

Tommy Michaud

A New Case in the Wings

The publicity from the Herndon case was so extensive that it's fair to say Safe Return was fully and successfully launched, and the work of CCI, if not forgotten, consigned to the archives.¹ Almost immediately we began to receive queries from other deserters and their families. One walk-in had particular appeal, a Franco-American Vietnam vet named Tommy Michaud who'd come down from New England after reading a news account of John's dramatic reentry. Home from the war, Tommy deserted the Marine Corps and wandered no farther from the New Hampshire village, where, for almost three years, he'd been hiding out in the bosom of his family. Tommy was as quiet and non-verbal as John Herndon was chatty and brash. Even now when I think of Michaud, my imagination leaps to Melville's celebrated tongue-tied innocent, the handsome, stalwart Billy Budd. Tommy, too, was manly enough, but, like Melville's character, utterly lacking in surface aggression, certainly of that chip-on-the-shoulder variety routinely produced by the United States Marines.

Tommy Michaud was disturbed by his service in Vietnam, and had come to oppose the war. But like John Herndon, he was not by nature or inclination a political animal. Where Michaud differed from Herndon was in the capacity to dissemble that covered John's desertion with a patina of public validation, at least among liberals. Both Tod and I quickly realized that we couldn't depend on Tommy to fend for himself in the public arena. We would have to create a forum that would allow this sympathetic young man to be viewed, but relieved of the pressure to perform. Four months later, we would satisfy these conditions in the most spectacular way.

In the meantime, as we plotted a suitable scenario for the ‘safe return’ of Tommy Michaud, we still had John Herndon awaiting trial in a Ft. Dix, New Jersey stockade. Tod and I spent long hours at Safe Return’s office on lower Fifth Avenue crafting a campaign to simultaneously protect John and propel the amnesty issue ahead. To generate support, we traded the sole species of capital in our possession - publicity - by duplicating in bulk, and mailing out every news article featuring our work, along with exhortatory political flyers and press releases - everything stamped in block lettering, “Free John Herndon.” In response to requests for information, we produced a handsome but wordy two-color Safe Return brochure detailing the goals of our campaign, along with answers to the anticipated objections of our adversaries. The brochure also listed the two score well-known celebrities and public figures who endorsed us, from Bela Abzug to Peter Yarrow.² A targeted fund appeal to a list of pre-addressed envelopes from RESIST, the activist collective in Cambridge, Mass, brought in a steady trickle of individual donations allowing us to stay afloat from one billing cycle to the next. I lived on my disability check, and Tod received a weekly salary, now \$45. The copies of invoices in our archival record show that our major outlays at that time went to the storefront offset printer a block from our office.³

Experiences from Tod’s background were essential to our working style. The professional appearance of our materials owed much to Tod’s part time work as a boy in his Dad’s print shop back home in Battle Creek. In the process of selling ads for an annual “friendship book” the Ensign shop printed on behalf of the local AFL/CIO, Tod had also canvassed in the field with an itinerant duo of telephone solicitors, an ad-selling technique already then in use five decades before telemarketing would become as common as roadside billboards. This work was a hard drinking romp, as Tod described it. Their threesome would

take up residence in a small town hotel room, set up a phone bank, and shake down local businesses, especially non-union shops willing to pay tribute to keep giant Labor off their backs and their shops unorganized. With every sale Tod would be dispatched in the team's Cadillac convertible for immediate collection. Within a year, we would hire our own telephone fund raisers to follow-up on donors who came in "cold" through direct mail solicitations. Without these skills that Tod brought to the table, it's hard to imagine how Safe Return could have been established as a viable undertaking.

The pace of communications was palpably slower than what societies experience as this account is being reconstructed. Long distance calls were costly and kept to a minimum, limited to raising funds, media contacts and the occasional conversation with some staff member of a Congressional sympathizer in D.C. That said, the 'Steal This Book' ethos under full sail by the early '70s offered several inventive ways to rip off Ma Bell. You could rig those clunky desk-top dial phones with black boxes that, by emitting a certain frequency, would by-pass billing for trunk calls, while the telephone credit card numbers of the rich and famous circulated *sub rosa* throughout the Movement, or openly in a communication's black market courtesy of the hippie press... and we took advantage of all of them.⁴

We depended on the mails to communicate in a way that is no longer imaginable. Safe Return's monthly correspondence files were generously thick, in-coming and out-going. Every day we received and dispatched real letters. A reading of our correspondence from the period reveals, on balance, a persistent fraternal civility, often warmth, and whether we were advocating, or stating differences, we did so predominantly in a tone of measured persuasion. We had set an ambitious goal to assemble a credible coalition representing every corner where

U.S. resisters, particularly deserters, lived in exile. In pursuit of that end, we maintained political correspondences with any number of groups and individuals inside the Movement.

Toward the other players in resistance circles, both at home and abroad, we tailored tactical forms of courtship. The cultivation of such alliances around joint initiatives was what powered Movement activism day to day. But the alliances often proved delicate and labile. Quite suddenly they could become fractious as political differences emerged, or, more likely, from the loud clang of egos clashing. Our leftwing political culture offered opportunities for scheming and edgy competitiveness, typically in personal encounters, that activists like Tod and I thrived on. It's not as if we hadn't been through a number of sectarian squabbles over the past two years. We were well-steeled for the in-fighting when, over time, Safe Return became the target of criticism from two opposite tiers of the coalescing amnesty forces. There were the established liberal groups and institutions I mentioned above who wished to dictate amnesty's public message and steer its course politically in more conventional channels, and therefore restrain the independence and national influence of a couple of enterprising upstarts who refused to play by their rules. And there were the purer-than-thou's at the grassroots, some true Jacobins among them, who - inflamed by feelings of resentment - trashed Safe Return, not for its politics, but for its slickness, having deduced that only through abject venality and ill-gained filthy lucre could we have assumed such prominence in the media.

There's no doubt that Tod and I were both driven in the manner of classic entrepreneurs, or more precisely, impresarios, guided by innovation - and alienated from the conformist career models we'd grown up with in the Fifties. But we had hardly created Safe Return - a public campaign to support deserters for christsake - for the money. Whatever money we raised, and it would be a considerable amount in the years ahead, went directly into our program. Our actions

could be aggressively competitive, but our zeal for a politics of demilitarization and economic justice was no less sincere for that. What we had, and our competitors often lacked, was not just a penchant for showmanship, but the level of organization and self-discipline to carry it off. Indeed - the slick part at least - was exactly how Tod and I, despite working out of a cigar box, hoped to project ourselves from inside the Movement to the mainstream.

As for working alliances, we immediately forged a dynamic link with AMEX-Canada, a small magazine collective in Toronto reporting on the resister community from within, and espousing politics on amnesty close to our own. Like Safe Return, AMEX was essentially a two-man operation, a draft dodger with some journalism skills named Dee Knight, and an active duty lieutenant, Jack Calhoun, who had deserted the Army rather than serve in Vietnam. Calhoun was also a doctoral candidate being mentored by the well-known leftist historian, Gabriel Kolko, at Toronto's York University. Knight and Calhoun's partnership, like Tod's and mine, was productive. The magazine appeared regularly, was intelligently written and competently managed, while operating on a shoe string budget and an uncertain cash flow.⁵ Having first learned of AMEX just before retrieving John Herndon from Paris, Tod traveled to Toronto and briefed Dee and Jack on our general strategy. When we actually got John home, and made a big splash in the media, the AMEX duo weren't the only ones in the exile communities who stood up and took notice; this recognition would undergo a multiplier effect with the rapid and surprising resolution of the Herndon case.

