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# The BOOKPRESS

THE NEWSPAPER OF THE LITERARY ARTS

Volume 11, Number 7      October 2001      Ithaca, New York      FREE

## The Windowless Room

J. Robert Lennon

Everybody in America has a story now. Some of them are horrible or heroic or both, and we have all heard these on the radio and on television, and hearing them we feel sad or proud or both, and we're glad it wasn't us who died or who lost a husband or wife or parent, or who had to make that terrible choice in that final moment. We're fortunate that there aren't more of these stories, the stories of first-hand loss.

Then there are the close-call stories. Many of us have heard these from our friends in New York or Washington. "I worked on the 93rd floor, but I was on a cigarette break." "I worked next door; we were hiding in the basement when the first tower fell." "I quit my job a week ago Wednesday." "I thought she was dead, and then the phone rang and it was her." Hearing these, we feel fate screaming past at a thousand miles an hour, on its way to meet somebody else. We either sense the terrible randomness of life, or we feel blessed, charmed.

But most of us are lucky: our stories are of the how-I-found-out variety. "I was doing the laundry, and when I came upstairs they interrupted the music." "My mother called and asked me if I'd heard." "My son called and told me he was all right, and I said 'What do you mean?'" "I had a funny feeling and turned on the TV." We'll be telling and hearing these stories for the rest of our lives, because they document a shared moment of astonishment and fear, something that does not happen often in this nation of nice houses and fine restaurants and big cars. The stories are as suspenseful as a mantelpiece rifle in a drawing-room mystery; we know there's going to be a punch line, a moment of recognition, and the part of us that loves that moment is sure to be satisfied. They allow us a glimpse into the private lives of other people, and how those lives were shaken by other Americans' deaths; this is something we feel we must know. We leave these exchanges feeling a little bit euphoric, a little bit lucky, a little bit sick of ourselves and our attachment to our story, which after all is not a story of personal heroism or sacrifice, but a story of how our normal lives were interrupted by a distant tragedy. The stories aren't especially meaningful, except as they remind us that we actually had lives to be interrupted. For most Americans, these lives are pretty good. For a lot of us, they are excellent lives, some of the most comfortable, the least risky ever lived in the history of humankind. We're grateful to be reminded of this, or ought to be, anyway.

Here's my story: I was sleeping peacefully during the terrorist attack, in the exit row of an airplane en route from Syracuse to Chicago. I was going on a tour to publicize a book I wrote. Planning this tour had been my main occupation over the weeks preceding the trip; I'd arranged for musicians and artists and little theatrical presentations to accompany my readings, and I'd packed certain clothes in my suitcase that I thought I'd look

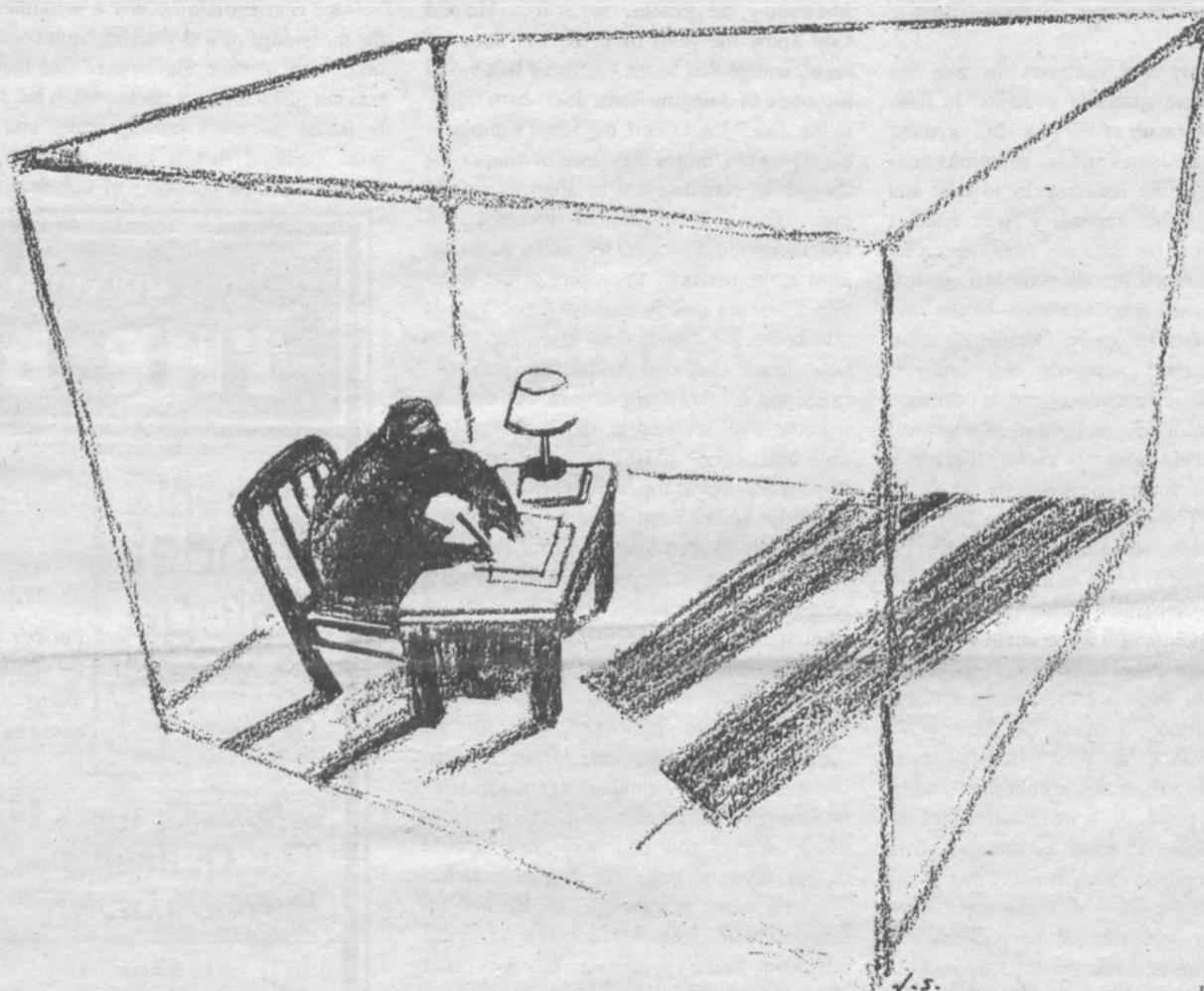
cool in, and I'd practiced my patter in my head, and all of these things seemed incredibly important and consequential.

My plane would have been close to landing when the attack happened, and so it reached its destination without incident. Exiting, I thanked the pilot. This was a United flight. I don't remember him looking at all concerned.

Nothing at O'Hare was out of the ordinary. I checked my gate. I bought an Egg McMuffin. While eating, I walked around, looking for a belt, to replace the one I had forgotten back home. I found one, but it cost twenty-five dollars. Twenty-five dollars for a belt! Forget it! That's what I was busy thinking about: I couldn't believe they'd try to charge me twenty-five bucks for a belt. By this time, I now know, the towers had been on fire for half an hour.

When I returned to my gate, everything had changed. All flights were delayed. The TV monitors that incessantly broadcast CNN had gone blank. The clerks at the United desk were crying. On their advice, I rented a car, quick. I was supposed to read in Iowa that night, so I drove to Iowa, listening to the radio all the way. That's how I found out all that had happened. When I got to my hotel, I turned on the TV and saw what everybody else had already been seeing for six hours. I watched, mesmerized, for a long time. Then I called the bookstore to tell them sorry the reading didn't work out.

"It's okay," they said. "Where are you?"  
"Iowa."



Jack Sherman

"Really? Where in Iowa?"

"Iowa City. The Sheraton."

"What!" And then, "All right! The reading's on!"

I didn't have the heart to say no. That night, I showed up at the bookstore and sat behind a microphone, before an audience of three people. Reading from my work, I felt the way I do when I have to get up in the middle of the night to change a diaper: exhausted and not entirely mentally present, as I touch something disgusting and then write it out.

I think many writers—artists of any stripe, I suppose, but I'll stick to writers—felt that way on September 11, even if they weren't delivering a public reading. In calmer times, it's easy to convince ourselves that what we do behind our notebook or typewriter or computer is worthwhile. We feel a part of something large and old, the endeavor of literature. Regardless of how good we think we are, we feel connected to Joyce, to Shakespeare, to guttural mumbler in caves, narrating mammoth hunts.

But that week, we were worthless. Doctors, as always, were important, and firemen, and police. Clergy. Senators. Telephone operators. Writers, though: nope. People were not sitting around at home that week, enjoying novels or poems; no one, myself included, was interested. The collapsing buildings always interfered, imposing themselves upon the neat columns of text. And as for my own work: the very thought of returning to my novel-in-

progress, to my unfinished short stories, embarrassed and repulsed me.

My friend, a poet, felt the same way. His unfinished poems, he said, were like relics from a dead world. He wanted to throw them out. But, he wondered, what sort of response would that be? Reacting to catastrophe with a miniature flourish of destruction? As if such a vain and self-important gesture would comfort anyone's pain, even his own. No, he would keep them, set them aside, in the hope that someday they might seem meaningful again.

Here's the thing: sometimes my country really, really enrages me. Sometimes, before the attack, I would hear an item on the news and, in response, would pound my fists on the kitchen counter and shout, "I hate this country!"

In fact, I love this country. I'll never leave. But, like a lot of people who think about such things, I don't like our foreign policy. I don't like our avarice, or our arrogance, or our cultural emptiness or our moral turpitude. In the years leading up to the attack, especially this past year, I have found myself getting angrier and angrier, have found myself boiling over more and more often. And then, here came some people who hated many of the same things about America that I did, and exercised their hatred by killing more than six thousand of its citizens.

I think this is why liberals like me are so

continued on page 3

# Holy Delusion

Chris Furst

## A Fifth of November

By Paul West  
New Directions  
\$25.95, 340 pages, cloth

*Remember, remember the fifth of November/Gunpowder, treason and plot. / I see no reason why gunpowder treason/Should ever be forgot.*

So runs part of the doggerel recited on Guy Fawkes Day, the day when England (or Protestant England, at any rate) celebrates the foiling of the Gunpowder Plot, the conspiracy of Roman Catholics to blow up King James I and Parliament in 1605. Walk down a street in London on this holiday now and little boys will beg "a penny for the Guy," the effigy they will burn later that night—Bonfire Night.

After nearly four centuries the plot has become a tame spectacle swaddled in folklore. The aftermath of the plot was anything but tame when James and his ambitious ministers brought the conspirators to trial and grisly execution. Instead, it was another glimpse—as if we need any reminders after the 20th century's bloody wars and government-sanctioned mass murders—of the savage hidden face of power. "The whole affair is one of botched gunpowder, holy delusion, and grandiose pseudo-chivalric dreams, amounting to a wisp in a scrap of a torn-off fragment." Paul West has explored history's secret nerves in the novels *Rat Man of Paris*, *The Tent of Orange Mist*, and *The Very Rich Hours of Count von Stauffenberg*, but never before as close to home as in the story of his fellow Derbyshireman, Father Henry Garnet, and the Catholics who try to hide him.

There have been some good nonfiction renderings of these events, notably, Antonia Fraser's *Faith and Treason: The Story of the Gunpowder Plot*, but West's fictional recreation surpasses them in one important quality, namely, the power of its imaginative concentration. Because so much is already known about major plotters such as Guy Fawkes and Catesby and the other men who were impatient of any lessening of the anti-Catholic strictures and so made the fatal decision to fight, West chooses to focus instead on a small cast of noncombatant characters: Garnet, the head of the banned English Jesuits; Anne Vaux, a Catholic noblewoman who has devoted her life to protecting priests; and Little John Owen, the dwarf master carpenter who creates the priest holes in Catholic houses, hiding places that are like Joseph Cornell's boxes. *Him that can't stand it tight/ May never see the morning light*, as Owen tells Garnet. In fact, a section of the novel appeared in an anthology of fiction inspired by Cornell boxes. The English expression "safe as houses" is turned on its head here. Jesuit priests play a dangerous game of hide-and-seek to avoid the pursuivants, the search parties charged with ferreting them out. The novel examines the thoughts and emotions of its principal characters with philatelic regard. Contrasted with the men of action, both Catholic and Protestant, Garnet,

who "remains in touch with two opposing points of view," is the true hero. "A spectator I am, but no participant. Killer, marauder, plotter, incendiary, footpad—I am none of these, but rather a devout pietist who devises no earthquake for others. Yet to be dove-like is some pain since no one hates a contemplative more than a man besotted with the active life."

Caught in the vengeful machinery of the state, Garnet wonders about the nature of lying. He has written a treatise on equivocation, and his prosecutors are in no mood to discuss the subtle distinctions of his book's argument: "Why would humans not, in all their affairs, allow for lying? Call it the liar's fraction. As for prevaricate, he thinks otherwise, choosing to rescue the word (after its Latin *tergiversari*) for turning your back, or playing for time by composing distractions. Misleading, he decides, that is it .... He and God know the truth of it: he has done no harm, except that to the Cecils of this world his mode of doing no harm does sharp injury to the state." Lord Cecil, the Jesuit's implacable destroyer, molds a picture of Garnet for the public, claiming that he approved of the plot. "This is misprision of utterance, and Cecil knows it, ever glad to mold a statement until it fits perfectly the rigors of the situation. They are quietly shaping Father Garnet into being the consummate conspirator: the head Jesuit and arch plotter, the presiding spirit, the conduit from abroad, the devious regicide wolf cloaked in the lambswool of mild counsellor." If you've grown up being force-fed a diet of the treachery historical novels of Sir Walter Scott or those fungoid destined-for-television pseudo-historical best-sellers, you might be pardoned for having a serious antipathy to historical fiction. But West makes the genre yield up something much better than our received ideas about fiction, historical or otherwise. The Russian Formalist Viktor Shklovsky spoke of the "canonization of peripheral forms," that is, using unexpected, humble or even supposedly outmoded forms such as letters, questionnaires, diaries, folk and fairy tales, science fiction, mystery, biography or historical fiction as a means of injecting new life into literary fiction. West rescues the historical novel for literary purposes. He goes after tougher subjects, not the typical mimetic simplifications of most writers. He is one of the best living practitioners of the art of fiction. "Whatever wholesome lens you choose to see life through, you will always eventually glimpse the Gorgon at the other end of your vision," writes West.

Christ Furst is a writer who lives in Ithaca.

## Correction

In its September 2001 issue, *The Bookpress* failed to include the entire title of the book reviewed by Edward T. Chase on page 9. Author Bruce S. Jansson's book is entitled *The Sixteen-Trillion-Dollar Mistake: How the U.S. Bungled Its National Priorities from the New Deal to the Present*.

## The BOOKPRESS

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# On Heroism

Cushing Strout

One of America's most eloquent and influential public philosophers, William James, has written about heroism in a way that still seems pertinent, especially in relation to the brutal terrorist attack in Manhattan.

He admired the more pessimistic religions because they took into account the existence of radical evil, and they understood as well that sorrow and suffering are "the soul's heroic resources." When life "turns up its dark abysses to our view," he wrote in *The Principles of Psychology*, the world finds its match in the "heroic man" who "can stand this Universe" and who "can meet it and keep up his faith in it." That was the challenge posed to him by his own deeply troubling experience of depression as a young man, but later on he saw a much wider meaning to heroism.

