



DEADLOCK AND DISILLUSIONMENT

**American Politics
since 1968**

Gary W. Reichard



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Deadlock and Disillusionment

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Preface

Like many books, this one took a long time—more than a decade—from conceptualization to completion. From the start, however, the working title and thesis remained unchanged. That the title *Deadlock and Disillusionment* still seems apt confirms that the interpretation that led me to propose this book to my then-publisher, Harlan Davidson, has held up over the succeeding ten years and more. Readers will judge for themselves whether they share my view, of course—but this belief has sustained me during the course of this long project.

For permitting me the luxury of this long gestation period—while I was diverted by successive administrative assignments, briefly retired, unretired, and have since been diverted again—I owe a tremendous debt of gratitude to my friend and editor, Andrew Davidson. It was Andrew who encouraged me when I suggested to him the idea of a “current political history” title for the *American History* series, to which I had earlier contributed a volume on mid-twentieth-century politics—and he stuck with me through years when surely he must have entertained doubts that the new volume would ever see the light of day. Thanks, Andrew, for your faith in my good intentions—and for your good-natured encouragement along the way. I hope you will feel at least somewhat repaid by the fact that the series, now part of John Wiley & Sons, again has a “current political history” volume.

Preface

I want to thank also four professionals whose help was invaluable in developing my manuscript into this finished work: Wiley senior project editor Julia Kirk and Emma Brown, who assisted with permissions for the images used herein; Wiley editorial assistant Maddie Koufogazos, for her great help in the later stages of the book's production, and Janet Moth, a first-rate copy-editor.

I also extend heartfelt thanks to two fine historians who took time to read the manuscript and who offered very helpful comments that allowed me to improve it. Clayton Koppes of Oberlin College, my longtime friend, read most of this book in an earlier draft and offered numerous helpful suggestions as to both content and organization. It helped that these suggestions were couched tactfully so as not to break my spirit as I worked toward completion of the project. Bill Chafe of Duke University generously agreed to serve as a reviewer of the near-final product for Wiley and he, too, offered excellent suggestions to strengthen the final product. I appreciate his careful reading of the work, as well as his willingness to allow me to acknowledge him in this public way. I apologize to both of these scholars for not taking all of their suggestions, but I hope they will recognize the specific ways in which their ideas made the book better. For any remaining weaknesses, of course, I accept full responsibility.

Finally, I want to thank my life partner and best friend, Oswaldo Pena, for his unflagging support for this project as I gave endless weekends and evenings to its completion—especially in its final stages. I might somehow have gotten to the end of the project without his unflagging support, but it certainly wouldn't have been as much fun.

Gary W. Reichard
Staten Island, NY
July 2015

Introduction: 1968—The End of an Era

Nineteen-sixty-eight was truly an *annus horribilis* in American history. Most distressing and disconcerting for the nation, two major political figures lionized by their supporters as the best hopes for achieving racial and social justice were gunned down within the short space of two months. The reverberations were drastic. The sniper shooting of 39-year-old civil rights leader Martin Luther King, Jr., in early April fanned a frenzy of frustration in heavily black urban communities across the country, producing riots in more than a hundred major cities that left thirty-nine dead and caused more than \$50 million-worth of damage in already blighted neighborhoods. Two months later, Senator Robert F. Kennedy's assassination in a Los Angeles hotel on the very night of his narrow victory in the California Democratic primary seemed to deal a final, dispiriting blow to millions of Americans—especially young, idealistic anti-war protesters and impoverished African Americans and Hispanics. While not producing the level of violence that King's death had, RFK's killing seemed to end any chance that the ever-deepening divisions and climate of escalating violence in the United States

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could be resolved by peaceful political means. Together, these senseless killings signaled the emptiness of political promise and an end to harmony and civility in American society. A mere two-and-a-half months after Kennedy's assassination, the bloody riots that accompanied the Democratic nominating convention in Chicago provided confirmation that American politics—indeed, American society—would never be the same.

