

THEORY and PRACTICE  
of  
CIVIL DISOBEDIENCE

Thoreau was required by law to pay a tax for the support of the Mexican War. He thought payment would make him an agent of injustice and said the best response to such a law is to "transgress it at once".

From that simple situation the term civil disobedience (cd) was born. The simple idea has been developed into new forms, and its practitioners have made traditions which are various and complex. This essay deals with the forms and rationales for cd applied to modern injustices.

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Injustice. Just means in harmony with eternal law, the law of God or some other value or regulation which is accepted as supreme. There is wide disagreement about the exact content of higher law. Furthermore, the problem of what constitutes justice in conflict situations is often beyond human wisdom, and in my opinion is a matter best left to non-worldly agencies. There is also a tradition which teaches that justice is made unnecessary by forgiveness.

But the perception of injustice is much easier. Nearly everyone agrees, for example, that the slaughter of innocent mothers and babies is unjust by almost any system of values. For the purposes of this essay, the following social practices will be assumed to be unjust:

- 1) Waging, and preparation for, nuclear war
- 2) Waging, and preparation for, any sort of mass violence
- 3) Racial discrimination
- 4) Slavery
- 5) Colonialism or imperialism
- 6) Suppression of freedoms of speech, religion and assembly

Nonviolence. This is an attitude or action based on these assumptions:

- 1) All men are in the same spiritual brotherhood; what harms one harms all.
- 2) The results of any action are not always visible, but are of the same order as the action itself; ends pre-exist in means.
- 3) All men are a mixture of good and bad. A direct appeal to the good weakens, and sometimes overcomes, the bad. "We will always try to speak to the best in all men, rather than seeking to exploit their weaknesses to what we may believe is our advantage." (Polaris Action Discipline)
- 4) A powerful means to appeal to the good in your opponent is to respond to his injustices without resentment, and willingly accept unmerited suffering. "Mutual trust and mutual love are no trust and no love. The real love is to love them that hate you, to love your neighbor even though you distrust him." (Gandhi, 1946, FP6)
- 5) All nonviolent action must be done openly, on the explicit basis of one's deepest perception of truth.

The following additional assumptions are based on nonviolent traditions, but contain some extensions not universally accepted:

- 6) The actions and times of the greatest importance always tend to be the present ones---hopes and fears about the future and memories of the past have more apparent than real importance.
- 7) The nonviolent actionist is steadfast under pressure but may change on the basis of new wisdom. He does not make commitments far into the future, nor is he limited to logical processes of evaluation. "I can give no guarantee that I will do or believe tomorrow what I do or hold to be true today. God alone is omniscient. Man in the flesh is essentially imperfect." (Gandhi, 1946 FP3)
- 8) Individuality is respected to the point of granting anyone the right to act as he pleases, checked only by psychological forces.
- 9) Moral superiority of one person over another is never assumed as a basis for action. But nonviolent values and traditions are assumed superior to others.
- 10) Pleasure-seeking, luxury, ease, wealth and power should be avoided; self-restraint, simplicity, physical labor and identification with the lowest classes through service---all these strengthen nonviolence.

- 11) The beneficial effect of an action depends more on the quality (purity, honesty, sacrifice) of the individual than on the number of people who act.

Nonviolence is an experimental science and the description given above should not be regarded as complete. Nonviolence includes other forms of action besides cd, e g prayer, fasting, constructive social work.

The principal architect of nonviolence was Gandhi, who trained thousands of his countrymen to practice the art for the sake of independence. It is often said by critics that nonviolence succeeded in India only because Britain was humanely disposed, unlike Germany or Russia. That Britain was humane seems questionable in view of its bloody imperial wars, which it used to enslave more people than Germany did. But Gandhi and his followers resisted peacefully, constantly reminding the British of their better selves, appealing to reason and offering several fasting or cd campaigns with limited goals which the British could grant without granting full independence. A campaign for independence was postponed, after 1931, until untouchability was given up by the Indian people, for Gandhi said that without self-purification there was not a sufficient basis for asking the opponent to yield. There were important factors besides Gandhi's campaign which moved Britain to withdraw, but the power of nonviolence is not denied by any observer. Today there are friendly relations between former master and slave, and a movement in England for unilateral disarmament.

American nonviolence falls short of the definition. Practitioners are usually unable to train others, for these principal reasons:

- 1) Loyalty to nonviolent principles is offset by loyalty to technology, which is believed to make possible the end of hunger and poverty---hence the end of greed, slavery and war. Although I favor the end of starvation through teaching everyone to cultivate the soil, I believe that affluence is more likely than poverty to produce war. "I do not believe that industrialization is necessary in any case for any country...In this [nonviolent way of life] there is no room for machines that would displace human labor and that would concentrate power in a few hands." (Gandhi, 1946 FP101 & 105)
- 2) For some, nonviolence applies only to political or mass situations, not to individual criminals who are dealt with through police, courts and prisons.
- 3) There is little in the way of constructive program being practiced in the American peace movement. There is charitable relief work, and some small groups experiment with agrarianism and intentional community (e g, the Catholic Worker). But the majority of radicals have little concept of structural changes except through political power. This lack results in a negative and shallow movement.

Civil Disobedience. By cd is meant nonviolent action or defiance which openly breaks some law. There are other types of cd but this discussion is limited to cd which is, in its major respects, reasonably nonviolent. Such cd is different from passive resistance, a tactic which refrains from violence because of inferior physical strength, and does not exclude violence when conditions are different. Cd, on the other hand, is the weapon of those who are prepared to make the same or greater effort and sacrifice as the soldier of war. There are several meanings of civil. Gandhi explained it with the terms, civility, openness, nonviolence, discipline and discrimination. The dictionary has two chief meanings: polite, and pertaining to the whole body of citizens or the state. I propose to include all of these in the definition used in this paper.

Note. Initials (followed by page number) added after Gandhi quotes refer to books listed in the semi-annual Greenleaf Books catalog, available free on request from Canterbury, New Hampshire. FP=For Pacifists; SAT=Satyagraha.

This question will be explored before examining in detail the forms of cd.

**Non-involvement.** At one extreme is the Buddhist attitude that all things should be regarded with equanimity, that the truly enlightened person does not attempt to influence others. However, in social situations this attitude has effect. The practice of vegetarianism and celibacy, for example, would suggest that meat-eating and sex are not the best forms of behavior—at least to many observers who look for values in the attitudes and conduct of others.

A life of poverty and contemplation is not likely to include cd unless the authorities are foolish enough to try to conscript monks and nuns. But people who own property, earn money, reproduce and promote ideas, are in competition with many others and hence are subject to the laws of society. In general, cd is appropriate to the extent that

- a) participation in social processes is desirable
- b) nonviolence is a force which can improve social relations
- c) some or all of society's laws and customs are intolerable

**Non-resistance.** Although this term has a long and honorable history, I prefer to omit it from the discussion because its meaning is too elusive or misunderstood for brief treatment. But I want to note that non-resistance, as taught by Tolstoy and Jesus, included resolute noncooperation such as draft refusal, and even active intervention as when Jesus cleansed the Temple and denounced the corrupt leaders of his time.

**Noncooperation.** This usually means the refusal to use one's muscles to comply with commands, e g payment of taxes, registration for the draft, induction, summonses, arrest, court procedure, prison regulations. A common form is "going limp when taken into custody. The most famous case of noncooperation was that of Corbett Bishop. He refused to cooperate with Selective Service and was carried to court, and then to prison. He did not walk, eat or go to the toilet. He said the state had the body but his spirit was free. After some months he was released with most of his sentence unserved. In 1961 he was killed by a young thief in his home town who took \$42 from his wallet.

Noncooperation is sometimes tempered with **submission** in line with Jesus' advice: "If someone in authority impresses you into service for a mile, go with him two miles." With regard to possessions Gandhi suggested if a thief or the state demands your property it should be cheerfully surrendered (submission), but if it is property you hold in trust for someone else, you should die rather than give it up (noncooperation).

**Fasting.** This seems to be a borderline technique, almost a form of overt resistance. Gandhi said:

"Fasting unto death is... the greatest and most effective weapon... under given circumstances." (1942 FP23)

"...a last resort when all other avenues of redress have been explored and have failed. There is no room for imitation in fasts. He who has no inner strength should not dream of it, and never with attachment to success." (1946 SAT323)

"...fasting is a spiritual act and, therefore, addressed to God. The effect of such an action on the life of the people is that when the person fasting is at all known to them their sleeping conscience is awakened. But there is the danger that the people through mistaken sympathy may act against their will in order to save the life of the loved one." (1947 FP24)

6 The hunger strike is an often nonreligious tactic usually associated with specific demands, e g prison reform, but I find the distinction unclear.

Some feel that these indirect means—non-involvement, noncooperation, submission and fasting—are an adequate response to injustice. They include some simple forms of cd. Others believe that more provocative acts are appropriate. Some regard the urgency of the world situation, with only a few years left until the cataclysm, as a supreme consideration. Some believe the security of weapons is even more corrupting than their use. Some feel that injustice is so subtly woven into modern life that noncooperation at each point is impossible; therefore overt resistance at the most corrupt or visible point is a symbolic substitute for noncooperation all along the line.

Following is part of a statement by Ken Calkins before sitting in the road where trucks were carrying materials to the first ICBM base in Cheyenne:

I have become convinced that direct action is the only way to reach the minds of men who have been morally benumbed by too many years of propaganda, fear, and horror. I hope that my action will stir at least some of those who have so long remained silent to speak up and act against what they know in their hearts is a hopeless and immoral policy.

The question of whether to resist injustice may depend for its answer on one's view of the nature of man. Is he primarily an individual, responsible chiefly for his own purification, integrity and satisfaction? Or is he a social creature, responsible for social conditions and obligated to participate when this requires some compromise? Or is he an uneasy mixture of both?

