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In a letter to the South Vietnamese journal *Tin Sang*, the well-known Catholic Professor Ly Chanh Trung writes,[61] "Although the United States may have become as strong and as big as an elephant, she is being directed by the brain of a shrimp. Head of an elephant and brain of a shrimp. That is the tragedy, not just for the United States alone, but also for the whole world."

[61] For a translation of this letter, which should be read in full, see *Thòi-Báo Gà*, March/April 1971, 76a Pleasant St., Cambridge, Mass. 02139.

Contents

citizens, including even many of its own soldiers, it is likely to close off effective channels of opposition whenever possible, resorting to unlawful violence where this proves necessary.

Suppose that the President continues to pursue the course of military victory in Indochina and that Congress fails to act. Then those who wish to end the war can submit and accept defeat, or continue to expose themselves to police terror in acts of passive civil disobedience, or raise the level of confrontation. Many possibilities will surely occur to those who consider the last course. It is a very dangerous course. The state has a near monopoly on means of violence, and support for state violence and elective despotism may well mount as the level of confrontation rises. But the Administration by its criminal policies and Congress by its weakness and complicity may leave no alternative for those who remain seriously committed to halting the murder and destruction in Indochina.

In April, 1965, between 15,000 and 20,000 people came to Washington to listen to speeches criticizing the war. In April, 1971, hundreds of thousands heard stronger, more militant speeches, while more than 15,000 tried to disrupt the normal functioning of the government in protest against the continuing war. Prediction is always uncertain, of course. But is it impossible to imagine that in 197? hundreds of thousands will march on Washington prepared for some form of civil disobedience if the war still continues or is followed by some new horror? Substantial parts of the population have shown the error in the Nixon-Kissinger calculation that the American people will consider the war at an end when American casualties decline. The government has apparently chosen to block channels of protest that are just beyond the borders of legality. By this decision, by its continuing commitment to its criminal war, it may bring about a domestic crisis of indeterminable proportions.

son seems clear. Some observers close by felt that the brutality of his arrest was an effort to provoke violence, since he was highly respected and extremely well-liked by the other demonstrators. If so, it failed. In spite of continued provocation, the demonstrators remained nonviolent and passive. Among those known to readers of this journal, Daniel Ellsberg was repeatedly clubbed, on one occasion at least, while trying to protect another demonstrator from police blows. One young demonstrator had his hand broken by a police club. After being released from the hospital, he returned to the demonstration, his first, incidentally. From all reports, this was typical of the spirit of the demonstration, as it was in Washington.

The police tactics in Boston, like those in Washington, naturally tend to discourage passive nonviolent civil disobedience. In Washington, the effect was to bring many people to adopt the mobile tactics of the more "militant" groups who were generally nonviolent but refused to sit passively. This of course raises the level of confrontation and increases the threat of potential violence. The government is acting in such a way as to foreclose, by violence, the possibility of undertaking actions that are on the border of legality.

If this is intentional, one might argue that from a narrow point of view it is rational, for passive nonviolent civil disobedience might appeal to large numbers of people willing to accept a measure of risk and discomfort to find some effective way to express their commitment to ending the war. A healthy democracy would strive to keep this option open. In the present instance, actions of this sort might enormously benefit American society, not to speak of Indochina, by helping to bring the war to an end. However, when the government is committed to policies that it can no longer defend (hence the unending and mounting prevarication) and that are intolerable to many

I

> May Day, living up to all expectations, got the worst reviews of any demonstration in history. It was universally panned as the worst planned, worst executed, most slovenly, strident and obnoxious peace action ever committed.

So wrote Mary McGrory, a perceptive columnist and longtime dove.[1] But Mayday was not designed to win accolades in the press; rather it was designed to help end the war, a different purpose. The demonstrators, Miss McGrory wrote, many of whom "had shaved and spruced up for Eugene McCarthy…hope that the people will eventually make the connection between a bad war and a bad demonstration and they think they've provided an additional reason for getting out. They've introduced the element of blackmail into the situation. They know everyone wanted them to go away. All they ask is that people remember it was the war that brought them here."

Other commentary in the press has captured the mood and significance of the demonstrations with what seems to me to be great accuracy. Nicholas von Hoffman wrote in the Washington *Post* that "the people who kicked Washington in the pants" are

> …people with exams to take, jobs to go to, with families to love, with all the same drives that make the rest of us curse politics and the government…in this land where we have to beg people to register to vote, 7000 persons…had gone out and incurred arrest for something they believe in. In addition, they'd turned this capital city into

[1] Boston *Globe*, May 9, 1971.

> a simulated Saigon with the choppers flying all over, the armed men everywhere, and the fear that at any moment something worse, something bloody might happen.[2]

A few days later, he reported the miserable treatment of demonstrators in the DC jails:

> That's okay with the freaks, too. If that's what it costs to give peace a chance, they'll pay, pay by present uncomfort and dangers and risking future, life-long black-balling. They do it and the tepid and tardy editorialists, who realized years too late the stupidity of Vietnam, chide them. They chide them for poor organization, as if the funky rascals had taxpayers' money to go out and get it together like the Marines. They chide them for naïveté, for not understanding politics like Muskie and Fulbright and McGovern and the other powerful men who've been so effective in ending the conflict in a timely fashion. They chide them but if peace does ever come, it will be the smelly, obtuse, stridently non-comprehending freaks who will have won it for us.[3]

As a minor—and, to be honest, reluctant—participant, I think that these judgments are largely correct.

For many months, the press and political commentators have been analyzing "the cooling of America"—and predicting the decline of the antiwar movement and the return of student apathy. With the unprecedented scale of the spring actions

[2] Washington *Post*, May 5, 1971.

[3] Boston *Globe*, May 10, 1971.

he first be beaten bloody by arresting officers? In fact, if an embezzler, a burglar, or a murderer caught in the act were subjected to the abuse and violence directed as a matter of course against a person violating traffic ordinances to protest the war, the press and public would be appalled by this savagery. But there is slight attention when those committing this crime are brave and decent young people, with no thought of personal gain, who are simply demonstrating their commitment to end a miserable, criminal war. Those who are attracted by ironies and paradoxes would do better to look here.

The Boston demonstrations followed a similar pattern.[60] On May 5, some 25,000 demonstrators gathered on the Boston Common. The following morning, several thousand attempted to block access to the Federal Building in downtown Boston. There was no hint of violence, nor was there resistance to arrest or even to police attacks. Apparently, a fairly friendly relationship developed between police and demonstrators. Nevertheless, the official policy was to refuse to arrest but instead to carry out repeated attacks against passive demonstrators, without provocation and without purpose beyond that of terrorizing the participants. Once again, it wasn't Chicago, but it was bad enough. And once again, the press took little notice and the civil authorities (the mayor in this case) praised the police for their decorum and restraint. Since there was no point to preventive detention, there were no mass arrests as in Washington. But those arrested (more than 100) report brutal beatings under police custody.