Despair and disillusionment were manifest throughout American society in 1968. Polls showed deep pessimism across the electorate where questions of the nation's political future were concerned. At least for the previous generation and a half, since the advent of the New Deal—and largely because of it—Americans had grown comfortable in their faith that any social divisions or policy disagreements in the public sphere could be worked out via the ballot box. Voters could—and did—express their pleasure or displeasure for the governing party and then, with a mandate established at the polls, politicians could usually be trusted to work together and often across party lines to advance the public interest in directions that the majority of voters had endorsed. With the exception of the few years during which political and social harmony were riven by the stridency of McCarthyism, by and large those entrusted with the reins of power in Washington, D.C., including the leaders in both houses of Congress, had worked to find ways to compromise policy differences in the public interest, rather than concentrating on those differences.

Structurally, this political generation had been marked by orderly and civil transfers of power and a palpable sense of accountability to the public on the part of presidents and most members of Congress. Despite much gnashing of teeth among political scientists at mid-century about the lack of "a responsible party system," in fact one party or the other had held simultaneous control of both the executive and legislative branches for twenty-eight of the thirty-six years following FDR's victory in 1932. All of this—accountability, stability, public confidence in the political system, and the apparent valuing of the public interest over partisan self-interest (not to mention basic civility in

the political arena)—was to change after 1968. Increasingly, the disillusionment of American voters would be obvious in their unwillingness to provide real mandates for either party. In the forty-eight-year period beginning in 1968, single-party control over the executive and legislative branches became a rare exception: in only twelve of those years were the White House and Congress controlled by the same party (the Democrats in 1977–1981, 1993–1995, and 2009–2011 and the Republicans only from 2003 to 2007). In other words, in nearly 70 percent of the twenty-three elections during this long era, the voting public consciously opted for divided—and, it could be argued, irresponsible—government. How could it not be expected that deadlock (or “gridlock,” as the media more often labeled it) would be the hallmark of American politics in these years?

Other forces contributed to deadlock, as well. As several political scientists have demonstrated, party polarization, both in the electorate and in Congress, steadily intensified beginning in the early 1970s. Accompanying this trend, perhaps as a side effect of a decline of civility in American society as a whole, was a loss of “comity” in government. This was most noticeable in Congress, where traditions of respectful language and procedures had helped to maintain positive relations across party lines. All of these changes greatly reduced chances for compromise on matters of policy. The resulting inaction in turn reinforced public disillusionment with politics and government, generally. Relations between the executive and legislative branches also frayed noticeably. Beginning with the “credibility gap” that opened up under Lyndon Johnson and worsened under Richard Nixon, culminating in battles over war powers, impoundment of appropriated funds, and—ultimately—impeachment, Congress stiffened its resistance to any further strengthening of the presidency. This institutional rivalry, too, served to slow down the wheels of government.

Most of all, however, such deadlock was the result of purposeful, continual imposition by voters of “checks and balances” to limit either party’s potential to govern effectively. At the same time, unrealistic as it might have been in the circumstances, the public continued to yearn for dramatic change—for a new era. Such

yearning manifested itself repeatedly in presidential elections. Hopefulness for a major political turnaround was redolent in the presidential campaign themes of the era, from Nixon's "Bring Us Together Again" in 1968 to Barack Obama's "Change We Can Believe In" in 2008. This recurrent tension—the voters' almost wistful searching for dramatic, meaningful political change, followed regularly (and usually quickly) by a knee-jerk correction of course that made it impossible for either party to "go too far"—was to produce four decades and more of deadlock and disillusionment in American politics. Whether this longstanding gridlock will one day pass or represents an irreversible negative transformation in American politics remains an open question.

1

The Politics of Cynicism, 1968–1974

As 1968 dawned, no one could have predicted the political landscape that would prevail little more than a year later. President Lyndon Johnson, widely regarded as a political maestro and the recipient of landslide endorsement by the voters four years earlier, would be in lonely exile in Texas on his Johnson City ranch. Former Alabama governor George Wallace, reviled by most of the public in the early 1960s for his clenched-teeth refusal to bow to civil rights advances whose time had come, would loom as a future presidential possibility based on his strong showing as a third-party candidate in November's presidential election. Most significantly, Richard Nixon, who six years earlier had angrily announced his exit from politics, would occupy the White House. The Democrats would still control both houses of Congress, largely through inertia; but in truth, the party would lie in tatters as a result of the epic intra-party battles inside and outside the Chicago convention hall in which Hubert Humphrey secured the nomination as the Democrats' standard-bearer in August. Finally, thanks to the inroads made by both Nixon and Wallace during the bitterly contested presidential campaign, the Solid Democratic

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South, which had prevailed for so many decades, would no longer be reliably Democratic.