Some will refrain from resistance because the chances of success are nil. Gandhi replied to a similar point, based on Hitler's lack of pity, as follows:

You may be right. History has no record of a nation having adopted nonviolent resistance. If Hitler is unaffected by my suffering... I shall have lost nothing... My honor is the only thing worth preserving. That is independent of Hitler's pity... Hitherto he and his likes have built upon their invariable experience that men yield to force. Unarmed men, women and children offering nonviolent resistance without any bitterness in them will be a novel experience for them. Who can dare say it is not in their nature to respond to the higher and finer forces? They have the same soul that I have. (1938 FP64)

A common view is that one injustice will prevent another. In one form this doctrine says that a criminal may be locked up to protect society. In another form, Herman Kahn says a world war with 300 million deaths is not too high a price for protection against communism. Gandhi himself depended on animal foods which he regarded as immoral. How can we accept this in some areas of life while rejecting it in social or international affairs?

The above indications for an against direct resistance should be carefully weighed again and again. It is well to recall that Gandhi called off a number of campaigns because of impure motivations on the part of his followers. On the other hand, Thomas Jefferson said: "The spirit of resistance to government is so valuable on certain occasions that I wish it to be always alive." (1787)

Note. The frequent references to Gandhi in this paper are not meant to establish him as the final authority, nor are the quotations designed to reflect his whole philosophy. I have chosen mostly passages which support my own point of view, or which are well worded statements of important doctrines which I do not care to avow fully. Sometimes it is hard to know whether Gandhi's advice was limited to cd against a foreign tyrant, or was meant to apply to the injustices of any state.

Certain more or less dramatic forms of aggressive cd have been increasingly used in the US to oppose segregation and war preparation. It is aggressive in the sense that the practitioner goes out of his way to perform some act usually avoided or of largely symbolic meaning. Most cd is symbolic—the act has little direct meaning but is related to some social situation. For instance, 20 years ago James Otsuka took a bus into the Oak Ridge atomic plant and set fire to a dollar bill in the office of the director. This was to dramatize the waste of 70% of the tax dollar on armaments—and the point was conveyed to many people through news reports. It is difficult to classify recent American cd because the actionists themselves have not been clear or unified about purpose, but here is a rough attempt to classify them:

**Sit-ins, Freedom Rides, etc** Resistance is to state or local laws prohibiting social mixing of skin colors. There are two sets of higher laws involved in this cd. One includes Christian and other affirmations of brotherhood; the second refers to the US Constitution. Today the integration movement has passed mostly beyond the legal phase. In many parts of the US it has also passed beyond the possibility of civil disobedience because many of the younger Negro leaders, especially in the North, no longer have much loyalty to the society as a whole. The war in Vietnam has something to do with this. In its earlier stage, the cd was partly organic and partly symbolic—organic in the sense that eating at integrated lunch counters and going to integrated schools was the goal; symbolic in that the struggle was also to end all discrimination.

**Mothers vs Trucks.** In many cities it sometimes happens that mothers become alarmed at the danger to their children from heavy or swift traffic. When local regulations fail to prevent accidents, a group of mothers may take baby carriages and blockade the road to back their demand for a traffic signal or other reform. This cd is often not nonviolent—for one thing, the mothers assume they won't be imprisoned. A similar activity is the blocking of survey instruments by Indians whose lands are being taken for roads, dams or commercial exploitation.

**Nonviolent Obstruction of War Machines.** The disobedient places his body in a position where he would be killed if the machine continued to function. Some have sailed small boats toward nuclear testing zones; others take positions in front of trucks entering military bases; others would remain in the path of a ship being launched or sailing for active duty. Disobedients are wisest if they are careful to avoid substantial obstruction or physical delay, but a maximum of psychological obstruction.

**Bodily Presence.** One form is to refuse to leave a public place during a civil defense drill. Another is to trespass on a military base or to board a submarine. Sometimes nonviolent obstruction is attempted but the disobedient is arrested or carried away, and bodily presence is the extent of his crime. Sometimes the law violated is not especially objectionable but serves as a convenient symbol for a complex of laws.

... one may disobey in a nonviolent manner unjust laws promulgated by the Government in question, or even laws that are not by themselves evil but are used to support an evil system... (Pyarelal: Gandhian Techniques in the Modern World, 1959, p. 12)

**Courting Prison.** In some situations the immediate objective is to be imprisoned. This is difficult for many, especially pacifists tied to traditional organizations, to understand, but it was central to Gandhi's cd, and to Thoreau's thesis. The presence of its advocates in prison endows a cause with immediacy. For some, prison is the only residence satisfying to their consciences. When Sis Robinson was sent to prison for a year for

8 refusing income tax, Karl Meyer was repeatedly jailed for leafleting illegally, and refused to remain free until she was released. He said,

We have not known deeply enough our responsibility to one another. . . Our pacifism has not been militant in the marketplace. . . Ours was an interior revolution and a personal witness. . . We have been accomplices to crime because we whispered when we should have shouted. . . It is time for us to throw up to the state the challenge of Thoreau and Tolstoi—to keep all just men in jail, or to give up war and slavery.

We need to find the substance of unity with Rose Robinson. . . When we bellow the truth in solidarity with those who have made a sacrifice in behalf of truth, condemning what is criminal, we make at the same time an offering of our lives to be imprisoned—to be imprisoned with those who are called criminal, yet are less criminal than the law. . . . . Everyone who is above stands on those who are below. That is the root of war and crime. To stand in the lowest place is incarnation, to cry out the truth in the streets in our time is a vocation to truth, to poverty, and to prison. The offering of our lives in the lowest place, for the sake of the truth, is the way to educate man in the total way of peace.

Beyond this it is an ultimate prayer to God to save the people.

**Physical Intervention.** Gandhi once authorized an aggressive action to utilize salt-manufacturing equipment which he said was wrongfully withheld from the people; and his followers used wire-cutters to open a fence around the government supported salt factory. In 1960, Vinoba Bhave sponsored an action against "indecent" movie posters. After negotiations had failed to persuade theater owners, the posters were removed and burned by demonstrators, chanting Vedic hymns. In the US, some people are defacing the motto "In God We Trust" on currency, sometimes replacing "God" with "SAC". In Canada some Doukhobours burned government school buildings erected to replace traditional religious culture with official national culture.

While I see merit in each of these actions, I think the technique is dangerous. It seems to involve thwarting the will of the opponent instead of trying to change his mind. Physical intervention is likely, I think, to lead to a contest of noise, muscles, numbers and wits.

**Individual, Group & Mass.** Aggressive, resisting cd by an individual is rare. The common pattern is for a committee of people to issue a Call followed by a conference of respondents to decide the form of cd. Usually the disobedients perform their act far away from their immediate neighbors. In defense of the group project it can be said that most or all of the participants would not commit cd at all were it not for the mutual support and often fine spirit of heroism generated. On the other hand, it is clear that cd would have more impact if it were carried out in each person's home area.

Mass cd, as has been seen in the civil defense protests in New York City and in many civil rights activities, has been only partial cd. Most of the participants have not been willing to follow the leadership in choosing jail terms instead of fines. There seems to be little or no element in these mass actions to compare with the Gandhian concomitants of self-purification and constructive program.

### Preparation and Goals

Preparation for cd includes:

- 1) Self-examination by each actionist, who should be able to explain his cd to the court, the public and fellow prisoners. He should prepare a written statement giving his rationale for cd and describing the changes he wants others to make. He should an-

- anticipate changes in his own life resulting from imprisonment and loss of status, etc.
- 2) Advance notice to officials of the time, place and reason for cd.
  - 3) Informing the opponent (often the public) of the reasons for cd. In recent American cd this has been attempted through press releases distributed widely. This approach is poor because news services have given very little mention of the specific reasons for cd, but dwell instead on the most peculiar or sensational aspect that can be found. It is better, I think, for each disobedient to write personal letters to the editors of the local papers and to his neighbors. Cd should be less of a publicity stunt than in recent projects.
  - 4) Supporting demonstration by sympathizers not prepared for lengthy prison terms. The usual type is a picket line. It might be well to have only women pickets, as was Gandhi's practice in picketing liquor stores.

Gandhi's cd was preceded also by negotiations to secure the reform, if possible, without resort to cd. This approach is relevant to the civil rights struggle because some officials are prepared to accept change and integration of races. Officials are aware that reform is supported by a significant proportion of the people. They feel the moral and political pressure to allow step-by-step integration.

The movement against war preparations is quite different. Here the opponent is not only the state, but virtually the whole of society. No significant step toward disarmament is possible without the profoundest change in public and officials alike. The ending of nuclear tests was a political maneuver which answered the clamor of people worried about the dangers of fallout to Americans. But the test ban did nothing to stop the buildup of nuclear missiles or the spreading of these weapons to other nations. Likewise, pacifists would be making a great mistake if they regard the ending of the Vietnam war—which I expect will occur before next summer as a measure to cut American military losses—as some kind of victory for the peace movement. The goal of anti-war action should not be limited to some slight change in the stance of American military power. If we cannot hope to alter the basic commitment to nuclear and other destructive power, we should at least envision and bring about a radical change in our own lives and those of our associates.

Some cd is done without a clear goal or purpose, because the disobedient simply senses the rightness of the act and its consequences. This seems entirely proper to me. Others feel the need of a statement, and these statements have sometimes amounted to a call for unilateral disarmament, i.e. a fundamental change in government policy. I believe this is out of place for two reasons:

- 1) To the extent that leaders are responsible to the public, it would be quite wrong for them to ignore the mandate of recent elections, in which 99% of the votes have been cast for candidates proposing greater military power. A democratic government must follow the will of the people.
- 2) To the extent that leaders are power-seeking men who tend to regard force and trickery as the most effective form of persuasion, it is vain to hope they will be the ones to adopt nonviolent attitudes and policies.

At this stage, cd is most fitting under the second of Gandhi's three functions of cd: "It can be offered without regard to effect, though aimed at a particular wrong or evil, by way of self-immolation in order to rouse local consciousness or conscience." (1945: The Constructive Programme) The specific target can be any military item, preferably the one closest to the lives of the local people where you live. The social goal of cd might best be thought of as the recruitment of people to build a movement of resistance to all military force at home or abroad, by means of tax refusal, draft refusal, boycotts, filling the jails, etc. When millions of Americans have demonstrated their nonviolent ability, then it will make sense to talk of political changes, for the cultural standards will be changing for the better.