One of those arrested was Howard Zinn, picked out of the crowd by plainclothesmen, and roughed up as he was dragged off. Zinn's particular crime was that he had delivered an inspiring speech on the Boston Common the day before. The les-

[60] I rely here on reports by participants, since I was in Texas at the time.

on charges so ridiculous that no one even bothered to laugh at them." But only the naïve are surprised, these days, at the far more serious matter of brutality and excessive force. Contrary to many reports in the press, those subjected to illegal force, illegal arrest, or illegal detention did not appear to be "indignant when [the system failed] to protect their rights."[58]

Much more ominous, their reaction was the amused cynicism noted by Henry Allen. This suggests growing contempt for the institutions of American society, contempt inspired by the hypocrisy, the lies, the resort to brute force on the part of the Administration, which seems intent on demonstrating—in a trivial way in Washington and on a vast scale in Indochina—that it regards the law as an instrument for its purposes, not as a principle to be upheld. By so doing, it is preparing the ground either for further tumults and insurrections, or else for a still more dangerous submission to what Thomas Jefferson called "elective despotism."

This contempt for law also appears in press commentary. The *New Republic* editorial comment considers it "paradoxical" that demonstrators should be "indignant" when their rights are denied, and the *Christian Science Monitor* comments editorially on the "ironies in the situation" as "demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law."[59]

This remarkable view seems to be widely held. Is it also "ironic" or "paradoxical" for the murderer of dozens of Vietnamese civilians to expect the full protection of the law? If President Nixon were to be charged with war crimes, should

[58] *New Republic*, editorial, May 15, 1971.

[59] May 8, 1971. Despite the "ironies," the editors insist that the state should play by the rules. The *New Republic* editors too urge "restrained use of police power," in spite of the "paradox" of the "indignant revolutionaries," who in fact were neither indignant nor (in this instance) revolutionaries, so far as I am aware.

against the war, these predictions go the way of earlier ones by Westmoreland, McNamara, and the many others who have been seeing the light at the end of the tunnel throughout the conscious lives of most of the demonstrators.

The "cooling" never took place. Even during the winter months, peace activities continued, surpassing those of earlier years. In Boston, a hastily planned demonstration brought hundreds of people to the Federal Building in zero-degree weather for a protest and spontaneous march through the streets, when the first news of the invasion of Laos began to filter through. A few days later, some 4,000 people demonstrated on the Boston Common, the largest winter demonstration against the war ever to be held in that city.

Press coverage was slight. When I discussed this with local editors, who were generally sympathetic, they explained that there was no conspiracy to ignore the peace movement, but that such demonstrations were no longer news. They had happened before, the speeches had been heard before. This may have been a justified professional judgment, but it could also have been interpreted as a subtle call for violence, an implicit challenge which, fortunately, was not heeded.

The lack of press coverage helped to convey the impression that the Laos invasion had little domestic impact. To those who were not looking too closely, it may have seemed that the peace movement really didn't care so long as American boys were ten feet off the ground in helicopter gunships or 30,000 feet up in B-52s. To cite one foreign report, Claude Moisy wrote that "in February 1971, the invasion of Southern Laos by South Vietnamese troops brought only a few hundred students to the streets," indicating that the Nixon-Kissinger strategy for pacifying the home front was succeeding[4] —a widely held view prior to the events of the spring.

[4] *Le Monde Diplomatique*, March, 1971.

The April-May events in Washington began with guerrilla theater by Vietnam veterans who tried to express in a dramatic way what they had done and seen in South Vietnam. The actions ended, two weeks later, with another form of guerrilla theater as the police, backed by thousands of troops, turned Washington into "a simulated Saigon" with clouds of tear gas and screaming sirens. A helicopter landing of Marines was staged at the Washington Monument, apparently for the benefit of the press. Even Attorney General Mitchell played his assigned role, consenting to be photographed on a balcony calmly smoking his pipe while the troops performed below.

In the days between April 19 and May 3, several hundred thousand people demonstrated before the Capitol building, veterans testified at official and unofficial Congressional hearings, and thousands participated in lobbying and passive civil disobedience at government offices. The Mayday actions involved more than 15,000 people, many of whom submitted to repeated arrest and atrocious treatment. Elsewhere, there were supporting events. The demonstrations in San Francisco were the largest ever held there.

A mass demonstration in Boston was followed by a day-long attempt by thousands to close the Federal Building. A few days later there were demonstrations in suburban communities near Boston, including the first—but I expect not the last—at an air base, in protest against the air war in Indochina, and another, organized by a local collective, in the industrial town of Lynn. There was a demonstration at the Marine Training Center at Parris Island, South Carolina, attended by active-duty Marines. I left Washington for El Paso, Texas, where active-duty GIs at Fort Bliss conducted a war crimes inquiry. Further actions are planned by veterans and other groups in coming months. So much for "the cooling of America."

"cruel and unusual punishment."[54] There are numerous reports of people forced into tiny, nearly suffocating cells for hours, and many were deprived of minimal standards of care and subjected to considerable abuse. Howard Zinn spent the day with as many as twenty other people in a cell designed for one person. For six hours they stood in a pool of water several inches deep. (After a disturbance the police had hosed down several cells.) Many others have similar stories to tell. Yet spirits and morale remained high, and many returned from jail or compounds to be arrested again in subsequent demonstrations.

The police strategy of illegal force and illegal arrest was reportedly developed in conjunction with the Justice Department,[55] and Justice Department officials are reported to concede that up to 80 percent of the arrests were unconstitutional.[56] There has been criticism, some of it from Congress (by Senator Kennedy, for example), of the illegal arrests; but none, to my knowledge, of the illegal use of force. President Nixon is said to be "totally satisfied" with the handling of the demonstrations.[57]

The Justice Department and police had a choice: to keep the traffic flowing or to obey the law, accepting the traffic delay that would have resulted from legal arrest. It comes as no surprise that the authorities decided to disregard the law.

IV

Henry Allen was impressed, while in jail, by "the tough, almost amused cynicism of people who are no longer surprised that other Americans will sweep them off the streets

[54] Robert Smith, *New York Times*, May 8, 1971.

[55] Ben A. Franklin, *New York Times*, May 5, 1971. This has been denied by Attorney General Mitchell and Police Chief Wilson.

[56] Alan Dershowitz, *New York Times*, May 9, 1971.

[57] Trudy Rubin, *Christian Science Monitor*, May 8, 1971.

Monday (May 3) alone. But as has been widely reported, these were largely a form of preventive detention, so blatantly illegal that most of those arrested had to be released.

The police tactics of dispersal by force and arbitrary mass arrest, though not unexpected, were clearly unlawful. After the later demonstration in Boston on May 6, the executive director of the Massachusetts Civil Liberties Union pointed out that "police have the power to arrest those who break the law. They do not have the right to beat people when there is no resistance."[51] Nor do they have the right to run down people with police cars. Do the police have the legal right to attack persons who are not resisting arrest (or merely standing on the sidewalk) with mace and tear gas? I doubt it. Though the degree of force and brutality was far from that of, say, Chicago, 1968, it was surely well beyond the bounds of law.