Miseries unleashed by the Vietnam War were responsible for much of this turning inside out of American politics. But so, too, were the deep wounds inflicted by the assassinations of the Reverend Martin Luther King, Jr., and Bobby Kennedy, and the many lives lost and hopes dashed in the riot-torn spring and early summer of 1968. In a sense, Nixon's triumph in the three-cornered presidential election of 1968 served as the ultimate expression of the sense of futility that so many Americans felt. A man who owed his political ascent to his skill at "slash-and-burn" politics (witness his role in the nefarious Alger Hiss case and his 1950 campaign against the "pink lady," Helen Gahagan Douglas) had been called upon by the voters to try to bring order out of political chaos. "Bring Us Together Again"—the mythical slogan that Nixon invented and cited during his campaign—would be the theme of his inaugural speech in January 1969.

As president, Richard Nixon did anything but bring the nation together. Having successfully employed a divisive "southern strategy" to win first the Republican nomination and then the White House, he continued to encourage divisiveness in the electorate in the supposed interests of the "Silent Majority" of Americans whom he saw as aggrieved by the liberal excesses of the Great Society and hostile to the mostly youthful protesters who had taken to the streets in opposition to the Vietnam War and—sometimes—authority in general. Far more the cynical and self-interested pragmatist than the principled conservative for whom many of his supporters had hoped, Nixon carved out a mixed record in domestic policy. Having strongly implied in the 1968 campaign that he had a plan to end U.S. participation in the war in Vietnam with honor, he instead steadily escalated a damaging air war against the enemy until, four years into his presidency, he found a way to extricate U.S. troops from a losing situation.

Ultimately, Nixon was done in by the very cynicism that had propelled him into the White House and fueled his major decisions as president. Obsessed with winning re-election in

1972, distrustful of nearly everyone around him, and certain that his political critics were potential enemies of the state, he condoned illegal tactics to eliminate any and all challenges to his presidency. Then—even worse—he lied repeatedly to the American people about his role in such excesses. As a result, less than two years after having won a smashing re-election victory, he became the first U.S. president to resign from office. If the American people were “brought together” by the Nixon presidency, it was only in shared disgust and distrust for all things Washington.

The Shaping of a New Majority

Forces pointing to backlash against the national Democratic party were of nearly unprecedented proportions in 1968. First and foremost, of course, was the deep public frustration with the course and costs (in lives and dollars) of the Vietnam War, especially after the Tet offensive in February, in which the enemy caught U.S. forces by surprise. Added to this were widespread distaste and disappointment with what were seen as the excesses of President Lyndon Johnson’s Great Society, especially its civil rights component. Nearly as powerful was a deepening public concern about crime in the streets and the increasing stridency and violence of protests against the war and around race issues. “In the popular mind,” writes Lewis Gould in *1968: The Election that Changed America*, “the state of race relations became linked to protests against the war in Vietnam. The resulting social trauma was seen as evidence that the Johnson administration was insensitive to issues of ‘law and order’ and unwilling to take a tough stand against domestic dissent.” Simultaneously, significant changes in the demographics of the United States had obvious political implications. The mushrooming growth and increasing political clout of the “Sunbelt,” and particularly its sprawling suburbs, held great, if still incalculable, potential for upending liberal Democratic dominance.

Lyndon Johnson’s vulnerabilities were so extreme by late 1967 as to invite potential challenges from within his own party. First

to emerge, at the end of November, was Senator Eugene McCarthy of Minnesota, who had responded to the pleadings of anti-war activists to take up their cause (after their first choice, New York's senator Robert F. Kennedy, had declined to take the political risk). When McCarthy confounded early predictions by winning 42 percent of the Democratic vote in the March 12 New Hampshire primary (to Johnson's 49 percent), the media treated it as a defeat for the president. Four days later, a potentially more formidable challenge presented itself when the once reluctant Kennedy formally announced his own anti-war candidacy.