Throughout the resistance movement generally our "big splash" met with positive to mixed reviews, raising our stock rapidly in some quarters, while in others, signaling dissent, if not outright disapproval. I pleasantly rediscovered when consulting the record the many messages of unqualified solidarity. A small sampling of those offering kudos would include, the

Shelter Half GI coffee house in Tacoma, Washington; Rita-Act, the long standing GI paper and project in France and Germany, creature of one Max Watts, an eccentric Austrian physicist and Leninist scold who tutored and succored half the U.S. deserter community in Europe;⁶ and even several chapters of Vietnam Veterans Against the War (VVAW), our erstwhile nemesis from CCI days,⁷ most notably the supportive letter from the New Haven chapter's Jack Smith.⁸

There were less rosy notices as well, some merely bothersome. A lone wolf deserter in Sweden who fancied himself a revolutionary of uncommon purity wrote long, incoherent diatribes sprinkled with quotations from the Leninist canon, whose precepts we were accused of having wantonly abandoned. We actually engaged the guy with a couple of letters, but desisted when it became clear we were dealing with a sectarian madman. Some ultra-left ranters writing in the Berkeley Barb went to the extreme of condemning our organization "as a cruel hoax and imperialist trap to sucker exiled ex-servicemen back into the bloody clutches of the U.S. military."⁹

A more reasonable kind of tension attended our contact with GI organizers at the grassroots, who often misread our flashy style for a cavalier lack of seriousness. A sheaf of letters from Tod to a chap named George Smith [TK last name], whose Chicago Area Military Project and tabloid - CAMP News - agitated among sailors at the Great Lakes Naval installation, demonstrates our persistent efforts to convince skeptics in the GI movement, not only of Safe Return's political bona fides, but of amnesty's uncompromisingly radical content. Working day to day, as CAMP did, at close quarters with low ranking enlisted personnel subjected to relentless forms of command repression for every act of non-conformity, much less expressions of genuine political resistance, bred a kind of by-the-numbers orthodoxy in how these organizers dealt with the brass in supporting and defending the dissident GIs. Whereas Tod and I were

under no such restraints as we escalated the pacing of the issue, and sought to convince our grassroots' comrades - especially among the draft and GI counselors - that our confrontational way of projecting amnesty nationally by selecting individual cases to "personify the issue," was complementary, not injurious, to their own efforts in legitimizing the resistance. We held our own, but never won this debate.¹⁰

Closer to home the seed of a more damaging rift had begun to germinate three floors below our office where the ACLU staffed its national headquarters, and had decided to launch an Amnesty Project of its own. The office was headed by a human rights activist named Henry Schwarzschild, who would in subsequent years until his death run a much more visible ACLU campaign opposing capital punishment. It was Henry's role to assemble the coalition of liberal institutional forces which would, in time, collide head on with Safe Return. Henry loved to schmooze, and in the beginning he and I cordially debated amnesty politics almost on a daily basis in his office. Henry, full of flattery over Safe Return's brassy initiative, while urging us to work within the system, memorably advised me to "think of it as buying in, not selling out." It wasn't long before Henry played his true hand toward Safe Return with considerable indiscretion.

Jim Reston was known beyond his association with Safe Return as a writer who had independently championed the amnesty cause, so it was not surprising that Henry Schwarzschild would attempt to draw him into the ACLU orbit. Henry wrote Reston in early April that, "I am not happy with the Safe Return approach, Jim. I wish you would tell me why you are."¹¹ To which Reston replied somewhat tartly, "this [the Herndon case] may not be a legal precedent, but it surely is a political one... which has legal implications, not least for the ACLU Amnesty Project. I would urge you to put aside your organizational rivalries." Schwarzschild had clearly

underestimated Jim's invested interest in the Herndon case, but also his loyalty. In Reston's note to us he not only confided his exchange with Schwarzschild, but emphasized his solidarity with Safe Return in glowing terms. "I want to say while the memory is still fresh how much I enjoyed that week in Paris, and what a joy it was to work with you guys."¹² Following-up some day's later Reston would write that Henry had answered his letter "in a much conciliatory tone." To Tod he added, "I hope your lunch with him was productive." It was "uneventful," Tod responded. "He's not a good listener."¹³

I'm certain that Tod and I reacted to Henry's faux pas privately with much gleeful false indignation. Given that all the momentum was in our hands, we didn't see his undermining tactics as a threat to Safe Return's pole position on the issue. Besides, our immediate attentions were elsewhere. For those of us directly involved in John Herndon's short term welfare - Tod and I, John's parents, and our local support network - not least our girlfriends - there was considerable suspense as we awaited the Army's every move. John in the meantime acted the minor celebrity before his guards and fellow inmates in the stockade. One morning, he loudly refused to participate in a daily work detail and the ready acquiescence of the guards to this defiance signaled to all and sundry within earshot that John David Herndon was, for the moment, an untouchable. On a flyer distributed at a rally we organized outside the main gate at Fort Dix we characterized John as a political prisoner. The handout lionized John's on-going refusal "to make a deal with the Army... an individual solution that would deny the political nature of his decision to retire." But it was John's voice that capped the flyer's copy, disdainingly with the now familiar resister refrain, "if it means asking for forgiveness. I don't need to be forgiven by this government; the question is, will I forgive them?"

In the interim, Tod and his co-counsel prepared a defense which combined our Vietnam war crimes agenda, grounded on the principles of Nuremberg and the other conventions of war, with more practical arguments adapted to the military's own convoluted legal system. A couple of letters traveled back and forth between John and ourselves, with John still carrying a torch for his Parisian girlfriend, Jeanette, asking Tod for her new address. We in turn wrote John with optimistic reports of our efforts to get the word out on his case, addressing a convention of radical Asian scholars one weekend, heading for Harrisburg, PA to attend a rally outside the trial of Dan Berrigan, the next. The prosecutor's office at Ft. Dix would communicate nothing of the Army's plans for John's trial, and Tod discovered one morning that the stockade commander had actually issued an order to block Tod's access to his client. This was typical petty command harassment, since Tod had no difficulty in establishing his relationship as John's legal counsel, but it meant raising hell in Washington to put some smoke under the appropriate officer's fanny.

Then, suddenly, it was all over. The Army had simply kept John Herndon under lock and key for a couple of weeks while plotting its course, until on the morning of April 11th I arrived at the office and rang the answering service for messages. "Call John Herndon in Baltimore," the operator said. John was out and home with his parents. A week later, from Paris, came Joe Heflin's letter exclaiming, "We are all a bit stunned by the news of JH's... release. We congratulate you on your work, your publicity, your pressure and the hope this precedent will provide others in the exile community."

Naturally, we claimed - and undoubtedly believed - that our success in raising Herndon's visibility in the national press, buttressed by the political clout we'd mobilized in Washington, had strongly restricted the Army's options for punishing John. If this was speculation, subsequent disclosures would prove it more insightful than reckless. Still, to have escaped

without a trial, with no additional time in confinement, was much more than we - or John - could have hoped for. But military law is a labyrinth of Catch 22s; the trick here was for the army's regional commander, one Major General Howard H. Cooksey - having the proper level of authority and mindful of the Army's long term interests - to simply rescind the order that had vacated John's bad conduct discharge from the court martial in Germany, the act that had returned John to active duty from whence he fled to Paris for the second time.

The order to execute that trick came from an even higher level, a fact that, two weeks after John's release, Tod and I made public in an article for a Boston alternative weekly:

...we obtained a confidential memo concerning the case written to [Army Chief of Staff] General William Westmoreland by the Army's top lawyer... titled, "Test Case for Returning Antiwar Expatriates: John David Herndon v. [Secretary of Defense] Melvin Laird, et. al." Also we learned that the Secretary of the Army had personally reviewed John's case within days of his return.... John's rapid release was a small, but important victory for Safe Return, although his less than honorable discharge will brand and handicap John in many ways. ¹⁴

I should reiterate here that our call for universal amnesty included the demand that deserters be discharged under honorable conditions – based on the legitimacy we claimed for their resistance to an illegal war. Trying to get a job after leaving military service with “bad paper” “could create serious difficulties, especially for blue collar or factory workers where supervisors or union officials were still pumped up with red, white and blue from the “Big War” against Hitler and Tojo. A lot of these World War 2 guys already thought Vietnam Vets were a bunch of sissies, and dissed us for having lost *our* war, while failing to acknowledge that it was their generation who got us into and led us in Vietnam. In any case, it was through this system

of graded discharges that the military extended its reach into the larger domain of social control in civilian life. Bad paper could mean, not only the denial of suitable employment, but no benefits, no VA health care, no GI Bill. Neither Safe Return nor its liberal associates were equipped to effectively fight the social consensus that guarded both the boundaries of patriotism and the hard cash of entitlements, imposing this permanent stigma on those who'd once dared to defy the uniformed wing of the State. Nonetheless, we spent some energy over the next few months after John's release, attempting to steer him through the Army's Discharge Upgrade program, alas to no avail.¹⁵

With John free from the Army, we attempted to integrate him into Safe Return as a field organizer, and till roughly mid-summer of 1972, he was occupied in a whirlwind of amnesty related events. John's activist persona, so useful to his survival in Paris, if always, at best, transitory, had been enormously validated by the attention showered on his public return. His status as a representative war-resisting deserter was firmly established which led to a steady flow of speaking gigs throughout the Movement's spring mobilization. John addressed the Moratorium crowd in Baltimore, and spoke before protesters gathered outside Ft. Dix on Armed Forces Day, dubbed Armed Farces Day by the GI resistance. I have a photo showing John at Dix, standing between Tod's girlfriend, Pam Booth, and mine, Ann, a senior then at Wellesley College. It was a rainy spring day judging from their apparel, and some other folks are milling around in the background, which suggests that the protest's formal program had ended. John is holding a folded sheet of paper, probably notes on the pitch for amnesty he'd been asked to deliver. Reading John's body language, he seems uncomfortable and out of place.