That the arrests themselves were illegal the courts quickly determined. A reporter heard a police officer give an order to "arrest anyone that looks like a demonstrator"; the order, she observes, was quickly obeyed.[52] Henry Allen, an assistant news editor of the Washington *Post*, was illegally arrested and spent twenty-one hours in custody.[53] Howard Zinn was arrested on May 4 when he asked a policeman why he was beating a long-haired young man who was simply walking on a sidewalk, with no demonstration in sight. This set off a chain reaction. A man taking a photograph was arrested, then two others who stopped to watch (all three young and, by their looks, possible demonstrators). These were typical incidents.

Finally, the conditions of treatment after the arrests were unlawful. Judge James Belson of the Superior Court ruled after observing some of these conditions that they constituted

[51] Ken Botwright, Boston *Globe*, May 8, 1971.

[52] Trudy Rubin, *Christian Science Monitor*, May 5, 1971.

[53] Washington *Post*, May 5, 1971.

Nixon's famous "plan" for Indochina has so far contained few surprises. At the time of his inaugural, reports leaked to the press indicated that there would be a gradual reduction of ground troops, with a continuation of the technological war and a more efficient use of native troops—what one Pentagon reporter calls the US Army's "Vietnamese surrogate forces."[5] By now, close to half the ordnance used in Indochina has been expended during the Nixon Administration. Bombing reached its peak (over 130,000 tons) in March, 1969, and in spite of the sharp decline in ground fighting (hence tactical air support) in South Vietnam, it has remained very high, rising to 92,191 tons in March, 1971.[6] Presumably these figures, announced by the Pentagon, do not include the ARVN air force, which will soon have more combat aircraft than the French or British.[7]

The air war was sharply stepped up in Laos and later in Cambodia. There is ample evidence that in both countries the rural population is a prime target. The government has now admitted that B-52s have been regularly used in Northern Laos for "about two years," contradicting its earlier lies.[8] According to

[5] George Ashworth, *Christian Science Monitor*, February 3, 1971.

[6] According to Pentagon figures, bombing tonnage from January, 1965, through March, 1971, amounts to 5,795,160 tons. Of this, 2,593,743 tons have been dropped during the Nixon Administration. The quantities and proportions for ground tonnages are about the same. For comparison, the American air force in World War II dropped slightly more than two million tons of bombs in the European, Mediterranean, and Pacific theaters combined.

According to the expert analysis of Fred Branfman, Laos alone—a region the size of New York State—has probably received more than 2 million tons of bombs, most since late 1968; testimony before the *ad hoc* Congressional Hearing into US War Crimes responsibility, Rep. Ronald Dellums, chairman, April 29, 1971.

[7] *New Republic*, February 13, 1971; William Beecher, *New York Times*, January 26, 1971. According to Denis Healey, ARVN "already has more helicopters than any of the European NATO armies" (London *Times*, February 21, 1971).

[8] John W. Finney, *New York Times*, May 4, 1971. A member of a special forces team operating in Northern Laos from 1966 states that he saw

Alvin Shuster, "Figures recently made available suggest that as much as 75 percent of the air war may now be outside of South Vietnam, where the low level of military activity, the expansion of the South Vietnamese Air Force and the withdrawal of American combat troops have left American pilots with fewer targets." He quotes an Air Force officer, who said: "You won't see any deadlines on the withdrawal of air power from this place."[9]

Senator Thomas Eagleton reports that in briefings last month in Vietnam, two US generals (Weyand and Milloy) informed him that "the plans under which they were operating called for a residual American force indefinitely into the future and for a protracted period of massive American air power, including helicopters, based in Thailand and Okinawa and various places in Indochina."[10] American helicopters along with aircraft have been regularly used in military operations in Cambodia. The American command now states that helicopters have been used in Laos "for all kinds of support" since March, 1970.[11] The bombing of North Vietnam has been stepped up, and North Vietnamese sources report extensive defoliation missions in the North.[12] Meanwhile the Saigon police forces are expected to expand to 120,000 men; these "play a vital role in the program designed to track down and kill or capture Vietcong political officials."[13]

Obviously, all of this means that the war against the peasants of Indochina continues. Senator Kennedy estimates that

B-52 raids at that time, and that flying over the Plain of Jars in 1968 he saw the ruins of villages in a B-52 saturation pattern of 750-pound bombs. I will not recount here the record of Administration claims, in this regard, or the growing evidence that they are fabrications.

[9] *New York Times*, December 20, 1970.

[10] Boston *Globe*, Washington *Post*, May 12, 1971.

[11] *New York Times*, January 21, 1971.

[12] Details are given in an AFP report from Hanoi, *New York Times*, January 21, 1971. The reports were denied in Washington.

[13] Thomas C. Fox, *New York Times*, April 14, 1971.

due violence, according to reports. On May 5, more were arrested on the steps of the Capitol building. It can be reasonably argued that they were engaged in peaceful assembly with a number of congressmen who had invited them to appear, and that the arrests were another exercise of illegal authority.

But May 3 was different in scale and character. There were many more demonstrators, and they announced that their goal was to prevent the orderly function of the government by marching to the Pentagon and disrupting traffic at designated and carefully chosen intersections, also announced in advance. The government reaction was instructive. The passive groups of demonstrators were dispersed by force. So far as I could see, the police refused to arrest the demonstrators, in effect foreclosing the option of passive civil disobedience at designated points. Only a saint can sit quietly in the path of a speeding police car or when a canister of CS explodes in his face.

The Pentagon march was barely able to begin. Early in the demonstration, I was with a group which included people who have for many years been dedicated to passive nonviolent civil disobedience. I saw none of them arrested, though it was certain that they would have in no way resisted arrest. Rather, they were dispersed by force on the streets or sidewalks or park grounds. Later in the morning, after the demonstrations were virtually ended, we saw a group of young people singing on a street corner (and blocking pedestrian traffic). They, too, were driven off by club-swinging policemen who refused to arrest them, though they gave no sign of resistance.

There were many similar incidents. A picture in *Life* Magazine (May 14) showing the Deputy Chief of Police macing (not arresting) a group of passive demonstrators sitting near the curb is typical of what we saw in various parts of the city. The order was given to make mass arrests—7,200 were arrested on

I have heard similar reports from other demonstrators. According to the press, the only food given to many of those jailed was brought "by church groups and members of the black community."[50] A small sample, no doubt, but I have heard no contrary views. Though the purpose of the demonstration was not to win the sympathy of the local residents, possibly large numbers of them did sympathize with the demonstration. If so, the discipline of the demonstrators, which I though impressive for the most part, surely contributed to this, as did the treatment of the demonstrators by the police.

As I have already noted, many demonstrators attempted to carry out civil disobedience of the passive and conventional type: sit down and be arrested. Others, mostly young, attempted "mobile tactics": disrupt traffic and then escape. The first type of civil disobedience is just beyond the margins of strict legality. The second goes a step further toward "punishment by tumults and insurrections."

In the days preceding Mayday, many people were arrested, some repeatedly, in conventional civil disobedience, including more than 100 veterans, some of whom still face serious charges. The government was reluctant to use force against the veterans, and there were reports that the police and the troops of the 82nd Airborne Division would not have been reliable had force been attempted. The veterans in Washington evoked widespread and deserved sympathy and are clearly a new and dramatic force in the peace movement.