Defensive cd usually takes the form of noncooperation, but it may also include overt illegal acts which are done in the normal course of events without a plan of "revolt against the state" (Gandhi, 1922 SAT175). E g, in various walks and other demonstrations, local ordinances prohibiting signs or leaflets have been defied. This defensive cd did not aim to provoke arrest, and in most cases local officials permitted the signs and leaflets to be used.

Defensive cd is usually done individually and without such elaborate preparations as in resistance (aggressive cd). In that defensive cd is more "natural", it is more easily understood by the public. The goal of defensive cd is the defense of some freedom and/or the maintenance of personal integrity. A few recent cases:

**Alec Beasley.** A resident of Winfield, British Columbia, he has announced refusal to cooperate with the census-taker, whose questions are becoming more and more intrusive. Mr Beasley stated,

For the past 30 years we've been seeing less and less freedom, more and more red tape, regulations and restrictions. People think these things are necessary, but they're not. A halt should be called somewhere, and the census is as good a place as any.

The possible penalty for his refusal is \$100 or three months in jail. Beasley commented, "Reformers have to pay the price."

**Maurice McCrackin.** In 1948 this minister of a large Presbyterian-Episcopal interracial church in Cincinnati began refusing to remit Federal taxes. By 1957 he was refusing to file returns because they assisted the Revenue dept to collect the tax by seizing savings accounts, etc. McCrackin said:

If the state were ordering me to support gambling or prostitution it would be bad enough. But it is ordering me to support a far worse plague than either of these—the preparation for the fiendishly cruel annihilation of masses... Disobedience to a law is an act against government, but obedience to a law that is evil is an act against God.

In 1958 he was ordered to appear in court with financial records. Refusing to give any cooperation in the tax process, he ignored the subpoena. Later he was carried to court, sentenced to six months and \$250 fine, and carried to prison. Two friends of the minister had been appointed to represent him in court although not desired by the defendant. After conviction, these lawyers filed an appeal, and McCrackin stated publicly, "I do not recognize any appeal on my behalf and did not want it made... This is a moral, not a legal, struggle." In 1961, after release from prison, he was suspended from the Presbyterian ministry.

**Willard Uphaus.** He is director of World Fellowship summer camp in Conway, NH. Dr Uphaus invites people from all countries and all political parties, including Communists, to be his guests. A graduate of Yale Divinity School, he believes the gospel of reconciliation applies to all.

Since 1950, the NH legislature has passed laws enabling the attorney general to constitute himself a one-man "committee" of the legislature to investigate subversion in NH. He asked Dr Uphaus for the list of 500 guests at the camp during 1954 and 1955. Uphaus refused for two reasons: 1) the ancient religious tradition against informing on people who may be persecuted; 2) the Constitutional right of peaceful assembly and privacy, embodied in the Bill of Rights. A judge ordered Uphaus to surrender the list, and jailed him for a term of one year for contempt when he continued to refuse. On appeal, the sentence was upheld in the NH Supreme Court by 3-2, and in the US Supreme Court by 5-4. Dissenting judges said the First Amendment was being violated. Uphaus is now back operating the camp as usual.

Eroseanna (Sis) Robinson. Sis had worked at several jobs, each paying \$13 or less 11 per week, to avoid withholding tax. In 1960 she was sentenced to a year and a day for contempt as she declined to give the government information about her income. She fasted continuously from the time of her arrest until her release 115 days later. She also declined to cooperate with the court or prison. The judge cut her term to 93 days, apparently because

- 1) Prison failed to break her will
- 2) Other prisoners were learning from her example and using the hunger strike
- 3) Supporters were active in her behalf in several places including a week-long vigil at the prison gate. Most notable was Karl Meyer's persistent illegal leafleting which brought three jail sentences before Sis was freed.

Dave Dellinger. Dave is an editor, of Glen Gardner, NJ. He wrote the following account for The Peacemaker of January 9, 1958:

The most frantic opposition to my refusal to register for the draft came not from vigilantes (there were none) or patriots, but from fellow pacifists. In September 1940, twenty of us who were studying at Union Theological Seminary in New York City announced jointly that we had decided not to register under the recently passed conscription law. Immediately a horde of well-known pacifist leaders descended on Union and worked on us day and night to try to persuade us to change our minds. We were told that such an irresponsible "anarchist" approach would set back the cause of pacifism twenty years; that we had no right to anger our "fellow-citizens" and thereby bring great suffering on other pacifists; that we had a Christian duty to stay within the provisions of a democratically passed law; that if we were sent to prison, we might even die there but that if we accepted our religious exemption we could continue to preach love and reconciliation. Under this pressure, and perhaps for other more valid reasons, twelve of the twenty decided to register. It was a hard thing for young men not yet out of school suddenly to assert their own moral insights over against the insistent pressure of men to whom all of us had been accustomed to look for inspiration and leadership, men from whom some of the twenty had received their first inkling that there was such a thing as pacifism.

The only well-known pacifist who encouraged us at that time was Evan Thomas (later we learned of others who supported our stand, including Julius Eichel, Ammon Hennacy and A. J. Muste). But most of the twenty were not very responsive to Evan because he was not an orthodox Christian. From their negative response to him, I got my first lesson on how an exclusive loyalty to Christianity can blind one to valuable sources of insight and enlightenment.

In the end I decided that I could not accept a special religious exemption which, whatever its intentions, acted as a bribe to ministers while allowing ordinary mortals to be drafted. In the same way, I was unable to accept the offer made by one of the Peace Churches that if I would resign from the seminary and register for the draft, I would be made director of one of the Civilian Public Service Camps, with a free hand to develop a Gandhian program at the camp. I could not see any possibility of being free or of developing a relevant program at a camp or under the joint supervision of a Peace Church and the Armed Forces. I felt that the various provisions for exemption for conscientious objectors would aid rather than interfere with the obvious purpose of Selective Service: to develop a conscript army. I remembered that the Emperors of Rome had also spared those Christians who had laid a pinch of incense on the altar, since, in such cases, the State is more interested in moral subservience than in the actual killing of those who would probably not make good soldiers anyway.

I knew nothing about prisons and was enough involved in the shallow activism of the Socialists that I was more regretful than I should have been at the prospect of being "cut off" from the masses. Actually the "masses" would not have understood me anyway: when I look back at the statement issued by the twenty prospective non-registrants, I wonder if anyone except ourselves and our professors understood it. As it turned out, in prison I came into contact with

12 persons and problems that made me unable ever again to listen to the silver-tongued Socialist orators with anything more than boredom, or in some cases with faint amusement at the cleverness of their phrases and the irrelevance of their anguished appeal to the presidents and politicians to act contrary to the nature of those who are involved in political power.

I was also nervous about what was described to me as the "inevitable spiritual and mental deterioration" that would befall us in prison. But I could not see why pacifists should compromise morally in order to avoid suffering or even death when it was obvious that the machine of war was oiled by the blood of soldiers who gave "the last full measure of devotion", whether willingly or unwillingly. I first began to realize that those who seek peace cannot effectively challenge the forces of war until they are willing to take risks comparable to those extorted from soldiers. I also felt that the greatest harm comes not from those who can kill (or imprison) the body but from our own temptation to imprison our spirits. Later, in prison, I did not know what to expect when I was first put into "the hole" (total darkness, no props or companions) but I found out that when one is put there for doing what he believes is right, he is freer and happier than at almost any other time in life.

Finally, I had some dim understanding that there are no words that can speak as significantly as our lives. Speaking and writing are themselves actions if they stem from our lives, but when we act in such a way as to reveal that we are unwilling to live up to our words, the words become meaningless. It was better to speak the one act of refusing to be herded into the registration booth and then to be silenced, if need be, in prison rather than to act in such a way as to say that one should only oppose war up to the point where it meant going to prison. Later, we found out that it was more of a challenge to the war machine to be even a statistic in prison (or, from time to time, a prisoner on work or hunger strike) than to be an example outside prison that the US "has free speech" & no dissent more serious than that of a "loyal opposition".

Now that I am over forty, I think back on the inability of most of the older pacifists to understand the non-registrant position at the beginnings of World War II, and I wonder at what points I am involved now, as they were then, in vested attitudes and activities which blind me to the new insights of a younger generation. One thing is certain: we pacifists are in just as great danger as militarists of fighting the current war with the weapons and attitudes that were developed in the last one. In our case, I think the need is not only to be sensitive to new ways of withdrawing our support from the war machine (adding to non-registration the non-payment of Federal taxes and probably other actions I am not even aware of) but also to develop new ways of living in brotherhood. Just as it is an indispensable step forward to become a conscientious objector instead of merely speaking against war until drafted, so I believe it is crucial to renounce in our own lives property and privileges and power (the things over which wars are fought) rather than merely to call for disarmament and a more just society. It seems to me that the current growing edge of pacifism is the development of communities of sharing and that those of us who want to attack the causes of war should begin in our own lives by being in a community.

Finally, I have always been glad that I refused to register despite the advice of men more experienced than I was. In the same way, I believe that today, even in communities, each of us, however humble, "untalented" or inexperienced, should learn not to depend on leadership, but to make his own moral decisions.

Religious Groups. Some of the most impressive history of cd is found in early Christian resistance to the state's commands. Several groups have carried on the tradition. Today, the Amish in Ohio and elsewhere are imprisoned for failure to comply with school or other laws. In 1958, several Amish refused to pay social security taxes, for they believe the care of old people is a responsibility of the community, not of the state. After a court hearing, the government seized animals which the Amish farmers used to earn their livelihoods, and sold them at auction.

On its face, cd appears as an "act against government". Among theorists there is dispute about whether cd weakens or strengthens the rule of law in this country. I won't attempt to answer this question but I will present various points of view, collected under two headings, about freedom, coercion, government, democracy and anarchism. (I use the words State and Government interchangeably, to mean the collection of laws, men, customs and attitudes reflecting the dominant forces and traditions which rule society.) Among those who practice cd persistently, there are three main approaches to the state:

- 1) Some work to reform the laws, influence opinion-makers and strengthen democracy, using cd and other educational means. E g, Gandhi.
- 2) Some work to build alternative social forms, believing laws, courts and prisons to be inherently evil. E g, Tolstoy.
- 3) Some haven't decided between 1) and 2), and do neither or both. E g, Thoreau.

