

Amnesty Rebuttal

BY DR. ROBERT A. ROTHMAN

A new problem has arisen on the national scene which we must face squarely. It does not come as a stranger to America. We have had to deal with the matter of amnesty in the past. In the history of the U. S., amnesty has had an honored tradition. From the Revolutionary War through World War II, amnesty has been a topic of significant concern and has been granted to one degree or another to those who had come into conflict with the laws that govern this country's involvement.

In 1795 President George Washington granted "a full, free and entire pardon" to those involved in an insurrection in Pennsylvania against the United States. His explanation: "For though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings, to mingle in the operations of government every degree of moderation and tenderness which the national justice, dignity and safety may permit."

During and after the Civil War, Presidents Lincoln and Johnson offered amnesty even to those who were engaged in treason and open war against the United States government. President Johnson declared then, in words pregnant with significant meaning for us today, that "... a retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations and disfranchisements, now as always could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct and repress popular energies and national industry and enterprise."

World War I and World War II engaged the overwhelming, well nigh unanimous support of the American people. Yet, even there, upon the ending of those wars, many of those who had refused to serve in the military or participate in the battles because of their religious, ethical or political convictions were pardoned or amnestied. These were declared wars. How much more appropriate that after the tragic war in Southeast Asia which has lost (or never really had gained) the whole-hearted support of the nation, for which the formal consent of Congress had never been obtained, which many Americans thought to be a ghastly mistake if not indeed a crime, a war the withdrawal from which each party's political platform has emphasized as a goal immediate or shortly devoutly to be attained, how much more appropriate to free those who refused to fight this war far from our shores.

In truth, no amnesty can be granted while the war still rages. That it is still a matter of immediate American involvement is clear, whether transferred from the unpopular ground activities to the more acceptable, dimensionally unprecedented air bombardments, we are involved. Amnesty and its resolution will have to be part of the moral aftermath of the Vietnam bloodbath. But now is the time to begin public discussion of a matter that will not be swept away but must be faced when the day arrives, God willing, in the not too distant future.

Several different human situations have gone into the making of this problem. There are the young men who refused to register for the draft. There are those who registered, sought but were denied exemption as conscientious objectors and then refused to enter the armed forces. Others were inducted and then deserted, some almost immediately and others only after experiencing combat in Vietnam.

Social classes are also an element in our consideration. By and large, the middle-class, white well-educated were spared from the military service. They found shelter in college deferments, in conscientious objection, or in the reserves. The disproportionate burdens of fighting this war have fallen upon the poor, the less well-educated, the Blacks and other minority groups. And the same qualities of good education, white race and middle class in a general way also characterize those who refused to submit to compulsory military service and who went into exile or underground. It is again the poor, the less educated, and the members of minority groups who contribute a much larger proportion of the deserters, of those who submitted to the draft and became aware only in the military of the cruelties and the irrationalities of the war.

It has been suggested that only the resisters should receive amnesty of any sort, never the deserters. But this would only feed into the much alleged racial, class and wealth discrimination in our society. The circumstances which may have impelled draft refusal or military desertion are the same, if they are honest; namely, a refusal to submit to the machinery of the war for ethical, religious or ideological reasons. If there is to be any amnesty, then all must be included. . . the draft resisters, the deserters, and the court-martialed prisoners, provided there have been no proven allegations and findings of acts of substantial injury to persons or property for reasons not associated with the moral convictions held which are contrary to participation in the war. In such instances it would be justified and altogether proper to look into the circumstances and obligations of the person involved.

Some questions which must be considered:
1. Wasn't it the responsibility of these young people to assume their military burden in this war?

Answer: Remember Nuremberg? Remember our stand for justice not law, for mercy not obedience? Remember the current Chancellor of West Germany? He fled Germany when Hitler came to power and spent the war years in Sweden. The government of Nazi Germany represented what he, in good conscience, could not support. He felt his only recourse was exile. He now leads his country in the continuing struggle to more firmly establish democracy there. These 70,000 to 100,000 young people left the U.S. because they could not tolerate submission to this law they felt was contrary to their best human and humane concerns. From their point of view, they were performing a greater service to our country by refusing to participate in military service. They were serving in an active conscience role in a nation that seemed at one point to lose its balance and perspective.