The restlessness of exile life followed John home, and he seemed most relaxed when on the road. So we sponsored his travel to a circuit of southern towns where GI projects and

coffeehouses had been established outside major military installations. John's job was to counsel deserters he encountered, with an eye toward referring potential cases, and to work the local media. Once, on a radio talk show, John showed himself to be deft in parrying insults by incensed listeners who thought he should have been shot, with solid arguments and a fair amount of country humor.¹⁶

For awhile John shifted among the several home bases available to him. Often he simply rested in Baltimore with his parents. In between his southern gigs, he spent a good bit of time with Jim Reston and his wife at their home in Chapel Hill, where Jim had obtained a lectureship at his alma mater, the University of North Carolina. John would crash at Tod's place on his several visits to New York, as in late May for a fund raising house party on behalf of Safe Return, a first for us, and prelude to many that would follow.

It was Pam Booth who organized the affair. She was Tod's main woman, and Tod was Pam's only man, a dangerous scenario even for two free thinkers like them, and perhaps a spur to their passionate, long-standing relationship. I spent many of the best hours of my city life in their company, and Pam is never far from the action of these recollections of the mid-70's, if seldom to appear in the narrative. It was actually Pam's friend, and consciousness-raising group-mate, Honor Moore, daughter of New York's Episcopal Bishop, Paul Moore, who volunteered her Chelsea townhouse for the fund raiser. Our *fan dancer*, the celebrity attraction who was to serve as a draw for attendance, was the playwright, David Rabe.

To say Rabe was "hot" then, is a gross understatement, even if his work, well before the millennium, had lapsed into an undeserved historical black hole. By the mid-80s, Rabe would receive three additional Tony Award nominations for "Best Play," having already won that honor in 1971 for *Sticks and Bones*, a searing portrayal of a family - a mischievous parody of the

saccharine TV sitcom, *Ozzie and Harriet* - oblivious to Vietnam's destructive impact on their returning veteran son. I went often to the theater during my Manhattan years, and had seen *Sticks and Bones* in its initial run at the Public Theater, whose founder, Joseph Papp once commented that Rabe's plays were the most important works he'd ever produced there. Just days before the party I'd seen Rabe's, *The Basic Training of Pavlo Hummel*, also at the Public, starring William Atherton, whose performance I judged far superior to that of Al Pacino when the play was reprised on Broadway five years later in 1977.

I had been profoundly moved by Rabe's dramatic evocation of Vietnam's horrors, physical and psychological, so deeply familiar to me. And I was excited about meeting him, all the more so since he too was a Vietnam vet. I remember we had a good crowd at the party, but have no recollection - or record - of how well we did donation-wise. I did talk briefly with Rabe, a somewhat bashful and unassuming guy, clearly not a good fit for the role he'd been cast in. I'm pretty sure he didn't stick around long, since I would have certainly sought his company for more than an exchange of niceties. I did talk with Joe Papp, who may have accompanied Rabe that night; over the next couple of years we would enlist the great impresario's support on several occasions.

John Herndon was also at Honor Moore's party, and, unlike Rabe, he enjoyed basking in the spotlight, having, in his own right, earned the prize of a public bow. John might have felt out of place as a movement speaker, but he loved to schmooze and party, and he knew how to charm the chic set with his homespun tales of the war-resisting exile, stranded in Paris no less. In the role of full time activist, however, John had neither the staying power, nor the aptitude. Within a couple of months none of us could keep pretending that John was organizing anything or anybody. There was no scene, no harsh words exchanged. I guess after John figured he'd gotten

his last hand-out from Safe Return, there was no further reason for checking in. We were so busy by then promoting amnesty, and beginning to structure the details for Tommy Michaud's return, that John seemed to just fade from view. At least the real and physical John; 'John the subject' stuck around the better part of a year as Reston worked to complete his book.

Given Safe Return's \$1,500 cut in the book's advance, Jim tasked Tod and me regularly for our views on, among several topics, the activist wing of the amnesty movement. In one letter I see that we responded critically, and in character, to his query, enumerating the limitations of our allies. Sweepingly in our dismissals, we wrote that: The War Resisters League - or WRL - with its pacifist focus on individual conscience - had no class politics. The American Deserters Committee - or ADC - in Sweden was "not together," meaning unreliable and badly split amongst themselves. The Philadelphia-based Central Committee for Conscientious Objectors - or CCCO - had "no resources to accomplish its repatriation idea, case by case," and was actually undermining the amnesty campaign's potential for raising public awareness about the scope of the resistance, an historical beacon, we argued, that would help prevent Vietnams of the future.¹⁷ This need to identify and dissect political differences, sometimes with near taxonomic precision, was a habit of mind Tod and I shared that inclined us toward the Trotskyist camp, where refinements of political clarity were, not infrequently, also impediments to unity.¹⁸

Such matters from Jim Reston's perspective were merely arcana of the radical political milieu, useful to juice up his copy, or, when expressing a dissenting interpretation, to mark an independent stance from that of his two more single-minded collaborators. But when a sudden crisis arose threatening to derail the entire book, Jim approached us, not for color, but for reassurance. In good reporterly fashion, Reston had contacted the American Embassy in Paris to question their "buy-off attempt" in the meeting with John, the news that in the book Reston

would write had “electrified” us. Now, weeks after returning Stateside, Embassy officials wrote Reston that it was Herndon who had sought the meeting, “offering “certain information... names and addresses of organizations assisting deserters” for money and “a letter stating he had performed a service.” Chagrined, the scent of panic evident, Jim turned on us demanding, “I must know the truth, especially on matters where official denials... can contradict and... discredit the book,” as if we knew more than he did about John’s secret lives, or were anymore responsible ultimately for what had been, after all, the mutual selection of John as both book-subject and initial test case.¹⁹

The solution we arrived at appears in Reston’s book. There’s no reference to this deeper crisis of faith in John. Those tracks are nicely covered when Reston, in his most confident authorial voice, states that, “For Mike Uhl and myself, whose prejudices against official explanations are openly admitted, John’s story rang true... [W]e had both been taught in the Army Intelligence School the official doctrine of “plausible denial” in the face of “an embarrassing intelligence operation.” It was “John’s word against the Embassy’s.”²⁰

Indeed, in a letter to Jim, I had suggested that the Embassy was “using a tactic of reversing a rendition of events,” and emphasized John’s exemplary conduct during the return itself, and while he was incarcerated.²¹ Certainly John had made no attempt to conceal the Embassy meeting from us, and this too had been a persuasive point in his favor for both Jim and I back then. Furthermore, I would discover years later while pouring through Safe Return’s records a letter that appears to lend authority to John’s version of that meeting with a Captain Fredenberger, not Friedberg, as John had recalled the name. The day before Tod and I had left New York to retrieve John from France, Joe Heflin mailed us a letter. It contained the warning that, “The American Embassy... contacted Herndon, asking him to come [in]..., questioned him

at length about his impending return.” [They are] ...very well informed of every move we are making.” So, rather than hearing this from Heflin *before* arriving in Paris, we would hear the same news from Herndon a day *after* our arrival, and - most strikingly - *before* we had even gotten a chance to visit with Joe Heflin. It’s hard to say now if we would have acted differently in getting John out of France had we known about the Embassy’s foreknowledge of our plans - however they had come by the information - rather than learning of that fact in the heat of action. Back home, in the excitement of John’s return, I am certain I myself never looked back, and quite possibly never saw, much less read, Joe Heflin’s letter until coming upon it in the Cornell library nearly four decades later.

The crisis averted, Jim went back to his book, which would not appear until May 1973. In the meantime we stayed in touch. In November Reston sent a postcard. “Saw John Herndon in Baltimore. Weighs 178 pounds. He’s a moose.” As for John’s Parisian girlfriend Jeanette, in responding to his letter from the stockade, she bitterly wrote via Tod that, “I don’t ever want to see you again. You never cared about anyone but yourself. I believe in what Safe Return is doing, but I don’t believe you yourself are sincere.” I suppose there must have been periodic and dispiriting reports thereafter, probably from Reston, on John’s whereabouts and decline. The last report was the worst with news of John’s tragic death. On a dark night in the mid-80s, John, in a drunken state according to a local newscast, was struck by on-coming traffic and killed instantly while attempting to cross an Arizona Interstate on foot.