There is more agreement about long-term goals—most hope for a time when the state will be unnecessary and non-existent. But this discussion is limited to what is being done and advocated in the present.

Reform the Law. It would be impossible to have an orderly society, especially in the complex modern world, without the enforcement of regulations under generally accepted principles. In the course of history, men have struggled to achieve a balance between freedom for the individual and necessary restrictions for the protection of all. The American Constitution and democracy, although not perfect, are a great improvement over previous systems.

Security is a basic human right and need, which must be maintained by

- 1) Restraining criminals who might otherwise steal, rape and murder at will
- 2) Regulating huge corporations and greedy businessmen who will otherwise cause depressions and victimize helpless consumers
- 3) Building a world government which can put an end to war and exploitation
- 4) Erasing inequality of opportunity through free compulsory education, progressive taxation and social ownership of some industries.

The American government is responsive to the will of the people, and has maintained freedom while fostering a tremendous rise in the standard of living. If all those who criticize the system would instead become active in politics, most of its faults would be eliminated. The relation of law to cd is described in these excerpts from a talk by Harris Wofford at Notre Dame Law School:

For Socrates there was a higher law whispering to him from outside the cave of this world that told him it was the nature of man and the first principle of the teaching profession to ask questions—to question everything—and that therefore he should not obey the edict of Athens abridging his freedom of speech. But the Athenians who served him the hemlock were also obeying the highest law they knew, the need to preserve their society from subversion. I think you will agree with me that at least this once act of cd proved to be effective. For out of the cheerful prison-going and death of Socrates we learn academic freedom and... the principle established for this Republic by the First Amendment.

I suppose that almost everyone here would agree that cd would be justified toward any man-made law prohibiting the public worship of God. St Thomas said that human laws contrary to divine law ought nowise to be obeyed. The Church has gone to the catacombs before, in its exercise of the freedom of religion. And the lives of many martyrs and saints should be enough to convince us of the educational potentialities of such cd...

In a Republic... every command of the law should be seen as a question. A Socratic

14 philosopher of the law, Scott Buchanan, has stated this thesis to show how "law teaches those who make and obey it"—and I would add, disobey it. "Laws," he says, "are questions asked by God, history, nature or society to be answered by men individually and collectively. This formulation penetrates the heart of human freedom. It says that no law, not even divine law, cancels out human freedom; the answer can be Yes or No or something else. It also tacitly warns of consequences of the answer. But primarily it forces the human being to think about ends, or purposes."

In this view, there is implicit in each law the alternatives of obedience, or of civil disobedience with full acceptance of the consequences. . . I am presenting cd as a natural and necessary part of the great Due Process of our Law, that process of persuasion through which we govern ourselves. Cd, as I see it, is a kind of persuasion, the persuasion of last resort, sometimes the only kind available. . .

The disobedience of the prohibition laws was violent, secret, rather cynical and largely uncivil. . . by teaching disrespect for this one law, it was indeed subversive of the Law . . . If those who considered the 18th Amendment a violation of their natural right to drink had courted the jails in protest; if they had, as Gandhi urged his countrymen, entered the prisons "as a bridegroom enters the bride's chamber," I think the 21st Amendment would probably have come sooner. Certainly it would have come better. I do not think we would have had the organized crime that came in the wake of the less respectful forms of persuasion that were used. . . But when we openly disobey a law that we hold to be unjust and ask for the penalty, we are saying that we so respect the law that we belong in jail until it is changed.

Anarchism. It is true that the state is able to deter many criminals (not the majority).

But the really monstrous injustices are done by the state itself, using the misplaced loyalty of the people. E g, the murder of millions of Jews, nuclear bombings and counter-insurgency wars against civilians, wars of empire and enslavement of whole peoples. Today, states of all political shades are preparing still greater crimes.

If there were no restraining force of police and prisons, it is possible that murder and pillage would increase (it is also possible they would decline). But the incidence of crime is not as important as the values which claim the loyalty of the people in general. The values embodied in law of this society are of three kinds:

- 1) Most laws deal with security of property and person—regulation of commerce, taxes, inheritance, real estate, banking, etc. These laws protect chiefly the owners of property, especially those wealthy enough to afford recourse to law, and punish certain types of violent crimes.
- 2) Many laws deal with the security of the state or improvement of the "national interest"—armed forces, tariffs, foreign aid, treaties, etc.
- 3) Some laws limit intrusions on individual freedom. In times of crisis, these laws are often subordinated to those in 1) and 2); and at all times the safeguards are not generally available to those unable to afford legal fees, or to understand the complex legal system.

For the most part, these values in law weaken and destroy religious values and conscience. Since law depends on the threat and use of physical punishment for its enforcement, it contradicts the tradition of forgiveness, submission and love as the best response to injury. The emphasis in law on security contradicts the teaching of non-attachment—"Stop storing up for yourselves treasures upon the earth". Loyalty to the state, patriotism, exaltation of legislated law, etc—these compete with, dilute and destroy loyalty to spiritual laws.

The enforcement of law through imprisonment is an illustration of an old theory: that pain inflicted against an offender will make him fear to repeat the offense. The theory has

been proven wrong in millions of cases, and contradicts a nobler theory, restated by 15  
Bishop Fulton J Sheen , on February 25, 1961:

Would it be justifiable to use nuclear warfare against the Soviets, in as much as Communism is an intrinsically evil thing? No. It would not. We may never use evil means though good may come of it. Furthermore, we would be following exactly the same materialistic philosophy of the Soviets if we did that.

There are other ways of dealing with violence in society. Two American culture groups, the Bruderhof communities and the Hopi Indians, with more than 500 members each, have no physical restraints and punishments. Offenders are dealt with sympathetically but are eventually ostracized if they fail to conform. In these groups, violence and murder are almost unknown. Obviously anarchists cannot, nor should they wish to, prevent the people from having their state, bad as it is. But anarchists can build new forms of society to serve as examples. These groups should be small, economically independent, and able to be easily imitated by millions of ordinary people.

A General Theory. Insofar as it is necessary to justify a violation of law, cd is obedience to a higher law than the one transgressed. Each disobedient has his own "higher law". In most cases these are religious in the sense that they embody values which will be maintained to the point of death. Cd does not include physical obstruction of the state except to the extent which the authorities may choose. If disobedients maintain a nonviolent spirit, the act will have a good result irrespective of whether the objective is stated in terms of better law or in terms of no law. Both types of cd place greater value on "mankind's greater perceptions about the significance and importance of each individual" than on a "printed regulation". (Gene Keyes, 1961)

But how can we know which are the greater, and which the lesser perceptions? The answer may someday emerge, but for the present I can only suggest that we accept—largely on faith—fundamental traditional laws including Thou shalt not kill; Overcome evil with good; Love mercy, integrity and forbearance (or God). Acceptance of these moral laws does not imply any belief about their origin or conventional trappings usually associated with them.

Practitioners of cd should recognize that this powerful social weapon is not free of coercion. A. J. Muste wrote in 1959:

... there is no such thing, as far as I can see, as being able to lead a moral life and not in some sense "coercing" others, i e, confronting them with facts and choices which they do not voluntarily choose and may deeply resent.

To complete this section, here are two interesting quotes from Gandhi:

You assist an administration most effectively by obeying its orders and decrees. An evil administration never deserves such allegiance. . . Disobedience of the laws of an evil State is therefore a duty. (1930: SAT238)

I have conceded that even in a nonviolent state a police force may be necessary. This, I admit, is a sign of my imperfect nonviolence\*. I have not the courage to declare that we can carry on without a police force. Of course I can and do envisage a State where the police will not be necessary, but whether we shall succeed in realizing it, the future alone will show. (1940: FP31)

\*"Ahimsa" in original

There are at least two forms of response to arrest: cooperation (going along quietly), and noncooperation (usually, going limp). Some disobedients decide in advance of arrest, and some of the basis of "leadings" on the spot, which to adopt. There are few controversies in the peace movement which have raised as much heat as the question of going limp or noncooperation. Here are some views:

...going limp, instead of morally disarming the opponent, gives him moral support for making the arrest with violence... [and gives the general public] the impression that the one arrested had to be violently restrained from doing some violent act... going limp when arrested is not civil disobedience; it is passive resistance to arrest and to civil government... [it was not allowed] in the Gandhian action discipline... (Lawrence Scott, January 1, 1961)

From a Reply to Lawrence Scott, by Richard Zink, February 4, 1961:

...going limp can be a valid form of nonviolent noncooperation if it is conducted in a spirit of love toward the opponent. It can also be a form of passive resistance if it is conducted in a spirit devoid of love toward an opponent; where passive resistance is taken to mean an expedient method that can accept the use of violence on occasion, and where the opponent is forced into submission because of weakness, not won over and uplifted through love and respect for his personality. Motivation is then the deciding factor which determines into what category the act of going limp falls... To make rules or suggestions regarding this would be to seriously interfere with the creative and natural response to an action situation... the general public, when they see photographs of limp pacifists being carried around by officers of the law, get the impression that the pacifists are being stubborn, queer, or ridiculous, [not] that the pacifists have just been subdued after a violent brawl...

Does a person who is fervent in penetrating nonviolently a bomb-test area, against the orders of a guard, suddenly undergo a change of spirit merely because he keeps on walking into the test-area after the guard utters the words: 'You are under arrest'? (Ernest Bromley, June 6, 1959)

In my opinion, arrest for defensive cd (such as tax and draft refusal) may well evoke either cooperation or limpness. In some notable cases limpness has seemed to strengthen the image of steadfastness. But there are few persons capable of maintaining limpness, as Ammon Hennacy says, "gracefully". Aggressive cd seems to me to demand cooperation with arrest, except when the disobedient is a confirmed and consistent anarchist—and even then I would recommend cooperation unless the arresting officer is unusually brutal. My reason for preferring cooperation is that this seems more in line with the idea of seeking a confrontation with society on the basis of self-sacrifice and politeness. However, I would oppose a rule in a group action which required all members to cooperate with arrest.

