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Rethinking Amnesty

While tens of thousands of draft evaders, deserters and veterans with undesirable discharges from the Vietnam war live in limbo, President Ford has indefinitely postponed consideration of their cases because of his preoccupation with the case of one private individual, Richard M. Nixon, and the backlash that this untimely pardon has caused in the country.

By his deferral of decision, President Ford himself has forced an analogy to be drawn in the public conscience between the Nixon case and that of the war resisters. The White House has now injected a new dimension into what can be considered "leniency" in dealing with these men. A rethinking of official position is needed not because of the exceptional favoritism shown toward Mr. Nixon, which tore down the equal application of law, but rather to reknit the framework of justice and equity within the law.

The first necessity is to recognize that there is a world of difference between the Nixon lawbreaking and that of the resisters and deserters and veterans. Mr. Nixon violated his constitutional oath of office; the Congressional articles of impeachment included obstruction of justice and misuse of Federal agencies for personal advantage. By contrast, the youthful violators of the Selective Service Act and of military law were not elected to the armed services and held no public office of trust. Many acted solely out of conscientious objection to a war they considered both immoral and unconstitutional.

One reassuring indication already has been given by Mr. Ford of the approach he will take in carrying through his pledge to throw the weight of his Presidency "into the scales of justice on the side of leniency" in dealing with the Vietnam cases. That reassurance is embodied in his intention to set up a national "clemency review board," thus precluding the crazyquilt of inequities that would surely follow if judgment were left to the varying opinions and prejudices of scores of local boards.

But the machinery is less important than the basic guideposts the President himself lays down to bring thousands of men back into the American mainstream without rancor, without recrimination and without delay.