

The Fearless Spectator

Charles McCabe

Amnesty

ONE MIGHTY TOUGH moral issue Mr. Nixon is going to have to settle before he leaves the White House is the question of amnesty or general pardon for those who broke the law by choosing not to serve in the Vietnam conflict. I don't envy him the decision.

There was a time, not so long ago, when the President was saying he was going to be "very liberal" on this pardon question while still demanding that deserters and draft dodgers pay a price for breaking the law. The President quickly heard from his political troops. "Very liberal" was written off as campaign oratory, and heard of no more.



The present Nixon line is very tough. When the question was brought up at a news conference in early February,* it plainly made Mr. Nixon angry. There would be no amnesty, he said. Those who ran away from the war might have made a mistake, he allowed, but "it is a rule of life that we all have to pay for our mistakes." The President added: "Those who served paid their price. Those who deserted must pay their price, and the price is not a junket in the Peace Corps or something like that."

There are a lot of young men in this act. The best estimates, which are questioned: 60,000 to 100,000 exiled draft resisters and military deserters; 80,000 annual resisters and deserters underground in the U.S. from the days of the heavy fighting, and 10,000 resisters and deserters in civil or military prisons, on probation or facing court action.

*Transcripts of news conferences, NYTimes 1 Feb and 3 Mar, '73.

THE MORAL QUESTION is whether Vietnam was a bad war, in which the young were screwed by the old. This is a question apart from whether all wars are bad wars. If Mr. Nixon decides it was a bad war, and that is a decision he will make in his heart, then amnesty is surely called for even if the general pardon includes, as it surely will, the principled and the unprincipled, the truly conscientious and those who went over the hill to save their skins.

The real problem is admitting in terms of policy that Vietnam was a bad war, an unjust war. These are moral questions. The difficulty is that these are moral questions which will probably be treated as political questions. In political questions, immediate answers are preferred over lasting reality. These lasting realities have a way of becoming embarrassing to politicians. Even Einstein is reported to have said, "Physics is so much easier than politics."

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THAT MR. NIXON is a lame duck President will make his decision easier. Circumstances make it easier for him to choose either the wrong or the right, and healing, decision. It will be interesting to see how Mr. Nixon uses his moral freedom.

The late Harry Truman was in the same spot late in 1952, when he had already been defeated by General Eisenhower, and was winding up his business in the White House. He had twice before granted pre-Christmas amnesties, in 1945 and 1947. His final amnesty, in the last days of his lame duck service, freed all men convicted of desertion between the end of World War II and June 25, 1950, when the Korean war broke out. There was no amnesty following the Korean war, when General Eisenhower was in office.

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THE GENERAL AMNESTY had been used over 30 times when Mr. Truman gave his final military pardon. These amnesties extended back to the Whiskey Rebellion of 1795, and George Washington. Today some 200,000 young Americans are in a limbo because they refused to fight in the Vietnam War.

The constituency which forced Mr. Nixon away from his early "very liberal" stand on amnesty, whatever that was, is still yapping at his heels, for a good reason. It is the men who fought and their supporters. On the other side, Vietnam was an incontestably rotten war, and history will surely have it so. What Mr. Nixon decides about the deserters and dodgers and resisters will truly measure him as a human being.

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