One student of nonviolence, Richard Gregg, spoke for many when he wrote in Sept 1961:

I think that the use of this tactic should be governed by the nature and purpose of the specific protest involved. Actions of the protestors should be clear on that one issue. They should not drag in other issues, such as the entire invalidity and immorality of the legal process. The mass of people will not think about anything more than one issue at a time. I realize that society changes its ways with dreadful slowness, but to ask it to change its stand and habits on several matters at once only slows up the whole change.

Within a few hours of arrest, the accused is given an opportunity to deposit an amount of money (or equivalent securities or real estate) with the court. This is known as bail or bond. It is part of a contract between the court and the bondsman (who may be the same person as the accused), which must also be signed by the accused. The contract is a guarantee that the accused will show up for trial, with bail to be forfeited if he fails to appear. The court is able to release anyone on his own "recognizance", that is, without security being required. The US Constitution forbids unreasonably high bail; nevertheless, most courts deliberately set the amount too high for many accused to afford. Partly this is to keep the accused behind bars until trial and is therefore an implicit flouting of the Constitution and the principle that the accused should be assumed innocent until proven guilty. Partly the inflation of bail is to enrich professional bondsmen, who charge a non-returnable fee of 5 or 10 % of the amount of bail. These bondsmen are sometimes in league with the court or jail officials, who can make it difficult for the individual to post his own bond, or have a friend do it.

Since jails are full of people unable to raise bail, many disobedients have wished to avoid becoming "class collaborationists". In 1959 Dorothy Day of the Catholic Worker was arrested for defiance of the civil defense siren in New York City. She refused to accept bail until all the poor women awaiting trial with her were also freed. Several others have followed her example in not accepting a privilege denied to people in the lowest social categories. Non-acceptance of bail may excite considerable agitation among middle class and wealthy sympathizers who "want to help". They miss the whole point of cd which requires the willingness to make personal sacrifices for the sake of principle.

Sometimes bail can be confiscated even if the accused appears on time. Don Fortenberry posted \$1000 cash bond in Omaha Federal Court in 1959, but the court dishonored its contract, returning only \$451, retaining the rest to pay a fine levied against him. The same court also required defendants to promise that they would not engage in (legal) vigils while free on bond.

Some disobedients refuse to post bail because they believe the commitment of money implies that their promise to appear in court may not be sincere. One other indication against posting bail is that the date of the trial will very likely be sooner if the defendant is waiting behind bars, especially for cd. There is no assurance that the time spent in jail before trial will be considered in the sentencing, but sometimes it is considered.

Disobedients should be prepared for jail from the moment of cd. Even if he is prepared to accept bail, there is no assurance that the required amount can be raised. It is well for those in a group project to have a common agreement about bail before cd, to avoid a situation in which some are free and some in jail. Certainly it makes a stronger impression on the public if all refuse to accept bail. The Rev James Lawson, a leading figure in the sit-ins, had this to say to a meeting of students in Atlanta, Georgia, October 1960:

We lost the finest hour of this movement when so many hundreds of us left the jails across the South. Instead of letting the adults scurry around getting bail, we should have insisted that they scurry about to end the system which had put us in jail. If history offers us such an opportunity again let us be prepared to seize it.

In 1960 I was arrested on a traffic charge while on a "peace walk". I declined to post \$15 bail, and was lodged in the town jail. A local policeman tipped off a reporter in nearby New Haven, who telephoned the jail and obtained an interview with me, which was the basis of a good front page story the next morning. I was also interviewed for a radio newscast. Next day I was taken to a judge who reviewed my bail and reduced it to nothing, and I was released. If I had followed the advice of friends who thought I could be more "effective" while free on bail, all of these meaningful experiences would have been lost.

Pleading. Before trial (sometimes on the day of arrest) the disobedient will hear the formal charge against him and he will be asked to respond, i e plead to the charge. He may 1) plead guilty; 2) plead not guilty; 3) attempt to enter a plea of nolo or "no contest" (judges may and usually do prohibit this plea, and usually enter a plea of not guilty); 4) enter a demurrer: a contention that the acts alleged do not constitute a crime; 5) refuse to plead or stand mute, in which case the judge will almost certainly enter a plea of not guilty.

Pleading is the defendant's opportunity to say whether his act of disobedience is correctly described, and whether he believes he violated the law referred to in the charge. In cases of cd the answer should normally be Yes to both questions; therefore a plea of Guilty should be given. Some disobedients have felt that guilt should not be admitted in connection with a moral act. I think this is a semantic confusion. Legal guilt means "the fact of having committed a breach of conduct". Courts are concerned with legal facts, not with sin and virtue. It is a good idea to read the law before committing cd, so as to know what violation of law you intend. If the charge appears partly or wholly incorrect, there is much to recommend a plea of not guilty. However, this will result in a trial involving many possible delays, expenses and pitfalls which are well to avoid. Therefore, a plea of guilty is expedient and is advisable if it seems on balance a truthful response to the charge.

Test Cases. Cd has sometimes been sidetracked into a legal battle on the Constitutionality of a particular law, or the technical correctness of legal procedures leading to conviction. This means pleading not guilty, hiring a lawyer, appeals, and considerable time and expense. Test cases are useful in some circumstances but they should be planned and executed separately from cd. Those who resist injustice with cd ought not to be lured away from prison. Cd is like the growth of an apple—the beginning is a spectacular blossom, but the job of completion takes a long time and much effort.

Whenever a draft refuser appeals his conviction and wins—which often happens because the Supreme Court is too sophisticated to want US prisons to be filled with pacifists—I rejoice because another friend is free from prison and I can associate with him again; but I am also aware that the long-term significance is that the state has fooled another good young man into playing its game. Legal victories in CO cases do not help others; in fact many Federal Courts ignore the precedents and sentence draft resisters according to the emotion of the judge. In any case, the ones who really need help are not touched—the multitude of peacefully inclined young men from non-intellectual backgrounds who submit to induction partly because they see so few resisting it to the point of prison.

Our triumph consists in thousands being led to the prisons like lambs to the slaughter house. . . Our triumph consists again in being imprisoned for no wrong whatever. The greater our innocence, the greater our strength and the swifter our victory.

As it is, this Government is cowardly, and we are afraid of imprisonment. The Government takes advantage of our fear of jails. If only our men and women welcome jails as health resorts, we will cease to worry about the dear ones put in jails, which our countrymen in South Africa used to nickname His Majesty's Hotels. (Gandhi: 1921: SAT172)

Disobedients have sometimes pleaded not guilty and appealed their convictions, not because they hoped to annul the law, but for the sake of publicity. In Omaha Action \$2500 was spent by some participants on a trial and appeal. This was 25% of the whole cost of the project, but no publicity resulted. Some have made their pleas on the basis of what would bring the lightest punishment. Such people do not belong in cd.

Lawyers. From the moment of arrest, the disobedient may procure an attorney to represent him. It seems to me this is a mistake. It is always a surprise to me when a disobedient, willing to go to prison for truth, authorizes a professional manipulator to be his spokesman. A lawyer is committed to presenting only those facts which reflect credit and innocence on his client; he is bound by habit and his wish for legal victory, to suppress facts which might displease the judge or jury. Thus, in a Polaris Action trial, the defense attorney, Catherine Roraback, objected when the government tried to read to the jury a letter from Marj Swann notifying the Navy of plans and reasons for cd at a submarine launching. 19

Lawyers have to be conscious of their reputation among potential and actual clients, most of whom are people of means who do not like their lawyer to be in sympathy with radicals. Even a lawyer who enjoys defending "political" cases must do so without publicly accepting the principle of cd. (If a lawyer did accept and practice cd he probably would not remain a lawyer for very long.)

Most lawyers try to get their clients acquitted on any ground possible. Thus, in the Omaha Action appeal, the lawyer, Francis Heisler, was invited to conduct the case on moral issues alone. However, when the text of the appeal was made public it was found to be based partly on the fact that the government had not proven that cd took place in the state of Nebraska! In one Polaris Action case, the lawyer was able to get charges dismissed on the ground that the indictment had not specified the hour of cd with sufficient precision.

Lawyers are too often able to convince pacifists that lies are truth, and that truth, after all, is not sufficient to satisfy legal "ethics". E g, when Donald Martin refused to have an attorney, the court appointed one. This lawyer, understanding Don's objections, proceeded to represent him in court, and even entered motions in his name which were the opposite of what he wanted. Such misrepresentation was perhaps to be expected of the lawyer, but even some of Martin's friends condoned the misrepresentation on the ground that the lawyer had a duty to invoke all possible legal devices in behalf of the client. Perhaps because Martin received so little support in his stand of noncooperation with the court, even from his attorney and friends, he was committed to a four-year term in prison, while those who played the legal game got 90 days.

A very few lawyers differ from the generality, but even they usually expect fees of generous size. If the disobedient accepts the court of first jurisdiction and pleads guilty, there is nothing a lawyer can do to help. Even in somewhat more complicated cases, a lawyer is unnecessary, especially if these things are done:

- 1) Study the law you are charged with violating, or plan to violate. A copy should be available through the court or police station, or in the state library.
- 2) Attend some court sessions to learn the procedures and jargon.
- 3) Don't be afraid to ask the judge for advice about details on how to carry out your own intentions. If you tell him politely but firmly that you cannot delegate another to represent your convictions and actions, he will be obliged to assist you.

Perhaps some day a new type of lawyer will arise, who could be of some help in a cd movement. He would embody these qualities:

- 1) Willing to serve without fees or charges of any kind
- 2) Publicly identified with and supporting the cause he represents in court
- 3) Willing to advise disobedients who want to represent themselves in court
- 4) Willing to admit areas of ignorance in himself, and unwilling to say anything in court which does not accurately reflect the conscientious conviction of his clients. He would not be trying to secure acquittals or reduced sentences, or add to his reputation through legal victories.

