

# In the Matter of AMNESTY

## Church Groups Propose Reconciliation

Thousands of young American men refused to fight in the Vietnam war. Some evaded the draft by fleeing the country or hiding. Others deserted the military. A fair number went to jail.

Should the U.S. free these men from legal jeopardy? "Yes," says a substantial part of the national church leadership.

The need for reconciliation was the major argument put forward as Protestant, Roman Catholic and Jewish spokesmen asked Congress in early March to grant some form of amnesty to those under the shadow of law for resisting Vietnam service.

Hearings before a House subcommittee brought the amnesty issue into the spotlight for the first time since the Paris Accords of January 1973.

Now that direct U.S. military involvement in Indo-China has been over for more than a year and the POWs are home, what about the "draft exiles" in Canada and Europe and the men in jail or facing prosecution for desertion and evasion?

The House Judiciary Subcommittee on Courts, Civil Liberties and Administration of Justice heard a wide range of opinions. Federal government agencies and organizations representing military personnel opposed any amnesty. The U.S. Justice Department maintained that Congress even lacks the power to act on the matter, which it sees as Presidential prerogative.

Testimony supporting amnesty reflected two basic approaches: "unconditional" — the blanket wiping out of charges or potential charges — and "conditional" — the requiring of national service in lieu of military duty.

The strongest appeals for unconditional amnesty as a means of reconciliation came from the National Council of Churches, Governing Board and the American Jewish Congress. Conditional amnesty was forcefully urged by Sen. Robert Taft Jr. (R-Ohio) and former Army Secretary Robert F. Froehke.

Not all speakers for church groups endorsed specific amnesty measures. Father J. Bryan Hehir, representing the U.S. Catholic Conference, did not discuss conditional or unconditional routes or favor any of the more than half a dozen amnesty bills.

He said amnesty legislation is needed to dispel the "residue of bitterness" left in America by the war. He asked Congress to consider paving the way for legal "selective conscientious objection." Opposition to particular wars is not recognized as a right in U.S. law. CO's must be opposed to all war under present law.

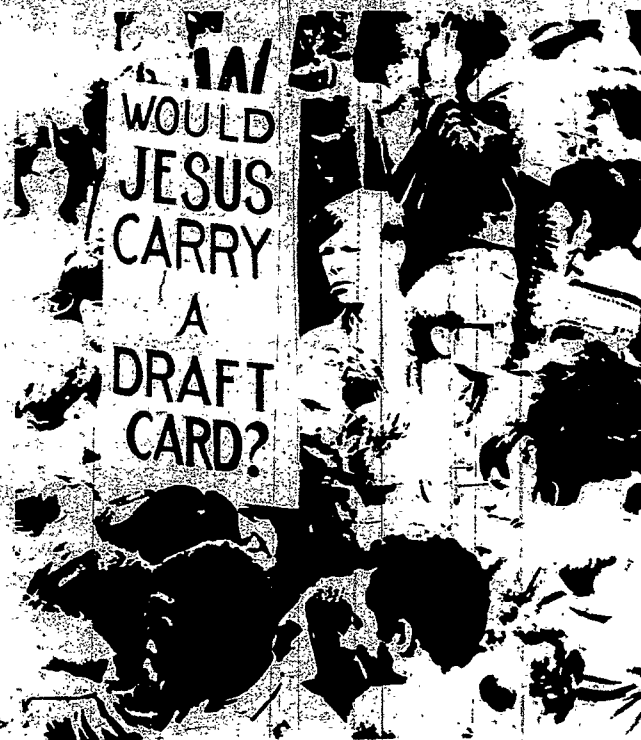
The Washington hearings dramatically demonstrated the lack of consensus on the definition of amnesty. The word is from the Greek, literally meaning "forgetfulness." It is also used to mean "forgiveness," and in U.S. history it usually implies "pardon."

Forget . . . forgive . . . pardon: These words are similar yet there are subtle differences in the concepts of action they imply.

"Forget" suggests wiping the slate clean, expunging, and this was the understanding of amnesty set forth in National Council of Churches' testimony.

The Rev. W. Sterling Cary, president of the Council, petitioned Congress to wipe out the legal jeopardy in which the draft evaders and deserters stand, wipe it out so clean there is no requirement of national service imposed.

He said the National Council's 340-member Governing Board favors amnesty for all persons in trouble with the law for resisting the war except those accused of violent crimes. The Council would include men with less than honorable discharges among those qualified for amnesty.



This sign questioning the "morality" of the Selective Service system was displayed during a 1971 anti-war rally in Washington, D.C. Although direct U.S. military involvement in Indo-China is over and the draft has been abolished, the question of amnesty is still unresolved. [RNS]

A person or a nation can "forgive" and then "forget," but forgiveness (or pardon) in the eyes of the law can extract a penalty; thus, conditional amnesty proposals.