Once near Buffalo he saw a workman "on the dizzy edge of a sky-scaling iron construction," and it made him realize that heroism was not just a military phenomenon but could be found "on every railway bridge and fire-proof building that is going up today. On freight-trains, on the decks of vessels, in cat-

tle-yards and mines, on lumber-rafts, among the firemen and the policemen, the demand for courage is incessant; and the supply never fails....And wherever a scythe, an axe, a pick, or a shovel is wielded," there, somewhere, is "human nature *in extremis* for you...with its powers of patient endurance racked to the utmost under the length of hours of the strain."

As a visiting professor at Stanford University, James felt the tremors of the San Francisco earthquake of 1906 and visited the scene, reporting on how "one's private miseries were merged in the vast general sum of privation and in the all-absorbing practical problem of general recuperation." What impressed him the most was how "the commonest men" went on, "singly and collectively, showing this admirable fortitude of temper." In the wake of the events that confirm James's sense of there being radical evil in the world what has impressed so many of us is the courageous human response of the firemen and policemen along with the eager willingness to help of all the volunteers, the sort of behavior he had seen in San Francisco.

Cushing Strout is an emeritus professor of English at Cornell University.

## upcoming readings from THE BOOKERY

SUNDAY, OCTOBER 7, 2:00 P.M.

James Garbarino  
*Parents Under Siege*

Parents Under Siege

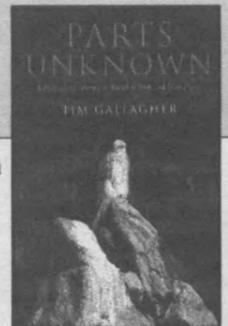
WHY YOU ARE THE SOLUTION, NOT THE PROBLEM, IN YOUR CHILD'S LIFE  
James Garbarino, Ph.D.  
AUTHOR OF *THE LOSS OF VOICE*  
and Claire Bedard

*Parents Under Siege* offers practical, inspirational advice for cultivating the mindfulness and observational skills that great parenting demands. *Parents Under Siege* is based on decades of research in child development and interviews with hundreds of parents "in the trenches."

SUNDAY, OCTOBER 14, 2:00 P.M.

Tim Gallagher  
*Parts Unknown*

Join Tim as he dangles on ropes at gryfalcon nest cliffs in northern Iceland, traps migrating Arctic peregrine falcons on barrier islands in the Gulf of Mexico, journeys with the chief inspector at Britain's Royal Society to hunt down illegal egg collectors, and fights to save the endangered California condor. With a stunning full-color insert, *Parts Unknown* is an extraordinary look into an unexplored world.



SUNDAY, OCTOBER 21, 2:00 P.M.

David W. Wolfe  
*Tales From The Underground*

TALES FROM THE UNDERGROUND

There are over one billion organisms in a pinch of soil, and many of them perform functions essential to all life on the planet. Yet we know more about deep space than about the universe below. In *Tales from the Underground*, Cornell ecologist David W. Wolfe takes us on a spectacular tour of this unfamiliar subterranean world.

SUNDAY, OCTOBER 28, 2:00 P.M.

Jim Roberts  
*How The Fender Bass Changed The World*

Introduced in 1951, the Fender Precision Bass completely changed the sound of popular music by the early '60s. Without the electric bass holding down the bottom end, there would have been no Beatles, no Stones—no rock and roll and all that followed! Combining color photography with an enticing narrative, this "keepsake" is the first book to explain how and why.



These Bookery events are held at and co-sponsored by the Tompkins County Public Library. Books are available for 10% off on the day of the reading.

# The Penetrating Light

## "Nobody"

There used to be a maple tree that towered over a little outbuilding we'd converted into a guest cottage. It was a tree for which I had great affection, because it was the first tree (maybe the second) I ever tapped for maple syrup, and so that tree was one of my teachers. Maybe it wasn't a teacher in some grand way. I didn't have some great vision of it in a dream or smoke one of its leaves and see God. But I experienced that astonishment of seeing first hand how this plant's blood, so unlike my own, could turn into something that to me was so comfortably and recognizably sweet. It was a teaching about our connectedness to creation that was not so humbly accessible to me in Manhattan where I grew up, and I treasure it.

But in that unpredictable course of unfolding events that makes life more interesting than any philosophy, my teenage son took up smoking. Knowing that his choice was unpopular with his parents, he skulked off one winter's day to stand by that maple tree in half a foot of snow so he could enjoy his cigarette in peace. And as he was puffing, he heard a cracking sound, which we all went out to investigate. Plain as day we could see

that deep fissures had developed in the maple. It was about to split and fall, and surely it would have crushed our little cottage. So we called a tree cutter and soon the tree was gone.

There is a moral to this story, because the World Trade Center towered over Manhattan like that maple tree towered over us. But it is not the moral of looking at the good side of tragedy. I used to work in the World Trade Center at a short-lived job I wasn't really suited for. And one thing I remember, something not much reflected in the news, is how many ordinary people worked there. Even if I believed, which I do not, that everyone working at the center of international finance deserves to be murdered, that's not all there was at the WTC.

There were lots of mom-and-pop operations, people who had rented tiny offices out of which to run little export-import businesses from their home countries in India or Malaysia or wherever. There were waitresses in coffee shops, shoe shine guys, people who wheeled carts from floor to floor selling sandwiches and lots and lots and lots of secretaries who took two trains into Manhattan so they could feed their babies and pay their rent. If there was a vision to be had in that city within a city, it was about how much, in the

end, the rich and the powerful look like us, and how their community is part of the human community, whether or not any of us knows why.

So too, those hijacking mass murderers were part of the human community. There will be those who say we must understand them, that what they did they did because of America's crimes. I say it is not true. God knows we have committed our share of wrongs. And there is never a wrong time for us to examine our own souls and rectify what we can, because there is never a wrong time to do right. But none of that changes the fact that what they did they did not because of what was wrong in us but because of what was wrong in them. If it was condescending and arrogant to believe that third world peoples were not sophisticated enough to pull off such an attack, it is equally condescending and arrogant to believe that only first world peoples are good enough to be bad. To have some "understanding" of this attack that in any way legitimizes it is to dehumanize ourselves.

Does this mean we must hate all Muslims as some of them hate all Americans? Of course not. What will we have learned if we seize on this occasion to assault one more group of innocents? Like the limbs of that

maple tree, every branch of humanity can teach us its sweet lessons and every branch can threaten to destroy us. This is not the good side of tragedy, this is the inexpressibly sad reality that underlies it. But for me, the lessons of that maple tree do not end there.

Cut down, that maple will provide firewood to keep us warm through what promises to be a hard winter. And now that it is gone, or mostly gone (the stump still anchors one side of a hammock), light penetrates where it never did before. We had a wedding on our property this summer, and because the maple was no longer there, the bride and groom were greeted by a profusion of flowers blooming in places they had never grown before.

We will have many long days and nights to contemplate the nature of evil and what to do about it in ourselves and others. But let us move forward in the confidence that life itself has not been extinguished by these countless tragic deaths. And where there is life, there is light, streaming down wherever it can penetrate. Now it is up to us to plant the flowers.

*Nobody* is the host of The Nobody Show on WEOS in Geneva, NY and the annual Homelessness Marathon.

## Windowless Room

*continued from page 1*

stunned; even, for some of us, to the point of temporarily approving of a President we can't stand. It is as if our own worst emotions have been snatched away, perverted, and gruesomely acted upon. There are people who died in the attacks whose lives, just a month ago, a lot of us would have pointed to as examples of everything that's wrong with America: the SUV-driving, the cell-phone-yammering, the day-trading and money-grubbing! And now these people are dead, and their families are grieving, and of course they did nothing to deserve it.

That's the difference between our disdain and the disdain of the terrorists. In this country, a representative democracy, we recognize the worth of the individual. We know that if we were put into a windowless room with this American stereotype, any stereotype, our social-profiling exercise would collapse. We might find out about our day-trader's mother, or his dog, or his children. We would learn that he knits, or makes raspberry jam every September. We would find something about him to like. And because we know this, our disdain is productive: we channel our emotions not into violence but into work, into helping poor people or protesting Wal-Mart or writing a manifesto. In America, we don't

have to kill people we can't stand. We are comfortable. We have options.

Terrorists, on the other hand, are people without options. They are powerless people who have been given power—the power to hurt their enemies, the power to get closer to their God—by somebody with money and hatred to spare. And why should they turn this power down, when it's the only thing they've got? They will cast their fight in terms of good versus evil—a holy war, in other words—to give their actions moral weight in their own minds, and they'll go to their deaths expecting to emerge in Heaven.

We believe, of course, that they are wrong. For this reason, our country must not fight its own holy war. We cannot cast this conflict in terms of good and evil, thus giving ourselves license, as the good guys, to do whatever we wish. Look: there is no morally pure response to violence, no shining path out of the darkness. To do nothing, of course, would be wrong, as it would put our citizens in greater danger, and open up the free world to more violence. But to do too much would also be wrong, because innocent people—people whose lives are not anywhere near as good as ours—would be killed. Whatever our country does, we can only hope that what we do is more right than wrong.

This is not what people want to hear right now, and not what the President wants to tell us. But it is not simply an American privilege not to see things in black and white; now, it is our obligation. To oversimplify this conflict, to regard the American response as, in our President's hastily retracted word, a "crusade," is to succumb to desperation. America is not desperate; it is strong. We must take the time to acknowledge the ambiguity of what happened, and of what we are about to do.

And this, finally, is where art comes in. Ambiguity is its subject. Moral confusion, not moral certitude, is what art is about. The *Iliad*, the greatest war book ever written, is not about a battle between good and evil, it is about the moral ambiguity of violence. Consider the end of that story: Achilles, hero of the victorious Greeks, at last kills Hector, the Trojan hero. Troy is about to be sacked. But Achilles, driven mad by bloodlust, drags Hector's corpse around and around the city, as horrified citizens peer over its walls: a desecration that seals Achilles's own fate.

This is no story for stirring the troops to action; there will be speeches for that. But consider that the *Iliad*, not the rhetoric of war, is what has reached us from the ancient world, is what the civilizations that followed it

deemed worth preserving. They understood, as we must in a time of rising anger, the worth of reflecting upon the stories of the past.

Already, America and its allies seem to sense the necessity of making the right decision; as I write this, no indiscriminate actions have been taken. We should be pleased by this, because the recent history of our country does not feature a lot of careful thinking and military restraint. If you think you know what your government ought to do, you should tell it. And if, in the fullness of time, the American response proves to have been more wrong than right, and if you are able, then you ought to write about it, and hope that somebody, in some dark corner of the future, will read what you wrote.

That night in Iowa, after I finished reading, one of my three listeners approached me: a young woman, maybe a graduate student, she had asked no questions and made no comments. But as the others left, she thanked me for reading, told me it had meant a lot to her, and took my hand and held it. It wasn't that what I had read was so terrific, or even that I had done a very good job reading it. I hadn't. But someone had responded to the fact of literature, to its continued existence in the face of actual and terrible events. And it's true: literature is still here. It isn't going to go away. On the contrary, it may be the only thing that lasts from our culture, the thing that people of the future will judge us by.

I am not kidding myself here: novel-writing is not going to stamp out terrorism. But, in an essentially secular nation like ours, art helps to shape our moral sense; it exercises the imagination that gives us empathy, and therefore judiciousness and restraint. And so, those of us who make art ought to keep making it. We will: people always do, even in the face of far greater tragedies than ours. We'll take out our unfinished poems and stories and paintings, the music we stopped playing, the dances and plays we abandoned; and if they seem irrelevant, we'll fix them, or else we'll create something new. If we are able, then let it be our duty. We should let our art be the windowless room where we can confront the truth, no matter how ugly it is, no matter how uncomfortable it makes us.

*J. Robert Lennon* is the author of three novels, *The Light of Falling Stars*, *The Funnies* and *On the Night Plain*.

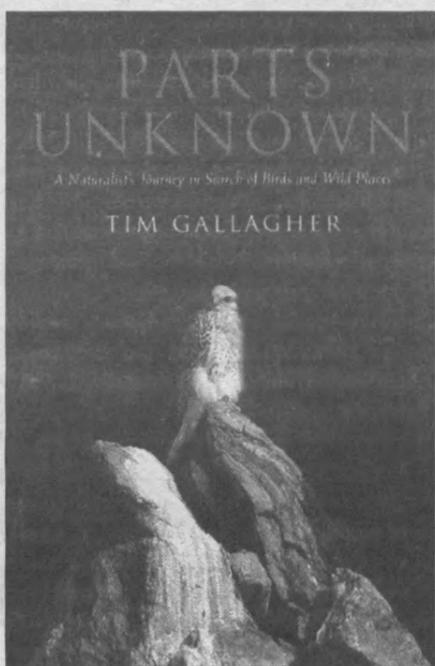
## PARTS UNKNOWN

*A Naturalist's Journey in Search of Birds and Wild Places*

TIM GALLAGHER

Tim Gallagher is an award-winning writer, editor, and nature photographer with more than twenty years of experience in publishing. He is currently editor-in-chief of *Living Bird*, the flagship publication of the famed Cornell Lab of Ornithology. He is the author of *Wild Bird Photography* and scores of articles on wildlife, nature and photography.

The Lyons Press ♦ 227 pages ♦ \$24.95 cloth



## The Binghamton University Libraries

announce their annual book sale:

**Friday October 19**

from 9 a.m. to 5 p.m.

**Saturday and Sunday**

**October 20 & 21**

from noon to 4 p.m.

(with a "Surprise Discount" on Sunday).

A "Bag" sale is planned for

October 22

from 9 a.m. to 4 p.m.

The sale will take place on the second floor of the Glenn G. Bartle (main) Library.

# The View from New York

David Ost

Monday, September 17, 2001:

I just got back from a trip to New York City. I had to go there. After last Tuesday, I had to be there. Ithaca is kind, sympathetic, but I needed to be with family, and I needed to be with New Yorkers, another kind of family. I knew I made the right decision about an hour outside of the city, when I could catch NYC radio. Before that, the standard fare had been National Public Radio, with its heavy good intentions ending ultimately in little more than sympathetic platitudes, or nasty nationally-syndicated AM talk radio. (I heard Oliver North attack the congressional war resolution for not going far enough, concluding with "This is the kind of mealy-mouthed support that killed 50,000 of our men in Vietnam. And so I urge you: call the President now and tell him to DECLARE WAR. And tell Congress to let us win that war!")

But New York radio was different. Even AM talk radio. Even sports radio! I tuned in to WFAN just as one caller suggested "we nuke 'em," and the host burst in: "What are you talking about?! Have you seen a map? Take a look at a map. Bomb those responsible, ok, but Afghanistan borders Iran, Pakistan, the former Russian republics—you've got to be careful. These aren't games. This isn't a time for bravado reactions." I switch to the next talk show, and the host there is unpacking Jerry Falwell's indictment of "feminists, abortionists, gays and the ACLU" as responsible for the bombing, and yelling that "Falwell AGREES with the terrorists; he wants a fundamentalism too, only a different kind." This is all AM talk radio, mind you. I feel better already. Here there's talk of tragedy, of horror, of loss, of mourning, but not the talk of revenge. A governmental response, yes, even a military response, but directed against those who did it. No indiscriminate blank check here. And none of the rhetoric of revenge that officials can interpret as endorsement of anything they want. A sensitivity to the cultural pluralism that New York is. A cautiousness toward all those who've always hated New York, precisely for that diversity, now rushing to claim it for all the wrong reasons, and use it for all the wrong causes.

