities, feeling that public opinion favored release, but not wanting to condone Debs' offenses. After release, Harding called Debs to which was to speak out against the war as an industrial plot. When Woodrow Wilson later in his campaign for the League of Nations admitted the conflict was "a commercial and industrial war", Debs asked how he could deny pardons to those who had been jailed for saying the same thing.
- Calvin Coolidge granted amnesty to deserters between the cessation of hostilities in World War I and the signing of the armistice. He released the majority of men still in jail for World War I offences.
- Franklin Roosevelt proclaimed amnesty on Dec. 23, 1933 covering a variety of World War I offences.
- Harry Truman created a three man Presidential Amnesty Board on Dec. 23, 1946 to review the cases of 15,000 military offenders in Federal custody. He pardoned only about 3000 of these in the end. This case by case analysis is suggested by some as appropriate for the post-Vietnam period, but it is absurd to use the practice after the most popular war in American history as a model for the most divisive war in this century. The differences between the two wars are startling: (1) Total desertion in the entire World War II period ran 24,000 cases, as compared to 432,000 from 1965-72; (2) Draft evasion was the lowest in American history in World War II, (3) 70% of the eligible males submitted to military service in World War II, compared to only 30% in Vietnam; (4) No consummate need for post war reconciliation.

- Dwight Eisenhower proclaimed no amnesty for the 18,000 deserters in the Korean War. However, on Sept. 6, 1953, his War Department announced its policy towards the collaboration of many of the 4,428 American POWs in Chinese or North Korean hands. Such Collaboration with the enemy fell under the definition of treason. The announcement stated that any prosecution would require the “most compelling and convincing evidence” that a serious offence was committed. No one was ever prosecuted. This policy is relevant today to the Pueblo affair and the recent POW stories of collaboration induced by torture in North Vietnam.