

Resisting Was Moral . . .

By James Reston Jr.

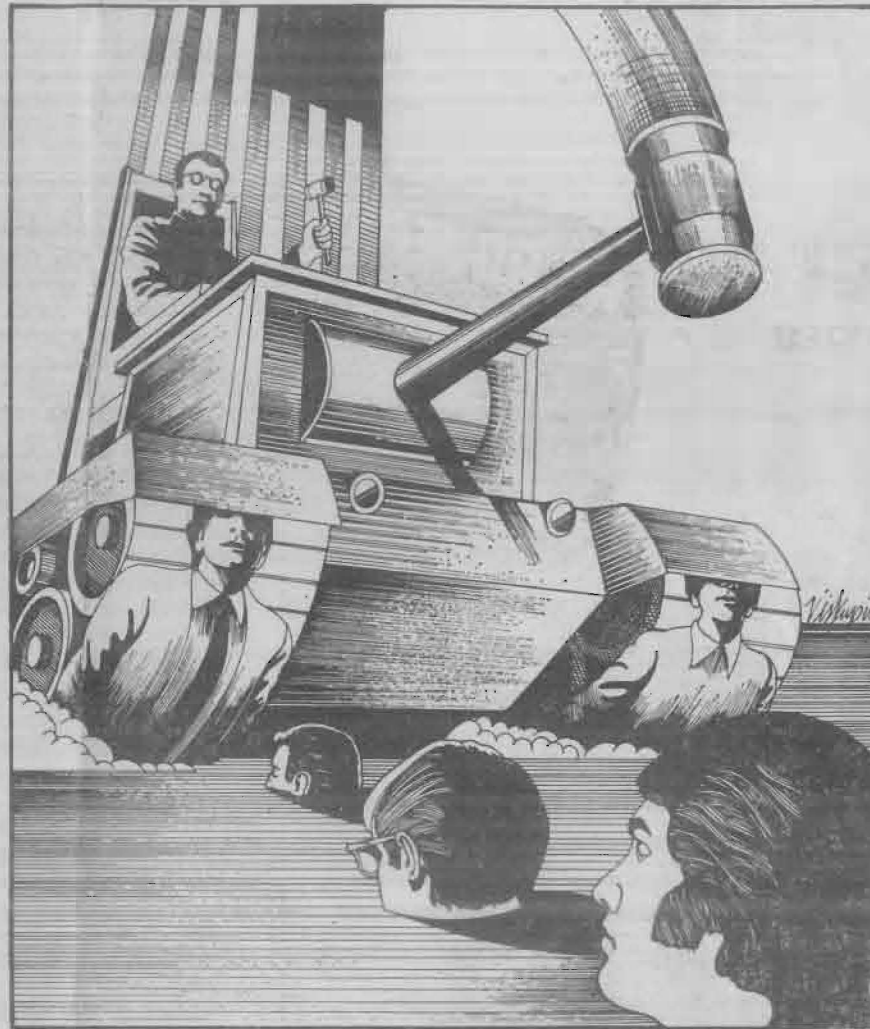
A curious argument against amnesty for Vietnam war resisters asserts that besides all the other things wrong with declaring amnesty, most of the resisters are not even in the true tradition of civil disobedience.

The fundamental tenet of conscientious objection, so this argument runs, is that if one breaks a law for moral reasons, obeying Thoreau's higher law, one must take the consequences and go to jail. Martin Luther King did that, and the war resisters should have, too.

To hear a William Buckley or a Young American for Freedom, an American Legionnaire or a Veteran of Foreign Wars make this point is amusing, for surely they are the most obedient of American citizens, save perhaps some of the Watergate defendants. Even Richard Nixon has become an expert on civil disobedience. In his August Watergate explanation, he equated the higher morality of the Vietnam dissidents to the higher morality of the Watergate defendants' loyalty to him. Although both, he said, are "deplorable."

