

On the Matter of Amnesty

By ROBERT TAFT Jr.

WASHINGTON—At the present time, there are more than 500 draft resisters in Federal jails, about 3,900 draft resisters under indictment, and an estimated 70,000 young Americans living abroad to avoid the draft. Many of these men are victims of bad judgment and poor advice. Many have acted out of deep, personal convictions against the course which our country followed in the Vietnam conflict.

The time has now come to ask ourselves whether we will offer these men an opportunity to become productive citizens in the land of their birth. That is why I have introduced my qualified amnesty bill in the Senate. We must decide whether it is more in our interest to have them spend their time in jail and in bitter exile, or to offer them a practical course to amnesty.

There is a long tradition of amnesty in America. George Washington gave amnesty to those participating in the "Whiskey Rebellion." John Adams gave amnesty to the Pennsylvania insurrectionists. Jefferson, Madison, Jackson, Lincoln, Andrew Johnson, Grant and Coolidge each made amnesty proclamations. In 1945, based upon the recommendations of an Amnesty Board, President Truman pardoned 1,523 young men who had evaded or otherwise violated the Selective Service Act during World War II.

The case for some type of amnesty becomes especially compelling when we consider the effect of the interpretive change in our Selective Service

Law in 1970. Until the Supreme Court decided *Welsh v. United States*, on June 15 of that year, individuals seeking conscientious objector status had to raise their objections in relation to their belief in a Supreme Being. The Supreme Court in that case ruled, prospectively only, that a belief in a Supreme Being was no longer required and that, while selective desires on participation were not permissible, deeply felt personal views might suffice. Thus a whole field of obvious inequities became possible.

In one family, two brothers might have held the same nonreligious, deep-felt opposition to war. The elder son who became draft eligible before the *Welsh* decision could not have been classified as a conscientious objector and might have gone to prison or into exile. His younger brother, holding exactly the same views on war, could have become a conscientious objector.

Rather than have these young men remain in exile or in prison, I believe that it is far preferable for us to offer them an opportunity to serve their country and obtain their readmission to American society.

But when over 55,000 Americans have lost their lives serving their country in Southeast Asia and elsewhere and many more have been wounded or bereaved, we should not grant amnesty to draft resisters without requiring them to undertake service to their country.

In an attempt to deal with this problem I have introduced the Amnesty Act of 1972. This would permit these

young men to be released from prison or returned to the United States if they agreed to serve their country for a period of three years. They could serve America as members of our armed forces or they could elect to serve in alternative service, which would include VISTA, Veterans Administration hospitals, Public Health Service hospitals, and such other service as might be designated by regulation by the Attorney General. In any case, they would serve at the lowest pay grade and without additional benefits and rights.

This bill would not apply to those who have deserted from the armed forces, since I believe that theirs is a separate problem to be dealt with in other ways. The draft resisters clearly, fall into another category. They have never taken an oath of service. This is not to argue that they are better or worse than deserters, but that they pose a different problem.

To make them a qualified amnesty offer would be neither out of remorse nor of sympathy. It would simply be offering a practical solution to what is or should be a national concern, a solution that would hopefully do more than unite these men and their native land. It could do something to regain the confidence of millions of Americans, especially among our youth, who love their country but have not agreed with a course it has followed.

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