Johnson later claimed that he had much earlier discussed with his wife Lady Bird and his close political ally John Connally the possibility of not seeking re-election and that he had originally planned to include such an announcement in his January 1968 State of the Union address. Whether or not he had made up his mind earlier, on March 31 the president stunned the nation by announcing at the end of a televised speech on the war, "I shall not seek, and I will not accept, the nomination of my party for another term as your President."

All bets were now off as to how the Democratic race might turn out. McCarthy and Kennedy, as the only declared candidates, briefly had the contest to themselves. In late April, however, a third candidate emerged: Vice President Hubert Humphrey. As vice president, Humphrey had suffered more than a few cruel, public humiliations at the hands of Johnson, but he had remained loyal, in the hope that someday he would have his own shot at the presidency. Declaring too late to contest the two anti-war candidates in the primaries (which he would likely have lost anyway), Humphrey set to work among local and state party leaders in order to amass the necessary number of delegates for nomination.

Kennedy and McCarthy traded victories in a string of hard-fought primaries into the early summer. The June 5 California contest was critical. As the final votes were being tallied in the Golden State's primary, Kennedy's victory seemed at last to have narrowed the contest to a two-man race between himself and Humphrey. Within moments of exiting his victory celebration in

a Los Angeles hotel, however, he was assassinated by a single gunman, Sirhan Sirhan. As the horror of yet another senseless assassination slowly faded in the weeks that followed, gloom and despair deepened in the Democratic party. Without the support of those who had backed Kennedy, it was impossible for McCarthy to prevail in the Democratic National Convention in Chicago, but deep and lingering animosities between the backers of the two anti-war candidates created a divide that could not be breached.

The Republican nomination contest, meanwhile, unfolded relatively smoothly. The campaign of the early front-runner, Michigan governor George Romney, had imploded in February as a result of his unfortunate comment that he had been “brain-washed” while meeting with U.S. military leaders in Vietnam. His withdrawal from the field on the eve of the important New Hampshire primary resulted in a whopping victory for Richard Nixon, who won almost 80 percent of the vote. Only two challengers remained: New York governor Nelson Rockefeller, the choice of the most moderate elements in the GOP; and a rapidly rising star on the party’s right, California’s recently elected governor, the telegenic former movie star Ronald Reagan. Rockefeller waited too long to declare himself a candidate and won only one primary. Reagan was another matter. Wildly popular among Republican conservatives because of his effective and loyal support for Barry Goldwater in the disastrous 1964 GOP presidential campaign, he had the additional advantage of being a fresh new face (and voice). In 1968, however, Reagan was still *too* new, and Nixon had built well. Nixon sat squarely in the driver’s seat, with nearly enough pledged delegates for nomination before the Miami convention opened.

Even before the two parties could sort out their respective nomination battles, a dangerous third force had appeared in the 1968 election campaign in the person of former Alabama governor George C. Wallace. Having run surprisingly well in the 1964 Democratic primaries, the still-unrepentant segregationist was running on a new American Independent Party (AIP) ticket in ‘68, and his name was on the ballot in virtually every state for the November election. Though eschewing outright segregation as an

objective, Wallace advocated slowing down desegregation of the nation's schools and called for stronger prosecution of the war in Vietnam, as well as forceful suppression of the growing anti-war protests. His promise to roll his limousine over the bodies of protesters who might try to get in his way captured the essence of his message. Although there was never any chance that he could win the election, it seemed possible that he could hold the balance of power in the House of Representatives, if neither major party candidate was able to win a majority in the Electoral College.

The results of the 1968 presidential election were foreshadowed by the tale of the two major party conventions. The Republicans, convening in an orderly manner in Miami in mid-August, experienced only minor drama, as the Reagan forces attempted to woo southern delegates away from the Nixon camp. They proved no match, however, for South Carolina's wily senior senator, Strom Thurmond, who helped lock up Nixon's nomination by assuring his southern colleagues that Nixon was safe on the busing issue and would be reliable in making future Supreme Court nominations. Nixon's selection of Maryland governor Spiro Agnew as his running-mate solidified his support among party conservatives, since Agnew had recently made his name as a hard-liner in response to urban rioting in his state.

