

Ever since President Nixon said categorically more than a year ago that "we cannot provide forgiveness" for draft resisters and self-exiled opponents of the war in Vietnam, it has been evident that any hope of amnesty rests with Congress. Legislation to create an amnesty board to rule on individual cases is now under consideration in the House.

The case of amnesty is reinforced by the fact that the United States has made peace with its former enemies in Indochina and has extended the hand of friendship to the political and military powers that actively supported those former enemies. However, the Pentagon bases its opposition to amnesty on the argument that to show mercy to those who refused to fight in Vietnam is to jeopardize the nation's capacity to rally a military force in case of need. The Justice Department wants to block legislation on the theory that the right to pardon is the prerogative of the executive branch, not of Congress.

Neither of these objections is entirely convincing. In the years between 1795 and the end of the war in Korea, there have been 34 amnesty actions, seven of them granted by Congress. Abraham Lincoln started to pardon draft resisters, and even deserters, while the Civil War still raged. None of these past examples of forgiveness has crippled this country's capacity to defend itself in subsequent conflicts.

The nature of the war in Vietnam—its lack of public support and its questionable practical and moral justification makes it particularly inappropriate for the Pentagon to oppose amnesty on grounds of future military need. Americans are entitled to hope that their sons will not soon again be asked to don uniforms in so dubious a cause.

There is room for debate over the best way to handle the different categories of war resisters and deserters, but it should not be too difficult for a review board of thoughtful men and women to resolve such questions. Americans will long argue whether the settlement that ended this country's participation in the war can rightly be called a peace with honor; but at least we should delay no longer in sanctioning a peace with charity.