During the last week of April, when hundreds gathered in protest at government buildings, there were again fairly peaceful and legal arrests. On May 4, the day after the first Mayday demonstrations, several thousand demonstrators marched to the Justice Department and many were arrested, without un-

[50] Trudy Rubin, *Christian Science Monitor*, May 8, 1971. According to *American Report*, May 14, 1971, at a press conference at Pride, Inc., black lawyers, businessmen, professionals, and religious leaders announced their support for the demonstrations on the afternoon of May 3.

between 25,000 and 35,000 civilians were killed in the war in South Vietnam last year—a 50 percent reduction "as a result of the diversion of American bombing raids from South Vietnam into Cambodia and Laos."[14] These figures permit us to guess what is happening in Laos and Cambodia. Herbert Mitgang cites evidence indicating that "the conduct of the war in the last two years has resulted in an additional half-million civilian casualties and generated three million refugees."[15]

In fact, "The number of war refugees in South Vietnam has risen dramatically—perhaps by as many as 150,000—since new allied operations in Indochina were begun last year.... Between last October and February, the monthly number of new refugees has reportedly increased more than five times."[16] To cite only the ultimate irony, while the nation was agonizing over the Calley verdict, a new ground sweep took place in the My Lai area which "may force as many as 16,000 people from their homes."[17] These people are, of course, already refugees, but since "security, never firm, is declining," they must undergo the same treatment once again.

As Daniel Ellsberg has lucidly explained in this journal (March 11, 1971), there is little reason to suppose that Nixon will terminate aerial warfare or US-supported ground combat unless he is forced to do so. Ellsberg is not alone in this judgment. After the renewed bombing raids against North Vietnam, Stanley Karnow, the well-known Far Eastern correspondent, concluded that "Mr. Nixon essentially wants the enemy to capitulate...we could well be heading toward a bigger war."[18] The knowledgeable Washington correspondent Joseph

[14] Neil Sheehan, *New York Times*, March 15, 1971.
[15] *New York Times*, March 15, 1971.
[16] Tad Szulc, *New York Times*, March 13, 1971.
[17] Henry Kamm, *New York Times*, April 1, 1971.
[18] Boston *Globe*, November 27, 1970.

Harsch writes, "The talk here is no longer of a total American withdrawal. It is rather of a long-term American military presence in support of the existing regime in Saigon."[19]

Selected correspondents who have attended confidential briefings report that the President apparently has in mind between five and ten years of continued war, and that he is strongly hinting that the long-term US presence in South Vietnam "could remain at the 50,000 level indefinitely."[20] An analysis of the Pentagon budget indicates that "Defense Department planning calls for possible retention of more than 150,000 United States troops in Vietnam in the summer of 1972 and some 50,000 the summer after."[21] Remember that the French, with a tiny fraction of the firepower America uses, never sent conscripts to Indochina and deployed perhaps 70,000 native French troops while attempting to hold South Vietnam, North Vietnam, Laos, and Cambodia.[22]

[19] *Christian Science Monitor*, February 23, 1971.

[20] William Selover, *Christian Science Monitor*, April 1, 1971.

[21] William Beecher, *New York Times*, March 8, 1971.

[22] I know of no detailed analysis of French troop strength, and there are some internal inconsistencies in the available accounts. According to Joseph Buttinger, the French Army "never counted more than 50,000 French nationals," supplemented by air and naval forces of about 15,000 French nationals (*Vietnam: a Dragon Embattled*, Praeger, 1967, vol. II, p. 760). As for air and helicopter power, Bernard Fall wrote that there had never been more than ten operational helicopters in Indochina until April, 1954 (*Street without Joy*, Stackpole, 1964, p. 242).

Elsewhere, he wrote that "the French aircraft total in all of Indochina—in North and South Viet-Nam, Cambodia, and Laos—was 112 fighters and 68 bombers. That is what the United States flies in a single mission." He also wrote that in the fifty-six days of the Dienbienphu battle the French expended less bomb power than the US does in a single day (*Last Reflections on a War*, Doubleday, 1967, p. 231. This essay was originally written at a time when US bombing was less than half the present level). See also *Street without Joy*, chapter 10.

In fact, there have been almost as many US troops fighting the Indochina war from Thai bases as there were French nationals in the entire

have seen no evidence of attacks on individual policemen (who could, in many cases, have been overwhelmed by a large crowd of demonstrators). There was little spillover to residential areas, except under police pressure—apart from what the press refers to as "the fashionable residential district" of Georgetown.

Some tires were slashed and cars disabled. Many streets were blocked with trash cans and even small cars were moved by demonstrators. But for the most part, the disruptions were caused by people sitting or standing in the streets. The government was, of course, not stopped (I doubt that many of the demonstrators thought that it would be). Whether or not Washington was "on the ropes," as Nicholas von Hoffman reported, there is no doubt that the demonstration had a real effect on the city and its population.

How did the local population respond? One can, of course, report only scattered impressions. According to a report in *Newsweek*, the demonstrators "had antagonized most of the local citizenry and won the sympathies of only a few." I hesitate to generalize from the limited evidence available, but my impression once again was somewhat different.

My impression was that well-dressed people downtown were largely hostile and they may have reflected the immediate feelings of other middle-class residents. On the other hand, there were many instances of sympathetic responses. For example, when my group of eight tried to reach the Washington Monument before 6 AM, two people on their way to work stopped to offer us a lift, piled us into their car, and drove us to the Monument, obviously risking police harassment. They strongly supported the demonstration, as did the taxi driver who took several of us to the airport and who even offered some suggestions for more effective tactics. These sympathizers, incidentally, were local black residents (70 percent of the population of Washington is black).

the part of the courts, Congress, and a considerable part of the population, for the reasons already outlined. If this is reasonable, then we must reconsider the events in Washington (particularly Mayday), the government reaction, and the possible longer-run significance of these events.

Some 15,000 people, most—though not all—young, tried to disrupt the normal functioning of the federal government on Monday, May 3, mainly by marching or by sitting or standing in the way of traffic. The demonstrations were decentralized and leaderless. This was in part inherent in their nature; and in part a consequence of the government's decision to disperse the demonstrators on May 2, thus preventing coordination and planning meetings the day before.

I myself felt that a march on the Pentagon or on the White House, natural targets for antiwar protest, would have been preferable. Whether this would have been right or wrong, it is important to remember that the government would not permit these tactics. On the morning of May 3, our small group joined with others at the Washington Monument for a march to the Pentagon organized by the Peoples Coalition for Peace and Justice. An early group was dispersed far short of the Pentagon by tear gas—it was then that Dr. Spock was arrested—and a second was dispersed by force on the Monument grounds. Repeatedly, groups that attempted passive civil disobedience were dispersed by force and turned to more mobile tactics. For a few hours Washington had the aspect of a town under siege; this seems to me to have been a legitimate achievement, in view of the way in which the federal government is dealing with the war issue.

Observers generally agree that the demonstrations were focused clearly on the operations of the government. There was little if any random violence or "trashing." There were reports that policemen were injured and one charge has been made against a well-known pacifist for hitting a policeman; but I

In short, the Nixon Administration is apparently reverting to a more classical pattern of colonial war, relying more on mercenaries and native forces—as the British used Gurkhas and Burmese mountain tribesmen, and the French the Foreign Legion and locally recruited troops—while continuing to employ the fantastic firepower of the air and helicopter forces and the new techniques of surveillance and destruction provided by American technology.