Even now, well distanced from those times, and looking at the evidence with more objective eyes, I cannot definitively conclude if John had attempted to “sell us out” to the U.S. Embassy in Paris, or not. If the Embassy letter is a piece of spy craft, it is masterfully done, abundant in detail and citing multiple meetings with John, all at his initiative. My argument to

Reston about “plausible denial” was sincere, as well as opportunistic on behalf of our mutual interests in the case and the book. It has occurred to me, of course, that Heflin’s testimony may simply reflect John’s own cunning in covering his ass in anticipation of any later accusations should his contact with the Embassy become known. To conclude that John Herndon was a shady guy, with a shady story seems unavoidable. But Jim Reston would also nail something else fundamentally essential about this complex and inscrutable rascal in *The Amnesty of John Herndon*, that he was “exactly right for this, first, all important test case on amnesty... the kind of American forced to fight the war... whose worst aspects he endured in his own flesh.”²²

A letter from Tommy Michaud in early April, using his “alias” Stephen Collins and informing us of a recent move to work with his uncle in Connecticut, went unanswered until May 11th. We were just too busy, Tod wrote Tommy apologetically, while enclosing a form to retain Tod officially as his counsel. As Memorial Day approached, we now moved the Michaud-project to the front burner. I can’t pinpoint exactly when we hit on the scenario to dramatize Tommy’s return. The record provides only a few hints of what we must have been thinking. It is certainly characteristic of Tod’s and my long collaboration that many details of our planning never appeared in our written correspondence. For the simple reason that all Safe Return campaigns depended heavily on the element of surprise, and in this chess match we engaged in with the State - to some degree, I admit, in our own heads - we were not prone to telegraph our moves.

Compared to what I can provide in this work about John Herndon’s background and Vietnam service, thanks to Jim Reston’s interviewing and research, there is no source for a similar level of detail on Tommy Michaud. Moreover, the market for another book on a war

resisting deserter was preempted by John's story. Whatever documentation I can now access to sketch a profile of the man we chose for our second test case rests primarily on a correspondence of some dozen letters between Tommy and Tod and I, both before and after he surrendered to the Marine Corps. Tommy's letters are thoughtful - he had a quiet philosophical bent - but not very autobiographical. Tommy's April letter, however, did provide an account of a Special Court Martial while stationed in the Philippines. "I was awarded 6 months in jail," he wrote, "6 months lost pay, and a bad conduct discharge. After five months, they sent me a notice that my discharge had been suspended... and that I had to go back to active duty." He doesn't say what the charges were, nor did we ask, the presumption being that whatever his Mickey Mouse offense, it would not likely have landed him in the slammer in civilian life.

That account was eerily parallel to John Herndon's experience in Germany, reflecting a repressive military-wide response to the insubordination then rampant among the enlisted ranks. Except, in Tommy's case it did not immediately lead to desertion. Tommy's BCD was perhaps vacated by his willingness to volunteer for Vietnam on a short tour, roughly the same period of active duty he now owed from his time in the brig. He wanted to see his brother, he wrote, who had been in the war zone already for two and a half years, and, he added, witness for himself what the war was really like. While in Nam, Tommy's superiors apparently attempted to extend his stay to the Marine's full thirteen month tour. Somehow Tommy escaped this potential shafting, but returned stateside bitter about both the war and his treatment by the Corps. It was then he decided to desert. In the stumbling prose of his April letter, he explains why,

"I just don't want to be any part of military government, who while talking of how much they want peace, and at the same time are holding some military ritual for some war long ago past. Men who honor and believe in war will always have

war. And if you yourself decide not to be part of any of this, they punish away, mainly to put you out of the way, so you don't talk to too many people."

Perhaps it is my years of teaching College Writing that causes me to see in Tommy's textual twister the hidden eloquence of the untutored underclass, many barely literate members of which were typically my students on the satellite and community-based campuses where I mostly worked. Only months later did I learn that Tommy's first language was French, and that he had spent nine years of his childhood, along with his brother and sister, in an orphanage because their mother couldn't take care of them. After which, he and his brother joined the Marines together. Tommy was seventeen years old.

From May on we stayed in close contact with Tommy, asking him to use a pay phone when calling us and to reverse the charges. We were probably less concerned about our security than his, wanting to protect his whereabouts. By the middle of June Tod could write Joe Heflin in Paris that, "we are planning to return another vet soon." Yet not until early July do I find in our archives any specific references to where we planned to stage the actual surrender.²³ It would be in Miami later that month during the Democratic presidential convention. The Democrat's candidate, George McGovern, advocated an unacceptable position on amnesty - conditional for draft resisters, while excluding deserters outright - and we lost few opportunities in the months prior to the convention to denounce this hypocrisy among our Movement and media contacts. McGovern was the hope of the liberals. For radicals like Tod and I, the liberals' "lesser of two evils" argument fell on deaf ears.

One of those documented references to what would be the Michaud action in July was to a check for \$150 to the Aerial Sign Company for a banner demanding Universal, Unconditional Amnesty to be flown for an hour on consecutive days over Miami Beach. A couple of days later

the check came back with a note, “Sorry, we can’t handle this.” So much for the First Amendment. Still, I take some pride in our having concocted such a gesture years before the display of radical banners in dramatic public settings would become commonplace. And if the idea wasn’t executed, the good news, looking back, was that we could by that time spare the hundred and fifty bucks, still a tidy sum in those days, to underwrite such a stunt.

For the first time in the two years Tod and I had been working together we now had money in the bank, in effect, operating funds. While we still traveled on the cheap, we now had a reserve to cover modest legal fees, and to transport a Safe Return team of four to Miami. Our false Student IDs from Connecticut College for Women (recently turned co-educational), which Tod had printed up and laminated, helped keep costs down. Tod, a mature and imposing presence in his early thirties, still had the moxie to demand a student discount, about half fare in those days, and got away with it.

The fact is that Safe Return was getting the attention of big Movement donors just as Tod and I were becoming more confident in soliciting larger gifts. One source of funds was facilitated by a lawyer in Oakland, California named Mal Burnstein, a hold-over contact from the days of the war crimes project [TK]. Mal was a conduit for what was known throughout the Movement as Moscow Gold. In fact, Mal was a partner in Treuhaft, Walker and Burnstein, the only openly “communist” law firm in the country. At least both Robert Treuhaft, his wife, British Author, Jessica Mitford, and law partner Doris Brin Walker, had been, and in Walker’s case, remained, members of the U.S. Communist Party. Oddly, I never knew any of this history at that time, having shared with other New Lefties the myopic inability to value appropriately activists of the Old Left. Radical baby boomers were often critical of the CP’s popular front (read: liberal) politics, and their members’ seeming passivity in the face of red baiting during the

Cold War period, most consequentially during the years of the McCarthy witch hunts. In any case, it was these wise and stalwart comrades of Treuhaft, Walker and Burnstein who periodically mailed us checks, sometimes as much as \$2,000, from “a donor who wishes to remain anonymous” drawn on the offshore Bank of Aruba, Bonaire and Curaçao.²⁴

Carol Bernstein whose husband Daniel’s wealth was a major font of funding for the entire antiwar movement, and who had already given Jeremy Rifkin a generous gift around the People’s Bicentennial campaign, now came on board for Safe Return as well. After Daniel Bernstein’s death in 1970, Carol married Wilbur “Ping” Ferry, son of the former President and Chairman of the Board of the Packard Motor Car Company. Ping was affiliated with the Center for the Study of Democratic Institutions, a progressive-liberal think tank in Santa Barbara. Based on calculations Carol Bernstein made public of her late husband’s legacy, she ‘had to give away two thousand dollars a day every day to stay even, neither increasing or decreasing her wealth,” a goal she and Ping Ferry apparently, and laudably, accomplished.²⁵

Another fund raising technique we were beginning to develop, initially on a modest scale, was direct mail using only a couple of Movement donor lists like RESIST that were made available to us, and probably no more than a thousand pieces per mailing. The crusading journalists I.F. Stone and Nat Hentoff signed letters for us in this period, Stone on behalf of Safe Return, and Hentoff on an invitation to a party for the Bicentennial project, which Tod and I still had a hand in throughout 1972. But the most glamorous signatory we snared that year was the actor Jon Voight - who in the late 1990s would renounce the leftwing affiliations of his younger days in favor of right wing Republicanism - for a letter on behalf of the Tommy Michaud defense fund. Voight was slow in sending a facsimile of his signature, so I signed in his place;

when he finally wrote approving our letter, he drew an arrow to his name on the outside of the envelop and wrote, “Genuine signature. Far Out!”