The chaos at the Democrats' convention in Chicago a couple of weeks later stood in sharp contrast to Nixon's coronation in Miami. Though Humphrey's nomination was a foregone conclusion, the televised violence between protesters and Chicago police officers that unfolded immediately outside the convention hall captured the attention of millions of potential voters. In what a specially appointed presidential commission later described as a "police riot," Chicago's finest dented the heads of scores of disillusioned anti-war protesters who were demonstrating against the vice president's nomination because of his seeming complicity in the carnage in Vietnam. Humphrey's choice of Maine senator Edmund Muskie as his running-mate was credible enough, but the ticket was in tremendous trouble from the outset.

The southern strategy that had won Nixon his party's nomination was very much in evidence in the fall campaign. The Republicans'

strategy matched to a tee the scenario laid out by a young Nixon campaign aide, Kevin Phillips, in his widely read 1969 book, *The Emerging Republican Majority*. Very soon, Phillips argued, American politics would be dominated by a conservative, Sunbelt-based majority made up of Roman Catholic working-class and suburban middle-class voters. This bloc should be the GOP focus in the campaign. With Wallace in the mix, moreover, Nixon could not and did not totally avoid playing the “race card.” In the South, especially, his ads emphasized opposition to busing to effect school desegregation and suggested that a vote for the third-party candidate would be wasted since the “real choice” was between himself and Humphrey.

In the face of Nixon’s southern strategy and Wallace’s darker appeal to the more conservative elements of the traditional Democratic coalition, Humphrey was all but helpless. Finally, in late September, he broke from administration policy on the war, promising a halt to the bombing of North Vietnam by U.S. warplanes if elected—hugely irritating President Johnson in the process. As later evidence would show, however, in the final stages of the campaign Johnson became aware of outright illegal tampering by the Nixon campaign in the stalled Paris peace talks, whereby the Republican candidate’s minions were attempting to persuade South Vietnamese President Nguyen Van Thieu to boycott negotiations with the promise of getting a better deal from a President Nixon. Johnson chose not to drop a bombshell on the electorate by “outing” Nixon for this violation of law, but he privately seethed and gave Humphrey an important boost just days before the election by announcing a bombing halt as well as the resumption of peace talks in Paris. This helped, but not quite enough. Though the Democrat had seemed to edge ahead in the polls on the final pre-election weekend, when the votes were tallied, Nixon had defeated him by a scant 0.7 percent, with a “mandate” of 43.4 percent of the electorate; Wallace’s projected 20 percent of the vote shrank to just over 13 percent. In the all-important Electoral College, however, Nixon prevailed handily, winning 301 electoral votes to Humphrey’s 191 and Wallace’s 46 (all in the Deep South).

Richard Milhous Nixon was now the thirty-seventh president of the United States—on his own terms and on script. He had skillfully blended sympathy for the South’s resistance to the civil rights revolution with an appeal to suburban, middle-class voters who had been turned off by the Great Society. Appealing to what he called the “Forgotten Americans,” Nixon heavily emphasized the “law and order” issue, code for racial unrest in the cities, and scored heavily with white voters by doing so; a Harris poll two months before election day found that 84 percent of those responding thought a strong president could make a real difference in returning safety to the streets. He had stayed away from the Vietnam War as an issue, insisting that he did not want to undermine Johnson in his conduct of that conflict. This lack of focus on Vietnam was to have a real cost. “Precisely because the debate over the war during 1968 proved to be so meaningless,” writes Walter LaFeber in *The Deadly Bet: LBJ, Vietnam, and the 1968 Election*, Nixon would be able to “continue to commit to the conflict for five more years”

The overall election results suggested deadlock. Nixon’s coat-tails were so short that neither house of Congress went Republican. He was, in fact, the first newly elected president since Zachary Taylor in 1849 to face a Congress completely in the hands of the political opposition. Even by picking up five seats in the Senate, the Republicans cut the Democratic majority only to 58-42. In the House, the GOP gained only four seats, leaving the Democratic majority at 243-192.