2. But what of the 55,000 Americans who lost their lives in that war? And what of the increasing number of POWs and MIAs? If we grant amnesty to the resisters and deserters, are we not making a mockery of their sacrifice?

Answer: The granting of amnesty does not do violence, in any way, to the memory of the American dead, nor does it minimize the contribution of those still incarcerated (hopefully, by then they will have been released). It does not impugn the motives of those who, seeing no conflict in conscience by their military involvement, decided to fight. By establishing amnesty we attempt in some constructive way to bind the nations tearing wounds and to heal the polarized elements in American life. To disregard this need can only result in increased irreparable damage to the fabric of American society.

3. But how will you know who ran to Canada or who deserted because of the motives you mention? Perhaps they ran out of cowardice?

Answer: No one can be perfectly certain of the motives. Only God can test the soul of man and we are not gods. It is my guess that the overwhelming majority went into exile or deserted from the military because of genuine moral convictions. Of course, there were those who went out of impure motives. And, of course, should some amnesty program be established there would be unscrupulous individuals who would take unfair and unjust advantage of it. But since when is the good to be deferred because evil may be present? Since when are the scrupulous, the honest and the truth-seeking to be penalized because of the presence of the evil, the dishonest and the liars? Why must justice be delayed when its time of implementation may have arrived?

4. Shouldn't those who broke the law be punished? After all, didn't they evade the draft, or break their oath taken when they entered the military?

Answer: I believe punitive acts would be counter-productive if our hope is to achieve some healing in our confused and strife-torn land. This does not preclude, however, the possibility of state-provided substitute forms of service which would mean that the conscientious objector doesn't altogether evade his duties and responsibilities as a citizen. And U. S. most certainly has many such forms of service which would have great appeal to those exiles who want to return home. Most of them would probably delight in peaceful service to their nation and to mankind. In addition, such a move would increase respect for the law of the land which tempers strictness with mercy, and which concerns itself with the individual convictions of its citizenry.

POLITICAL HOPEFULS

CHRISTENSEN FOR COMMISSIONER

Paul Christensen, contribute a healthy surr candidate for the Las Vegas City Commission, today voiced enthusiastic support for the proposed senior citizens center now under heated discussion.

Christensen believes the \$150,000 allocation approved yesterday by the Board of County Commissioners is only the first step in the funding of the center. "The funds now earmarked for the center are federal revenue sharing funds. I feel the City of Las Vegas should contribute a healthy surr to this project. The Sheriff's Mounted Posse Building would provide makeshift quarters for the seniors. With additional city and county funds, we can give these people a first calibre community center of which the City can be proud," Christensen stated.

"After all, the senior citizens have contributed tax support to our area for many years," the candidate noted. "It's time we repaid their kindness."

In the hopefully near future, when the war ends, there will have to be some wrestling with this highly complex problem of amnesty, if we are not to lose those in exile who belong in the U. S., whose families yearn for their return, and whose absence from our land and theirs represents a moral dilemma for us all. There will never be an American internal resolution of the Vietnam War as long as 100,000 or more of our young men remain in exile, or in prison, or underground.

Let them be in peace. Let their records be made clean. Let those who refused to fight a war that we as a nation have come to detest and to believe wrongly fought, be with us as they should. Let us erase the taint on the good name and potential careers of young men who have everything to live for, if we would but encourage it.

Granted that the resisters will not receive an heroic welcome upon their return, regardless of how they and their sympathizers view the moral quality of their action, but let them be welcomed back. This is their home. The alternative would be a class of political exiles haunting us for decade after decade. How ironic a possibility. We, a country which served as a haven for political exiles through this neglect would be creating a group of our own. This war has taken victims sufficient. We should not create unnecessarily more and of different varieties.

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