One high powered Safe Return contact, Stanley Sheinbaum, was both a money guy and a tireless political activist. Sheinbaum had been radicalized as a young professor at the Michigan State University, caught up unwittingly in a CIA-sponsored project to train a police force for the U.S. puppet regime in South Vietnam. When Sheinbaum discovered that the men his program was training were involved in the systematic torture of Vietcong suspects, he resigned his position. But it was Sheinbaum’s marriage to the wealthy daughter of Hollywood mogul Harry Warner that allowed him to operate as an independent power broker on the Left. Stanley was not only an occasional donor, but he was someone we would strategize with personally from time to time around Safe Return’s agenda. Miami was a case in point, and Stanley’s role as whip of the California Democratic delegation would prove important to our success.

When we flew down to Miami on Sunday July 9th, it was already with the intention of surrendering Tommy on the floor of the Democratic Convention as a challenge to McGovern’s refusal to back universal amnesty for deserters. How we actually hit on this idea, I can no longer reconstruct from memory, nor, as noted, is there a hint in the paper trail. As a gesture of solidarity we invited the Toronto-based Dee Knight of the exile magazine AMEX to accompany us. The four of us holed up at an aging Art Deco hotel in South Beach, a good decade before that faded, if previously fashionable, end of the strand underwent its revival in the mid-80s. Still, it was an upgrade from the hovels Tod usually dragged us to back then, with his penchant for transient flops in the seedy zones near bus stations wherever we traveled, bug infested rooms with peeling paint and naked light bulbs. These digs in South Beach were airy with overhead

fans, and louvered outside doors that allowed guests to leave the room's main door open at night and the cooler evening air to circulate.

We spent much of the next week laying the groundwork for our escapade. I recall bright sunny days strolling up Collins Avenue to the Fontainebleau Hotel, Democratic Party headquarters during the presidential confab. On one such stroll we ran into Al Hubbard and Joe Urgo - at the time still the core of VVAW's national staff - decked out in jungle fatigues, coming at us from the opposite direction. Both Tod and I still felt the sting of what we viewed as our betrayal by "Captain" Al over the organizing of the Winter Soldier Investigation nine months earlier, and we'd had little contact with VVAW's national office, which would soon move its headquarters from our building in New York to Chicago. But on this occasion it was smiles all around, with them no doubt wondering what we were up to in Miami, and us probably wondering the same about them.²⁶

As for those frequent walks to the Fontainebleau, the hotel was crawling with reporters, and our m.o. was always to work the media, in this case brokering interviews for Tommy Michaud with the proviso that all articles be embargoed until after his surrender. Among several by-products of this strategy was the story another an old contact from CCI days, Bill Kovach - now the paper's Washington Bureau Chief - would file for the New York Times. But the successful outcome of our plan depended on another reporter, our old friend Erwin Knoll, editor of *The Progressive* magazine. It was Erwin who furnished the media passes, including his own, that allowed us access to the convention floor.²⁷ Erwin also rounded up David Obst, whose alternative Dispatch News Service was the first outlet for Seymour Hersh's expose on the My Lai massacre, to provide a second pass, with the two additional credentials we needed from other journalists or delegates whose names I no longer remember [TK].²⁸

Thursday July 13th was the big night. In his article for the Amex-Canada quarterly which appeared some months later, Dee Knight would describe Tommy as “serene” in the hours before we moved into action. And that, while Tod and I “worried about the last minute details,” Tommy sat in the hotel lobby, “playing soft blues notes on the stand-up piano,” or swam in the hotel pool.²⁹ Then, at the designated time, the four of us, loaded down with a bundle of press releases, made our way to the Convention Center three blocks away, and, once inside, walked quickly toward the space where the California delegation - the largest at the convention - was seated. Whether or not Stanley Sheinbaum knew in advance of our plans, I can’t recall, but he and the delegates in general embraced Tommy’s presence as if we had come to claim the holy right of sanctuary. I’m certain that each of us felt the equivalent of opening night jitters, especially Tommy, whose stoical exterior belied the scary reality that he would soon be back in the clutches of military authority.

Tod, in his role as attorney, stayed close to Tommy’s side to insure some manner of legal protection for his client under these unpredictable circumstances. Meanwhile Knight and I began to move about the floor handing out releases. Our job was to corral reporters and delegates to come hear a Vietnam veteran deserter read a statement about why he was about to surrender before the assembled convention after being AWOL from the Marine Corps for nearly three year. “I’m set in my mind to go back, but not as an isolated individual,” Tommy told a cluster of reporters. He said he was demanding amnesty for resisters like himself whose opposition to Vietnam was rooted in their personal experience with the war. Before he could complete his next sentence, two Secret Servicemen seemed to swoop down from nowhere and began dragging Tod and Tommy from the hall.³⁰

By then we'd been in the building for perhaps half an hour. Thomas Eagleton was in the midst of his acceptance speech as the party's vice presidential candidate. Still I remember being caught off guard at how suddenly the expulsion drama unfolded. I was far enough off - perhaps ten feet and in a crowd - to witness what happened, but not to draw attention as someone directly involved. While my thoughts were with the immediate fate of my two comrades, I remained at my post, and did my best to answer questions as press releases were literally being torn from my hands. To my astonishment, since I was certain he had also been arrested, Tod was already at the hotel when I myself returned. Once outside the Convention Center, Tommy was taken into custody by agents of the FBI, while Tod, able to establish his bona fides as Tommy's attorney of record, was simply released. We would not learn till the next afternoon where Tommy had been taken.

In the meantime, the story went out live all over the nation, and friends in the media who'd been glued to the convention's marathon coverage told us how Walter Cronkite, seeing the scuffle from the broadcast booth high above the assemblage, blurted out, "Roger Mudd, what's going on down there in the California delegation?" Mudd, the CBS News senior correspondent, gave a brief report of what had just occurred leading Cronkite to ruminate aloud, "I wonder if he's really a deserter?" One of Cronkite's viewers had no such doubts. A reporter covering the story later told us he'd called the Pentagon for a comment, and learned that the Marine Commandant himself had seen the surrender. While the Commandant was rumored to be livid about this public smearing of the Marine Corps' image, we also learned that he quickly promulgated the order down the chain of command to exercise "extreme care in handling Michaud."³¹

Tommy's surrender constituted another media coup for Safe Return. There was the prominent *Times* article by Kovach with a large photo of Tommy and Tod, two articles on the front page of the metro section of *The Miami Herald*,³² and wires stories distributed nationwide, in addition to coverage on all three TV network news show, ABC, NBC, as well as CBS, with three stories on the Cronkite show alone. Such coverage in the pre-cable era reached virtually the entire TV news watching public. We held a press conference the following afternoon to protest the fact that Tod had still not been allowed to talk with his client. Only an hour earlier did we discover that Tommy, after spending the night in the Dade County Jail, had been transferred to the jail in Broward County directly to the north. Within eighteen hours of his surrender, Tommy Michaud was transported to Camp Lejeune, the Marine base in North Carolina from which he had fled three years earlier, to await the resolution of his case. Damage control for the Marine Corps, as with the Army in John Herndon's case, took the form of obstructing Tommy's contact with his civilian attorney, handing Safe Return the precise issue we needed to prompt on-going queries by the media in the interest of due process.

By Monday morning, we were back at our portable Smith Coronas in New York. To David Obst, thanking him for his help, we wrote, "If we hadn't run into you there is a possibility the whole thing would not have come off." And to Erwin Knoll,

"Thanks for the aid and counsel in Miami last week. Thank God somebody remained calm, not to mention with sound judgment during the execution of the "caper." Naturally we hope to convince the Marine Corps that it would be too costly to bring Tom's case before a military court."

Agitating, wrangling, and negotiating with the Corps on behalf of Tommy Michaud would occupy the next two months. For our first salvo we once again enlisted Congresswoman

Bella Abzug. Even though her proposed legislation “would grant unconditional amnesty to deserters and draft evaders... only after the war was over,” Bella was still willing to exert pressure on amnesty in the context of a dramatic public event. As Bella’s press aide told a reporter, “[Michaud] came to the Democratic Party looking for help, and she’s a Democrat.” A week after Tommy’s surrender, the *New York Post* reported that Bella had written Secretary of the Navy, John W. Warner (in later years Mr. Elizabeth Taylor, and a powerful U.S. Senator from Virginia), “requesting that he grant [Michaud] an administrative discharge... that a court martial and the potential... of confinement, are unwarranted. He has suffered enough.”³³

There seemed to be some genuine confusion in the Pentagon on how to handle yet another highly publicized attempt to link desertion to the time-honorable act of war resistance. Two tendencies among the brass on how to respond were beginning to emerge. The first was to cut a deal, and get the latest deserter *cause célèbre* out of the news as quickly as possible. I’d say this was the enlightened minority view, but it certainly did not appeal to the hard liners, least of all among the Marines. Secretary Warner refused to meet with Congresswoman Abzug, telling her that the Navy would treat Tommy’s case as “routine.” There was nothing “routine” in the speed with which Tommy was hustled from Miami to Camp Lejeune. AWOLs processed through normal procedures might languish in local jails for a week or longer before being rounded up by MP’s and returned to military control. While the brass could claim to be treating Tommy Michaud’s case like that of any other long term absentee, the truth was that Safe Return’ actions were driving an internal debate within the Pentagon, whatever the official line.