I get into the city, and you know something is different from the giant American flag draping the George Washington Bridge and the eerie smoke there in the distance where the World Trade Center once stood. As for the building itself, there's something rather strange: most of my New York friends, and me, too, are trying suddenly to remember a building we had always done our best to avoid. It was a complete eyesore to most of us, an invasive imposition on the New York skyline, a trophy tower to and for brash, arrogant, decultured capitalism. Boxed, straight up, seeking to deflect attention from the curves and gargoyles of its neighbors, it shouted "fuck you" to the city, and we said fuck you back. Or, we just mostly tried to look past it, tried to see New York without it. And now, after September 11, we're trying to remember where it once stood. And everyone's thinking of all those people inside.

By the Saturday after Tuesday, people in upper Manhattan still walk around in a bit of a daze, but now there are joggers and shoppers too. Below 14th Street, however, it's all one vast trauma clinic. The calm outside St. Vincent's hospital on 11th Street is perhaps the most painful: set up as the primary emergency care center, with extra trauma doctors (many had stayed on from a triage care conference coincidentally taking place in the city when the planes hit) and stretchers and ambulances waiting outside, the lack of movement there, the empty stretchers and waiting ambulances, tell it too clearly: no survivors, all dead. All the posters pasted nearby—the hauntingly beautiful "wanted" posters you've all seen on TV—that had been put there to

help identify patients being brought into the hospital, turn so sadly, in the face of the hospital's calm, into death notices. Life notices, too. Among the thousands dead, this one lived! Here's what she looked like! The sparse details confirm what we thought we knew about the culture of our times: "Carolyn, a financial adviser on the 97th floor, had a small snake tattoo on her right lower back and a tiny cult eagle on her neck." And not just Carolyn but Amanda, Jenna, Miti, Mark, Abdul. It's as rare to find someone in their 20s who did not have a tattoo as to find one who had one where everyone could see.

I walk from the hospital to Washington Square Park, and the arch has become a huge shrine, hundreds of candles, little notes, poems, photos. A few American flags, too. I don't see as many in New York as I do elsewhere, but I do see more than I've ever seen in New York before. Most are small, pasted on the fence above the candles. The biggest one is borne by an African-American guy, built like a football player. He walks through the park, alone, head down, carrying a flag maybe five feet by three feet; he goes up to the shrine, stops, looks down, moves on. If it has made some people wary of Arab-Americans, the attack, with hundreds of African-Americans among the victims, has brought whites and blacks together like no single American tragedy has done before. It's even managed to still the street battles rarely kept below the surface. A candlelight vigil in Bedford-Stuyvesant in Brooklyn brought hundreds of African-Americans walking to fire stations and even police precincts nearby, with white officers stunned by the condolences, the unheard-of expression of solidarity.

Images from near the Site from the Saturday after the attack: police officers giving away sandwiches to anyone passing by, because they have too many. A makeshift candlelight shrine on the traffic island at Houston where Church Street turns into 6th Avenue. A woman lying curled up on the sidewalk as if in a lawn chair, eating spoon after spoon of goulash and staring, smilingly, at one small photo by one candle, as if sharing one more meal. A policeman with a mask telling of having four hours off over the last 92, and telling of arresting "three Arabs driving around here last night at 1:30 in the morning—what were they doing here?!"

And images from the next day. More candlelight vigils. More shrines and memorials. An embrace of suffering. A resistance to vengeance. "Did you see what they said in their last phone calls?," one middle-aged man asked at the Union Square vigil. "They said 'I love you. I had a good life with you. Be happy yourself in the future.' Not one of them said 'Get the bastards who did this.' Find and punish the ones who did it, I say, sure. But those out shouting 'Get the bastards,' I'm worried about. They're not doing what those who died wanted them to do."

And then it strikes me, that America's

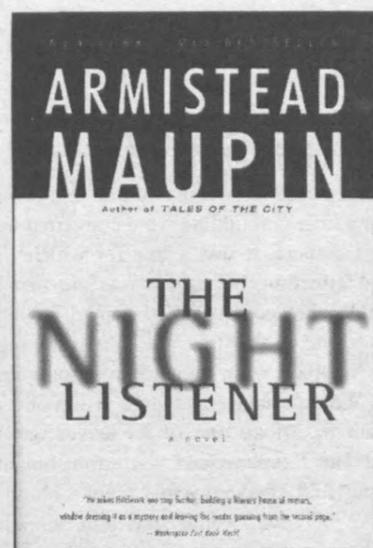
preparation for war, which has many people scared even among those who support it, is different now for two reasons. First, it is New Yorkers, liberal and left-wing Manhattanites, who wear the badge of authenticity now. The thoughts and questions of those who have suffered cannot be dismissed so easily. All those neocons who love to dismiss New Yorkers as out of touch with what regular people feel now find New Yorkers cast as the true regular people. This doesn't mean there won't be New Yorkers crying out for revenge. My sister-in-law called from Chicago and asked "Now are you a hawk?," and of course there'll be those answering, "Yes, I've seen the light." But those who held candles in Union Square against the administration's talk of "ending states that support terrorism," and those that held the big vigil in Brooklyn with their Moslem neighbors, are no longer pockets of liberals but the victims themselves. We can't all be dismissed as succumbing to "Stockholm Syndrome."

Second, there is no head start here for government public relations to shape our attitudes by offering carefully controlled doses of knowledge, leaving opponents to play catch-up. Now the doubts and questions are being raised at the same time as the military preparations.

The fact that this has happened to New York works in other ways, too. There's an interesting and important transformation process going on among liberal New Yorkers, an acceptance of a bit of militarism and patriotism that had always been shunned before. When the anti-militarist in Union Square allowed a "find and punish the ones that did it" caveat, this was telling. I heard it from a radical black art activist speaking on radio, about how he's always opposed everything smacking of Long Live America, but now he sees he's under attack for nothing more than living in New York. "I've got to rethink some things here." Contrary to conservatives' hopes, it won't be like those many intellectuals so "rethinking" communism in light of Stalinism that they became rabid reactionaries themselves. No one here, after all, ever supported bin Laden in the first place. Still, there's an important process going on, a forced confrontation of standard-issue left-wing ideas with the "world out there," that might lead some on the left to embrace a kind of ambiguity and strange bedfellows, perhaps even a discussion of security issues previously left to the other side.

This is the first time since 1812 that the United States has been subject to foreign attack, and it happened in New York. That New Yorkers can help shape the national response might be one of the better things coming out of it.

David Ost is professor of political science specializing in communist and postcommunist politics at Hobart & William Smith Colleges in Geneva, NY.



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# Fury and the Fortress

Gail Holst-Warhaft

## Fury

By Salman Rushdie  
Random House  
\$24.95, 259 pages, cloth

## Austerlitz

By W.G. Sebald  
Translated from the German by Anthea Bell  
Random House  
\$25.95, 298 pages, cloth

This summer the *New Yorker* printed extracts of two forthcoming books. Both were by writers of great distinction, writers who share a strong sense of moral outrage at the world's evils. In retrospect these two books might have been seen as prophetic. But portents are easily read after a catastrophe. Villagers tell of cocks that failed to crow on the morning of the earthquake, a mother remembers the cat that crossed the bride's path on her way to church—signs no-one paid attention to at the time. One of the books the *New Yorker* chose to excerpt was Salman Rushdie's *Fury*. The other was W.G. Sebald's *Austerlitz*. Apart from their sense of outrage and their uncanny relevance to the terrible events of September 11th, the two books could not be more different.

Rushdie's novel is set in New York at the dawn of the new millennium. Its thinly-disguised leading character is an artist and celebrity named Malik Solanka. He is not a native son, but in his "silvered years" he finds himself "living in a golden age" of a city that is flush with money, where people are willing to buy almost anything: "limited-edition olive oils, three-hundred-dollar-corkscrews, customized Humvees, the latest-anti-virus software...." His problem is not that he cannot himself afford the knick-knacks of affluence, nor that he has failed to make a name for himself in a society where name is all. As a doll-maker extraordinary, he has created the perfect toy for the age: "Little Brain" is a girl doll who has captured the public imagination and made him sufficiently rich to abandon British academia for the glitter of television series and film treatments. He is even adored by a saintly wife and child. And yet Malinka is in deep trouble. He is filled with inexplicable bursts of murderous rage that cause him, one night, to raise a knife over the heads of his sleeping wife and child. Terrified by his own fury, the doll-maker moves from London to the upper west side of New York, where, we are persuaded, his mood better suits the

city's own insanity.

Rushdie has always been an ambitious novelist. He writes about defining moments not only in his own life, but in the life of nations, cities, cultures. But while the characters that inhabit his India are touching in their varied degrees of insanity, the Londoners of *The Satanic Verses* and still more the New Yorkers of *The Ground Beneath Her Feet* and *Fury* are as unconvincing as Malinka's own creations. There is an obvious debt to Saul Bellow in *Fury*, especially to the Bellow of *Mr. Sammler's Planet*. Mr. Sammler's New York is, in many ways, as alien to him as to Malinka; both are refugees living on the Upper West Side, but Mr. Sammler's New York is crafted with an insider's eye, and he is perhaps the most touchingly real of Bellow's string of imperfect people. Beside him, Malinka is simply a crank. And the women who fall for Malinka, from the sexually damaged, doll-like Mila, to the impossibly beautiful Indian-Fijian freedom-fighter Nila, are no more plausible than "Little Brain" dolls.

What went wrong with this once brilliant novelist? Has he lost his way in a labyrinth of his own baroque plotting and tiresome punning? Is he a writer who can only write well about the world of his own lost childhood? Or is the fury of Malinka, which seems so misdirected in his wife's bedroom or the streets of Manhattan, a predictable reaction from a writer who has lived decades of his life in fear and hiding, not from imaginary furies but from real ones?

Let us not forget that Rushdie had the courage to face the fanaticism that he saw overwhelming the Muslim world and that he suffered the consequences. What was he thinking, I wonder, as he watched those furies descend out of a pristine blue sky on Manhattan? Whatever local furies roiled in the streets below, they were no match for the monstrous avatars that carried planeloads of passengers with them on their fiery descent into the city. This is fury on a scale impossible for most of us to comprehend. We imagine that only the grief-stricken or the insane are capable of such an act. We have learned that in time of war, whole populations turn out to be capable of performing the unimaginable. In a democratic country, which is not officially at war, we expect fury to be safely contained. The ancient Athenians understood the threat posed by the Furies to the city; if the rule of law was to be preserved, the cycle of violent retribution spawned by blood feuds and vendettas must be broken. At the end of Aeschylus' *Oresteia*, Athena casts her vote on the side of forgiveness for Orestes, and the Furies, preservers of the ancient laws of revenge, become the Eumenides, the kindly ones. They are not banished entirely from the city, but placated by the goddess of Persuasion and recast as benevolent spirits.

Like all of us, Rushdie must now be afraid that Peitho, the goddess of the "soothing song" will not be invoked by the men who rule our country. Fury will be met by Fury in a cycle as bloody as that of the House of Atreus.

The eponymous hero of G.W. Sebald's new novel *Austerlitz* is another man adrift in an involuntary exile, an exile imposed on him before the age of conscious memory. The book—I hesitate to call it a novel, although it is the most novel-like of his creations—is an exploration of the nature of memory and the painfully slow process by which lost memories may be recovered by visual and other stimuli. As in his previous books, Sebald makes use of black-and-white photographs, involving his readers in his own curious preoccupation with certain images. They are pictures of people, animals, eyes, landscapes, and above all buildings. Architecture plays a dominant role in the book, the architecture of certain types of buildings: fortresses, railway stations, city halls—the massive, dilapidated structures of the great economic powers of

Europe. It is in the waiting-room (*Salle des pas perdus*) of the Antwerp Centraal Station, and in view of its giant clock, that the narrator and Austerlitz first meet. Lone wanderers, with a common interest in such grandiose and fantastical structures, they will meet one another again at intervals in London and Paris, and Austerlitz will resume his narrative which gradually turns from the external—his passionate interest in architectural history—to the internal: the story of his search for his own mysterious origins.

Like every element in Austerlitz's mesmerizing story, the great clock of Antwerp's railway station is linked both to his preoccupation with his own shadowy past and with the broader philosophical questions of the relationship of time, space, and travel. As an avid student of such buildings, Austerlitz notes that:

until the railway timetables were synchronized the clocks of Lille and Liège did not keep the same time as the clocks of Ghent and Antwerp, and not until they were all standardized around the middle of the nineteenth century did time truly reign supreme. It was only by following the course time prescribed that we could hasten through the gigantic spaces separating us from each other. And indeed, said Austerlitz after a while, to this day there is something illusionistic and illusory about the relation of time and space as we experience it in traveling, which is why whenever we come home from elsewhere we never feel quite sure if we have really been away.

At first it is by his wealth of esoteric knowledge and astonishing eloquence that Austerlitz fascinates, but we soon understand that the apparently random disquisitions on architecture and history serve another purpose:

From the first I was astonished by the way Austerlitz put his ideas together as he talked, forming perfectly balanced sentences out of whatever occurred to him, so to speak, and the way in which, in his mind, the passing on of his knowledge seemed to become a gradual approach to a kind of historical metaphysics, bringing remembered events back to life.

The connections between the large architectural structures that preoccupy Austerlitz and his own past become clearer as he moves from a discussion of the railway station and its inevitable association with the pain of parting, to the construction of fortifications:

it is often our mightiest projects that most obviously betray the degree of our insecurity. The construction of fortifications, for instance—and Antwerp was an outstanding example of that craft—clearly showed how we feel obliged to keep surrounding ourselves with defenses, built in successive phases as a precaution against any incursion by enemy powers, until the idea of concentric rings making their way steadily outward comes up against its natural limits. If we study the history of fortifications....it is amazing, said Austerlitz, to see the persistence with which generations of masters of the art of military architecture, for all their undoubtedly outstanding gifts, clung to what we can easily see today was a fundamentally wrong-headed idea...

For, as Austerlitz goes on to demonstrate, the design of the star-shaped fortress, which became standardized during the 18th century, worked against its own purpose. "The more you entrench yourself the more you must remain on the defensive." The failure of the

massive fortifications of Antwerp to withstand a French siege of 1832 and the revelation of the insanity of such systems had no effect on the Belgian authorities, whose response was to order another ring of fortifications. After another thirty years of work on the new outer ring, the fortifications were completed in time for the outbreak of World War I, where they again proved completely inadequate to protect the city.

One might have imagined that the lessons of mighty systems of defense had been learned by the end of the 20th century, but we live in a country which has, for the last two decades, been spending billions of dollars on a remarkably similar folly: the so-called "Star Wars" system or the National Missile Defense. If its inadequacies were doubted by many members of the scientific and lay community before September 11th, they were made alarmingly clear to most of the rest of the population within an hour.

The World Trade towers, with their glass walls bound in steel cages, provide a link to the vast Victorian railway stations of Sebald's book as well as to Austerlitz's preoccupation with the architecture of fortresses. The fortress becomes a more ominous structure when, following his conversation with Austerlitz, the protagonist decides to visit a half-ruined fort that once formed part of the defenses of Antwerp. Breedonk was used by the Gestapo as a penal camp and is now a monument to the Belgian resistance. As he stares at the structure, the restrained flow of Sebald's prose, with its endless sentences and lack of paragraphs, is broken. He is face to face with the monster, the horror that lurks in the labyrinthine wanderings of his books. The fort as structure and its ugly purpose are inseparable:

Covered in places by open ulcers with the raw crushed stone erupting from them, encrusted by guano-like droppings and calcareous streaks, the fort was a monolithic, monstrous incarnation of ugliness and blind violence.