That the southern strategy would carry over into Nixon’s presidency became clear immediately, as he announced in his inaugural address that he would seek no additional civil rights legislation, since the nation’s laws had now “caught up with our consciences.” Within months, Attorney General John Mitchell testified in congressional hearings against renewal of the 1965 Voting Rights Act, which the Democratic Congress renewed anyway. With greater effect, the administration intervened to temper the impact of the Supreme Court’s 1968 decree in *Green v. County School Board of New Kent County* that so-called “freedom of choice” plans could no longer be used to delay desegregation of

unitary school districts. In July 1969, when twenty-three Mississippi districts affected by the *Green* decision appealed for a delay, the White House issued a mixed statement. "This administration is unequivocally committed to the goal of finally ending racial discrimination in schools," read the White House release, adding that the deadlines facing the Mississippi districts might need to be extended to allow their appeal to be heard by the Supreme Court.

A key ingredient of Nixon's southern strategy during the campaign had been his oft-repeated promise to appoint conservatives to the Supreme Court. Almost immediately, he had an unprecedented opportunity to make good on this commitment by appointing two new justices. This unusual situation had resulted from a late 1968 deal between Chief Justice Earl Warren and outgoing president Lyndon Johnson that had gone sour. Fearing that the 1968 election would produce a president unlikely to appoint a chief justice sympathetic to the legacy of the liberal court he had led, Warren offered to retire as chief justice so that Johnson could elevate liberal justice Abe Fortas to the post. When Fortas's questionable business dealings and inappropriate continuing connections to the White House became issues, however, he was not only denied the chief justice position but was ultimately forced to resign from the court altogether. The result: two vacancies for Nixon to fill, including that of chief justice.

As chief justice, Nixon named Warren Burger, a respected if not overly distinguished conservative jurist from Minnesota, who was easily confirmed. To fill the second vacancy, the president wanted to appoint someone more obviously reflecting sympathy for the South. His first choice, Circuit Court judge Clement Haynsworth of South Carolina, was rejected by a bipartisan coalition in the Senate because of his failure to recuse himself from more than one case in which there had been an appearance of conflict of interest. Fighting mad, Nixon next nominated Judge G. Harrold Carswell of the Fifth Circuit Court, who lacked any obvious distinction, more than 60 percent of his opinions having been reversed by higher courts. The final straw was the revelation that several years earlier Carswell had publicly declared his belief

in “white supremacy.” The nomination was dead on arrival in the Senate, although the margin of defeat was only six votes.

Carswell’s rejection gave Nixon an opportunity to make political hay in the South. Now he could publicly identify with the “martyrdom” of the region. The day after Carswell’s defeat, Nixon angrily stated that he understood “the bitter feelings of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday,” and pledged not to invite another such affront to the region. His next nominee, Judge Harry Blackmun from Minnesota, was confirmed easily.

Nixon did not yet control the Supreme Court, however. In October 1969, the justices spoke again on desegregation, ruling against the recalcitrant Mississippi districts in *Alexander v. Holmes County Board of Education*. In a unanimous decision, the court insisted that “effective immediately ... the schools in those districts be operated on a unitary basis.” Reiterating its reasoning in *Green*, the court asserted that “continued operation of segregated schools under a standard of allowing ‘all deliberate speed’ for desegregation is no longer constitutionally permissible.” With possibilities for any further delay now ended, President Nixon finally urged compliance and courts across the South began to address the remaining instances of “dual,” or segregated, districts.

An effective desegregation strategy employed by many school districts even before the *Alexander* decision was the transporting of students to schools outside their immediate neighborhood to create racially balanced schools. “Mandatory busing,” unsurprisingly, was opposed by many parents, white and black alike, who feared for the safety of their children. Court challenges sprang up immediately, with most of the pressure coming from suburban white parents. The most publicized such challenge unfolded during the 1969–1970 school year in the 85,000-student Charlotte-Mecklenburg County school district in western North Carolina. In the face of this controversy, Nixon issued a statement affirming the “inviolable principle” of neighborhood schools and drawing a sharp distinction between *de facto* and *de jure* segregation. Where segregation was not the result of legal (*de jure*) segregation but

rather of residential patterns, he held, “school authorities are not constitutionally required to take any positive steps to correct the imbalance.”