Most laws involved in cd provide possible penalties of prison and/or a fine. Many disobedients have refused to pay their fines. Under Federal law, refusal to pay a fine levied in addition to a prison term, may extend the sentence indefinitely—but in practice the refusal has usually brought no additional time in prison, or only a nominal amount. E g, in Omaha Action, several were sentenced to six months plus \$500. All refused to pay but the court was able, by default of contract, to collect from one person. The others, as they served their terms, were asked to pay their fines or else sign a pauper's oath. This is a statement asserting financial inability to pay a fine, and may or may not involve additional time in prison—30 days is a common additional term, regardless of the amount of the fine. All Omaha Actionists refused to sign a pauper's oath and all were released at the completion of their regular sentences. Ammon Hennacy, who "owes" an accumulation of unpaid income taxes since 1942, was one who was imprisoned and fined at Omaha. He has twice been visited since his release by officials wanting to collect the \$500. Hennacy told them, "Add it to my bill." I understand an unpaid Federal fine, whether involving a pauper's oath or not, remains a legal debt which the government may collect whenever it can discover assets to seize. For those of us living in voluntary poverty, this is nothing to worry about.

Refusal to pay fines under state laws has various results in different states. Two who refused to pay \$83 in fines and costs in Wahoo, Nebraska were jailed at the rate of \$3 per day. After 28 days they were asked to sign a pauper's oath as required by Nebraska law before release. Both refused to sign, and were held for three more days before release. I have heard of other states where fines are served out at a statutory rate of \$1, \$2 or \$5 per day.

A fine is a form of redress or atonement, and seems to imply admission of wrongdoing. Disobedients should not pay them unless they feel cd was wrong. A fine also enriches the government and presumably assists the injustice cd is designed to combat. In some cd cases, the judge may impose fines because he is reluctant to put anyone in jail. E g, in the Dartmouth College cd of April 28, 1961 the judge imposed fines of only \$15 because, he said, larger amounts might be refused and the students would go to jail. In the NYC civil defense cases, disobedients have been sentenced to \$50 or 25 days, \$15 or five days, etc. Of 141 arrests in the eastern US for civil defense resistance in 1961, only about 35 went to jail, for terms of 2 - 60 days. Nearly all the others paid fines up to \$50.

Activity of a number of people who were interested in paying the \$250 fine imposed on Maurice McCrackin on top of his prison sentence, drew this statement from him in 1959:

I am as unwilling to pay the fine as I am to pay taxes for war. I recognize that society may exact further penalties from me for my failure to do so. I do not feel that anyone has the right to frustrate a person in such a decision, in doing for him what he believes is wrong. The intention of those who want to pay the fine I know is good. But whatever their intentions, I believe their friendship is misguided and that they should never do for another what he is unwilling to do for himself. I cannot say too earnestly that I hope no one and no organization will pay my fine.

Sam Staples, the man who jailed Henry Thoreau, said it was Henry's maiden aunt Maria who came to the jail and paid the tax he had refused. This act did not set very well with Thoreau who, said Staples, "was mad as the devil when I turned him loose." Henry was soon on a distant hill with a huckleberry party where, he said, The State was nowhere to be seen."

Since the present cd activity against war began in 1957, Federal judges have quite consistently tried to induce disobedients to accept a suspended sentence with probation conditions prohibiting future cd. A good many actionists have gone bravely into cd, expecting a prison term, but have stopped cd and returned home when given a suspended sentence. Similarly, some young men convicted for draft noncooperation have been offered probation if they are prepared to perform work at the court's direction which is similar to what Selective Service requires under alternative service. Thus, the government knows that to imprison people for cd often strengthens the cause, and it seeks a truce which will avoid a direct confrontation leading to prison or a change in policy.

During Gandhi's cd campaign against British salt laws (which taxed salt heavily and forbade individuals to make or sell it), the government at one stage sought to avoid the issue by not arresting the disobedients. Instead, they manhandled and forcibly took salt from the disobedients. Gandhi's response to this was:

If the Government do not stop this brutal violation of the body, they will find the Satyagrahis [disobedients] presently compelling them to use guns against them. I do not want this to happen. But... the Government... must not physically interfere with the bands of civil resisters manufacturing or vending salt; they may arrest every man, woman and child if they wish. If they will neither arrest nor declare salt free, they will find people marching to be shot rather than be tortured. (1930: SAT263)

There will probably be more disobedients who go to the "brink of jail" and then pull back. But in a movement fully committed, increasing numbers will break the truce and commit persistent cd which demands a change:

- 1) That the American people renounce military defense, refusing taxes, or
- 2) That workers on weapons and military personnel quit their jobs, or
- 3) That the judge should refuse to convict disobedients or resign, or
- 4) That disobedients be imprisoned.

Probation requirements technically include periodic reports to an officer, payment of debts, agreement to obey laws, and other conditions the judge may specify. But there is evidence the government does not care whether disobedients fulfill these requirements, so long as they refrain from cd. In June 1961 several Polaris Actionists were given suspended sentences of five to nine months, with five years' probation. Therefore cd before 1966 would have subjected them to five to nine months' imprisonment in addition to the penalty for the repeated cd.

### Prison

This section will be sketchy, because the subject is vast. A principal question each prisoner faces is the extent of his cooperation with the system and the commands of officers. The answer given by each disobedient usually varies according to his estimate of:

- 1) Whether a particular regulation, or indeed the whole system, is unjust or would require the prisoner to support injustice.
- 2) Whether prison officers are humane or brutal in their administration.

Sis Robinson, whose case is described on page 11, said:

I had weighed submission against nonviolent passive resistance to the removal of my body by the police long before I was arrested, and concluded that the indignity belongs to the assailant and not to the victim so long as the victim remains detached from the evil motives, in thought and feeling. This also means the avoiding of reactionary

22 hostility. When the act and the institution are evil, why should we give sanction to them by submitting? (August 13, 1960)

Gandhi said:

We are not out to abolish jails as an institution. Even under self-rule [Swaraj] we would have our jails. Our cd, therefore, must not be carried beyond the point of breaking the unmoral laws of the country. Breach of the laws to be civil assumes the strictest and willing obedience to jail discipline. . . We must not regard jailers and warders as our enemies but as fellow human beings not utterly devoid of the human touch. (1921: SAT61)

The only occasion when he can openly disobey jail regulations or hunger-strike is when an attempt is made to humiliate him or when the warders themselves break, as they often do, the rules for the comfort of prisoners or when food that is unfit for human consumption is issued as it often is. A case for cd also arises when there is interference with any obligatory religious practice. (1921: SAT64)

Dave Dellinger on activities of CO's in Danbury prison during World War II:

. . . the Federal Prison System has reduced some of the physical abuses which have always characterized prison life. But the main result has been that psychological brutality has become an even greater menace than physical brutality. Thus, when a group of us went on strike against certain abuses, we were not beaten up. But each of us was put in solitary confinement, without books, paper, mail or other objects which might relieve the intended monotony. Even our toothbrushes were taken away from us, and I used to ask the guard how they decided when a man's crime was great enough that his teeth should decay.

Finally we went on a hunger strike, to try to push through some prison reform and publicize this type of abuse. At the time of this strike, my wife was nearing the end of a difficult pregnancy. The prison authorities knew this, and they also knew that she had been seriously ill in a previous pregnancy, which had ended in a miscarriage. For three weeks they kept all mail from me. Then the acting Warden came in to my cell and told me that my wife was dying. She had sent word that I must abandon the strike. If I did not stop at once, he said, I would kill her. Later the prison Doctor came in and told me the same thing. It was not until many weeks later that I found out for sure that she had not been ill at all, and had been writing me encouraging letters all the while they said she had been beseeching me to abandon the strike.

On this occasion the prison authorities told us that we could go on refusing to eat until we died. They didn't care. After about three weeks, one of the fellows, Paton Price, who had not been in good health, fell unconscious. Suddenly our cells were unlocked and we were herded into his cell. "There," screamed the Warden. "You see what you have done. You've killed. You've killed him." And he certainly looked dead. We were made to stand there while the hospital orderlies came and carried him away in a stretcher. Just as they were leaving, he rolled his head a little, opened his eyes, and whispered, very distinctly, "Keep it up, fellows. We'll win."

. . . it's just as true now as it was 50 years ago, when Oscar Wilde wrote it, that "one is absolutely sickened not by the crimes that the wicked have committed, but by the punishments that the good have inflicted." (1948)

Bill Ryan commented on some articles in the defunct magazine *Alternative*:

I note that a small controversy is going on in your columns about whether the chow in Danbury jug was rotten, or not so rotten, during the period the place was full of draft cases. One says the chuck was terrible, and another says it really wasn't too bad.

I say, what the devil difference does it make? I myself did not go in or come out 23  
of the clink during the late war with any ideas of reforming it. I thought then and  
still think now that it is relatively unimportant whether jails are well or poorly operated.  
I chose not to register and to go to jail because I wanted everybody to know that I was  
"agin" the late war, "agin" it all the way and from the word go.

During my stay I didn't bother myself about prison reform. I thought it was far more  
important to concentrate on trying to keep the wishy-washy, half-way, pip-squeak  
resisters (of whom there were far too many) from going soft, trying to get paroled to  
quack camps, hospitals, etc, and otherwise compromising the whole idea of genuine  
forthright resistance to war...

I suggest that all CO activities inside and outside prisons ought to be strictly confined  
to direct opposition to war and complete noncooperation with the government. That's a  
big enough job in itself. To hell with prison reform! American clinks are cinches any-  
how. You ought to shake some time in one of Joe Stalin's as I once did. They solve the  
food problem there by just withholding it until you get ready to relish long dead skunk's  
tail—raw... As war resisters, it should be a matter of supreme indifference to us  
whether jails are good or bad, hard or soft. What we need to do is fill 'em up and keep  
'em full. If we could go a good long distance in that direction, we soon wouldn't have  
to worry about prison reform. (1948)

I think Gandhi's approach to prison is good, except that I would not be so sure about the  
need for prisons. Marj Swann's stand is one I would recommend for all disobedients—she  
refused to do any work which assists the prison system of administration, spying, paroles,  
punishments, "rehabilitation", etc. She worked in the dairy. Allout noncooperation is a  
stand I respect but do not recommend, especially to newcomers. More pointers:

- 1) Be scrupulously truthful in relations with everyone.
- 2) Don't be talkative or discuss personal matters with prisoners you don't know pretty  
well. Many homosexuals are looking for partners.
- 3) Consider very carefully your stand regarding any noncooperation, and then don't  
back down.
- 4) Don't assume that you have any privileges coming; then you won't be demoralized if  
you don't get them.