The use of American conscripts is now widely regarded as having been a mistake. The American troops, to their credit, are not eager to fight and the army is becoming demoralized. This is natural enough. It takes professional killers, or technicians who remain sufficiently remote from the blood and gore, to fight a colonial war in which the civilian population is the enemy. Furthermore, the use of American troops has been costly, not only in dollars but in domestic support. And finally, now that Vietnam has been so successfully "urbanized," with almost half the population driven from the countryside into refugee camps and urban slums, a huge occupying army no longer seems as necessary as it once did.

Thus it would seem more satisfactory to fight the war on the Laotian model, with mercenary forces, heavy bombardment leading to virtual destruction of civil society (as in Northern Laos, which is far from South Vietnam or the "Ho Chi Minh trails"), and effective news suppression.

To carry out this plan, it is necessary to "cool America." The cynical calculation of the Nixon-Kissinger Administration is that the people of the United States will permit the destruction of Indochina to go on indefinitely, perhaps for the fifteen to twenty years that Vice-President Ky sees as elapsing before South Vietnam is (in his terminology) capable of defending

Indochina theater, and the destructive force at their command was of course incomparably less.

itself.[23] Since Washington continues to believe that "South Vietnam is simply not ready in many respects to try to cope with Communist *political* challenges," military efforts must continue, perhaps indefinitely, to "give valued time."[24]

Apparently the Administration believes that the policy of demoralization, forced urbanization, ecocide, and continued murder may bring about a situation in which the Vietnamese can be controlled. In the short run, the male population will be forced into the one social organization that the US will permit to function, that is, the army, led by a loyal officer corps—by such men as General Pham Van Phu, commander of the First Infantry Division which led the invasion of Southern Laos. General Phu, who fought with the French (like virtually all the top ARVN officers) and parachuted into Dienbienphu in its last days, reports that his Vietnamese battalion was the last to submit in that battle, in which they killed many "Viet Cong."[25]

Despite the fairy tales fed to the American public, General Phu understands very well what is happening in Indochina. In 1954, he was killing "Viet Cong" for the French; now he is killing them for the Americans, who are far stronger and, he

[23] AP, *New York Times*, April 19, 1971.

[24] Italics mine. George Ashworth, *Christian Science Monitor*, November 25, 1970. This is the general view. To mention one other example, Robert Shaplen quotes an "experienced Western analyst," Brian Jenkins, who wrote in July, 1969, that "the most damaging indictment of our concept of warfare is that our military superiority and successes on the battlefield do not challenge the enemy's political control of the people…" (*New Yorker*, April 24, 1971).

The American command has always been aware of this "problem." To cite one example, a document written by USOM Field Coordinator John Paul Vann (Lt. Colonel, retired) in 1965 recognizes that a social revolution is under way in South Vietnam under Communist leadership, and that the GVN has little popular appeal. But he concludes that all of this is irrelevant, now that American forces have been committed—and, besides, the US is surely capable of leading the Vietnamese social revolution more successfully than the Vietnamese Communists. See E.S. Herman, *American Report* (weekly of Clergy and Laymen Concerned), May 7, 1971, for further documentation.

[25] Gloria Emerson, *New York Times*, February 17, 1971.

I do not know whom Senator Tunney has in mind when he speaks of "the real advocates of peace" or what accomplishments of theirs he feels may have been ruined, or just how they have been ruined. Sidey's assumption that the President is ending the war is about as persuasive as his claim that public opinion, formed by the mass media, is the main factor forcing the President in this direction, or his further claim that the Pentagon march of 1967, for example, helped to ease pressure on the White House to end the war more quickly, or his belief that it was 50,000 protesters, "pleading rather than threatening," who "brought a nervous Nixon out at dawn to the Lincoln Memorial" after the Cambodia invasion (he omits mention of the nation-wide student strike and other events that followed).

In retrospect, it seems more plausible that the Pentagon demonstrations of 1967, with the threat of further disruption, were a factor in leading to a change in strategy after the Têt offensive. The belief that the country would be torn apart by overt escalation was surely a factor in the decision not to send an additional 200,000 troops to Vietnam, and to readjust the bombing in Indochina.[49] In the present case, it seems to me that Richard Strout is correct, in the comments I quoted earlier, in pointing out that Congressional activity against the war increased after the demonstrations; though it will likely shrink again to insignificance after their impact is forgotten.

The President appears to be committed to winning a military victory, and he can expect a sufficient degree of complicity on

[49] See Townsend Hoopes's interesting account in his *Limits of Intervention* (David McKay, 1969). He explicitly mentions the effect of demonstrations, draft resistance, the threat of turmoil, and so on on his own transition from hawk to dove.

On the matter of overt escalation and readjustment of bombing, recall that the planes used to bomb North Vietnam were simply shifted, in secret, to Laos, in particular, Northern Laos, during late 1968 and 1969. The bombing of South Vietnam was also increased sharply in 1968 and 1969.

> ...some of the antiwar radicals, as if from long habit of alienation and more than a touch of egocentricity, seem intent on focusing angry attention upon themselves instead of on the battle they mean to end...in what almost seemed a willfully self-defeating gesture, the demonstrators diverted public attention from the war issue to the issue of their own conduct, thereby diminishing rather than gaining influence and, for a time at least, clouding the future of antiwar efforts.[46]

According to California Senator John Tunney, the "foolish and useless acts" of the demonstrators "well might have ruined several months of hard work by the real advocates of peace."[47] To Hugh Sidey, "The pressure of public opinion drawing the President toward the end of the war has been deflected by witlessness." Because of the "scenes in Washington," it may be "that the war will go just a bit longer than it might have otherwise."[48]

My impressions are quite different. I doubt that *Time* and *Life* would have devoted to the war the space that they gave to the Mayday demonstrations. To me, the demonstrators generally seemed neither alienated nor egocentric, but rather dedicated to ending the war and willing to accept pain and annoyance if necessary—there are, after all, more pleasant ways to spend a spring day than dodging policemen; and tear gas, mace, clubs, and jail are not quite the lark that some editorial writers seem to think.

[46] May 17, 1971.

[47] *Newsweek*, May 17, 1971.

[48] *Life*, May 17, 1971. Though this is, strictly speaking, irrelevant to the important questions of fact involved, these protestations might be more convincing if there were a bit more evidence that their authors have in fact been committed to bringing the American aggression in Indochina to an end. See the comments by Nicholas von Hoffman, cited above.

doubtless hopes, more persistent. Apart from scale, little has changed.

It is presumably hoped that in the long run South Vietnam can be absorbed into the US-Japan Pacific system in the manner of South Korea. Don Luce wrote recently from Saigon:

> The basic family unit has been almost destroyed by the war and by American social scientists who believe "profit incentives" are the basic underlying drive in all human beings.[26]

This is not merely an accidental consequence of war. American economic policies have been designed to flood the urban centers with commodities. The three to four million people of Saigon, which has no public transportation, live in what has been called a "Honda economy." When American advisers say that the war would be won if only every Vietnamese male could be put on a Honda, they are only half joking. The productive resources of South Vietnam have been severely damaged by the same means as were used in the attempt to break the will of the rural population.