We moved quickly to re-establish contact with Tommy, setting him up with a local civilian co-counsel, while leaning on United We Stand, the GI Project in nearby Jacksonville, NC to keep us abreast of developments in the brig. We could soon report to Dee Knight, now

back in Toronto, that “Tommy is holding up well,” despite some harassment. He’d been shorn of his hair and subjected to re-indoctrination, even though there was no chance of his being rehabilitated. It took a week, waiting for a mailing address, before Tod, “sweltering in the office with nary a fan,” could get off a letter, buoying Tommy with an account of his surrender’s widespread coverage and reporting that activists in Jacksonville “found a house in the mountains where Stone will be able to run loose.” How Tommy’s dog got to North Carolina is a mystery this memoir will not even make an attempt to unravel.

In late July Tod and I traveled to Camp Lejeune to attend Tommy Michaud’s pre-trial hearing which would determine if there was enough evidence to warrant a general court martial. It became clear early on in our conversations with the Marine legal branch that they intended such a proceeding. Tommy, however, would not be tried on desertion charges, even though he had been absent for three years. For technical reasons it is difficult to obtain a desertion conviction from a military court outside a war zone, unless it can be established that the defendant never intended to return - and, in fact, Tommy had returned voluntarily. Therefore a one year sentence for unauthorized absence was the most Tommy Michaud would face, assuming he was found guilty. To avoid a protracted and expensive trial, moreover - one where the Marine Corps would be required to pay travel and expenses for witnesses called by both sides - the prosecution was prepared to offer six months of prison (five months with good behavior) in exchange for a guilty plea.

We had by no means abandoned our demand that, in lieu of a court martial and confinement, Tommy be freed under a so-called Chapter 10 administrative discharge with time served. Not that we expected the Marine Corp to simply cave into our demand; quite the opposite. Our strategy was always based on exerting maximum pressure through media and

political channels. With that contest still unfolding, Tommy himself was not inclined to make a deal. In a letter to Jim Reston, I explained the situation,

The decision-making around Tom's case is in a very crucial period. Tom wants to go to trial, make a case, and will accept the year sentence. Brave fellow. There now seems some possibility of a plea bargain... In the end... it must be his decision, though we are committed to go all the way.³⁴

The hardliners among the Marine brass eventually prevailed, and by mid-summer had scheduled Michaud's trial for late September of 1972. We still hoped to offer a Nuremberg defense on Tommy's behalf in mitigation of his decision to desert, whatever the verdict. To make that case we sought to line up several well-know movement personalities as expert witnesses on the atrocity-producing nature of the Vietnam War. Dan Berrigan, who'd spent his own year and a half-long stay in a Connecticut prison for "acts of vandalism" at the Catonsville, Maryland draft board, was limited in his ability to travel. He agreed however, "to do something in New York for Thomas," a commitment he fulfilled by attending a fund raising party for Safe Return at a supporter's apartment in Gramercy Park.³⁵ Former U.S. Attorney General Ramsey Clark did agree to come to North Carolina. A major part of our strategy, however, required rounding up veterans who had served with the same unit as Michaud in Vietnam, men who could testify first hand to atrocities committed by Marines. We set friends in VVAW on the trail to identify their members who might offer such testimony. And we urged Marine activists working with United We Stand - many with combat service and recently discharged - to come forward themselves.

In the two months leading to Tommy's trial we worked frenetically on multiple tasks, planning our defense for the trial, creating an innovative support group called FORA - Families

of Resisters for Amnesty - and gaming alternative scenarios for our third dramatic test case, keeping our eyes peeled for the right candidate. Correspondence flowed steadily between Safe Return and AMEX in Toronto. We learned of their meeting with Lew Simon, a leader of the American Deserters Committee in Stockholm, who'd traveled to Canada to visit with his family, New Yorkers living the borough of Queens. We were also informed that "a fellow-ADCer," George Carrano, a Bronx native and draft resister living in Sweden, would be coming to New York in mid-August and was anxious to meet with us. In the months ahead both men would come to play significant roles in the Safe Return campaign. In one letter, AMEX's Dee Knight reported negative feedback from Canada's largest support network for American resisters. "TADP [Toronto Anti-Draft Programme] has warned us that you, Tod, seem more like an ego tripper than a war resister supporter to them. They're very worried about the surfacing tactic, and were critical of what they saw on TV. I came to your defense on politics and said that all New Yorkers are flamboyant, but not necessarily egotistical."³⁶

The criticism had referred to the fact that Tommy seemed visibly "rattled" before the television cameras, which was hardly front page news. Moreover TADP claimed that the reaction to his surrender in Canada had been "hostile." For us, both points measured the degree of resistance many in the exile community still harbored concerning amnesty, even by the fall of 1972. But it was the writing on yet another wall that we ought to have attended more closely. In time Knight's sectarian guile in brokering such third party criticisms would become evident. Initially overawed by Safe Return's successes with Herndon and Michaud, and perhaps a bit overwhelmed by Tod's forceful personality, Knight came to harbor resentments as a junior partner in an uneven relationship. The collaboration between AMEX and Safe Return would continue to be productive until the following February when these hidden conflicts finally came

to a head. For years thereafter, at first to undermine Safe Return's influence in the amnesty movement, and later around other issues, Knight would attack us relentlessly, sometimes with a zeal that bordered on paranoia.³⁷

Oblivious to such stirrings, and intensely oriented toward action over process, the record covering this period shows us making every conscious effort to build a united front among like-minded radical peers and resisters on the basis of a mutually agreed upon program. In an article under Tod's and my joint by-line, the link we forged for everything we published in the decade ahead regardless of which of us composed the lion's share of a given piece, we wrote,

...three separate groups of activists, two in exile, one within the U.S., have been developing an approach to organizing a mass movement in support of a just amnesty for *all* categories of war resisters. Until the summer of '72, these groups pursued their work independently... [H]aving proceeded from different vantage points, AMEX, UP from Exile (Sweden) and SAFE RETURN have arrived at very similar conclusions concerning the centrality of the amnesty issue within the U.S. in the "post-war" years.³⁸

The key development this paragraph signals was that a new group, Up From Exile, had formed around Lew Simon and George Carrano in Stockholm, leaving the ideologically-riven American Deserters Committee in the rear view mirror. We had indeed moved closer to achieving what would become Dee Knight's greatest fear, cherry-picking the best of the exile community leadership behind the Safe Return banner.

In the ever-volatile milieu of New Left politics, this too would prove but a temporary advantage. It wasn't our over-reaching for control *per se* that inevitably led to divisions in our ranks, but Tod's and my inability to let others inside the tight circle we had drawn around our

own collaboration. Seen strictly from August 1972 looking forward, Safe Return was in the catbird seat, and all the other players, at home and abroad, and not least the Pentagon, were - willingly or otherwise - responding to our initiatives. Independently of the *flamboyance* and showmanship that rankled the nerves of our critics, we had managed, from the radical perspective, to formulate the correct line linking the amnesty movement to the unfinished struggle against the Vietnam War. Had that not been the case, the advanced political elements of the GI and exile resistance communities would have dismissed our efforts, allowing the pacifists and liberals of an institutional stripe to line up behind Henry Schwarzschild with the field all to themselves, divorced from antiwar activism and aligned - in practice if not rhetoric - with the tepid amnesty platform of the Democratic Party.

Schwarzschild and his cronies would always claim to extend the principle of universal, unconditional amnesty to deserters, even as they negotiated through conventional political channels for a case by case solution. Hostile as they were to a class-orientation, they had no recourse but to anchor their politics in middle class morality. The Democratic Party platform advocated amnesty for draft evaders “who for reasons of conscience refused to serve.” And the liberals in the amnesty movement had nowhere to go but to rally around the “peace candidate,” George McGovern, who disdained the plight of deserters, even though his campaign was widely expected to be buried under a Nixon landslide, and he might have gone down fighting for what’s right over what’s real in the manner of a true progressive.