The horror of what went on inside this place is doubly repugnant to the German-born writer because he understands where the "good fathers and dutiful sons from Vilsbiburg and Fuhlsbüttel" who once sat in the fort's mess hall eating their dinner came from.

"After all," he says, "I had lived among them until my twentieth year." He has also read accounts by former prisoners of the tortures that were inflicted on them in such places as this around the time of his birth. Memory, the fortress, the architecture of defense and its inevitable breaching—these themes are all drawn together in the character of Austerlitz, whose search for his own lost origins will lead him from his cheerless Welsh childhood to Paris, London, Brussels, and finally to Prague and the monstrous truth he has skirted all his life. In Kafka's home town, Austerlitz will confront his past, the story of his Jewish mother, who sent him by train to joyless exile and spent her last days in another terrible fortress: Theresienstadt.

If *Fury* and *Austerlitz* both seem germane to the horrors of September 11th, they have little else in common. Sebald's strange and complex literary meanderings, familiar to readers of *The Emigrants* and *The Rings of Saturn*, are the product of a completely original, disturbing moral thinker. Rushdie's brilliance that once delighted, as in *Midnight's Children* and *Haroun and the Sea of Stories*, seems forced, his moral outrage askew. Sebald is a writer at the height of his powers; Rushdie, sadly, seems to have wandered into a blind alley.

Gail Holst-Warhaft is an independent writer and translator of Greek poetry. She is the author of *Cue for Passion: Grief and its Political Uses* (Harvard, 2000).

Leading Conrad scholar Daniel R. Schwarz assembles this work from over the past two decades into one crucial volume, providing a significant reexamination of a seminal figure who continues to be a major focus in the twenty-first century. Schwarz touches on virtually all of Joseph Conrad's work including his masterworks and the later, relatively neglected fiction. His essays take account of recent developments in theory and cultural studies, including postcolonial, feminist, gay, and ecological perspectives, and show how reading Conrad has changed in the face of the theoretical explosion that has occurred over the past two decades.

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# Trauma and Justice: The Misremembering of Vietnam (Part II)

## Paul Sawyer

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By Fred Turner  
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\$16.95, 228 pages, paper

The discourse on Vietnam is not the conscious strategy of one mastermind or group of masterminds; yet one can still say that it has meanings, that it embodies an ideological purpose. My argument is that it draws on a body of legitimate concern—the needs and suffering of veterans and their families and survivors—in order to arrive at a very specific ideological end. It justifies unrestrained American power in the world by undermining views of the Vietnam conflict that could challenge America's moral fitness to wage war. The mutually supporting myths of the heart of darkness, the wounded vet, and the spitting protester work to remove not just blame but also the very memory of American aggression, casting whatever blame is left on "violent" protesters who screamed at, spat on, besmirched and thereby victimized not just our wounded soldiery but the average American insofar as the wounded soldier symbolizes the damaged body politic as a whole. If neither "we" nor our boys were to blame, the blame must fall elsewhere—on the protesters (again), on the press, on the government, or on all three.

Of the three culprits, the government is the most commonly-named; certainly a long populist tradition of bashing politicians, more in evidence today in the political right, makes this form of blame easy. But this reflex produces a contradiction. If the actions of our government are seriously called into question, then it becomes hard to imagine how American global hegemony is to function; the unreflexive habit of blaming politicians has to coexist with an equally unreflexive patriotism. This contradiction is of course absolutely basic to the way most Americans think about politicians; that is, "the politicians" may be corrupt, but "our leaders" are not. It is in any case striking that in the cluster of attitudes and images I have been describing, one notices no focused attack on the system of government itself other than the vague "them" that, for example, refused to believe in Agent Orange disease. More striking still is that no American leader has ever endured permanent public disgrace because of anything done in Vietnam—with the exception of Robert MacNamara after his book of repentance. In fact the response to the Bob Kerrey episode, as we will see, has resisted an

inquiry into our leadership as stubbornly as it has resisted inquiry into the guilt of soldiers. This failure to hold officials meaningfully responsible for the war is at least consistent with the central claim of the discourse on Vietnam, which is that Vietnam was something that happened to us rather than to the Vietnamese. If the worst crime of our politicians and generals was not the deliberate massacre of Vietnamese civilians but the waste of American lives in a war we could not win, this crime could not have been committed intentionally. And so, strictly speaking, it was not a crime at all, it was error—either a tragedy of good intentions (if you stand to the right of the political spectrum) or the tragic delusion of Cold War thinking (if you stand farther to the left). The war was, in short, a quagmire.

The metaphor of the "quagmire," which simultaneously denotes the jungles of Vietnam and the experience of the soldiers fighting in those jungles, can also denote the chain of decisions that ended up in an unwinnable war from which we could not extricate ourselves. Indeed, the fact that you can neither progress nor extricate yourself from a swamp metaphorically reflects the prevailing official view of the war after about 1967, for which neither escalation nor withdrawal was a strategic possibility. But a government does not murder two million people (mostly civilians), lay waste their villages, and destroy their forests with chemical weapons simply by blundering. The quagmire theory, in short, erases the Vietnamese victims while failing to recognize either the cynicism or the deliberateness of American warmaking.

The most comprehensive single record of that warmaking is now probably A. J. Langguth's *Our Vietnam*.

In this history of the years 1954-1975, Langguth folds nearly everything he has to say into a continuous, compelling narrative, interestingly combining journalistic and historiographic conventions. One result is that he forgoes the historian's usual space for analysis and commentary; his points instead emerge from his account, as in a novel, with occasionally a sentence or two to point up an implication. The method has its obvious shortcomings, particularly in the now-frequent use of free indirect discourse to paraphrase people's thoughts and in the tendency to omit judgments about the reliability of sources. (MacNamara's thoughts about the Pentagon march, for example, are related as if they were simultaneous to the event itself—an effect that appears also in the Shapley biography, quoted above.) On the other hand, Langguth gives us scores of voices—people remembering, cogitating, arguing, bluffing, reacting, doubting, re-arguing, fighting, suffering—many of them drawn from recent interviews and documents. Since motivation is so important and so elusive an issue in this war, we need an account like this one that closes the breach between secret debate and public presentation.

Why were we in Vietnam? Lyndon Johnson set out his war goals succinctly in the well-known speech at Johns Hopkins, delivered April 7, 1965, which are still familiar but bear reviewing in order to hear the precise phrasing and order of importance. He claims in the speech that North Vietnam has attacked "the independent nation" of South Vietnam with the object of "total conquest"; this fact, the "first reality" about the war, he places in the context of the domino theory: "Over this war—and all Asia—is another reality: the deepening shadow of Communist China. The rulers in Hanoi are urged on by Peking. . . . The contest in Viet-Nam is part of a wider pattern of aggressive purposes." From these premises follow the three main reasons for war, set out in language that deliberately echoes Kennedy's inaugural: We are there first,



Jack Sherman

because we made "a national pledge to help South Viet-Nam defend its independence"; second, because around the world are "people whose well-being rests, in part, on the belief that they can count on us if they are attacked"; third, because a retreat from Vietnam would mean "the battle would be renewed in one country and then another." But our prime objective is "the independence of South Viet-Nam, and its freedom from attack. We want nothing for ourselves—only that the people of South Viet-Nam be allowed to guide their own country in their own way."

The hardest, and in some ways the least important question is, How much of this did Johnson really believe? The premises, of course, are all false: the "independent country" of South Vietnam, the "attack" from a "separate" nation to the north, the puppet relationship between Hanoi and Beijing (a projection of the puppet relationship between Washington and Saigon)—all were inventions of official Washington which, as Bruce Franklin correctly points out, the peace movement was at that very moment correcting through as many channels of information as it could muster. (But I disagree with Franklin's claim that the peace movement "naively" believed our leaders would mend their ways as soon as "we" correctly informed them. The goal, as I remember it, was to unmask the lies.) We cannot know for certain who truly believed what (though Langguth suggests that, incredibly, as late as 1967, a man as intellectually gifted as McGeorge Bundy could speak as though he never learned that "South Vietnam" was actually a temporary division dictated by the terms of the Geneva agreement of 1954). The important point is that in the minds of the best and the brightest, the central "facts" had to do with the global nature of aggressive Communism, no matter how one might argue over the "details."

But we now also know that the domino theory, however mistakenly but sincerely believed in, was not the prime motivation of the war. One source is an internal memo from John McNaughton, the top civilian war-planner in the Defense Department, written in March, 1965. The memo, first published in the *Pentagon Papers*, ranks the war aims in order of importance, using percentages: 70 percent "to avoid a humiliating U.S. defeat (to our reputation as a guarantor)," 20 percent to keep South Vietnam out of Chinese hands, 10 percent to permit the South Vietnamese "to enjoy a better, freer way of life"; "Also—to emerge from crisis without unacceptable taint from methods used. NOT—to

'help a friend,' although it would be hard to stay if asked out" (quoted Langguth 349-350).

As summarized in a recent work on the 1960s: "The fate of South Vietnam, in other words, was unimportant in and of itself, except as the forum in which the United States would establish its credibility in international affairs, its 'reputation as guarantor.'" The McNaughton memo is consistent with other confidential sources; for example McGeorge Bundy, arguing in 1965 for a bombing campaign against the North, wrote that "the stakes in Vietnam are extremely high, the American investment is very large, and American responsibility is a fact of life which is palpable in the atmosphere of Asia, and even elsewhere. The international prestige of the United States, and a substantial part of our influence, are directly at risk in Vietnam" (Langguth, 340).

"Humiliation," "reputation," "prestige," "influence": these are the terms truly fundamental to American thinkers, even those who did not believe simplistically in the domino theory—terms that converted the destructive power of bombing into a performative demonstration of power whose audience was the world even more than the North Vietnamese. As the war went on, the country or countries became more and more a symbol, the appearance of victory more important than the actual terms of a settlement. Hundreds of thousands, and ultimately millions, of lives were sacrificed in this game of perceptions.

Given the terms they were thinking in, I believe our warmakers were correct: to protect a global network of investments, one requires "credible" shows of power; semantics, so to speak, supports economics. Crucially, the audience for that show of power included the American voting public as well. Our best clue to John F. Kennedy's thinking about the war at the end of his life is his comment that he would pull out of South Vietnam after the next election. No president would risk the perception of a loss in Vietnam at election time; conversely, a peace agreement just before an election could determine who held the White House, as Henry Kissinger's famous "Peace is at hand" press conference made clear.

We now know that the Nixon campaign in 1968 was in secret communication with the North Vietnamese government just as the Johnson administration was attempting to negotiate a settlement before November—and may very well have convinced the North to freeze negotiations in order to deal with a

new president. Nixon's "secret plan to end the war," as he called it during the presidential campaign, was in reality a plan to protract the war by gradual U.S. withdrawal, an attempt to avoid the appearance of defeat. "I will not be the first U.S. president to lose a war," he told the Republican Congressional leadership in the fall of 1969—in words almost identical to Lyndon Johnson's several years before.

One question Langguth does not ask is the pragmatic one: were the concerns of three presidents about their re-election realistic? We cannot understand the behavior of our leaders if we forget that large portions of the American public willingly and even enthusiastically approved of long-distance massacre and often justified it in an abstracted, casually brutal language that is rarely remembered today. Support for the war was never less than one-half. During one bombing pause, Lyndon Johnson took heart when polls showed that the majority of the public favored resumption; and on the night Nixon announced the invasion of Cambodia, the public overwhelmingly supported him. These facts raise a profound but disturbing issue that is beyond the scope of this essay: the degree to which the Vietnam War was a function not only of international power politics but also of electoral democracy as practiced in the United States throughout the Cold War and after.

The climactic episode in this war of public perceptions was the Christmas bombing of 1972—the heaviest bombing campaign of the entire eight years of the war—which was ordered by Nixon after his re-election and after the North Vietnamese had agreed to a peace settlement in Paris. On October 6, after a break in negotiations, Kissinger said to the North Vietnamese, "You have given us a very important and fundamental document." On October 26, he announced at his first nationally-televized press conference, "We believe that peace is at hand"—in time for election day. But Kissinger knew even as he spoke that peace was not at hand. Excluded from the talks and consulted only after the fact, Nguyen Van Thieu, the South Vietnamese president, recognized that the agreement spelled the end of an independent South Vietnam and issued sixty-nine objections to the treaty.

From here on, the logic of events grows tangled. As Langguth narrates:

In Washington, Nixon's election victory had plunged him into one of his darker moods. He demanded immediate letters of resignation from each cabinet member and all of his staff, and he told

Haldeman that the entire press corps was to be treated as enemies; Kissinger would be permitted to talk only to the columnists Rowland Evans and Robert Novak. His increasing isolation reflected Nixon's concern about the Watergate break-in. . . . In his restless mood, [he] sent a message from Camp David that unless Le Duc Tho [chief negotiator for the North] gave ground, he was ready to break off the talks and resume military action (613).

When the bombing began, Nixon "prepar[ed] to tell the world that Hanoi was being punished for its intransigence, despite the fact that Le Duc Tho had only asked for a suspension of the talks while he consulted in Hanoi. Whatever Nixon claimed, the bombs were falling in the North, but their target was Thieu in Saigon" (614). But after the bombing, by some subtle thread of justification, Nixon felt he could bully Thieu and conclude a separate peace if necessary. Although 1,566 civilians died in Hanoi and Haiphong, the Christmas bombing changed nothing diplomatically; the final agreement, signed in January 1973, was identical in substance to the agreement reached before the attacks. And it was similar to what the U.S. could have achieved before Nixon took office. As Langguth summarizes:

Nixon's determination to preserve Thieu in office, at least through his own re-election, had cost 20,533 American lives . . . About 107,000 ARVN soldiers died during that time, and perhaps five times that number of North Vietnamese and Vietcong troops. Civilian casualties were impossible to estimate. They may have run to a million men, women and children. (622)\*

In most histories of Vietnam, the strong suggestion emerges that even though the damage wreaked by Johnson and Westmoreland and the leftovers from the

\* The maker of the film *Hearts and Minds* follows his footage on the Christmas bombing with a shot of General Westmoreland, who tells the camera: "The Oriental does not put the same value on human life as we do. In the Orient life is plentiful, life is cheap." It is clear enough who the people were who considered Oriental lives to be cheap. Nixon's verbal sadism is well-known, but it is important to remember how casually brutal the language of official criminality could be—and how widespread—as Langguth's rich variety of exam-

Kennedy White House was appalling and enormous, there are distinctions possible even in a catastrophe as savage as that one, and that it was not until 1969 that the real crazies took over. The historian usually enters the deranged mind of Richard Nixon—every bit the madman he wanted his enemies to believe him—in order to understand events like the Christmas bombings, or the secret bombings of Cambodia (code-named "Breakfast," "Lunch," "Dinner" and "Dessert"), or the related domestic events like the spying and the burglaries that brought him down. But as everyone knows, Nixon's disgrace upon leaving the White House was not permanent. Only a few years after Watergate, *Newsweek* brought the former president onstage with a cover story labeled "Dick Nixon's back!" From then on, a respectful press recorded his attempts, through nine books and numerous journeys abroad, to grow into the role of senior statesman. If only someone had loved him, said Kissinger at his funeral in 1994, he would have been "a very, very great man." The outpouring of praise upon his death is an important moment in the official misremembering of the war. Some eulogists simply buried it (Tom Wicker's full-page tribute contained no mention of Vietnam whatsoever), but others constructed a revisionary history the precise opposite of what the record shows: instead of carrying the war through its deadliest, most insane phase, Nixon wound it down in order to get on with the business of creating a new world order. Andrew Kopkind's remark that Nixon was the one, after all, who ended the war, was astonishing coming from the left, but was echoed often—for example in Theodore Lowi's interview with *The Ithaca Journal* ("He also initiated United States withdrawal from Vietnam" [April 23, 1994 SA]). For everyone, the general emphasis was on rescuing his total achievement—not from Vietnam but, of course, from Watergate.

