

On Carter's Amnesty and Pardon Views

HILLSBOROUGH, N.C. — For a

Southerner and a Democrat, Jimmy Carter has a curious position on pardon and amnesty. He says there's a difference, and he's right about that anyway.

Pardon in the Carter definition is morally neutral: "What you did, right or wrong, is forgiven," he told the American Legion. Let's forget for the moment that if someone does something right they hardly need to be forgiven.

And amnesty to Mr. Carter is moral surrender for the Government: "Amnesty means what you did was right," and implicitly, though Mr. Carter does not say it, what we, the Government, did in Vietnam was wrong.

If the Democratic candidate is right about this, a considerable rewriting of Civil War history would come in his administration. For during the Civil War, Abraham Lincoln declared three conditional amnesties for the Southern rebels, and after the war Andrew Johnson declared three more conditional amnesties before his Universal Amnesty of Dec. 24, 1868. In that final, blanket amnesty, Mr. Johnson restored all rights, privileges and immunities under the Constitution "to all and to every person who directly or indirectly participated in the late insurrection or rebellion."

Ergo, the Southern insurrectionists and rebels must have been right! This is an historic discovery of considerable magnitude, and one which, no doubt,

By James Reston Jr.

explains Mr. Carter's lead over Mr. Ford in the South. Who would have thought ten years ago that the South would rise again in quite this way? If there had been tapes in the Oval Office when Andrew Johnson, a Tennesseean, was deliberating his Universal Amnesty of 1868, he probably would have quipped that few would discover the true meaning of his amnesty declaration for over a hundred years.

And that brings us to pardon. There is a recent tradition for pardon. Take, for example, the human consideration that Richard M. Nixon showed to Angelo DeCarlo, the Mafia leader, by releasing him from jail early because he was ill. Mr. DeCarlo's consigliere (lieutenant) should be pleased at the rise in their old chieftain's stature at Mr. Carter's hands. But both Mr. Nixon and President Ford should be even happier at Mr. Carter's generous divestiture of his best issue: Mr. Ford's pardon of Mr. Nixon. Now we're told

that what Mr. Nixon did, right or wrong, is forgiven.

But there is a problem here. It is not quite so easy. Mr. Ford's pardon offer did not take the effect of law, until Mr. Nixon accepted it. In accepting the pardon, Mr. Nixon apologized for "not acting more decisively and more forthrightly in dealing with Watergate," and referred to his (unspecified) "mistakes and misjudgments." While this may not have been enough contrition for most, Mr. Ford made it clear that, to him, Mr. Nixon's acceptance of the pardon and its attendant statement was an admission of guilt.

So Mr. Carter's offer of a blanket pardon will have to be considered by each draft evader (it does not cover deserters), and each will have to decide if he can accept the offer. In short, if Mr. Carter is elected, the thousands of war resisters have yet another humiliation to either endure

or reject, but perhaps since most of them are moving into their middle thirties, they are mature enough to consider the choice. In whose behalf does Mr. Carter make such an offer, and by what standing?

Amnesty, on the other hand, stemming from the Greek word *amnesia*, requires no acceptance and no admission of guilt, and no moral standing for its proclaimer, for it means simply that the law, right or wrong, will not apply. The "offense" as defined under the Selective Service law or the Uniform Code of Military Justice, is overlooked.

I suspect Mr. Carter really knows all this. Certainly, his ancestor Littleberry Walker Carter understood what amnesty meant when he returned to Sumter County, Ga., after the Civil War, technically guilty of treason, Andrew Johnson's amnesties meant reconciliation and a new beginning after a divisive conflict. It had nothing to do with whether Littleberry was right or wrong.

Pardon, however, does not start with *a*, as in acid, abortion, and amnesty, the three *a*'s that defeated George McGovern. But I can't understand why Mr. Carter would want the moral rectitude of the Confederacy to be a campaign issue in 1976.

Amnesty for Jimmy Carter!

James Reston Jr. is author of the forthcoming "The Innocence of Joan Little, c Southern Mystery."

The moral rectitude of the Confederacy—a campaign issue in this election?