Reporting from Toronto, Dee Knight wrote that “Henry S. is in a funk about McGovern,” as well he might be with his left flank completely exposed by the opportunism of the Democrats, who wanted nothing more than for the amnesty campaign to evaporate during the run-up to the election. Naturally it was the Republicans who collaborated in undermining their desires, with

Nixon dispatching his vice president and hatchet man Spiro Agnew to attack amnesty every time he opened his mouth in public. This was good news for us, but not for the half-a-loaf Dems.

We received one letter from an ad hoc group calling itself Vets for McGovern complaining that, “This is an election of a president not a demo for peace. With George as president, peace will come.” We demurred. Peace, when it came, depended on the victory of the Vietnamese liberation forces, and the Movement’s ability to mobilize public opposition in the U.S., and not on the American political establishment, its center/left wing included, who still clung to the mythology of a two-Vietnam solution.

Knight’s letter concluded that, “The situation of McGovern indicates to us the need to plan for amnesty action with Nixon around for another four years as you predicted.” In a Gallup Poll on amnesty, which concerned itself exclusively with draft resisters, the latest results were, 36% in favor, 60% opposed, 4% no opinion. On the upside, the breakdown among those under 30 years of age was more encouraging, with support from the more youthful at 47%. In the meantime, the growing public debate around amnesty helped ensure that the Nixon Vietnamization strategy would not go unchallenged.

Safe Return’s “plan for amnesty action” scarcely took account of Henry Schwarzschild’s unannounced move - to us at least - of his Amnesty Project to another building. Writing to a friend Tod observed only that Henry “was not working directly with us anymore, if he ever was.” In the same letter Tod also touched on our positive meeting with George Carrano, noting that we were “impressed with his maturity and political outlook.” Both Carrano and Knight were being courted by Henry to attend the amnesty conference he had been in the process of organizing for some time. Without the cooperation of the resister community - which both these men could help deliver - Henry’s efforts to block Safe Return were temporarily stalled. In fact, Knight was

pressuring us to preempt Henry's plan by having a conference of our own, a task we would address as soon as Tommy Michaud's case was behind us.³⁹

By mid-August Tod could write John Herndon that, "Tommy is out of confinement, spending a lot of time in town at the GI project." At this late date we were still being asked to clean up a few of John's messes, like the GI activist in Georgia who dunned us for the \$60 John had *borrowed* from him. We wrote the guy that he should have known better. And John's wife wrote requesting that Tod represent John *pro bono* in her suit to divorce him.⁴⁰ Tod took a pass on that too. My good buddy would work endless hours for peanuts on what he believed in and on what gave him real satisfaction; but Tod always viewed the practice of law *per se* as tedious drudgery, and wouldn't do it even for ready money.

Around this time we also heard from Jim Reston that he'd submitted his manuscript to the publisher, but was "concerned" about editor Joyce Johnson's meager budget for promoting the book which he feared "will get lost." As one hedge against this outcome, Reston confided that he'd "used [his] old man to contact Atlantic Magazine," hoping, I suppose, they'd run an excerpt, which never materialized. Ever convivial, Jim included a funny story about his dog. While hiking in the New Mexico desert with his wife, the Reston's dog - in heat - ran off to find a companion of her own. After spending a day searching for the lost animal, and concluding they had another "deserter" on their hands, the couple had to travel home without her. Fortunately, the prodigal hound was found by a local rancher and shipped back to North Carolina. Then, shifting back to topic with more hope than reason, Jim ended his note urging us to "appeal to McGovern's secret sentiments in favor of amnesty."⁴¹

A month later, on a Sunday in mid-September, Tod and I checked into our room outside Camp Lejeune. Tommy's trial was scheduled to begin two days later. The evening of our

arrival we went to visit another motel guest, Homer Bigart, the Pulitzer Prize winning correspondent for the New York Times known for his coverage of three wars, World War II, Korea and Vietnam, and most recently for his reporting on the Calley trial. Bigart, an elderly gent soon to retire, sported the look of reporters of his generation, bow tie and suspenders, and the flushed face of a serious drinker. We'd no sooner entered his room when he produced two fifths of Cutty Sark from a brief case, only to show real disappointment when informed that whisky was not our drink. I'm sure we had our own favorite libation, probably a bottle of red wine; we were hardly teetotalers. As we responded to his questions, Bigart banged away two-finger style on his Remington manual. He filed a desultory notice which ran to one column in the *Times*. I don't think he smelled a real story in it worthy of his pedigree.

While I remember the encounter with the eccentric Homer Bigart as if it happened yesterday, were it not for several documents in my possession I would be unable to provide a single detail on what took place in the actual courtroom two days later. Frankly, I hardly remember being present. The only explanation I can come up with for this memory wipe out is my serious funk about failing to spring Tommy owing to the deal we'd been whipsawed into accepting from the Staff Judge Advocate to spare Tommy a full year of confinement. It was half a victory, but I didn't see it that way at the time.

We'd made a last ditch effort with a letter signed by six members of Congress demanding an undesirable administrative discharge in lieu of trial.⁴² One staffer working for Bella Abzug, Jim Pehura, a Naval vet formerly active with the Concerned Officers Movement (COM), even made the six hour drive from Washington to Camp Lejeune to personally plead Tom's case before the camp's commanding general.⁴³ All to no avail. We had never minimized the risk. But it's fair to say that, psychologically, at least, the get-out-of-jail-free pass for Herndon had raised

all our expectations. Bigart's lack of interest in the trial extended to the media in general, who seemed to buy the Marine Corps' message that Tommy's AWOL, while serious, was a routine matter. This was not the perception of Camp Lejeune's local daily newspaper in nearby Jacksonville, which boasted in an editorial headline underscored with macho fervor that the "Marine Corps will not duck a fight." For the Marines, Tommy's case was, I wish to emphasize again, anything but routine. But the big city media failed to make that distinction.

One eyewitness at the trial, Paul Cox, responded to my request to provide an account of his own participation:

I had just gotten out of the Corps in early June 72, hitchhiked to the west coast, then to Florida for the Republican National Convention in August, and stopped by Lejeune for a few days to visit on my way home to Oklahoma. I remember you and Tod as two sophisticated, hyper, slightly weird politicians, who were focused on making Tom's trial into an indictment of the war. I was very impressed with your analysis and organizing efforts, and enjoyed the whole event as only an unrepentant and amateurish barracks lawyer could. It helped that it wasn't my head on the block. I was emotionally breaking my ties with the project that I had poured the previous two years into, and my visit was really to say goodbye. The Marine Corps no longer owned me, so I was moving on.

Still, when Tod suggested that I testify about atrocities at Tom's court martial, I was a bit nervous and not eager to go back on that rotten base. But objectively, I knew that I was a free man, and it was important for me to testify. However, at the trial, when, after Tod called me to testify, the prosecutor immediately

objected, I was relieved and quick to jump up to leave. I should have sat there to leave more time for Tod to defend my testimony.⁴⁴

It would not have done any good. The local lawyer we hired had orchestrated the cut and dry ritual of the first day, leading to Tommy's preordained conviction. Two days later, Tod would write a dry summary of the trial, and our aborted attempt to use it "to indict the war," in a letter to the Hartford Courant:

On Tuesday, September 19, Tommy Michaud went on trial. He agreed to a plea bargain of guilty in exchange for a reduced sentence. We offered witnesses from Tommy Michaud's unit in Vietnam, including Jack Smith of VVAW New Haven. The judge ruled that the testimony of these six witnesses, Bart Osborne, Paul Cox, Jack Smith, Steve Hawkins, Richard Boyle and Ramsey Clark was irrelevant. This was perhaps the only time a war crimes defense was offered in a military court martial of this era. Tommy Michaud was given a six month sentence.⁴⁵

We may have been hoping that the presence of at least some sympathetic press would pressure the judge to let us to have our day in open court, especially since the verdict had already been returned. While we did not anticipate this media indifference in the wake of Tommy's nationally publicized surrender, we certainly understood that the Marines had no incentive to allow us to turn Tommy's trial into a political circus in the absence of such pressure. They enjoyed home court advantage, and flaunted it. But did this mean that Safe Return ought not to pursue further what we called our "tactic of representative support?" We didn't think so, and argued that case in a wrap-up article on the Michaud experience for Amex magazine.