It was Mary McCarthy, listening to Sam Ervin describe Watergate as the greatest American tragedy since the Civil War, who remarked that Watergate was America's way of coming to terms with Vietnam. By suffering through Watergate, this remark suggests, we purged ourselves of Vietnam—"our long national nightmare" was something, once again, that happened to us. The logic of scapegoating erased the greater, collective crime and attached the stigma of the lesser to Nixon, for which he can be finally exonerated twenty years later. And just as the myth of the national trauma has washed the American people free from guilt in Vietnam, the rehabilitation of Richard Nixon helped do the same for the American government. The real lesson of Vietnam should have been that not even a superpower can act above the law. Nixon was punished for acting "above the law" in Watergate, but not for doing far worse abroad—and his exoneration permits his successors to do the same.

### The Modern Machiavelli

No public figure emerged from the conflict with a reputation like "Doctor" Kissinger's—the only person in public life since Martin Luther King to be known honorifically by his degree. "The Republican

ples shows. For example, Bill Bundy used wit in describing the proposed program of calculated escalation: "It seems to me that our orchestration should be mainly violins, but with periodic touches of brass" (322). When asked his opinion of a bombing pause in 1965, Senator Sam Ervin, beloved during the Watergate hearings said, "We ought to bomb North Vietnam out of existence" (409). The Joint Chiefs come across as uniformly savage, pressing for an ever increased tonnage of bombs—though the generals never sound like loose cannons

party's elder statesman," "coolly incisive," "statesman-historian," "the most reviled, and most interesting, statesman of his generation": these typical phrases are culled from a review by Thomas Friedman of Kissinger's most recent book (*The New York Times Book Review*, June 17, 2001). (The cover illustration, headlined "How to Play Diplomacy," features two cartoon hands playing cartoon billiards.) Though many books already exist about Kissinger, many of them written by himself, none is exclusively devoted to his most remarkable achievement, his image. The reverence with which the members of the established press have treated Kissinger—Ted Koppel is the most egregious but not the only example—stems in part from the SALT talks and the "opening" of China, the twin diplomatic breakthrough that is said to have brought the U.S. out of the dangerous confrontationism of the early Cold War. But these achievements in themselves are not enough to explain how the bomber of Cambodia evolved into a "statesman." The real reason is surely that Kissinger, through his self-promotion and his punditry, has come to symbolize, as no one else does, the view dear to many policymakers and journalists: the view that we live in a precarious world and that the key to survival in such a world is not the opinion of an informed democratic body politic but a supremely shrewd and determined strategic intelligence—the "lone cowboy," as Kissinger called himself on one famous occasion—who is capable of "composing" the pieces of the world into strategic solutions. "Doctor" Kissinger is the "mind" of "tough-mindedness," guaranteeing by his formidable intellect that whatever stands against tough-mindedness—considerations, for example, of morality or of human suffering—is naive or sentimental or in some other way not smart enough. His many favorite terms of abuse include "emotional" and "fuzzy-minded."

Interestingly, Kissinger's legend flourishes alongside a huge body of well-documented, often ferocious journalistic exposure, known about and yet somehow not registering, like a case of cultural cognitive dissonance. It began as early as Richard Falk's *What's Wrong with Henry Kissinger's Foreign Policy?* (1974), rising to Seymour Hersh's 700-page *The Price of Power* (1983), continuing through the revelations of the Haldeman diaries, the publication of which Kissinger opposed (1994), and continuing this year in Christopher Hitchens's *The Trial of Henry Kissinger*, to which I return below. His famous resemblance to Peter Sellers's performance in *Dr. Strangelove*—a pedantic Nazi expert in mass murder with a heavy German accent—should by any normal logic have doomed the image to ridicule long ago. In fact, I would argue that part of his appeal to journalists mesmerized by the symbols of power has always been the hint of something questionable or dangerous. Here, once again, is Friedman:

I have no doubt that Kissinger is as cynical, mean, and nasty a bureaucratic infighter and player of the game of nations as his most venomous critics

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because, so to speak, they all shoot together. Langguth does not quote the famous words of General Curtis LeMay, Air Force Chief-of-Staff who ran as George Wallace's vice-presidential candidate and who recommended that we "bomb North Vietnam back into the Stone Age." The extraordinary coarseness of public discourse during the Gulf War is shown by the fact that this phrase—considered the words of a madman in 1968—was used casually by politicians and pundits of various political stripes in reference to human targets in Iraq.

# Trauma and Justice: The Misremembering of Vietnam

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have charged. At times, he can make Machiavelli sound like one of the Sisters of Mercy. But having said that, one can still admire the clarity of his thinking, which is fully on display here (*The New York Times Book Review*, 14).

For Friedman, unpleasant personal qualities in no way detract from clarity of intellect; like sex, like money, like death, like power itself, the brain of Kissinger is a force to be reckoned with; as Friedman remarks so tellingly, "you ignore [his] take on the world at your peril." That's what Realpolitik is about, after all.

But a look at Kissinger's record shows very little that could be called "Realpolitik," with its connotation of realism and strategic rationality. Here is a brief sampling, drawn from Langguth. We now know from at least three entries in H. R. Haldeman's diaries, that it was Kissinger who argued for prolonging the Vietnam War until the next election. ("He prefers, instead, a commitment to have them all out by the end of '72 so that we won't have to deliver finally until after the elections and therefore can keep our flanks protected" [12/21/70]. Again: "This new action in Laos [an invasion that ended in disastrous defeat for the ARVN] would set us up so we wouldn't have to worry about problems in '72 and that of course is the most important" 1/26/71). When a staffer hinted to Daniel Ellsberg that the war was slated to continue, Ellsberg leaked *The Pentagon Papers*. When *The New York Times* began publishing them, Kissinger (to ward off suspicion that the leak came from his subordinates) made a show of rage in the White House, demanding that Nixon take action; otherwise, "it shows that you are weak, Mr. President" (Haldeman; qt. Langguth 588). Though capable of pushing Nixon's buttons this way (the "madman theory" may have been his idea), Kissinger also gave it out publicly that he was the one restraining force on an irrational President; pressed by former colleagues at Harvard about the 1970 invasion of Cambodia, he protested, "If you only knew what I was staving off from the right" (570). Yet he had fully supported the invasion, telling one of his aides who refused to be part of the policy, "Your views represent the cowardice of the Eastern Establishment" (565). Haldeman considered the secret bombings of Cambodia of 1969-1970 to be Kissinger's "pet project," noting on one occasion that he "came in beaming with the report, very productive" (545). The negotiations of October 1972, just prior to the Christmas bombing, fell through partly because Kissinger kept the true nature of the agreement from Nguyen Van Thieu. "While we have a moral case for bombing North Vietnam when it does not accept our proposals, it seems to be really stretching the point to bomb North Vietnam when it has accepted our proposals and when South Vietnam has not," he cabled the White House (613). Once back in Washington, however, he expressed anger at the "haughty" manner of Le Duc Tho and recommended large-scale bombing: "They're [the North Vietnamese] just a bunch of shits. Tawdry, filthy shits" is the way Nixon quoted him years later (613). Unfortunately, at this time James Reston wrote a column suggesting that Kissinger had opposed the B-52 raids and might even resign in order to write a book, which "would probably be highly embarrassing to Mr. Nixon" (621). Kissinger denied to Nixon that he had talked to Reston until an aide presented him with a telephone log. And so forth.

No single one of these reported statements necessarily reflects Kissinger's considered views, since he clearly tailored his remarks to his audience, but together, they belong to a consistent pattern. The man who bullied and flattered his White House rivals is also the man who could jolly the North Vietnamese on one day only to return home the next and

commend large-scale bombing of their country. This behavior was neither tough-minded, considered, Machiavellian, or dispassionate, at least in the terms that Realpolitikers are fond of celebrating, but very close to the opposite: contradictory, deluded, hysterical, impetuous, and irrational.

In his brief, powerful, and important book, *The Trial of Henry Kissinger*, Christopher Hitchens further undermines the Kissinger image as supreme, if amoral, strategist. Hitchens's book focuses on evidence detailing Kissinger's relations with totalitarian regimes, usually in his capacity as chair of the National Security Council and of the even more secretive group known as the Council of Forty. Among other things, he charges that Kissinger knew of and abetted the assassination of a Chilean general who objected to the imminent coup against President Allende; and that he knew of and abetted the assassination of Sheikh Mujibur Rahman, the first president of Bangladesh, and forty members of his family. Hitchens also has much of interest to say about the Fascist regime in Greece and about Kissinger's notorious "tilt" to Pakistan in the days after the genocidal invasion of what was then East Pakistan by the forces of General Yahya Khan. I will limit myself here to an account of Kissinger's relations with the barbaric Suharto regime in Indonesia, which provides Hitchens with what to my mind is his most instructive episode—a transcript of a State Department meeting dated December 18, 1975.

Thirteen hours after Kissinger and President Ford paid a state visit to Indonesia, Suharto's forces invaded East Timor and massacred up to a third of the entire population of that island in an attempt at forcible annexation. The U.S. response was to double the rate of arms sales to the Indonesians. Kissinger has since denied prior knowledge of the invasion, but the denial is contradicted by the transcript of a State Department meeting, dated December 18, 1975, which was obtained by the journalist Allan Nairn. In the transcript, we can hear the Secretary's words unedited as he rages, justifies, obfuscates, and blames. The State Department legal advisor has issued a written finding—as he was legally bound to do—that the Indonesians broke American law by using U.S. weapons in an aggressive action; Kissinger convenes the meeting outraged by the "indiscretion"—any written document can be leaked and then used as evidence that the Secretary's staff opposed his policy—and then defends the invasion of East Timor as self-defense ("And we can't construe a Communist government in the middle of Indonesia as self-defense?"). He links the defense of Indonesia with Angola, a different part of the moribund Portuguese empire, where he has just begun a covert policy—in alliance with Mobutu and the South African government—to support UNITA, the militia seeking to overthrow the Angolan government. He remarks:

The President says to the Chinese that we're going to stand firm in Angola and two weeks later we get out. . . . I don't care about the oil or the base [in Angola] but I do care about the African reaction when they see the Soviets pull it off [i.e., the current government of Angola] and we don't do anything. If the Europeans then say to themselves if they can't hold Luanda, how can they defend Europe? (104).

Hitchens comments: "the majority of African states, as a matter of record, opposed his intervention on the side of the tribalist and pro-South Africa militias in Angola. . . . And of course, no European ever felt that the fate of the West hinged on Kissinger's gamble in Luanda" (107). The passage concludes with what is possibly Kissinger's considered opinion of the whole Vietnam "adventure": "The Chinese will say we're a country that was run out of

Indochina for 50,000 men and is now being run out of Angola for less than \$50m." For the Chinese, it would seem, American life is cheap.

Some terms, as Hitchens says, are too blunt for public discourse; otherwise, passages like the above would make it obvious to anyone that Henry Kissinger is a psychopath. (Or perhaps one should propose a separate category of the public psychopath—the person who may be harmless in private life who becomes the instrument of mass murder when joined with political opportunity.)\* I use psychiatric terms because they are the most accurate we have for describing this pattern of behavior I am describing. But ultimately, the difference between record and image—or rather, the record half-but-not-completely effaced by the image—tells less about Kissinger than about American foreign policy today, and also suggests why future Vietnams will be hard to prevent. Both the Machiavellian image and the Machiavellian world he inhabits are nostalgic fantasies that are also dangerous rationalizations of the kind of thinking that got us into Vietnam in the first place. Like the postwar recuperation of Nixon only even more compellingly, Kissinger-Machiavelli (or Kissinger/Bismarck, or Kissinger/Metternich) functions alongside the discourse on Vietnam, not as part of it but as its necessary component: on the one hand, an innocent nation in need of healing; on the other, a powerful strategic genius who is not innocent and not in need of healing, but who bears a vision of the continuing need for military power and the right to exercise it.

If the Kissinger myth is still important, does Kissinger himself matter any longer? Although he has been out of public life for a quarter century, it would not be hard to find his identifying marks in the Gulf War: Pentagon censorship; overwhelming use of airpower against civilian targets; covert encouragement of a Kurdish uprising against Saddam; sudden sacrifice of the Kurds in order to prevent unacceptable de-stabilizing; all done in the name of American interests. (His partner and former undersecretary Lawrence Eagleburger served in the elder Bush's State Department.) His latest book is addressed in all but name to the junior Bush and advocates two policies dear to the right—the expansion of NATO and the development of a missile shield. (On the consequent abandonment of a world-order based on treaty obligations, see Anthony Lewis, "The Radical Bush," *The New York Times*, July 21). In a sense Kissinger no longer matters as a policy-maker, because his viewpoint has become so much a part of the thinking of our policy-making elite in the era of Clinton and the two Bushes. "Vietnam syndrome," recently defined by William Safire as "that revulsion at the use of military power that afflicted our national psyche for decades after our defeat" (*The New York Times*, April 30) is over—if indeed it ever existed. But there is a different sense in which Kissinger still matters greatly.

\*Oddly enough, John Ehrlichman (if his witness is to be trusted) was among the first to notice the parallel. In April 1969, North Koreans shot down an American spy plane flying 48 miles off the coast, with a loss of thirty-one American lives. Kissinger proposed bombing the MiG airbase, invoking the "Madman Theory"—the theory that if Asian countries thought Nixon was a madman, they would be scared into submission. When Kissinger lobbied Ehrlichman for his view, Ehrlichman asked what would happen if the North Koreans responded by hitting an American target. Kissinger said, "Then it could escalate." "How far?" "Well, it could go nuclear." Ehrlichman thought of Kubrick's *Dr. Strangelove*. The next day, Nixon decided against risking a second war, but Kissinger continued to argue that he must "take steps to rouse the American people from their slothfulness and moral decay" (Langguth, 546).

## Crime and Punishment

There is another form of world order diametrically opposed to that of the Realpolitikers, one which does not belong merely to the region of utopian dreaming but is on the verge of exercising real power and, in the case of people like Kissinger, a clear and personal threat. An essential part of that version of world order is a system of international law empowered to punish war crimes. Kissinger is important, in other words, as a prime occasion for the exercise of justice. But as I have argued, the discourse on Vietnam—like the rehabilitation of the war's two most flagrant criminals—excludes the category of criminality. This brings me back to Bob Kerrey.

The first lesson of the Bob Kerrey affair as a media event is that Americans and their press are unready to face the question of war guilt, at least on the level of actions committed by soldiers. In the words of John L. Hess, after the initial appearance of the story in *The New York Times* and on *60 Minutes II*, the media "denied the crime, minimized it, defended it and reburied it" (*Extra!*, July/August 2001, 21-22). To support this, Hess cites, among others, the indignation of Mark Shields, Jim Lehrer's faux-liberal pundit, who described *The New York Times's* suggestion of a public inquiry as "an act of moral arrogance rarely seen"; Juan Williams of NPR ("I mean, this is unbelievable. We have these elite New York press type people. . ."); and David Halberstam, the distinguished war journalist, who in an appearance at the New School in defense of Kerrey called Thanh Phong "the purest bandit country. . . . By 1969 everyone who lived there would have been third generation Viet Cong." Even Senator John Kerry, the activist former president of Vietnam Veterans Against the War, agreed in a television panel that no further inquiry was needed. Hess concludes: "after 10 days, a word check found that the story had quite vanished from *The New York Times*. What happened to those women and children in Thanh Phong did not have the staying power of what happened to Paula Jones in Little Rock."