Froehke, who resigned last May as Army secretary, spoke of forgiveness before the House subcommittee. Noting that President Nixon once said, "We need a renewal of the spirit in our country," Froehke asked: "Is not forgiveness a vital function of the spirit?"

He advocated amnesty for draft evaders who agree to national service and a case-by-case review for deserters. Sen. Taft advised creation of a board to conduct a case-by-case study of the evaders.

On March 5, the eve of the beginning of amnesty hearings, the Harris Survey indicated that a slim plurality of Americans — 45 to 43 per cent — endorse amnesty for the men who left the country to avoid military duty in the Vietnam war if they submit to two years of non-military national service.

A year earlier, a similar poll opposed any form of amnesty by 49 to 43 per cent.

The 1974 poll, however, indicated that more than 50 per cent of the people feel evaders should "pay the price" and amnesty would "dishonor the memory of Americans who died in Vietnam."

Harris found a contradiction in a plurality ready to accept amnesty with national service; and a majority rejecting the statement that "the Vietnam war was a mistake and nobody else should be made to suffer more as a result of it, including those who refused to serve in the armed forces."

In explaining the survey results, the pollsters said: "The forgiving qualities of the American public obviously come into conflict with the principles of equality of sacrifice, especially in time of war. Therefore, most Americans are unsympathetic to the idea of unconditional amnesty for those who refused to serve and left the country."

"However, once some service requirement outside the military is tacked onto the amnesty offer, then the public turns about."

Froehke felt that amnesty without some condition would not be passed by Congress. Father Hehir recognized that "movement on any amnesty bill is a long way off."

An unknown total of men would benefit from amnesty. More than 300,000 men have less than honorable discharges from the Vietnam war period. Rep. Robert W. Kastenmeir (D-Wisc.) told the House subcommittee that 28,000 deserters remain at

large and in excess of 200,000 men are listed as draft delinquents.

Estimates on the number of "draft exiles" in Canada, Sweden and other countries vary greatly. Cary, of the National Council, said in his testimony that on the basis of a four-year Vietnam Generation ministry conducted by the Council he could "assure" Congress there are 35,000 exiles in Canada.

Whatever the precise total, the U.S. has seldom, if ever, been faced with a discussion of "forgetting" or "forgiving" so many offenses against draft and military laws.

At the end of the Civil War, President Lincoln pardoned all Confederate soldiers under a certain rank. That was a unique situation and involved armed rebellion against the union. Presidents Washington and John Adams also pardoned groups of insurrectionists.

The men in jeopardy from opposition to the Vietnam war did not take up arms against the U.S. Their offense was refusal to participate in a particular war.

Sen. Taft's call for a review board to consider evader cases recalls an action taken by President Truman following World War II. An Amnesty Board was set up to hear the appeals of men found guilty of violating military and wartime draft regulations. Of the 15,000 cases presented, 1,500 men were pardoned, mostly on the grounds of religious conscientious objection.

Supporters of unconditional amnesty in the post-Vietnam war period tend to be those who feel the war was wrong and resisters were morally courageous in refusing to take part.

Cary told the House panel that a case-by-case review of evaders and resisters is impractical. "Who among us is qualified to probe the conscience of another, to judge motivations when society asks its young men to forget they have been taught 'Thou shalt not kill.'"

The role of conscience as a determining factor in decisions of draft evaders and deserters was covered at length in Father Hehir's testimony before the Subcommittee on Courts, Civil Liberties and Administration of Justice.

Amnesty, he said, would be a way for reconciling to the nation young men whose consciences would not permit them to serve in a war they judged wrong.

Appealing for legal sanction for selective objection, Father Hehir said the inadequacy of the law "illustrates that support for amnesty is rooted in the moral judgment that the problems of many of the young men in voluntary exile or those who are underground or those in prison were caused by the sensitivity of our civil law to their consciences."

Opponents of amnesty believe that forgiving or forgetting the offenses of evaders and deserters would make a mockery of law and government and dishonor those who served, died or were wounded in Vietnam.

Religious appeals for amnesty are often linked to calls for more national attention to Vietnam veterans and the families of men who were killed.

Cary told the House subcommittee that the nation is not using its resources to meet the needs of seven million veterans as it should because they are "unwelcome reminders" of a controversial war.

Reconciliation with the families of the dead and maimed, he added, is also needed.

On the prospect for amnesty — probably far in the future — Father Hehir hoped both the objectors in jeopardy and the nation will "show a great spirit of generosity." Each party, he said, should accept the weakness of the other party: "On the one hand the nation's failure to design appropriate legislation, and on the other, the individual's failure to find a way more acceptable to the total community."