Busing played an important part in the 1970 mid-term elections. Influenced by his conservative advisor Pat Buchanan, Nixon believed the path to firming up the “new majority” that he thought had elected him was to concentrate on social issues that could be divisive for the Democrats. To effect the strategy, Nixon unleashed Vice President Agnew as his surrogate (“Nixon’s Nixon,” the press dubbed him—a reference to the president’s earlier role as hatchet-man for Eisenhower as his running-mate in 1952 and 1956). Agnew took up his role with zeal, spewing alliterative epithets against Democrats all across the nation, in the process coining the term “radic-libs” to paint them as being far outside the American political mainstream. Although the election results were disappointing for the GOP—a pickup of only two seats in the Senate and a loss of nine in the House—they were not bad for the party of a sitting president in off-year elections. Overall, however, the administration’s strategy had some long-term costs. “The GOP’s abandonment of the middle ground created an opening for a new breed of moderate Democrats,” writes Matthew Lassiter in *The Silent Majority: Suburban Politics in the Sunbelt South*, “who dominated southern politics during the 1970s and assumed leadership of the national party during the 1990s.”

The mid-term elections did nothing to resolve the divisive busing issue, and instead inflamed further those on either side of it. Once again, it was left to the judiciary to move the matter forward. In April 1971, the Burger Court obliged, taking up the case from Charlotte-Mecklenburg County (*Swann v. Charlotte-Mecklenburg County Board of Education*). Sweeping aside arguments that busing was difficult, awkward to implement, and contrary to the American tradition of local control of schools, the court unanimously asserted that the principle of “paired schools” and the busing of students between those schools were both constitutional and permissible as tools to redress segregation. The court explicitly acknowledged the potential difference in cases of *de jure* and *de facto* segregation and limited the scope of its decision in an

important way. The *Swann* decision was far from being the final word on busing, however. “We do not reach in this case,” the justices stated, “the question whether a showing that school segregation as a consequence of other types of state action, without any discriminatory action by school authorities, is a constitutional violation requiring remedial action by a school desegregation decree.” Left unresolved was the question of what to do in those hundreds of school districts—largely outside the South—where “dual systems” existed solely as the result of segregated residential patterns.

Predictably, the Nixon administration responded coolly to the High Court’s decision, stating simply that “it was the obligation of the local schools and district courts to carry out the mandate in *Swann*.” Polls showed steadily declining public support for busing: in a November 1971 Gallup survey, 76 percent of all respondents opposed “busing of Negro and white school children from one school district to another”; among blacks, 45 percent were in support and 47 percent opposed.

Conservatism as Reform

To a degree Nixon neither expected nor desired, he was preoccupied by economic problems throughout his presidency—that is, until Watergate swamped all other issues. Lyndon Johnson’s effort to afford both “guns and butter” had been only a minor issue in the 1968 election, but by the time of Nixon’s inauguration in January 1969, inflation demanded attention. As Allen Matusow writes in *Nixon’s Economy: Booms, Busts, Dollars, & Votes*, the new administration had two choices: pop the balloon quickly or “let the air out ... slowly.” Nixon opted for the latter approach, which failed utterly. By the end of the year the nation faced steadily worsening unemployment, while inflation continued unabated—an unprecedented scenario that the media dubbed “stagflation.” The administration’s response was a wildly shifting series of interventions and economic controls that were inconsistent with traditional Republican policies and never comfortably embraced by Nixon himself.

As inflation continued at troublesome levels into 1970, Nixon surprised politicians and public alike by naming John Connally as his new secretary of the treasury. A former Democratic governor of Texas and longtime ally of Lyndon Johnson, Connally was perfect for the assignment and his impact on administration policy was soon apparent. In August 1971, Nixon announced a New Economic Policy (NEP) in a nationally televised speech, which included the imposition of price and wage controls for the first time since the Korean War. The NEP also included a new 10 percent “border tax” on imports and ended the longstanding convertibility of dollars into gold on the world market.