The story was from the beginning treated as Bob Kerrey's personal trauma, with the focus on what the former Senator did or did not do and whose memory of Thanh Phong was more accurate. But as several commentators have pointed out, the true significance of Thanh Phong is that it shows, even more clearly than My Lai, the inevitable consequences of Westmoreland's anti-insurgency strategy. Kerrey and his fellow Navy SEALs were in Thanh Phong because the village was a "free fire zone," populated (they were told) only by the enemy. In a free-fire zone, the inhabitants are removed, willingly or not, into so-called "strategic hamlets," or else forced to join the tens of thousands of refugees that swelled the slums of Saigon, with the purpose of exposing guerrillas; it was then the job of search-and-destroy missions to clear out the "enemy" left behind and destroy homes and livestock, making the area useless as cover for guerrillas. "Free-fire" meant that American ground soldiers could fire upon "people and things at will and discretion, and without prior warning, or clearance from the Vietnamese provincial authorities" (Taylor 146). Kerrey and his soldiers, arriving at the supposedly empty village at night, heard a cry from an outlying hut—which turned out to contain two elderly villagers and their three grandchildren ("third-generation Viet Cong," according to the logic defended by Halberstam), who in one credible account became the first victims of the massacre. It is easy to imagine the confusion of soldiers at this moment, on their first mission incountry. It does not relieve the soldiers of responsibility if one shifts the responsibility upward,

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# The Death Penalty: A Fresh Look

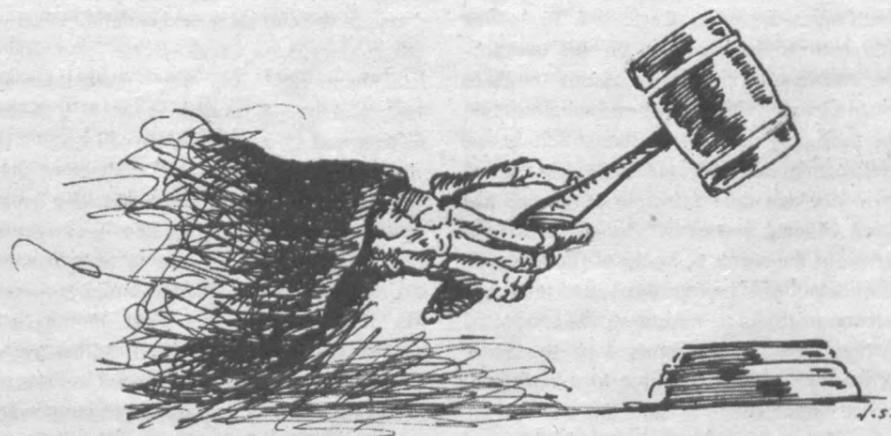
Martin Luster

In 1982, Malcolm Rent Johnson was convicted in Oklahoma City of the rape and murder of 76-year-old Ura Alma Thompson. Johnson was sentenced to death and, following appeals, was executed in 2000. To the end, he maintained his innocence.

The evidence against Johnson consisted of items found in his apartment which had belonged to the victim and which Johnson claimed he had obtained from his brother. There were no eyewitnesses, although a building manager said that he had seen Johnson in the vicinity of the apartment where the rape and murder had occurred. Johnson had two previous rape convictions on his record.

In addition to the personal items found in Johnson's possession, the central incriminating evidence was the testimony of Joyce Gilchrist, then and now an Oklahoma City police forensic chemist. [Gilchrist has been fired since this was written, ed.] Called as a prosecution witness, Gilchrist testified that she examined samples taken from a bedspread and pillow in Thompson's apartment and that semen residue on those items were consistent with Johnson's blood type. Gilchrist also testified that hair fragments found at the scene were similar to Johnson's hair. DNA testing was not available in 1982.

Gilchrist was placed on paid administrative leave from the police department in March 2001, when the FBI reported that significant errors had been discovered in five of eight



Jack Sherman

cases in which she has testified and which had been reviewed by the Bureau. The FBI report resulted in the release of Jeffrey Pierce in a case in which Gilchrist offered key testimony about hair found at the crime scene. Jeffrey Pierce had served 15 years of a 65-year sentence for rape. Additionally, the rape and murder conviction of Alfred Brian Mitchell was reversed by a Denver Appeals Court on the ground that testimony by Gilchrist that incriminated Mitchell was contradicted by her own handwritten notes. Oklahoma City police sources have said that there are five additional probes of Gilchrist's work currently under way.

As a result of these investigations, Oklahoma Attorney General Drew Edmondson in late August released two memos written in July by Oklahoma City Police Department forensic scientists, saying tests conducted by them of material found at the Thompson mur-

der scene were inconsistent with testimony given by Gilchrist. The four police chemists obtained and reviewed the slides prepared by Gilchrist for the Johnson trial; their findings were summarized in a memo written by the laboratory DNA manager.

"It should be noted that upon examination of these slides" current findings were contradictory "to those reported out and testified to by Joyce Gilchrist," said the memo. Specifically, the current examination revealed that there was no presence of sperm on the slides prepared with material that came from the bedspread or the pillowcase, although Gilchrist had testified that those samples were consistent with Johnson's blood type.

At the time of trial, Johnson's attorney asked the trial judge to approve funds to hire a forensic expert to examine the evidence, but the request was denied. Years later, in the course of appeals, Johnson's attorney asked

to be allowed to secure DNA testing of the scientific evidence, but after objections by the State of Oklahoma, the Federal Appeals Court, relying upon recently-tightened federal laws governing death penalty appeals, denied the request.

Given the convincing nature of the circumstantial evidence surrounding this case, it is simply unknown if Johnson was properly convicted and executed. Because Johnson's guilt or innocence is not clear, it is a good example of the weaknesses in our criminal justice system. In the absence of eyewitness testimony, the jury was asked to rely on circumstantial evidence. Under the law, a conviction can be based solely on circumstantial evidence only if the jury is convinced to a "moral certainty" of the defendant's guilt. The courts have held that the circumstantial evidence must be consistent with guilt and inconsistent with any reasonable theory of innocence. Thus, Gilchrist's testimony becomes vital. A jury (or any single juror) could easily refuse a finding of guilt based upon Johnson's possession of items taken from the victim's apartment without further corroborative evidence. It is the conclusive nature of the scientific evidence offered by Gilchrist matching his blood type to the alleged samples found on the victim's clothing and bedding that could provide the moral certainty necessary for jurors to establish guilt. Without that evidence, it is highly unlikely that a jury would have unanimously imposed the death penalty.

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## State-Sanctioned Killing

Joe Miceli

Western civilization often relies upon the biblical statement, "You shall give life for life, an eye for an eye, and a tooth for a tooth," to justify retribution in all sorts of ways, including the death penalty. But executing someone because he has killed someone else may not be justified; in fact, it may be hypocritical. To say on the one hand, "Thou shall not kill," while on the other, "If you do so then you shall also be killed," is illogical. This point is made by the Italian jurist Beccaria in his treatise *On Crime and Punishment*:

If passion or the necessity for war has taught the spilling of human blood, laws designed to temper human conduct should not enhance a savage example which is all the more baneful when the legally sanctioned death is inflicted deliberately and ceremoniously. To me it is an absurdity that the law which expresses the common will and detests and punishes homicide should itself commit one and, in order to keep citizens from committing murder, order a public one committed (Sellin 1967a, 43).

The emotional reaction of lots of people in America now that Timothy McVeigh has been put to death is a good place to begin to address the question of why we administer capital punishment, and how we, as a so-called "civilized society" view legal homicide.

Timothy McVeigh was convicted and sentenced to die (by lethal injection) for a crime characterized by the Department of Justice as being "the worst terrorist act in U.S. history...." Of course anyone who blows up 168 innocent people, including children (whom McVeigh referred to as "collateral damage") deserves to be punished. But what type of punishment are we justified in inflicting, to what extent, and under what circumstances?

At the crudest level some death penalty proponents may advance anger, outrage, and the

need for vengeance as the rationale for capital punishment. But what people often ignore—especially when they allow their emotional reactions to cloud their common sense—is that these feelings are often sources of injustice; nothing less than examples of lynch mob mentality. According to one legal scholar:

Vengeance is a dark human emotion; retribution is a standard of justice. Vengeance rooted in anger avoids the distinctions between legal and extralegal considerations in the act of punishment (Berns, *On Legal Homicide* 79).

The human emotion argument often confuses the desire for vengeance with the principle of retribution; retribution requires only that the punishment fit the crime. If it is really justice we are after, and not retribution, as some insist, then we need to check our sadistic impulses and examine what the death penalty was specifically designed for: to deter crime; not to satisfy our primordial need for revenge.

Still, motives of anger and the desire for revenge explain why some people in society are so willing to punish. Indeed it is, in most cases, usually imposed on those criminals who most offend the collective community conscience. So it is not surprising that societal expectations call for the bad guy to get it in the end. It is the way we have been conditioned: it is what we believe in.

But this simplistic way of thinking—that capital punishment will heal all sorrows and suffering—is misguided. What purpose does it serve to kill a person who has murdered someone whom you care about or love? Will eliminating the evildoer make your life easier? Or, using the case of McVeigh as an example, is it possible we may have done him a favor by ending his suffering?

Ironically, for most of the men and women we execute the death penalty may not be the most dreaded alternative, it may be preferred punishment—an escape from a fate far more terrible. Certainly, if we had imposed a life sentence on McVeigh as opposed to death—(we do

this when it suits our needs; consider the F.B.I. agent who sold secrets to the Soviets) might that not have been just deserts for McVeigh? Perhaps Timothy McVeigh was relieved to know he wouldn't have to rot in a ten-by-eight cell for the rest of his life.

Nevertheless the events leading up to his execution illustrate the kind of people we are, at least the kind of people we have become. Outside the compound where McVeigh was set to be killed, the aroma of grilled shish kebabs floated in the air, melding with the sounds of vendors hawking T-shirts that read, "Die Die Die." In a circus-like atmosphere (fueled by media-hype prior to his death), it's surprising no one suggested selling tickets to watch McVeigh die on television. After all, if citizens really had such an overwhelming desire to quench their blood-lust, why didn't they capitalize on the ghoulish spectacle?—broadcast it on pay-per-view nationwide and donate the proceeds to the families of the 168 victims McVeigh murdered?

Actually, blood-money alone might not have been enough to satisfy the morbid fascination of the families, friends or good citizens of this country eager to see McVeigh snuffed out. To be sure some of the views about what should be done to McVeigh were not all that surprising, especially considering how outraged people became when McVeigh repeatedly referred to the children he killed as "collateral damage." For instance, on the Jim Bohannon show and several other talk shows before McVeigh was killed, people expressed not only what they thought about the death penalty, but also precisely what they thought should have been done to McVeigh. Here are some of their enlightening comments in response to Bohannon's assertion that McVeigh was dying too easy, that he was merely going to lie down and go to sleep: "Chop him into little pieces"; "shove a stick of dynamite up his ass and blow him to bits"; "beat him to death with a baseball bat"; "torture him slowly"; "turn him over to his victims' families so they can kill him...." And finally, encompassing the majority of caller

sentiments: "revoke the constitutional clause that prohibits 'cruel and unusual punishment.'" In other words allow law-abiding citizens to formulate new improved methods—similar to those mentioned above—to dispatch criminals like McVeigh with extreme prejudice. This gives new meaning to the militaristic idea: adapt, overcome, improve.

Ironically, this is the same convoluted thinking (retributive by nature) that caused McVeigh to blow up the Alfred P. Murrah building to begin with. McVeigh's motivations were based upon his perceptions of the government. McVeigh believed the government was a tyrannical bully; he believed the government felt it was above the law. He believed the government was wrong for setting fire to the Branch Davidian complex (a Christian fundamentalist group in Waco, Texas); and wrong for murdering Randy Weaver's wife as she stood in the doorway of her home cradling her child in her arms. (Mrs. Weaver was shot in the face by a sniper assigned to the F.B.I.'s hostage negotiation team during a tense, but peaceful, standoff with law enforcement officials at Ruby Ridge).

Who can say what drove McVeigh over the edge, now that his ashes have scarred the landscape of an undisclosed location somewhere in America? One can certainly envision McVeigh reading ultra-right-wing literature prior to bombing the Murrah building. Surely one can imagine him studying books like *The Turner Diaries*, or other hate-filled, anti-government propaganda, and brooding about the women and children who were burned to death at the siege in Waco. Perhaps McVeigh, in his warped, deluded, megalomaniacal mind, believed blowing up the Murrah building was righteous because of the equally senseless killings committed at Waco and Ruby Ridge.

Ultimately, regardless of what one thinks about McVeigh, the question is this: Under what circumstances, if any, is the state justified in killing someone? And when they do

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# Trauma and Justice: The Misremembering of Vietnam

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from the possibly criminal perpetrators of the massacre to the clearly criminal perpetrators of the policy.

The aim of *The Trial of Henry Kissinger* is to lay out the legal grounds for prosecuting Kissinger for various crimes that occurred in Indochina and elsewhere. For example, the evidence is overwhelming that Kissinger knew of—and even micro-managed—the details of “Operation Clean Sweep,” a massive aerial assault on the Mekong Delta area in early 1969 that cost something like 5,000 civilian lives (often misreported as enemy dead). As for the “menu” bombardment of areas in Cambodia and Laos that were known to be populated, the death tolls were as high as 350,000 in Laos and 600,000 in Cambodia (30-35). (It is an unfortunate disadvantage of Langguth’s narrative emphasis that he cannot detail the cumulative destruction of massive operations like these.)

Thirty years ago, in the wake of My Lai, much was said about war crimes in a literature that is little-known today. Among the most remarkable of these books is *Vietnam and Nuremberg: An American Tragedy*, by the former American prosecutor at Nuremberg, which is also one of Hitchens’s sources. Taylor conducted a cautious and rigorous examination of American tactics in the light of Nuremberg, which for him represents the idea of international justice as a symbol but also the specific body of law—vigorously upheld by American leaders—according to which the trials at Nuremberg and Tokyo were conducted. Taylor concluded that several American warmakers would have been guilty according to the criteria that condemned Japanese war criminals to death in the Nuremberg-based trial in Tokyo. Taking into account the difficulties of fighting a guerrilla war, Taylor noted the following (among much else):

—That massacres of civilians such as happened at My Lai is criminal conduct under international law.

—That American forces routinely bombed villages as reprisals (as in the words in the Marine Corps “Ultimatum to Vietnamese People”: “The U.S. Marines will not hesitate to destroy immediately, any village or hamlet harboring the Vietcong”); but such reprisal attacks violate the Geneva Convention on Civilian Protection, which prohibits “collective penalties” and “reprisals against protected persons” and also violates the “Rules of Land Warfare,” a U.S. pamphlet published in 1956 and distributed to soldiers in Vietnam.

—That transfers of population are authorized by Article 49 of the Geneva Convention if “imperative military reasons so demand” and so long as the civilians are returned to their homes and their health, safety and nutrition are assured. This does not cover forcible transfers of the type that occurred in Vietnam where “devastation of the evacuated area is the prime objective” so that people could not be returned to their homes. The “horrendous conditions” of the camps, through which an estimated one and a half million refugees passed, further violates Article 49.

