

Senator Buckley on Amnesty

NYTimes MAR 12 1973

To the Editor:

Your Feb. 20 editorial "Buckley on Amnesty" contained some errors of fact. I would appreciate the opportunity to set the record straight.

My original letter on this subject, sent to The Times on Feb. 23, was refused publication on the grounds that it exceeded The Times' word limit for letters to the editor. Therefore, in this letter I have not attempted to answer all of The Times' historical and factual errors but only the major ones.

First, your suggestion that I made my statement in order to share the publicity given our returning P.O.W.'s is in error. When I made arrangements to visit St. Albans Hospital, the specific date of the prisoners' return (Sunday, Feb. 11) had not yet been made public by Hanoi. How then could I have planned my appearance to coincide with an action the date of which I could not possibly have known?

My statement on amnesty specifically referred to general amnesty for "draft dodgers and deserters," following the termination of hostilities. This was made clear in The Times' own story on my amnesty views (Feb. 15). How, then, do your examples of amnesty demonstrate I was "wrong" in stating that such specific amnesty is historically unprecedented?

President Washington's amnesty (which, contrary to your assertion,

was not unconditional) to those who took part in the Whisky Rebellion had nothing to do with draft evaders or deserters. Nor did President Adams' pardon to the Pennsylvania insurrectionists. More than that, in this case pardon was not general, as it was not extended to those who had been indicted and convicted. To suggest that the amnesties of Jefferson, Madison and Jackson somehow were historic precedents for general amnesty for draft evaders and deserters in the Vietnam war is to be, at the very least, disingenuous.

The Times and I disagree as to the morality of general amnesty for draft evaders and deserters. I am willing to bear up under that burden. Yet the least The Times could have done was to let its readers know that in my statement on amnesty I said:

"I do not see the issue as one of vindictiveness versus compassion. Instead, I see it as one in which we must appeal to history and to our sense of justice in order to determine the proper course to follow. A general amnesty is clearly not the answer. But I have no doubt that if the young men now living abroad will return home, acknowledge their errors and face the music, they will find our courts and our society as compassionate as any in the world."

JAMES L. BUCKLEY
U.S. Senator from New York
Washington, March 5, 1973