

Voices on War Protest

To the Editor:

Your editorial on the Mayday attack on Washington badly misunderstands the nature of order in society. It is apparently your view that the Government keeps (or should keep) order by trying to do good deeds, such as, in your opinion, getting out of Vietnam with supersonic speed.

And so, from your vantage point, exercise of authority is a defeat because necessary. The blindness here comes in the refusal to admit there is an enemy.

Of what validity is the formula of "order through contentment" in the presence of the people who frankly admit that if there isn't an issue to form a pretext for destruction, they will invent one (such as Students for a Democratic Society signing up for a class in large numbers and then complaining of overcrowding)? For that matter, of what validity is this view of order in a diverse society, with so many feelings as to what should be done?

The Government keeps order through strength, and must repulse with force. I remember your "defense" of the hapless Kerensky against those who felt he should have forcefully repressed the Bolsheviks, because Kerensky tried to do good deeds. So did the Weimar Republic. Perhaps history is trying to tell us something.

JEFFREY KRAMER
Brooklyn, May 6, 1971

To the Editor:

There has been much criticism of the youthful demonstrators against the Vietnam war these past two weeks. In many instances they used mistaken strategy with the result that even those sympathetic to their cause were alienated. However, even though their efforts were sometimes misguided, we must remember that they were making a positive effort to end the war, and for this they deserve our gratitude.

Those of us who indulge so freely in criticism must ask ourselves what we have done, individually, to exert influence to bring to a close the Vietnam tragedy.

MARGARET SABIN
Greenwich, Conn., May 10, 1971

To the Editor:

Remove them; don't arrest them. Old techniques will not do. This is clearly illustrated in the mass arrests in Washington as a result of the anti-war protests.

There is something wrong in sweeping up thousands of citizens in a dragnet operation if we think of them as "arrests" and expect the police and courts to observe prescribed procedures. But the wrong is in calling them "arrests," not in the police operation itself.

If we are to have any semblance of order, arteries of traffic must be kept open. Any person, not only Government employes, should be able to go to and from his place of employment.

If there are obstructions the police should remove them. Ordinarily, it is



Stephen H. Newman

not too difficult a task. A stalled automobile interfering with traffic is more or less easily removed.

It may be more difficult to remove zealots blocking entrances to induction centers. Here the regular arrest forms can be used. They can be used on ringleaders who foment mass obstructions—but the obstructionists should just be removed.

Police, and particularly the Washington police, should not have been expected to go through the regular arrest procedures for the thousands of obstructionists who were removed. It is almost a physical impossibility to give them the kind of hearing a citizen is entitled to after an arrest. They should be taken to a place of detention and released after a reasonable time when the danger of them becoming further obstructionists is less.

Under modern practice the drunk who lies in the street and obstructs traffic is not arrested but removed to the "station house" to sleep it off and then sent home.

I should think that most of those who were herded into the ball park or packed in the "cooler" were ready to go home after their chilling experience as obstructionists.

NOCHEM S. WINNET
Philadelphia, May 10, 1971

To the Editor:

With regard to your May 12 editorial conclusion that mass arrests are illegal, it should be noted that the Supreme Court of the United States has said that the validity of an arrest is determined as of the instant of the arrest. If the police officer has probable cause for the arrest at that time, the arrest is legal.

Most statutes for the offenses of Riot, Unlawful Assembly and even Disorderly Conduct make it a violation to fail to disperse when ordered to do so by the police. Those who fail to disperse have committed an offense within the presence of the police officer, justifying summary arrest.



Associated Press

The fact that the detention and arraignment procedure broke down after the arrest of thousands of persons does not affect the legality of the arrests. Due process is violated if the defendants are not speedily arraigned but the physical impossibility of processing large numbers at one time is not a valid argument for allowing persons to violate the law just because they violate it in large numbers. This is essentially mob rule instead of the rule of law. The breakdown in the administration of justice came where it usually does, in the processing for trial. The courts were certainly justified in expediting the procedures by mass dismissals, but I observed no cries of illegality for this part of the mass processing.

It would be preferable if the police could make the arrest in the normal everyday manner, but simple arithmetic would show that after the first 4,000 or 5,000 arrests there would be no more policemen on the streets. They would all be in the stationhouses or on the way to court, each one processing one prisoner.

I do not think that you can solve the problem by contending that mass arrests are per se unconstitutional.