The strength and resilience of the Vietnamese revolution reside not in the genes of the Vietnamese, but in their culture and social structure. If these can be destroyed and an artificial consumer society of atomized individuals erected in their stead, the United States will have achieved its victory. As elsewhere in East Asia, there is an (uneasy) alliance between the United States and Japan to this end.

The editor of the *Far Eastern Economic Review* puts it as follows:

> In 1968 the farsighted premier of North Vietnam, Pham Van Dong, reportedly told a visitor that his

[26] *New York Times*, April 6, 1971. Luce, formerly head of IVS in Vietnam, has now been expelled after thirteen years of work as a volunteer and (after his resignation in protest against the war) as a journalist.

> country, having successfully fought the Chinese, the Japanese, the French and the Americans, would next have to fight the Japanese. The population of the South, he said, had been driven by war into the cities and were there becoming corrupted by the desire for consumer goods, for Sony transistors and Honda motorcycles. Only Japan could supply such urban markets in Asia. Kim Il Sung of North Korea also saw the southern half of the Korean peninsula falling under Japanese economic domination.[27]

Whether the "workshop of the Pacific" will remain firmly within the American orbit remains, of course, to be seen; but that is another long-term matter. In any event, Japanese government economic experts are now studying potential development projects in South Vietnam to supplement already established Japanese plants. President Thieu, at the opening of one of these, praised it as a first step toward "a solid national economy."[28] Present plans include Japanese-backed factories, the development of the greater Cam Ranh Bay area (which has substantial deposits of first grade silica and limestone) as an integrated industrial port complex, and so on. A Japanese investment team estimated that "it would take two years to repair war damage and build up resources, from four to six years to develop a self-supporting economy and eight years before South Vietnam could participate productively in the overall development of Southeast Asia,"[29] in the manner of South Korea, the Philippines, Thailand, and Taiwan.

[27] *Far Eastern Economic Review*, 1971 Yearbook, p. 28.

[28] AP, *Christian Science Monitor*, March 30, 1971.

[29] Phi Bang, *Far Eastern Economic Review*, March 27, 1971. Ever cautious, the Japanese are thinking of postwar development, after proper conditions for investment have been established. See François Nivolon, *Far Eastern Economic Review*, April 24, 1971.

overcome the inertia that (in this case) permits the destruction of Indochina to continue?

Are nonparticipants induced by civil disobedience to become criminals, as the absolutist argument against civil disobedience implicitly suggests, or will the act of civil disobedience lead them to explore the social consequences of their own silence and docility?

Will the act of civil disobedience serve to direct attention to the action itself and away from its ends, or will it help to overcome the natural tendency to let unpleasant matters recede from view and to trust in authority?

Will the acts of civil disobedience enable the executive branch of the government, which is committed to pursuing its horrendous (and, it can be persuasively argued, criminal) actions in Indochina, to mobilize segments of the population in support of domestic repression and international violence, or will these acts contribute to a general distaste for the war and its effects?

These are some of the questions that must be asked by those contemplating particular acts of civil disobedience. No doubt they are hard questions, involving uncertain judgments. But appeals to the absolute inviolability of the law do not answer them, any more than does a resort to those alleged principles of democracy which require the Vietnamese to suffer the consequences of the failure of our institutions, our courage, or our decency.

As Mary McGrory correctly observed, the Mayday demonstrators asked only that people remember that it was the war that brought them there. Those whom I met felt that they were violating traffic ordinances in an effort to prevent vast and continuing criminal acts. In contrast, *Time* Magazine claims that:

even if this might impede the continuing effort of the Administration to inconvenience people in Indochina by dropping 100 tons of bombs an hour. Comment on this cynical argument is hardly necessary.

Still more strange is the argument, heard even from distinguished professors of law, that civil disobedience against the war "legitimizes" the civil disobedience of Governor Wallace and the Ku Klux Klan. If it is right for you to break the law, the argument goes, then why is it not right for them? This argument would be rational on the assumption that obedience to the law is an absolute and inviolable principle; to put it differently, if it is ever right to disobey the law, then it is always right to do so. Drop this assumption and the argument collapses.

The assumption, of course, is nonsensical. If a person were to violate a traffic ordinance to prevent a murder, no sane judge would convict. One man's violation of the law provides no justification for another violation. Each case has to be evaluated on its own merits. Of course, it is a fair guiding principle that the law should be obeyed. But the principle is not an absolute one, and a rational person will ask whether under specific circumstances there are overriding considerations.

Nor does it help to say, "But the KKK think that they are right, too." What is important is not whether one who commits civil disobedience thinks that he is right, but rather the harder questions: Is he right? Will the act help to achieve a just end? Would strictly legal means be ineffective?

How do the over-all social consequences of obeying the law, in this instance, compare with those of disobeying it? What are the effects on nonparticipants? Are they injured or unfairly inconvenienced (as in many legal actions, say, a strike); and if so, how does this compare to the injury caused by refraining from acts of civil disobedience, if such acts are an effective means to

A recent confidential report sponsored by the Asian Development Bank explores the problems of economic development in South Vietnam on the premise that the US will have gained a Korean-style stalemate by 1973 (with NVA troops withdrawn and the, NLF reduced to a minor nuisance), and will have troops in Vietnam after 1975. Commenting on this report, Jacques Decornoy writes:

> In its view, the Southeast Asia of the future appears as a kind of paradise for international bankers and investors, besides providing an inexhaustible supply of wood, petroleum and minerals for Japan's expanding economy.[30]

The economies of the region will inevitably be based on the sale of raw materials. Industrialization will be geared to the world marketing facilities of multinational companies that will provide investment for industry. Ambassador Bunker calls for the design of:

> …an effective strategy…to further participation in foreign trade and to attract private investment from abroad…. The recent petroleum law and the new investment law now before the upper House indicate the Government's desire to create a flexible long-term investment policy which will serve Vietnam's interests while at the same time it creates an economic climate foreign investors will find attractive.[31]

[30] *Le Monde* weekly edition, February 27. Presumably this refers to the report by Professor Emile Benoit of Columbia mentioned by David Francis, *Christian Science Monitor*, January 12, 1971. See M. Morrow, Dispatch News Service International, May 4, 1971, for further details.

[31] Speech to (Saigon) American Chamber of Commerce, *Department of State Bulletin*, February 15, 1971.

Needless to say, his notion of "Vietnam's interests" is a very special one, just as Japanese investment teams have a particular interpretation of "participating productively in the overall development of Southeast Asia." As Gabriel Kolko has pointed out, the recent flurry of activity concerning oil investment should probably be seen in the light of this need for "economic Vietnamization," a growing problem if the artificial economy of South Vietnam can no longer be sustained by American military expenditures and a dole from the American taxpayer.[32]

There is, in short, a fair amount of evidence that the Administration hopes to be able to win a military victory, and that the international financial community takes this intention seriously. Such a victory would require that the urban centers and parts of the countryside be kept under firm military and police control, that the political opposition be "neutralized" (i.e., killed, captured, or terrorized), and that these population centers be separated from main force guerrilla units and NVA forces by rings of fire and destruction. There will probably be a façade of democracy if this is possible, with Philippine- and Korean-style elections—a local power game played among small elites dependent on the dominant industrial societies, with central control so powerful and social chaos so pervasive that no meaningful politics need be feared.[33] Analogous programs may be anticipated in other parts of mainland Southeast Asia.