Interestingly, we have found that some movement groups seem to misunderstand the tactic of representative support. That is, they

seem to feel that because thousands of GIs are being prosecuted and imprisoned without any support whatsoever, that it is wrong to expend large amounts of time and money on behalf of a single case. Certainly there are thousands of defendants and prisoners, many of them Third World, whose oppression equals or exceeds that of Angela Davis, but who would argue that broad support for her specific case has not made the nature of political prisoners in general more broadly understood?⁴⁶

While we had no solid lead for the return of a third *representative* deserter, there were several candidates waiting in the wings. But first we would seek to solidify our relationship to the resister community by agreeing to an International Conference of Exiles for Amnesty, the planning for which would take us into the early months of the 1973. In the meantime, I needed an interlude from the political trenches, a little R&R behind the lines. “Mike left for Europe last weekend,” Tod wrote Tommy, who was back in the stockade beginning his sentence. Alluding to what was in fact a case of mental and physical exhaustion, Tod added blandly, “he was really tired.” It was three years since I had been released from the TB ward in an Army hospital, but a combination of youth and a commitment to what for me was a very exciting lifestyle, caused me to constantly overtax my weakened constitution. At the same time, there had been psychological damage from the war which I had thus far managed to ignore.

Oddly, there is one piece of evidence which, as I examine it these many years gone by, captures the fuzzy thinking that attempted to mask my inner conflict. In the late summer, and apparently in a languid mood, I had composed an apocalyptic, guilt-ridden letter to Tommy acknowledging my frustration over our protracted negotiations with the Marine Corp. The way I

chose to distance my emotions from the specter of powerlessness was to lapse into an abstract polemic on the stakes of the revolutionary struggle. The fragment copied here reveals either my precarious mental and physical states or the chrysalis of an emerging writer already entrenched in materialist philosophy - perhaps both:

“...in the final analysis, we must survive. Hard and practical decisions are the tools the Man has given us to destroy him; then we can go about our business destroying the tools. After all, the USMC is merely a cancer, not the enemy. And the cure is to be found not in the mind or life of the individual (though it’s a pretty thought) but in the gutters of society out of which the denied will rise in their time and fashion - and it will not be pretty. Then the Man’s morality, along with appeals to it, and reforms of it, will be washed away like so many muddy footsteps on the surface of humanity.”⁴⁷

Tramping in the “gutters of society” would indeed engender “muddy footsteps.” Give me a break! But there was another more stabilizing subtext behind this mood. I was in love. And that’s why I chose to take my rest in Europe.

Notes [In-progress]

2. Full list [TK]...

3. Illustrative of our information packets was a three piece mailing put out a month later which included a double-sided flyer titled Safe Return for all Self Retired Vets and Resisters, with a news photo of John Herndon cuffed to two MP's. Included in bold type was a set of demands the leftwing political trademarks then in fashion, 'An End to Racism,' and 'Freedom for All Political Prisoners.' On the reverse we identified ourselves organizationally, and provided a definition of the amnesty issue. We rooted the necessity for solidarity between draft and military resisters in the context of Congressional proposals for amnesty then being floated which favored the former, even if with humiliating conditions, while leaving deserters to their fate with the military. Across the bottom of the flyer ran the slogan, Free the Camp McCoy 3, a trio of GIs implicated in a bombing at Camp McCoy, Wisconsin; the second sheet was the reprint of a column from *The Boston Globe*, by David Deitch (April 28, 1972), "What amnesty should be all about;" and on the third, a reprint of an article by Tod and I in *Boston After Dark*, "'Self-retired 'vets - bring all the boys home'" (May 9, 1972). The Boston Globe's David Deitch, their pro-movement regular columnist, was the rare voice of class consciousness in the mainstream media.

4. Note for Abbie Hoffman and full citation for book. Also, cite John Grant's source for the frequency-driven black box.

6. Reston. The author provides a bio sketch of the man he calls "the mysterious Max Watts" (pp.32-3; 59-65). No index.

7. There are several accounts of the VVAW/CCI "split" in the literature, to include my *Vietnam Awakening*. We had hoped initially that the amnesty issue would offer the conditions for a rapprochement with the national entity of VVAW. This was momentarily the case during much of 1972, when VVAW suffered a leadership vacuum, and individual chapters were free to define their own activities. Not long thereafter, power was consolidated when VVAW became affiliated with the Revolutionary Communist Party.

8. A decade later, Jack Smith, by then a Licensed Clinical Social Worker (LCSW), helped establish PTSD as a war-related anxiety disorder within the American Psychiatric Association, which, in turn, led to PTSD becoming a service connected disability compensated by the Veterans Administration

9. Cornell (letter dated May 27, 1972).

10. Toward the end of April, Tod and I dispatched two letters, one to the American Deserters Committee in Sweden (April 25, 1972) and the other to AMEX (April 26, 1972) in which we described ourselves as "a small collective, politically, not service oriented," staging dramatic individual returns of deserters to personify "an abstract and complicated issue." To AMEX, we

explained that we had not attempted closer contact before John Herndon's return for security reasons, but that now, "we sorely miss your contact, your criticism, your feedback and input, and your support (organizationally speaking)."

13. Cornell.

14. 'Self-retired' vets - bring all the boys home now,' by Michael Uhl and Tod Ensign, Boston After Dark, May 9, 1972. I can only speculate, not document, that the most likely source for this memo was a staff member of one of our congressional supporters.

15. Difference between conscript and all volunteer forces. Don't have to show your discharge to get a job today?? Denial of veteran's benefits may have an even more punitive effect today, given that those benefits, including health care, have become more substantial over the years.

16. Reston.

17. In fact, the Pentagon discovered that the GI resistance was rooted in the institution of a citizen based army, not in wars like Vietnam per se. They dealt with this resistance by replacing the draft with a patently mercenary alternative, the All Volunteer Force.

18. Cornell.

19. Reston.

20. Reston.

22. Tod Ensign recalls that NBC network news, for reasons no longer clear, planned to air a report on John's death and his significance to the amnesty debate. The report, scheduled to appear on April 25, 1986 was preempted by the news of the Chernobyl catastrophe, but finally did air two weeks later.

24. Much was made of the fact during the presidential primaries in 2008 that Hillary Clinton, while still in law school, had once interned for Mal Bernstein and his "red" law firm. This is a kind of bizarre juxtaposition in which history often expresses its wry humor.

25. See Wikipedia entry for Carol Bernstein Ferry. I was at a meeting of the Winter Soldier organizing committee in the offices of CCI in 1970 the evening a call came for Dick Fernandez of Clergy and Laity Concerned that Daniel Bernstein had died. Fernandez turned toward the rest of us and said only, "he's gone." In a letter dated August 18, 1972, Ping Ferry enclosed a check signed by Carol Bernstein for \$3,000, noting that we were to "consider it a termination grant as explained on the phone." I can no longer recall the "explanation," but the grant was by no means the last with received from Bernstein/Ferry.

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26. Movement forces had gathered in Miami to protest the Vietnam War during the Democratic Convention, but VVAW's big moment would come a month later when wheelchair bound veteran Ron Kovic, author of *Born on the Fourth of July*, would address the delegates of the Republican convention, also held in Miami that year.
28. Letters to Knoll and Obst July 18.
29. "Up From Underground: How a deserter fought for amnesty in Miami," *Amex-Canada*, Sept. 1, 1972. Vol. 3, No. 5.
30. To plot the downward trend of the nation's tolerance toward dissent between 1971 and the post 9-11 world, under similar circumstances today we would likely be charged with "terrorism" for our unauthorized entry into the convention hall.
31. Cornell.
32. "Marine Deserter Seized Trying to Turn Himself In on Convention Floor," Bill Kovach, *The New York Times*, July 14, 1972; "Deserter's Surrender a Way of Opposing War: Michaud Waits in Broward Jail For Transfer to Marine Base," Sheila Payton, *The Miami Herald*, July 15, 1972; "'I Joined Up... to Do My Part,' But Didn't Know What it Was," Peggy Cunningham, *The Miami Herald*, July 15, 1972
33. "Bella Aids a Marine Deserter," Milton Adams. *New York Post*, July 20, 1972
34. Cornell.
36. Cornell.
37. This thread is picked up again in Chapter 17 in the account of our involvement in solidarity work on behalf of the 1975 revolution in Portugal.
38. "Families of Resisters for Amnesty: A strategy for building a mass movement for a just amnesty," Tod Ensign and Mike Uhl, *Amex-Canada*, [probably Vol. 3, No. 6 or Vol. 4, No. 1 TK].
39. Cornell.
40. Ibid.
41. Ibid.
44. Email from Paul Cox to me, July 2, 2009.
45. Cornell.

46. Amex [TK]