—That helicopters were routinely ordered to fly over “free-fire” zones, gunning down isolated inhabitants with no real means of determining whether they were Viet Cong. Such massacres are illegal for the same reason as massacres by ground soldiers.

—That widespread evidence of the torture and assassination of prisoners existed, which violates the 1929 General Convention, the 1949 Convention, and the “Law of Land Warfare.” Abuses such as South Vietnam’s infamous “tiger cages,” designed for suspected Viet Cong violate the requirement that humane treatment of prisoners is the responsibility of the power that captures the prisoners, even if that power transfers prisoners to a secondary power (144-150).

—That the Nuremberg trials did not prose-

cute aerial bombardment of civilians, since both sides did so in World War II, so that international law is silent on this question. Nevertheless, a “principle of reason” ought to be observed: “The military end sought should be sufficient to warrant the suffering and destruction inflicted” (143). Taylor saw no evidence that this “principle of reason” had been violated in Vietnam, but he did not yet know of the secret bombing of Cambodia or the Christmas bombings three years later. The second of these, as we know, was conducted entirely for show—prompted by the South Vietnamese refusal to agree to a completed peace agreement.

—That in the case of the soldiers charged after My Lai, the question of guilt is not whether they knew the Army’s “Law of Land Warfare,” which forbids massacres of civilians, but “how far what they did departed from general American military practice in Vietnam as they had witnessed it” (160; italics in the original). In this context Taylor cites a letter written by four sergeants after the My Lai disclosures: “You know this is a VC village, they are the enemy, they are a part of the enemy’s war apparatus. Our job is to destroy the enemy, so kill them . . . I want to come home alive, if I must kill old men, women or children to make myself a little safer, I’ll do it without hesitation.” Taylor comments:

One may indeed sympathize with the desire to “come home alive,” but if that aim now requires the slaughter of all the Vietnamese who might be sympathetic to the Vietcong, then all our talk of “pacification,” to say nothing of the Hague Conventions, is the sheerest hypocrisy, and we had better acknowledge at once that we are prepared to do what we hanged and imprisoned Japanese and German generals for doing” (169).

As Richard Falk, Professor of International Law at Princeton, wrote recently, “The most fundamental idea embedded in the law of war, requiring a belligerent to distinguish civilian from military targets, was completely abandoned.”

A careful legal analysis makes the old mystifications vanish like a cloud of smoke. But this kind of moral clarity is precisely what the discourse on Vietnam has been able to occlude. If we can only talk about Vietnam in terms of a blunder or a quagmire, or in the pseudo-therapeutic terms of a trauma visited on us—experiences so dark and extraordinary that they cannot even be adequately described, let alone judged—then no one is to blame. We cannot, as Fred Turner points out, take responsibility for what we did. The backlash against the Bob Kerrey story shows that any unpleasant knowledge of the war can be immediately suppressed by the therapeutic model: it is pointless and unfair to re-open old wounds. (The point is savagely captured by the cartoon accompanying John Hess’s article: in place of the children crying and running naked down a country road in the famous photo are Uncle Sam and Bob Kerrey, their faces distorted in anguish. The caption reads: “America’s Selective Memory.”) The elder Bush’s cynical use of the therapeutic metaphor (“Vietnam syndrome”) wedded the recovery from trauma to the willingness to wage war without any restraints except one—that death will be visited only on our enemies, not our own.

Future Vietnams, all risk-free, will be waged with the full compliance of most Americans. As Richard Falk points out in his important essay,

The temptations of America to rely on its mastery of high-tech weaponry to overwhelm low-tech adversaries is actually far greater these days than during the cold war era. The success of such tactics in the Gulf War and especially in the casualty-free (for NATO) Kosovo War, puts the peoples of Asia, Africa and

Latin America at continuous potential risk in the current world order.

In the face of this warning, a realistic—though modest—hope is that the discourse of international law will be able to compete publicly with the belligerent discourse of American supremacy. The great virtue of even an old book like *Vietnam and Nuremberg* is that it holds up a mirror to atrocities like Thanh Phong—and to a career like Kissinger’s. In the same month that Serbia extradited Slobodan Milosovich, Henry Kissinger was apprehended in Paris at the Ritz and briefly held for questioning in an inquiry into Chilean war crimes (he declined to respond); there are reports that he has had to curtail travel plans elsewhere. Also in July, an investigative judge in Chile sent letters to the Bush administration outlining a request for information from Kissinger as part of a similar inquiry. (Not surprisingly, Kissinger has recently published an article in *Foreign Affairs* titled “The Pitfalls of Universal Jurisdiction.”) As the most prominent surviving American war criminal, Kissinger matters—because his trial would signal not just that the U.S. gave lip service to international tribunals but that even the U.S. must be subject to international law. Kissinger is of course unlikely to be brought to trial, though the question of his responsibility will, one hopes haunt and embarrass him the rest of his life—and similarly haunt and embarrass the policy-makers who seek to protect him and follow in his path. American warriors of the present and future may even be constrained by the knowledge that they, too, can one day be held accountable (that is one of the chief arguments for international trials). Falk stresses the importance of this issue for activists in the U.S. who might, he suggests, form a citizens’ tribunal with the purpose of educating rather than punishing. He offers the name “National Committee to Promote Justice and Reconciliation with the Peoples of Indochina”—an organization, I would suggest, that would work alongside an urgent activist movement exposing and resisting the new war in Colombia.

Because the next Vietnam has in fact begun in Colombia. (I use as a working definition of “another Vietnam” the overwhelming use of American weaponry and other support to wage war against liberation movements and civilian populations on behalf of self-proclaimed American interests.) Kissinger in his new book is recommending immediate action on Colombia: a combination of humanitarian and military aid (including training of indigenous armed forces in the U.S.) in order to prevent the establishment of a radical Marxist government in the hemisphere. The prescription should sound familiar; oddly, it puts Kissinger slightly to the left of “Plan Colombia,” which dates from the end of the Clinton administration and which has so far funneled one billion dollars into the country, almost entirely for military aid. Since the Colombian military is so deeply implicated with an extreme-right paramilitary network, American dollars are making possible a campaign of assassinations against villagers, union leaders, and other suspected “subversives”—a campaign directly supported by American corporate interests, specifically coal. Other ingredients for another Vietnam are a low-key bipartisan consensus in Congress, a self-censored press, and a U.S. public uninformed and indifferent.

“As citizens,” Falk writes, “we need to exert greater vigilance to insure that what is done ‘in the name of America’ does not bring shame to the country and to those young Americans who bear the brunt of risk and loss” (22). These words suggest that we also owe such vigilance to the 58,000 names on the Wall, whom we have spent thirty years attempting to honor by relying on a significant denial. We owe it to those young people that the government who sent them off to die and brought shame to our

nation will be held finally responsible. The idea of a tribunal on Vietnam brings back to memory the most eloquent voices of thirty years ago. Earlier I said that the greatness of Martin Luther King’s speech against the war lies precisely in the qualities *The New York Times* found politically naive. His culminating political argument is the case for the very kind of transnational consciousness that he has demonstrated in the earlier parts of the speech—a vision that fundamentally opposes the right of a hegemonic superpower to act above the law in defense of its self-defined “interests”:

Every nation must now develop an overriding loyalty to mankind as a whole in order to preserve the best in their individual societies.

This call for a world-wide fellowship that lifts neighborly concern beyond one’s tribe, race, class and nation is in reality a call for an all-embracing and unconditional love for all men” (*A Testament of Hope*, 241).

Ours is a society that has found ways to honor both Dr. King and Dr. K. The years to come will determine whose vision of the world will turn out to be in our truest, best interest.

#### References:

1. Isserman and Kazin, *America Divided: The Civil War of the 1960s* (Oxford University Press, 2000).
2. “‘The Vietnam Syndrome,’” *The Nation*, July 9, 2001, 18-23.
3. Horrifying accounts from the independent press show how lethal the Colombian conflict has already become, partly due to the extraordinary brutality, strength, and pervasiveness of extreme right-wing paramilitary organizations. Colombia has the largest-growing Fascist movement in the hemisphere; it has also been estimated that of every five union leaders assassinated in the world, three are from Colombia. According to the United Confederation of Workers, 3,800 trade unionists have been assassinated since 1986; these include 418 educational unionists (see David Bacon, “The Colombian Connection,” *In These Times*, July 23, 2001, 11-13.). The coal industry’s contributions to last year’s elections, 88 percent have gone to the Republicans. To prepare himself for the next extension of the New World Order into Latin America, George Bush has been bringing back the people who waged the Reaganite war in Central America. A former contra is now a State Department official, and Elliott Abrams—convicted of two misdemeanor counts of lying to Congress—is now National Security Council director of “democracy, human rights, and international operations.”

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# The Death Penalty: A Fresh Look

continued from page 9

Of course the doubts of this case could be resolved if DNA testing of the biological evidence were permitted. Doug Parr, a defense lawyer in Oklahoma City, is playing a major role in the ongoing investigation of Gilchrist's reports and has asked Oklahoma City officials to authorize a complete DNA review of the scientific evidence. To date, the investigators and the city have been unable to agree on whether or where that testing should be done and the city has opposed Parr's lawsuit that seeks access to all records in the case.

Unless and until there is complete and modern DNA testing of the biological evidence, the guilt or innocence of Johnson will remain in question. However, should it be concluded that Johnson was innocent, his will be the latest in a long and ever-increasing list of individuals who have been wrongfully convicted and either sentenced to the death penalty or actually executed.

There are many arguments against the continuation of the death penalty in the United States. Careful studies of empirical evidence indicate that potential execution does not serve as a deterrent to violent crime and every credible examination shows that the death penalty is imposed and carried out in a racially-discriminatory fashion and in ways that simply cannot assure fairness or justice. The death penalty is expensive to administer and in several states, is imposed on those with mental retardation, a policy seen around the world as barbaric and uncivilized. Each of these arguments can be the subject of impassioned, yet rational and logical, debate and discourse. The one argument to which there is no logical and rational answer is that innocent people, by the very nature of our criminal justice system, have been and will be subject to the penalty.

"If statistics are any indication, the system may well be allowing some innocent defendants to be executed," said Supreme Court Justice Sandra Day O'Connor on July 2, 2001. O'Connor's belated, but welcome, observation is borne out by the statistics.

Since 1973, ninety-eight innocent defendants have been released from death row. The latest, Charles Fain walked out of the maximum security prison in Boise, Idaho on August 23rd after serving more than 18 years on death row for the 1982 kidnapping, sexual assault and drowning of a nine-year-old child. Forensic testing authorized in 2000 found that hairs found on the victim did not, contrary to what had been asserted at trial, come from Fain.

Fain was the eleventh death row inmate exonerated by DNA exclusion of purported incriminating evidence. Non-DNA cases are just as compelling. This year, Peter Limone was freed after having been convicted and sentenced to death for a 1965 murder. His sentence was commuted to life in prison when Massachusetts abolished the death penalty in 1974. At the trial, a hit man who had cooperated with prosecutors gave compelling testimony against Limone and three co-defendants. The witness later admitted that he had fabricated much of his testimony, and recently-obtained FBI documents show that informants had told the FBI before the murder that the victim would soon be killed and by whom. They did not name Limone or the co-defendants.

So-called "snitch" testimony is often the basis of a conviction and is often unreliable and, worse, palpably false. In 2000, Steve Manning was exonerated in the 1999 murder of a trucking company executive. Manning had been convicted and sentenced to death on the word of an informant who testified that Manning confessed to him when they shared a jail cell. In exchange for his testimony, the informant received an eight-year reduction in his prison sentence on other charges.

Subsequent proof established beyond doubt that no confession had ever been made.

In 1995, Curtis Kyles's conviction was overturned by the U.S. Supreme Court because the prosecution in Louisiana had withheld material evidence from the defense. The information concerned a paid informant who may have been the actual murderer. Kyles was re-tried three times, each time resulting in a hung jury. The state then dropped the charges and he was released in 1998.

These are a few of the lucky ones. Their innocence was established before execution. On August 31, 2001, the State of North Carolina executed a man whose lawyer admitted that he, the lawyer, was drinking heavily during the case, consuming nearly a pint of 80-proof rum every afternoon. In fact, the attorney was in a car wreck at about the same time and was found with a near lethal blood alcohol level of 0.44% at 11 a.m.

As a direct result of his attorney's nearly continuous state of intoxication during the penalty phase of the trial, the jury which was charged with determining whether or not the death penalty should be imposed for a murder clearly committed by Ronald Wayne Frye, never heard of Frye's hellish upbringing. At the age of four, Frye was given away by his parents at a dinner. His "new father" beat him with a bullwhip, leaving severe scars on his back, resulting in photographs that are, to this day, used at child abuse seminars. Frye started abusing drugs at age ten, quickly moving from sniffing glue to cocaine. He lived with six families before dropping out of high school and becoming a crack-addicted construction worker.

The U.S. Supreme Court has ruled that it is incumbent upon the defense in a criminal trial to present mitigating factors about a client's background. Frye's attorney presented no evidence on his behalf, despite easily available witnesses and documentary evidence.

Two jurors have told the *Los Angeles Times* that they might have voted for life without parole had they known of Frye's past. All legal avenues of appeal were exhausted and the U.S. Supreme Court denied a stay of execution hours before the lethal injection was administered to Frye at Raleigh's central prison.

On June 23, 2000, Gary Graham was executed in Texas. Graham and others on his behalf had maintained his innocence of the charge of the robbery and shooting of Bobby Lambert in a 1981 Houston supermarket incident. The primary evidence against Graham was the testimony of Bernadine Skillern, who said she saw the killer's face for a few seconds through her car windshield, from a distance of 30-40 feet away. However, two other witnesses testified that they got a good look at the assailant and that Graham was not the killer. Graham's attorney never interviewed these two witnesses, nor were they called to testify at trial. Graham was executed in 2000, although three of the jurors who voted to convict him signed affidavits stating that they would have voted differently had all of the evidence been available.

David Spence was charged with murdering three teenagers in Texas in 1982. The allegations were that he had been hired by a convenience store owner to kill another girl, and killed the victims by mistake. The convenience store owner was convicted and sentenced to death, but was then acquitted at a retrial. The police lieutenant who supervised the investigation of Spence later concluded: "I do not think David Spence committed this crime." The homicide detective who conducted the investigation said, "my opinion is that David Spence was innocent. Nothing from the investigation ever led us to any evidence that he was involved." There is no physical evidence that connected Spence to the crime. The case was pursued by a zealous police officer who relied on testimony of prison

inmates who were granted favors in return for testimony. Spence was executed in 1997.

As of July 2, 2001, there were 3,717 inmates on death row in prisons across the nation. How many of these will be exonerated prior to execution is, of course, unknown. So, too, are the numbers of those who will be put to death either in the face of exculpatory evidence, harsh and restrictive appeal laws or subsequently-discovered evidence. Just as Justice O'Connor has clearly begun to rethink her pro-death penalty stance because of the increasing numbers of people exonerated in death penalty cases, so, too, has the legal profession and the general public begun to re-evaluate the efficacy, fairness and need for capital punishment in the United States. Within the past year, the American Psychological Association has called for a moratorium on executions, citing the number of wrongly-convicted inmates exonerated by DNA testing, inconsistencies in prosecutors' decisions to seek the death penalty, and the role that race plays in death penalty cases.