[32] There is no space for discussion here, but the US government involvement in opium traffic can be understood in the same context. See Frank Browning and Banning Garrett, "The New Opium War," *Ramparts*, May, 1971; also David Feingold, "Opium and Politics in Laos," in N.S. Adams and A.W. McCoy, eds., *Laos: War and Revolution* (Harper & Row, 1970).

[33] On the recent Korean election, see the informative analysis by Selig S. Harrison, Washington *Post*, May 5, 1971.

build support for the President. Judgments in such arguments are necessarily imprecise, but it seems to me that nonviolent civil disobedience is likely to have the opposite effects, as, I believe, it has had in the past. It seems to me that, in spite of the short-run effects, only continuing demonstrations of vocal and committed opposition have forced the issue of the war on the consciousness of the public and impelled Congress to undertake such slight measures as it has.

Had it not been for the demonstrations, the draft resistance, and other antiwar actions of the past years, had America been "cooled" from the outset in the desired way, there would have been few restraints on executive power, with consequences that are not difficult to imagine. The testimony of hawks-turned-doves indicates that these were significant factors. Many activities that appeared unthinkable a few years ago—draft and tax resistance or resistance within the military, for example—now receive wide sympathy and support. Though caution is of course necessary, to enlarge the scope of nonviolent civil disobedience seems appropriate.

It is sometimes argued that civil disobedience is illegitimate in a democracy or that it displays the "totalitarianism of the left," to use the fashionable phrase. The argument is that the democratically controlled institutions of American society have determined that the war must continue; therefore, a commitment to democracy requires that we obey this decision, refraining from illegal behavior designed to impede the operation of the American war machine as it proceeds to destroy helpless people.

Democratic principle requires, by this argument, that the people of Indochina and the land on which they the institutions of our democratic society so determine. It is, in particular, improper to inconvenience government workers in Washington,

Christian Leadership Conference, spoke at a mass meeting after the first Mayday events, and called upon "the forces of good will" in the US to support them. Reverend Ralph Abernathy, head of SCLC, asked black pastors in Washington to open their churches and other facilities to the demonstrators.[45]

To the writer of the *New Republic* editorial, the demonstrators were attacking society, which has a right to defend itself with police power. This, too, seems a fanciful interpretation of Mayday and the events leading up to it. The police power, so far as I could see, was not being used to "defend society," which was not under attack, but to defend the prestige of the Administration and to close off certain possibilities of nonviolent civil disobedience. I shall return to this below.

III

In his speech, which I have already cited, Paul McCloskey quoted the argument of Edmund Randolph, as reported by James Madison, during the Constitutional Convention of 1787:

> The Executive will have great opportunities of abusing his power; particularly, in time of war, when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults and insurrections.

Prophetic words, as McCloskey noted.

In view of the continuing American aggression in Indochina, is it right to proceed to some form of civil disobedience? A reasonable counterargument is that this form of dissent will, in fact, hamper Congressional efforts to end the war and will

[45] *American Report*, May 14, 1971.

What will be the impact of the defeat of ARVN forces in Southern Laos on these long-range plans? That is unclear. Representative Paul McCloskey is probably correct when he says that one of the goals of the Laos and Cambodian "incursions" was "to kill the maximum number of North Vietnamese possible, wherever they may be found, and despite whatever number of Laotian and Cambodian people and villages may have to be destroyed in the process."[34] We need only add that among those killed there are, surely, large indigenous resistance forces, called "North Vietnamese" in American political language.

In Laos it appears that elite ARVN units were used as bait to compel Pathet Lao and NVA troops to mass, thereby subjecting themselves to American firepower and presumably suffering heavy casualties. No doubt the American command hoped that the ARVN elite units could hold out much longer than they did, and did not anticipate the ensuing rout. Nevertheless, the effect was to weaken all contending forces in Indochina. For the imperial power that hopes to control fractured, demoralized societies, this is not necessarily an unfortunate result, though it is surely less than the US command hoped for. So long as the people of Indochina are slaughtering one another and can be subjected to American firepower, things are not too bad for the US invaders.

II

I shall not consider here the chances for success in the effort to achieve a military victory in Indochina. Rather, I shall return to the question of "the cooling of America," an essential component in US strategy. There are several segments of American society that must be pacified if the Nixon-Kissinger plan is to

[34] *Congressional Record*, February 18, 1971.

succeed. There is, first of all, "the system." It is reasonably clear that the courts will not consider the question of the legality of the Indochina war, at least so long as it is in progress. In that case, the judicial branch of "the system" imposes no constraint on executive power.

But what of Congress? During the past months there has been much talk, but little action. The mass protests and other kinds of pressure may lead to some efforts in Congress to stop the war as some knowledgeable commentators believe. Richard L. Strout, for example, writes that "a peace group in a restive Congress is going, in effect, to take up where the anti-war demonstrators left off, and it looks like the big issue for 1971." It surely didn't look like a "big issue" before the demonstrations, and it will not again, if popular pressures decrease. As Strout observes: "The mood of the country is crucial in this developing battle." Although critics of the "noisy disturbances" claim that they impede Congressional action, nevertheless "the tumult that filled headlines and TV emphasized the new state of the drama," and there are some indications now that "the pressure on the White House will increase, not diminish."[35]

It is a fair guess that the events in Washington and elsewhere did succeed in conveying a sense of urgency to Congress, just as they showed the Administration that the country is far from "cooled." Two senators, Mike Gravel and Harold Hughes, have announced that they will attempt a filibuster against the draft.[36] Senate war critics have also decided, according to UPI reports, to press for a quick Senate vote on an "end-the-war" act.[37]

Nevertheless, Senator Fulbright, according to the same report, conceded that it would be "almost impossible" for

[35] *Christian Science Monitor*, May 8, 1971.

[36] Mary McGrory, Boston *Globe*, May 8, 1971.

[37] UPI, Boston *Globe*, May 8, 1971.

them, were clearly focused on several "manifestations of the system's evil," mainly the war. The demands were explicitly reformist: an end to the war, to repression, and a guaranteed income of $6,500 for a family of four.[44] Whatever the personal opinions of the participants may be, the evidence seems to me overwhelming that they intended to do exactly what they said: to demonstrate their opposition to the war by stopping, at least for a short time, the government that refuses to stop the war. Their rhetoric is inflated, but hardly revolutionary. That they were planning to "prepare the way for more preferred rules and rulers" by demonstrating in Washington seems to me pure fancy.

