

# Letters to the Editor

## Demonstrating Against the War

To the Editor:

Your May 8 editorial ignores established facts and disregards the clear meaning of the constitutional "right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

To enjoy that "right," without governmental restraint, requires of those who "assemble" (1) to be where they have a right to be (see Justice Black's Carpentier Lecture, "The First Amendment," Columbia University Law School, March 13, 1968) and (2) to conduct themselves lawfully (see Justice Goldberg's opinion for the Court in *Cox v. La.*).

The Constitution contains no guarantee, directly or by inference, that the right of assembly requires the Government to provide a place for such purpose. The "petition" is to the "Government." To propagandize the public is not to "petition the Government for the redress of grievances."

The cabal of disruptive conspirators with their willing recruits had no right to be where they were, when, on May 5, they were arrested on the Capitol steps. A permit formerly granted them had been revoked, because of their declared purpose to "shut down the Government." They well knew and had been warned of the consequences of their defiant, immoral and rebellious conduct.

Justice Black also said in his Carpentier Lecture on the First Amendment: "What we have in this country is a government of laws, designed to achieve justice for all, in the most orderly fashion possible, without leaving behind a deluge of hate-breeding divisions and dangerous riots."

The arrests to which you refer, under the prevailing circumstances, did not constitute a "crass display of arbitrary power," nor were they an "outrage," nor did they violate any "constitutional right," all of which you allege. But May 5 was, indeed, as you say, "a day of shame for the nation's representative institutions."

The assault upon our representative institutions should not have been permitted to proceed beyond the first overt act of violence. No permit should have been granted to the conspiratorial leaders in the first place.

President Nixon should have required their prompt arrest and punishment. He should have told the nation that such conduct is not to be permitted, even in our overpermissive, free society.

Had he thus acted, firmly and decisively, the young misguided recruits would have deserted their false leaders and order would have been promptly restored.

FRANCIS G. WILSON

FRANZ O. WILLENBUCHER  
Bethesda, Md., May 11, 1971

*The writers are, respectively, chairman and vice chairman, Committee for Constitutional Integrity.*

To the Editor:

I regret your description of the Mayday demonstrations as "ill-conceived." [Editorial May 12.]

The Mayday demonstrations were eloquent testimony that our political system has failed to respond effectively to the overwhelming demand of the people for an immediate end to the war.

I left Albany to go to Washington

to be with the Mayday demonstrators. What they were doing was essentially the same kind of nonviolent civil disobedience that has been used throughout history by oppressed peoples around the world, from India to America.

The American people are most violently oppressed by the American war policy. We have marched, petitioned, voted, etc., for years on end, to little if any avail. If any movement has ever exhausted the avenues of "legitimate" protest, the antiwar movement has.

The Mayday demonstrations had at least two very positive effects. First, the American people saw on the front pages of their newspapers vivid reminders of the intense opposition, frustration and social division this war has caused. For too long Americans have been allowed to put that fact in the back of their minds.

Second, the demonstrations brought out clearly the police-state mentality at the heart of the Nixon Administration. The mass arrests of completely innocent bystanders taught the American people, more effectively than any civics text could, that when you suspend the Constitution for some, you suspend it for all.

I believe the various factions of the antiwar movement must stand together. We can discuss and criticize our tactical decisions, but we must never allow our attention to be distracted from the central issues of war, racism, repression and social injustice.

As Benjamin Franklin said, we must all hang together, or else most assuredly we shall all hang separately.

RICHARD N. GOTTFRIED  
Assemblyman, 65th Dist., Manhattan  
Albany, May 12, 1971