JOHN A. RONAYNE
Assoc. Prof., Brooklyn Law School
Brooklyn, May 12, 1971

To the Editor:

Your May 8 editorial "Repression on Capitol Hill" conveniently overlooks some of the pertinent facts of last week's so-called peace demonstration on the Capitol steps. Having chosen to ignore what you didn't want to see, you then found it easy to condemn the police for carrying out their duty by arresting the protesters before spoken violence turned to physical violence.

You say: "The protesters were sometimes shouting, singing, and gesturing, but their assembly was entirely peaceful." You fail to mention what they were shouting, singing and gesturing, and it is precisely that which makes the difference between a peaceful assembly—which this one was not—and an unlawful assault upon everything that decent Americans believe about their country, which is what this so-called "peaceful assembly" was.

I spent three hours observing that demonstration. What you so modestly describe as "shouting and singing" was, in fact, a torrent of filth and obscenity hurled at the United States and the Congress.

You fail to mention that one of the demonstrators assaulted the sensibilities of all but his companions by dancing nude on the Capitol steps. This may be acceptable at rock festivals, but to the great majority of Americans it is still a crime called indecent exposure. When it is done on the steps of the Capitol before tourists and television cameras, it is an outrageous act of violence against the nation's sense of decency.

Among the many individual acts which I observed was that of a fifteen-year-old girl who stood face to face with a policeman and called him every four-letter word she could think of. Policemen, like protesters, have rights too, and his were most plainly trampled upon, but to his everlasting credit, he never laid a hand on her.

I share with millions and millions of Americans a deep sorrow over the Vietnam conflict and want desperately to see this war brought to an end. They, like I, were moved again by

some of the truly peaceful demonstrations on April 24 and the veterans demonstration earlier.

But the rabble on the Capitol steps were something else. They didn't come to protest peacefully. They came, waving the enemy's flag, to insult their nation and their Government in the vilest, most offensive terms.

They came to deliver a verbal slap in the face to all of us who believe that the United States, despite its current troubles, still has a greater respect for freedom and the rights of man than any other nation in the world today. They came to take the grossest sort of advantage of the right of free speech, and they overstepped themselves.

Your editorial asserts that by arresting the protesters the police violated their constitutional rights to peaceful assembly, and it asks: "Is this nation to have one Bill of Rights for the 'crazies' and another for the respectable people?"

I say certainly not. But the fact is

that the "crazies" at the Capitol went beyond their rights. Were "respectable people" to do the same thing, I would expect them to be arrested too.

PETER A. PEYSER
Member of Congress
25th District, New York
Washington, May 10, 1971

To the Editor:

Recently antiwar protesters went to Washington, D. C. and attempted to disrupt the business of the Government responsible for the disruption of lives of millions in Indochina. The U.S. Government when confronted with the war of the people responded by destruction of the people. The same Government when faced with unarmed civil disobedience chose to use heavy-handed tactics of oppression, and in violation of civil rights of its own citizens, placed 11,000 persons in detention or concentration camps.

Commenting on a similar situation, Mahatma Gandhi once said that what difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or the holy name of liberty or democracy?

In the context of the U.S. political scene, time has now come that the civil disobedience or *satyagraha* be accepted as an alternative to militarism and violence. That would accord a category of "political" detention where dissenters can be arrested and released without legal formalities.

In such instances, then, political imprisonment will carry no social and legal stigma beyond a particular political impasse. This will also reinstate the civil rights of thousands of war-resisters imprisoned during the last five years.

DHIRENDRA SHARMA
East Lansing, Mich., May 13, 1971

To the Editor:

The recent demonstrations puzzle me. While no more comfortable with the war, or with the instant, prepackaged, destructive life this country has developed for its citizens, I find the desire to "bring government to its knees" historically unsound.

Anyway, announcing that this is the worst of all possible times simply ignores the furor and suspension of liberties occasioned during the Alien and Sedition Acts and the Civil War, to name only two.

The history of the United States shows government does change, even if it is not apparent in the limited perspective of those working to change it now.

Once government is suspended, the vacuum is inevitably filled by some force—rarely benign.

Not my words, but so true: Those who cannot remember the past are condemned to repeat it.

MERRIE SPAETH
New York, May 10, 1971

To the Editor:

One question, please. Why should the Government listen to a band of "freaked-out" young terrorists, many of whom can't make a coherent statement about Vietnam or anything else?

As for your editorial call for "responsible leadership," that is precisely what the President is offering: a rational, consistent policy of withdrawal that holds firm despite the guerrilla attacks of both domestic and foreign enemies.

JACK BURGESS

Washington, May 5, 1971