There was never more than a handful of Americans who chose to defend their actions in court and almost certainly be sentenced to jail. In 1969, the peak year, 723 men were in federal prison for draft-related offenses. Less than 300 are there now, perhaps the only figure in the amnesty problem to which the President's body count of the "few hundred who deserted their country" could properly apply—and a pittance compared to the tens of thousands who resisted and went underground or into exile.

Did the country take notice of those who chose the "traditional" civil disobedience? Probably only in one case: Muhammed Ali. And he took his case to court and won. But



Newsday drawing by Gary Visconti

did the country view this as an honorable expression of conscientious objection? The comments about Ali's failing legs or his weak punch that accompany each of his fights are poignant reminders of the three and a half years that he was barred from practicing his profession.

In a speech broadcast over Canadian radio in the winter of 1967, Dr. King said, "every man of humane convictions must decide on the pro-

test that best suits his convictions, but we must all protest."

Months before that, in his speech, "A Time to Break Silence," in Riverside Church in New York, King called for a national boycott of the war, and his government "the greatest purveyor of violence in the world today." He urged all black and white people of good will to resist the war.

In "Stride Towards Freedom," King wrote about the Montgomery,

Ala., strike, "I conceived of our movement as an act of massive noncooperation."

While King would have applauded the men who chose to fight their draft status in court, he would not have considered their actions as effective political protest. The numbers were too small, and the judiciary never took seriously the defense of moral objection to the war.

The real forms of massive noncooperation in the Vietnam era were desertion and draft evasion. Through legal and non-legal evasion, only 30 per cent of the eligible males submitted to induction in the Vietnam era—compared to 70 per cent during World War II. From 1966 to 1970, 155,000 cases of draft evasion were referred to the FBI for investigation, and this does not include those who never registered for the draft. In the years 1965-72, 432,000 men deserted the armed forces—100,000 in Nixon's third year in office alone.

Obviously, the government was able to carry on its war without the resisters. The military system was not disrupted. So perhaps this, too, was ineffective protest, but it was certainly conscientious refusal on the mass scale basic to the politics of Martin Luther King.

Many Americans seem to have forgotten that in the peak years of the Vietnam war, the Johnson and Nixon administrations not only were in a state of war with the Viet Cong and the North Vietnamese, but, in a Lockean sense, with our own younger generation as well. Many eligible males of the Vietnam generation saw the order to military service as what John Locke described as a "declaration of design upon his life." And as Locke continued in his "Second Treatise on Government": "He who would get me into his power without my consent, would use me as he pleased when he got me there, and destroy me too, when he had a fancy to it. . . ." And

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yet Locke's social contract that the fruits and benefits of society come only with duties and obligations is thrown up as an objection to amnesty. However, the social contract does not apply when a government is in a state of war with its own people.

If there are different forms of protest from the precise model of King and Thoreau, so there are different forms than jail for "taking the consequences." Opponents of amnesty have described exile as the soft life abroad; those who know have described it in all its anguish.

Finally, the amnesty opponents argue that granting amnesty would undermine the workings of our society by encouraging dissension in future wars. But Thoreau had an answer for this objection as well. In the essay on Civil Disobedience, he wrote: "I am not responsible for the successful working of the machinery of society. . . . When an acorn and a chestnut fall

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side by side, the one does not remain inert to make way for the other, but both obey their own laws and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it dies; and so man."

What I really insist is that the argument over civil disobedience is a moot question. Whether or not it might have been better for thousands of Americans to have faced trial and to have packed the military or civilian jails is not the point now. What might have been, what people ought to have done, what form of protest would have been the "higher moral act" is not relevant to the amnesty problem. We are dealing with what is.

Draft evasion, desertion, exile and underground life are the forms of protest that the members of the Vietnam generation chose. They chose it because they felt that to submit to the justice of a system mad on war was to dignify that system. That is the real reason why more did not choose the open court fight. And repatriation without conditions is the only practical solution. □