In February 2000, Governor George Ryan of Illinois (following the 13th exoneration of a death row inmate in that state during the same period it had executed twelve people) imposed a moratorium on the death penalty and established a blue-ribbon commission to investigate why so many errors were being made in capital cases. Governor Ryan, on August 18th of this year, vetoed legislation that would have expanded the death penalty to be used against gang members who murder. Ryan said that the legislation was vague, disproportionately targeted minorities, and could wrongfully subject someone to an irreversible fate if they were mistakenly convicted.

Recently, Martha Barnett, the outgoing president of the American Bar Association, on behalf of 400,000 members of the ABA, urged a moratorium on the federal death penalty. She noted that eleven wrongly-convicted inmates have been freed from death row in the last year and a half and concluded, "we now have empirical data that shows, in fact, this system is broken."

The general public is also beginning to understand the fatal defects in the death penalty system. A 2000 Gallup Poll revealed that public support for the death penalty had dropped to its lowest level in 19 years. More recently, a July 2001 Harris Poll found that 94% of Americans believe innocent people are sometimes convicted of murder. According to that survey, people believe, on average that approximately 12% of those convicted of murder are innocent. Only 42% believe that the death penalty deters crime—the smallest percentage in 25 years. Overall, 26% of those responding favor a decrease in executions, up from 14% in 1997 and 22% in 2000. The number of those who would like to see executions increase has fallen to 35%, down from 53% in 1997. Support for the death penalty is at 67%, down from 75% in 1997. Overall, most polls indicate that nearly 90% of Americans support providing access to DNA evidence in all capital cases and about 83% support providing qualified, experienced attorneys in all death penalty cases.

In New York, which has a somewhat more "enlightened" death penalty statute than many other states, there are currently six men on death row compared to the nation's leader, California, with 600 inmates awaiting execution. Texas has 454 people on death row, Florida 382, and Pennsylvania 246. The apparent reluctance of New York prosecutors and jurors to impose the death penalty is consistent with a June 1998 Quinnipiac College Poll that showed only 38% of New Yorkers favored the death penalty over alternative sentences, such as life without possibility of parole. Forty-four percent preferred life without parole and 6% favored life sentences with the possibility of parole.

Despite the caution with which New York is proceeding in regard to implementation of the death penalty, and despite the fact that only 16 capital cases have proceeded to trial since reinstatement of the death penalty in September 1995, certain troublesome indications are clear. A review of the 658 cases in which the death penalty might have been pursued since reinstatement indicates that the death penalty is applied inequitably in New York. According to a study undertaken by New Yorkers Against the Death Penalty, upstate prosecutors are four times more likely to seek the death penalty than downstate prosecutors. Additionally, Governor Pataki has proposed a decrease of \$840,500 (5.41%) in the budget of the Capital Defender Office which was established in conjunction with the 1995 death penalty statute to ensure the provision of legal, investigative and expert services for indigent individuals accused of or likely to be prosecuted for capital murder. Should the decrease in funding be enacted, it will result in the elimination of four positions in the Capital Defender Office.

Nationwide, in response to the growing professional and public disenchantment with the death penalty, the increasing number of exonerations, the dramatic cases of wrongful executions and the enormous cost of the death penalty (in New York alone, legal costs have amounted to at least \$85 million since reinstatement) a number of "reforms" have been suggested. They include:

- moratoria to suspend executions;
- provisions to provide DNA testing for capital defendants and death row inmates;
- bans on the execution of the mentally retarded (included in New York's present law);
- improved representation of indigent defendants;
- offering juries life without parole as an alternative to a death sentence (currently, New York law).

Certainly each of these ideas makes sense, but they simply do not address the underlying and inherent flaws in an imperfect system of criminal justice that permits capital punishment. Because it is an imperfect system, innocent people will continue to be convicted, and, although some will later be exonerated through the appeals process, persistent investigative journalism, or sheer good luck, many will not. For those who have been wrongfully executed, it is too late; for those, who now or in the future, confront that fate, we can, following the example of the overwhelming majority of modern, western democracies, take the only appropriate action.

Let us not, in the words of Justice Harry Blackmun, "tinker with the machinery of death."

We should abolish the death penalty throughout the United States.

*Martin Luster currently serves as the assemblyman of the 125th District of New York State, which includes Tompkins County.*

**Addendum: The foregoing was prepared prior to the events of September 11th. It is likely that the terrorist attacks will, at a minimum, stall the growing trend in opposition to the death penalty. We know that in previous periods of crises, support for capital punishment has grown. A movement between 1907 and 1917 to abolish the death penalty came to a halt with America's entry into World War I. Five of the six states that had repealed capital punishment had reinstated it by 1920. In our memory, the Anti-terrorism and Effective Death Penalty Act, which dramatically limited federal appeals in capital cases, was directly linked to the Oklahoma City bombing. The anti-terrorism legislation passed by the New York State legislature (with six dissents) and signed by Gov. Pataki in late September includes an expansion of the death penalty.**

# The Wanderer

Mark Rader

## This Rock

By Robert Morgan  
Algonquin Books  
\$24.95, 336 pages, cloth

In his latest novel, *This Rock*, Robert Morgan returns again to the Appalachian country that was the setting for his best-selling novel, *Gap Creek*, and again, the narrator of his book is a bullheaded, hard-working teenager, but that is where the similarities end. Julie Harmon, the tough young bride who narrates *Gap Creek*, is faced with calamities of almost Biblical proportions—her house nearly burns down, her husband loses his job, a flood ruins what little food they have and kills their cow, and her first child lives only a few days. She doesn't overcome adversity so much as she nobly withstands it, and it is her unwavering resolve that gives *Gap Creek* its backbone. *This Rock*, which details three years in the life of Muir Powell, the son of Ginny Powell, a widow and a sorghum farmer, and to a lesser extent, the life of Muir's brother Moody, is not so much a survival tale as it is a chronicle of self-discovery, and is a more loosely structured, more expansive, and less harrowing book than its predecessor.

Ginny Powell, who shares storytelling duty with Muir throughout the book, tells us in the prologue that Muir "was different from Moody from the beginning." As a boy, Moody, the oldest by three years, was busy chasing cats and running around while Muir "was always studying on making something," be it a toy boat or train or a miniature log cabin. The first chapter flashes forward to 1921, the year the main story begins, and quickly it's clear that little has changed. Muir spends his free time either drawing castles or cathedrals or checking on his fur traps down by the river, and has ambitions of being a Baptist preacher. Moody, on the other hand, is a gambler, a notorious knife fighter and a runner for Peg Early, the most powerful bootlegger in the state. He is a bitter and troubled young man—"the devil is having his way with Moody" is how Ginny puts it—but he is not all bad. From time to time, usually after he's been especially mean-spirited, Moody can act downright pleasant. "His name fit him perfect," Muir says.

You expect the brothers will butt heads and they do, on and off for the first hundred twenty-five pages, which comprises the first of three "readings" into which Morgan separates the novel. In the first chapter Muir gets his chance to preach to the congregation at Green River Church, but becomes flustered when Moody appears in the back pew. He stumbles through a sermon vaguely centered on the Transfiguration until Moody puts an end to his misery by letting out "the loudest and longest

fart you ever heard." Later, Moody, in one of his repentant moods, offers to buy Muir a new Bible, but Muir is beyond comfort.

A year has passed when the next chapter opens. Muir has spent most of his time working the farm, checking his traps, daydreaming and licking the wounds opened that morning at the church. He is torn between leaving Green River and building something; he feels he wants to do both at the same time. He gets into a fight with Moody, after Moody, in a fit of rage, beats one of their cows with a 2x4; he twists his ankle on one of his trapping expeditions, he and Moody fight over who gets to use the Model T. Then, one night, Muir gets tricked into accompanying Moody on what turns out to be a bootlegging run; the cops give chase, Moody cowardly jumps ship, and Muir escapes by the skin of his teeth. The next morning, Muir goes to church and decides to walk home Annie Richards, a girl he has considered kissing from time to time, only to have Moody pull up in the Model T and drive her away. This disgrace, or the culmination of all his recent disgraces, breaks him, and the next morning, seeing that the Model T is available, Muir unceremoniously decides to drive north, to Canada, seventy-one dollars burning a hole in the pocket of his mackinaw coat.

Not surprisingly, the trip is short-lived and ill-fated. Muir makes it as far as Toledo, but then loses heart and heads south. He tries his luck trapping mink on the Tar River of North Carolina for a week, but is then kicked off the river by a local sheriff who suspects him of being a bootlegger. Defeated, Muir heads downstream, but is soon caught up in a downpour, and nearly capsizes. He is adrift, literally, and spiritually. "If you spare me I'll go back to Green River and help Mama on the place," Muir says as he struggles to shore, and, once on dry land, that's where he goes, his waterlogged tail between his legs.

Like many of Morgan's Appalachian people, Muir distracts himself from his hurt through work. He spends the winter helping his mother, then he takes a job as a clerk at his cousin U.G.'s general store. Once again he takes up with Annie Richards, but she never feels like more than a diversion (much like Muir's traps and his castle-doodling). In the hands of a lesser author, the extended period of aimlessness that Muir goes through might sag on the page, and make the book lose momentum, but Morgan is so adept at describing the day-to-day particulars of work and survival that while Muir is feeling unmoored you're willing to carry on.

Muir has been waiting for a sign and finally, two-thirds into the book, he gets one. During a circus parade that has come to town, an elephant gets spooked and inadvertently crushes a man to death. Abiding by a law that states "any animal causing injury or loss of life be secured and put down," local officials prepare to execute the animal. And they do,

horribly, in a manner you need to read to believe. Muir, who attends the execution with Annie and her brother, is haunted by the event, especially by the panic in the elephant's eye. Muir states clearly: "My daydreams and ambitions was big and awkward as the elephant, and I was just as trapped." As he has done before, Muir heads to the woods to find solace, but what he finds, instead, is Moody's stash of corn liquor. He gets drunk for the first time in his life and as he gazes up at the dusk sky, he hears a voice whisper to him: "You will build a church. Upon that mountain you will build a church." The lightbulb which has been hovering above his head for years suddenly flickers on. It seems to Muir that this is exactly what he was born to do.

The first true villain in the book emerges soon after Muir begins work on the church. Preacher Liner, the fire-and-brimstone leader of the Green River Congregation and a strict adherent to "Baptist discipline," fears that Muir is secretly building a church for Pentecostals (Ginny is known to have dabbled with Pentecostalism in the past) and repeatedly tries to dissuade Muir from the project. "Beware of the sin of pride," Preacher Liner warns him. "Pride cometh before a fall." Muir hears him out but keeps right on working, hauling load after load of river rocks up the scabbly road he's plowed himself.

On Christmas Eve, Muir walks up the mountain to discover that the foundation and the wall he has spent months building has been destroyed. Enraged, Muir runs home and attacks Moody, who he has assumed is the culprit and the next day, feeling defeated yet again, he flees, yet again, into the wilderness. Moody, who claims innocence, goes off to deal with the people he believes are responsible. Three days later he returns to tell Ginny that he's shot someone, and then he also flees. Pride may not have caused it, but the fall has come.

Muir returns in Moody's wake and begins work again, this time with the help of Hank Richards, the deacon of the Green River Church and a freelance carpenter who sees himself in the young ambitious Muir. Hank takes charge and proves invaluable to the project. He knows how to draw up a blueprint, how to make things square, how to be efficient. "As Hank worked he made building appear to be the most natural thing. He didn't waste a single move," Muir says admiringly.

Up to this point, the same could be said for the narrative structure Morgan has hammered into place; every rock fits and many of them, like the garnet-speckled rocks Muir finds in the river, flash with light. However, in the last few sections that conclude the novel, Morgan's handiwork feels a bit too tidy. Moody, who has had little to do in the story since Muir left for Canada, seems ultimately to have been hanging around only to provide Muir with the opportunity to find his true calling. And when Muir does finally discover

what it is he's meant to do he seems to put the pieces of his life and his faith together in a way that makes him seem unduly wise and self-assured.

The ending aside, *This Rock* is an engrossing and informative read. Morgan, a native of North Carolina, brilliantly brings the landscape of the Green Valley region of Appalachia to life. There are no mundane details in this book. It is just as important that we know that, in the moonlight the mountains look like "folds of blue-and-purple velvet," as it is we know how to identify a diseased squirrel or what a rural general store is stocked with or what kind of insects thrive in the weed patch behind the Powell family hogpen. Morgan writes historical fiction, but there is nothing musty about his storytelling.

Another thing that's admirable about *This Rock* is the way Morgan shows how Ginny and Muir struggle to live their faith on a daily basis. The tenets they live by are simple and few—don't be led by anger, don't be vain or prideful, forgive those who wrong you—but, as is made clear in the book, they are difficult to follow, especially when someone like Moody is underfoot. When confronted with emotions that threaten to overpower them, Ginny and Muir talk to themselves and it is this self-talk that seems to save them from slipping into despair. "Anger will turn you into a fool," and "Be slow to anger and even slower to judge," Muir says to himself, when he feels his emotions about to bubble over. Ginny is slow to anger but is tested by lustful thoughts. "You act your age. Act your age in front of the preacher and the community, and in front of the Lord," she admonishes. Morgan seems to be saying that living one's faith is just another type of work; attentiveness to the task at hand and persistence in carrying it out will see you through.

This idea that persistence equals salvation, which plays out in Muir's life, also seems to speak to the job of a writer. I'd even go so far to say that *This Rock* could be seen as a large-scale parable about what it takes to write a book. Like Muir, you start off with big dreams of building a cathedral or a castle, something that will inspire generations. You distract yourself with other hobbies, you try to run away, but a fire still burns. You finally begin to build, but you don't know how to draw up a blueprint, or ensure a solid foundation. People try to talk you out of it, but you ignore them. You find a mentor, a wise and patient Hank, and he teaches you what wood to use, how best to put the pieces together, how to be patient. Then you're on your own. And if you're like Robert Morgan, you might just build a simple church with a steeple that points to the sky.

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## State-Sanctioned Killing

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execute people—whether a Timothy McVeigh or a Gary Gilmore or a Sacco and Vanzetti—what purpose does it serve? Does it end the pain and suffering of those who have lost their loved ones? Is knowing the monster has been put down like a rabid pitbull the magical "clo-

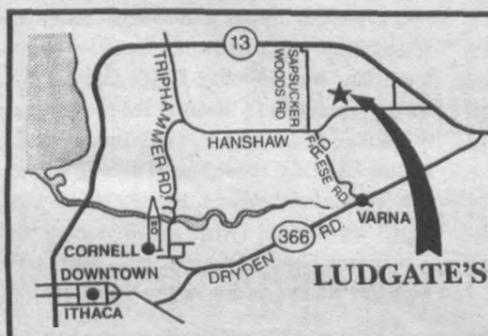
sure" that victims need to get on with their lives? Will killing a criminal ever bring their loved ones back? Or is capital punishment merely an anti-climax, an unsatisfactory conclusion to a movie with a bad ending that needs to be rewritten?

McVeigh's execution was bad news. And maybe some of the families of his victims, or

some of the people who viewed his murder on closed-circuit television in Oklahoma, will come forward now and admit his death was not an end but just a beginning—a sad and poignant reminder that not all the punishment in the world will ever bring the relief they thought it would. State-sanctioned killing will never grant anyone who has been traumatized or victimized by

crime the healing they desire and deserve. The sad truth is capital punishment is barbaric. It is a tool that was designed for retribution. It is unfair, ineffective, and offensive to contemporary values, and it is time to abolish it once and for all.

Joe Miceli is an inmate at Auburn Correctional Facility in Auburn, New York.



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