If your sentence is six months or more in a Federal prison, you are theoretically eligible  
for parole after one-third of the sentence is served. Parole conditions are something like  
probation but are more likely to be strictly enforced. An applicant for parole agrees not to  
repeat the offense. The present US Parole Board is unlikely to grant paroles to any disobedi-  
ents except some draft refusers.

"Good time" is a portion of the sentence which is not required to be served, if the prisoner  
has behaved acceptably to the prison officials. The portion amounts to between one-sixth and  
one-third of the sentence. However, in practically all cases of cd leading to prison in recent  
years, good time has been granted irrespective of behavior in prison. Apparently prison  
officials are uncomfortable with disobedients on their hands, and prefer to release them as  
soon as possible.

Most of the foregoing is about Federal prison conditions. State prisons are generally much  
more unpleasant, and some city jails are really abominable. County jails vary a good deal.  
The treatment a disobedient receives in the smaller jails is likely to be influenced by his  
attitude, and whether the jailers have some respect for him.

Some prisoners like to have picketing and the like at the gates of their prison. Others, including myself, would have been flattered by a demonstration, but thought it unnecessary. Mail and visitors are good morale builders, but a greater satisfaction is to greet new disobedients as they enter prison. If a disobedient is engaged in some struggle for a reform within the prison, it is important for those outside who support the reform, to spread the word of the struggle, and to appeal to the warden and political kingpins in the prisoner's home town and state.

Unless the prisoner is making a strong campaign for release, I think support implying that imprisonment is unfair or should be ended, is out of place. Advocating leniency, special privileges or release for a disobedient often comes down to this: "Other men may be imprisoned for violent and immoral acts, but the disobedient's illegal act is morally superior. Therefore he should not be punished for it." It is well to defend the morality of cd, but we should refrain from asserting that disobedients deserve consideration which ordinary criminals do not. When groups of CO's in prison in World War II noncooperated to gain reforms, their finest witness was to refuse concessions for themselves; they went on resisting until prison policy was changed for all prisoners.

Gandhi said:

We must dismiss the idea of overawing the Government by huge demonstrations every time some one is arrested. On the contrary, we must treat arrest as the normal condition of life of a noncooperator. (1921: SAT172)

No civil resister is to expect maintenance for his dependents. It would be an accident if any such provision is made. A civil resister entrusts his dependents to the care of God. Even in ordinary warfare wherein hundreds of thousands give themselves up to it, they are unable to make any previous provision. How much more, then, should such be the case in cd [Satyagraha] ? It is the universal experience that in such times hardly anyone is left to starve. (1930: SAT80)

Many disobedients are young, and a principal difficulty is parental opposition to cd and prison terms. Sometimes it seems more difficult for disobedients to communicate with their families than with the man in the street. This problem is lessened if the disobedient will renounce the things which depend on money from parents who oppose cd.

### Notes on Some Early Projects

Las Vegas 1957. This was the first modern aggressive cd project against war that was supported by some conservatives as well as radical pacifists. Eleven persons entered the nuclear test area, were arrested and freed with suspended sentences of six months. All decided to return home rather than continue cd at the price of six months in prison. The Las Vegas project was an attempt at nonviolent obstruction—some participants were seriously prepared to remain some time in the desert until vaporized by the nuclear test explosion. The project, which was originated by Lawrence Scott, established a valuable precedent by opening its policy and planning meetings to the public.

Golden Rule and Phoenix, 1958. Four men sailed a ketch toward the H-bomb test area near Eniwetok. As they stopped in Honolulu, a Federal court enjoined them from sailing further, and gave them suspended sentences when they sailed anyway. Persisting, they were jailed for 60 days. Soon after, Earle Reynolds and

his family sailed another boat into the testing area and was arrested. He appealed his conviction and had it reversed two years later. The appeal court held that the AEC order restricting international waters around the test site was illegal.

The Golden Rule crew began their project saying they would try to sail into the test area "come what may". At one point they turned back when dangerous weather and seasickness seemed to make the voyage too risky, but later they renewed the project and served two months in jail. During the voyage, a team of four other CNVA people flew to Finland with the announced intention of entering the USSR with the same appeal against testing which the Golden Rule was making to the US. However, they returned home shortly after the USSR (as had been anticipated) denied entry permits. This expensive fiasco occurred because neither the policy discussions nor the policy itself were made public. The team had agreed privately with its sponsor not to enter the USSR illegally.

Cheyenne 1958. This project attempted to set in motion a chain reaction of resistance which would "stop the missile base"—this was the first American ICBM base. One tactic used was nonviolent obstruction, which had been a theoretical but not very likely possibility in earlier projects. Disobedients sat down in the path of trucks entering the construction site. One obstructor was injured when a truck failed to stop in time. Eventually most were sent to the county jail for periods up to 126 days. Nonviolent obstruction precipitated a good deal of hostility among the local truck drivers and the public; whereupon outside pacifist leaders intervened to halt the use of this form of cd, and the project was closed. The project appealed to workmen to quit their jobs, and the criticism has been made that this is an irresponsible request unless alternative employment is available for the man who quits. Others feel that if financial security is a prerequisite to a response to moral scruples, war is inevitable.

Omaha Action, 1959. Disobedients practiced trespass and nonviolent obstruction, all at the entrance to an Atlas missile base. After conviction, the judge tried to induce demonstrators to return home by placing them on probation with suspended sentences. Eleven persisted to the point of imprisonment (nine for five months each), and three returned home. Because this project was staged so far from the intellectual and pacifist centers in America, it tended to attract only those whose purpose was serious and dedicated. There was little of that element in the peace movement which flock to many projects—those who come to pursue their sex lives, for talk, to grind an esoteric ax or for the thrills of a spectator sport. Some of the reasons given by actionists who entered the missile base illegally:

- 1) To communicate with workers through leaflets and talking. (Ross Anderson and A. J. Muste)
- 2) "speaking with my whole voice and acting with my whole being against this missile base" (Karl Meyer)
- 3) Land is a trust for future generations; it does not belong to the government for immoral purposes. Cd is an act of reclaiming farmland. (A. J. Muste)
- 4) "[I] violate that law in obedience to a higher Law... to comply with the leading of the Spirit of our Lord." (Neil Haworth)
- 5) "... We know that we shall in all probability be prevented from [speaking with our fellow citizens who are working here]. We hope that some few of our fellow citizens may recognize our attempt as symbolic protest against this evil, and may be moved to reconsider the mad course... I am deliberately taking action which will result in a federal prison sentence... Until we are ready to sacrifice and suffer for what we believe, we have no business trying to sell the American people a program of nonviolent resistance to aggression and oppression. American wives and parents who have

26 lost sons in war—and most peoples around the world—know far more about sacrifice than do most of us pacifists. . . " (Marj Swann)

Reasons for sitting in front of trucks at Omaha Action:

"not to stop them or prevent the drivers from doing what they have to do, but to try to bring home the reality of what they are building to all who work on the site. . . If someone balks at driving over a few frail bodies, how can he, in all honesty, continue building something that can burn alive millions?" (John White)

"The point is to pose a question clearly and directly. . . whether he is willing to run over a human being in order to help build nuclear weapons." (Erica Enzer)

Livermore, California, 1960. Four people trespassed at the Radiation Laboratory August 9. They declined to accept bail or lawyers, and refused to be fingerprinted. They pleaded guilty or stood mute. They were placed on probation for one year. One, Jerry Wheeler, repeated the act five months later at Davis-Monthan AFB in Arizona and was sentenced to six months.

Civil Defense Resistance, 1955-61. In 1955, 28 persons refused to leave a park during the take-cover period of the annual Operation Alert. They had various pleas but all were convicted & given suspended sentences. Some "not guilty" cases were appealed, and four years later the NY supreme court ruled the law constitutional and the convictions legal. In 1956, 17 resisters got five days in jail. In 1957, ten got 30 days. In 1958, the number of resisters dropped to nine, who expected stiff sentences but were given suspended sentences. In 1959 the number increased to 19, of whom the five repeaters got ten days each. Also in 1959, a few resisters were arrested in other places. In 1960 the Civil Defense Protest Committee spent months organizing students, mothers and pacifists to resist, and about 350 refused to leave City Hall Park in NYC. 26 of these received five-day sentences; the others were not arrested. 1960 arrests outside NYC totaled 15; and many colleges and high schools had active groups but were not arrested when their protest was confined to campus.

In the 1961 resistance, at least 141 persons were arrested in the northeast, including 64 in NYC where the crowd at City Hall grew to 1000 or more. That was the last compulsory civil defense drill held in the US. Although the organizers of the large crowds in NYC wished for nonviolent demonstrations, the majority of the crowd did not understand the idea, for they vocally harrassed the officials who tried to order them into shelters.

Polaris Action, 1960— . The project was conceived by Brad Lyttle and established in New London, Conn. After about a dozen cd actions in 1960, directed mainly at the Electric Boat Company's shipyard where nuclear missile submarines were built, it was decided to convert the project into a permanent peace action center, and a house in Norwich was obtained, as well as a nearby farm. Marj and Bob Swann and Ken Meister assumed responsibility as a permanent staff, and others have joined since. Cd in this project has been of many types, and back numbers of the Polaris Action Bulletin (now called Direct Action) should be consulted regarding them. The program is in cooperation with New England CNVA, and its headquarters is in Voluntown, Connecticut. There are still occasional cd demonstrations, but the main emphasis is now on picketing, speaking and literature programs, etc.

Adherents of nonviolent cd are so few in America, that until recently most organized anti-war and anti-segregation action was controlled by a few leaders of national organizations. But the organizations came into the hands of the conservative element who avoided illegal action that might jeopardize the future of the organization and, incidentally, their jobs. This seemed to suit the radicals who for ten years after the war were content to send in money. Since 1957, however, there has been a regrouping, and the younger recruits especially have often been unwilling to accept the leadership of bureaucrats and well-dressed public speakers. New traditions are forming including such improvements as these:

- 1) Salaries of \$100 per month with personal lives simplified to match
- 2) Leaders are among the first to be arrested and imprisoned.
- 3) Replacing the "elite" approach to social change with movements built on, and appealing to, all social classes.