To the *New Republic* editorial writer, the Mayday demonstrators were reminiscent of the mobs that gathered in Oxford, Mississippi, in 1962, to thwart integration, and were in no way "cut from the same cloth" as the civil rights demonstrators of the 1960s. Again, I do not know from what experience this writer speaks, but I do know that participants in the Mayday actions who did have direct experience with the civil rights movement (in some cases extensive experience) have commented that the mood and spirit of the group recalled the best moments of the struggle for civil rights in the early 1960s. Reverend Hosea Williams, program director of Martin Luther King's Southern

[44] I have seen no literature of the "Mayday tribes," but the Mayday actions were fully supported by the Peoples Coalition for Peace and Justice, which included people active in the Southern Christian Leadership Conference, National Welfare Rights Organization, American Friends Service Committee, Clergy and Laymen Concerned, Fellowship of Reconciliation, Women's International League for Peace and Freedom, War Resisters League, Women Strike for Peace, and others. Its May actions were to be focused on the Pentagon (May 3) and the Justice Department (May 4). If there were participants so misguided in their analysis of American society as to consider Mayday a step toward overthrowing "bourgeois society" and its institutions, their presence and avowed intentions escaped my notice.

way, which insist upon its urgency, and which threaten to disrupt the orderly functioning of American society so long as the destruction of Indochina continues. Possibly the Harrisburg indictment should be seen in this light, as an effort to isolate and if possible demoralize the Catholic left and related groups. As to the student movement, the hope, no doubt, is that young people will be driven to cynicism and despair, that they will be apathetic and discouraged and, above all, obedient. Another possibility is that some of them will be driven to forms of terrorism that will gain mass support for repression at home and violence overseas.

This strategy would aim to close off the option of nonviolent civil disobedience of a kind that might reach the scale where it could not be disregarded and that might enlist the sympathy of growing numbers of people. These are the kinds of protest that have been explored by draft resisters, by the Catholic left, and by the Peoples Coalition for Peace and Justice in Washington and elsewhere during the past few weeks. Their actions are based on the rational assumption that the "system" will not work to end the war quickly, for reasons I have suggested, unless it is subjected to constant and increasing pressure.

Some observers disagree. An editorial in the *New Republic*[43] claims that in one sense, "Indochina was irrelevant to the Mayday Tribe's intrusion." The young people who tried to stop the government for a day repudiate "bourgeois society" and its procedures. They are "revolutionaries [who] are convinced that it is the system which must go, and not simply one or two manifestations of the system's evil…." The anonymous editor sees the Mayday demonstrations as a step toward "prepar[ing] the way for more preferred rules and rulers."

I don't know what information that editor may have, but to the best of my knowledge, this analysis is hopelessly confused. The Mayday demonstrations, like those that preceded

[43] May 15, 1971.

Congress to force the President to end the war; and that if the McGovern-Hatfield amendment were passed in both houses (which is highly unlikely), a "constitutional crisis" might follow if the President "should stubbornly stand fixed," as he might well do. Though the events of the spring may have stirred Congress, the President may well conclude, at least for the present, that Congress will not seriously impede his plans.

There are several reasons why the President may reach this conclusion. Congressmen are, like himself, political animals. They want to be elected and—although there are exceptions—they tend to take the safe course. A superficial look at the polls may indicate that the safe course would be to vote for the McGovern-Hatfield end-the-war amendment, now supported by almost three-fourths of the population, according to nation-wide polls. One might expect politicians to be willing to ride a wave of that size. But it is likely that they will not, in part on grounds of political expediency. Suppose that during the late Forties a poll had been taken on sending troops to China. Probably most of the population would have been opposed. Nevertheless, within a few years, "the loss of China" became a major issue in American political life, and immensely damaging accusations were made against those who had allegedly permitted this "loss." Indeed, Daniel Ellsberg has argued that fears of recrimination for a possible "loss of Indochina" have been a dominant theme in executive decision-making for the past twenty years.[38]

Though this judgment may (as he says) seem harsh and cynical, it is highly plausible and can be supported by considerable evidence. If President Nixon were forced out of Indochina by Congress, he could return to a familiar role: leading the attack

[38] "The Quagmire Myth and the Stalemate Machine," *Public Policy* (Harvard), May, 1971.

on the traitors who stabbed the country in the back at the moment of glorious victory. The strategy might not work as well as it did a generation ago, but the demagogue has a natural advantage in such a case. Joseph Alsop made the point precisely:

> Finally, it is to be hoped that the peace senators take note of another fact. Suppose they finally manage to snatch defeat from the very jaw of victory. In that event, the heat they will later feel, as the real authors of the first American defeat in history, will make the heat they are now feeling resemble the mild warmth of a tea-cozy.[39]

Although Alsop has become something of a clown, his warning is a serious one to a normal politician. Emmett Hughes made a similar point,[40] which a Boston *Globe* editorial cited along with an "off-the-record conference" at which a top White House adviser, presumably Henry Kissinger, warned that American withdrawal would "precipitate an overwhelming domestic response from the right-wing."[41]

Though such warnings are intended partly to rally liberal support behind the Nixon-Kissinger war policy, politicians are nevertheless likely to recognize that they are in many ways sound. Nixon would certainly understand this, as would Kissinger, who, after all, knows that his successor might well speak of the failure of nerve and intelligence that led to the "loss of Indochina" in much the same terms as those he himself once used in writing of "the loss of Northern Indochina" and other similar failures.[42] Narrow calculations of political safety

[39] Boston *Globe*, April 6, 1971.

[40] *New York Times Magazine*, April 4, 1971.

[41] April 9, 1971. See Derek Shearer, "An Evening with Henry," *The Nation*, March 8, 1971, for direct reports of statements by Kissinger to this effect.

[42] On Kissinger's theories, see "The Nixon-Kissinger Foreign Policy in Theory and Practice," by the Washington University Foreign Policy Roundtable, mimeographed, 1971.

would lead a congressman to speak out against the war, in view of the present mood of the country, but not to act on his words, in view of the likely mood if the President were forced by Congress to terminate the war.

Quite apart from this, most congressmen, like most of their constituents, would prefer to see South Vietnam firmly placed within the American-dominated system, a "democracy"—like the Philippines, South Korea, Taiwan, Indonesia, and Thailand—to its following the path of Chinese-style "do-it-yourself" social and economic development, which is called "communism." For such reasons, Nixon may feel that he can count on the cooling of Congress, if the urgency of the issue declines.

Of course, mass opposition to the war will continue: denunciations and exposés, war crimes inquiries and teach-ins, periodic mass marches, and the like. I do not denigrate these valuable and essential activities; on the contrary, they occupy much of my own time. Every effort must be made to convince members of Congress that they will lose elections if they don't take action against the war. But it must be admitted that the President may be able to live with such efforts while the policy of systematic destruction proceeds. Even if support for American withdrawal were to go well beyond the present 73 percent, Nixon can argue, as he has recently done, that "polls are not the answer," and continue to try to beat the people of Indochina into submission.

Thus the Administration may rationally conclude that dissenting segments of the American public, however vast, can be discounted, and the institutions that respond to them as well.

What of the more "radical" or militant opposition to the war? In order to succeed in his strategy, the President must repress, discredit, and contain those groups in American society which try to keep the issue of the war alive in a dramatic and effective