The Committee for Nonviolent Action (CNVA) has been involved in most direct action against war. Its headquarters is at 5 Beekman Street, New York 38, NY. But in the past year or two it has begun to appear that pacifist action is beginning to arise in many places through local initiative primarily. National organizations continue to perform some useful roles, but the decentralization of the movement to which the first edition of this pamphlet was dedicated, seems now well on the way to realization. I wish I could say the same about the quality of cd offered today as compared with 1957-61, but in general it has not improved.

**The Church.** The most important organization in anyone's life should be his church, which I define as a fellowship of people who cherish, practice and develop traditions concerning invisible reality and the purpose of human life. Followers of Jesus, Tolstoy, Buddha, Gandhi and others will recognize that nonviolence is a key religious doctrine. The best size for a church is between the "two or three gathered together in my name" which Jesus referred to, and a maximum of a dozen or so; more than this makes personal relations too complex and group unity too difficult.

There may be a very few who don't need a church. But most of us are too easily distracted from the values we want to devote ourselves to. A church should supply encouragement to the individual in casting out temptations of security, position, sex and possessions, among other things. Most established churches do these things poorly because they are too large and include members for reasons of birth, fashion, etc instead of conviction and commitment. Disobedients, who have these two qualities, unconsciously use the forms of peace organizations and projects to fill their need of a church. But this doesn't work very well because many participants are committed only on the immediate issues—missiles, or nuclear tests, or integrating a swimming pool, for example.

Cd is best carried on by individuals acting near their homes. We should not slip back into the state of mind which requires being propped up and cheered on by big names and large numbers. Cd can be studied and discussed by a small local group, say half a dozen, by reading some of the books mentioned below and discussing them in the light of their own concerns. Ideally the group should be involved in some honest and useful work of social value and have a common religious faith. Some nearby symbol or custom of injustice can be selected for appropriate cd—in some cases cd might prove unnecessary if negotiations secured its removal. Cd against local missile bases or recruitment and induction centers, or army camps, or Federal tax offices, could be especially valuable because these are already topics of local interest. A group can offer cd one or two at a time, or as a group, leaving the necessary persons home to care for children, elderly dependents, etc. Such action could have a profound and lasting impact on the community, contrasting with the

28 flash-in-the-pan aspect of cd by outsiders. However, courageous cd anywhere has worth which cannot be measured or known. Gandhi wrote:

The law of sacrifice is uniform throughout the world. To be effective it requires the sacrifice of the bravest and the most spotless. And Jairamdas is of the bravest and cleanest. I therefore could not help wiring when I heard of Jairamdas' wound that a wound in the thigh is better than prison and wound in the heart better still.

Whilst I therefore tender my sympathy to the parents of the two brave lads who lost their lives, my inmost desire is to congratulate them for the finished sacrifices of their sons, if they would accept my congratulations. A warrior's death is never a matter for sorrow, still less that of a Satyagrahi warrior. One of the lessons that a nation yearning for freedom needs to learn is to shed several fears of losing title, wealth, position, fear of imprisonment, of bodily injury and lastly death. (1930: SAT262)

Place of Civil Disobedience in Life. Is there a danger that disobedients will become "professional" prison-goers? I doubt it, since whatever glamor prison may have in prospect is soon destroyed by the reality. Prison-going is a discipline, done for the sake of one's own integrity and soul. Gandhi said at the beginning of his campaign for free salt:

...cd once begun this time cannot be stopped and must not be stopped so long as there is a single resister left free or alive. A votary of Satyagraha (nonviolence) should find himself in one of the following states: 1) In prison or in an analagous state; 2) engaged in cd; or 3) Under orders at the spinning wheel, or at some constructive work advancing Swaraj [self-rule]. (1930: SAT225)

Cd is not, of course, the only means of opposing injustice, but it is among the most powerful and direct. In some situations, such as the present attitude of America toward military preparations, it (or perhaps fasting until death) seems a technique which might break the apathy and fatalism of the people.

#### Postscript, 1966-7.

In 1961 I wrote that in my own life, I hoped to spend time as follows: 25% in prison, 25% for peace education, 50% for developing a movement toward more primitive living on the soil. I have not done too well in any of these. I have spent only a few hours in jail in recent years, several times for distributing my own local journal, *The Greenleaf*, to high school students. In all cases, the authorities later ruled that I might resume distribution.

Sometimes I have been a trifle uneasy about failing to attain my "prison quota". But it seems to be Federal policy to avoid prosecution of tax- and draft-resisters in most cases. Although I have openly violated Federal law by refusing since 1958 to pay income tax or file a return, and sent back my draft card to the local board in 1960, I have not been prosecuted. This situation could change and I might be imprisoned for a long time. But I am not going to provoke it, especially. Neither will I stop advocating that others refuse taxes and draft cards.

It could be inferred from the above that I am not so "hot" about aggressive cd as I was in 1961. Perhaps not. Certainly I feel that a thorough and dependable stand of defensive cd, including draft card and tax refusal, is usually more valid than a dramatic act of aggressive cd. Might a few pacifists have stood firmly on a refusal to accept draft cards and withholding-tax employment. Is not some aggressive cd a substitute for a more consistent and fundamental pacifist stand?

In March 1966 I observed a cd demonstration by Boston CNVA at the local army base. 29  
It seemed to have many elements typical of recent cd by pacifist groups. Ten took part, including three Harvard students, and most of the group had never before practiced cd. One destroyed his draft card during the demonstration, which was well covered by the local press.

The ten tried to enter the base, hoping to give out leaflets to inductees. But the Federal officers, following a policy in effect since 1962, created a living wall to block entry. (Previous to 1962, trespassers had often been arrested and jailed.) When some of the ten penetrated a few feet into army territory, Federal officers dragged them out again. But the main function of policing and keeping order among about 100 spectators (mostly longshoremen awaiting a shift change) was left to the Boston city police. Eventually the ten responded to the living wall by sitting down in the road leading to the base. City police then arrested them for obstructing traffic.

There was minor kicking and provocation from some police and bystanders. But the demonstrators had a low degree of hostility and no incidents developed. On the other hand, there was not very much communication between the pacifists, including 15 supporting pickets, and bystanders, most of whom were stimulated to curiosity and sometimes anger by the cd. The CNVA briefing sheet said: "Our attention should be focussed on reaching those who see us". But the somewhat mechanical mood of the situation—and perhaps fear of getting punched by a longshoreman—prevented us from going beyond "focussing our attention".

Later, a discussion among the pacifists showed that a few felt the demonstration (which lasted 45 minutes) had been a success insofar as it "gummed up the works"—in other words, interfered with operation of the base and created difficulties for the authorities. This attitude could become the Achilles' heel of the movement. A small minority should not try to impede or outmaneuver the military. We should take care to limit the actual obstruction to a minimum, and let nonviolence work through an orderly embracing of the penalty for the act. If the tactic of "gumming up" should persist, it will merely add to the pressure and justification for the government to suspend civil liberties for minorities. To exercise liberty, in well disciplined cd, is one thing. But we should not abuse the freedoms we have, in a highly complex society with a growing Federal power.

### The Constructive Program.

As life becomes easier and more mechanized, it is well to seek work which develops manual skill in the production of truly necessary commodities. I have chosen orchard work, and have developed a recruitment program to arrange employment for others who wish to join. In the past four years, my apple-picking crews have had a total of 55 people of both sexes, aged from 17 to 65. We work as a team at NH orchards I select. Seasonal work in other agricultural jobs is also being developed. Membership in Greenleaf Harvesters is by invitation only; anyone wishing information may apply for it together with a full personal resume and intentions for the future.

Additional titles published by Greenleaf Books, Canterbury, New Hampshire:

- Of Holy Disobedience, by A. J. Muste (on conscription) 24 pages, 25¢
- Handbook on Nonpayment of War Taxes, edited by Ernest Bromley 50 pages, 45¢
- Manual on Peace Walks, by Paul Salstrom 27 pages, 45¢
- We Walked to Moscow, by Jerry Lehmann 100 pages, \$1
- You Come With Naked Hands: the Story of the San Francisco to Moscow Walk for Peace, by Bradford Lyttle 295 pages, hardcover, \$4.25
- From Harvard to Prison for Peace, by David Reed II pages, 12¢

Greenleaf Books also distributes the full range of Gandhi's writings. Free list on request.

### Situation Test

The democratically elected, pro-reform government of Colombia is overthrown by the army. The military dictatorship that is set up claims that communists and "radicals" were infiltrating the government, and says that the military alone can provide a strong, stable government in Colombia. The upper classes favor the new military dictatorship.

Firmly behind the U.S. in foreign policy, the dictatorship points out to our ambassador that Colombia can be a valuable friend to the U.S. because of her strategic position near the Caribbean, the Panama Canal, and the Venezuelan oil fields. The U.S. is asked to continue its foreign aid.

The leaders of the former democratic government are forced by the dictatorship to leave Colombia. They come to the United States and immediately form a committee of Colombian exiles to reestablish democracy and reform in their country. A meeting is set up with President Johnson, at which the exiles call upon him to help them gain arms and training to invade their homeland and throw out the dictatorship. "We cannot return democracy to Colombia without your help," say the exiles, "and therefore we ask you to back us with ships, planes, and men. If the United States really believes in its ideals, it will support us to the fullest extent."

#### QUESTIONS:

1. What reasons might Johnson give for supporting the military dictatorship?
2. What reasons might Johnson give for supporting the exiles?
3. What should he do? Explain.
4. What has been Johnson's attitude and response toward other such governmental overthrows?

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the political and economic conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The second part of the report deals with the political situation. It is a very interesting and informative study of the political conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The third part of the report deals with the economic situation. It is a very interesting and informative study of the economic conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The fourth part of the report deals with the social situation. It is a very interesting and informative study of the social conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The fifth part of the report deals with the cultural situation. It is a very interesting and informative study of the cultural conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The sixth part of the report deals with the military situation. It is a very interesting and informative study of the military conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.

The seventh part of the report deals with the international situation. It is a very interesting and informative study of the international conditions of the country. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country.