Price and wage controls proved ineffectual, however, as inflation stubbornly continued to rise. Consequently, Nixon announced Phase II of the NEP in October, extending the controls for another six months. When this extension had little impact, he simply opted for disengagement, labeling as “Phase III” the virtual suspension of all controls. Shifting focus to the problem of unemployment, which was hovering around 6 percent, the administration now took steps to ramp up federal spending.

Just as Nixon’s handling of stagflation defied easy characterization, his approach to matters of social policy was difficult to pin down. In August 1969, he announced the launching of a “New Federalism,” including two bold new programs, revenue sharing and an overhaul of the existing welfare system. The New Federalism never assumed coherent shape, nor did the Democratic Congress take action on either revenue sharing or the welfare reform proposal. Undaunted, and with even greater fanfare, in January 1971 Nixon reintroduced both plans, along with several others—including a bold plan for restructuring the executive branch under an even more sweeping label: “The New American Revolution.” Of the administration proposals embraced in this new “reform” package, revenue sharing now seemed to have the greatest likelihood of passage. The basic idea was to substitute categorical grants to the states in six broad areas (education, urban development, transportation, job training, rural development, and law enforcement), for the vast array of narrowly defined federal grant programs that had grown up since the New Deal.

The concept had strong public support at the outset, but many members of Congress—liberal and conservative alike—were wary of losing control of this federal largesse. In the end, however, the State and Local Fiscal Assistance Act was enacted in June 1972, with considerable support from both parties. Initially authorized for five years, revenue sharing would remain intact into the 1980s.

The welfare reform element of the New American Revolution, the Family Assistance Plan (FAP), was an even harder sell than revenue sharing. In direct contrast to the latter program, FAP aimed to replace a number of categorical programs administered at least partly at the state level with direct federal income assistance to low-income families. The program proposed annual federal payments of \$1,600 (scheduled to rise to \$2,500 by 1971) to low-income families of four, coupled with a requirement that the heads of such families—excepting mothers of young children—be willing to “accept work or training.” FAP drew fire from both extremes of the political spectrum in Congress. On its final run around the congressional track on the eve of the 1972 election, it was defeated mainly due to opposition from liberal Democrats, but Nixon probably did himself more damage with conservatives than with liberals in pressing for this version of welfare reform. As David Greenberg has written in *Nixon’s Shadow: The History of an Image*, FAP was “the source of the right’s conception of Nixon as a sellout,” and “dashed [their] hopes of a Nixon-led right-wing revival.”

Within twenty-five years of Nixon’s presidency, observes Greenberg, “Nixon revisionism” had blossomed full-blown among historians and journalists. In these revisionist works, he notes, “Nixon appeared, improbably, as an innovator in domestic policy, an activist steward of the Great Society, the last of the big-spending liberal presidents.” This view contrasted sharply with earlier assessments, which tended to view Nixon’s overall impact as retrograde rather than progressive, especially when it came to matters of race and civil liberties. Notwithstanding such revisionist efforts, however, historians generally see Nixon’s domestic record as centrist, ascribing much of what seemed “liberal” to his chief domestic advisor, John Ehrlichman. Matusow writes, for

example, that “Nixon was neither a liberal nor the conservative of popular belief. He was a politician bent on preempting the center of American politics to build a New Majority.” Stephen Hess takes a slightly different slant in *The Professor and the President: Daniel Patrick Moynihan in the Nixon White House*, suggesting that Nixon’s overall domestic record was “moderate,” but only “by averaging—moving sharply right, followed by moving sharply left.”

There is a simpler explanation for the seemingly contradictory elements of Nixon’s domestic policies: cynicism. The 3,700 hours of Nixon White House tapes that have become public over the years provide ample evidence that he had contempt for the electorate and was motivated far more often by opportunism than by anything that remotely resembled either a reformist bent or concern about the federal government’s role in ensuring the “public good.” Insofar as ideology mattered to him in domestic matters, Richard Nixon was a conservative. What finally motivated him in any particular situation, however, was whatever was needed to ensure his own political survival.

The Politics of War and Détente

On the day before Richard Nixon’s inauguration, thousands of anti-war protesters staged a “counter-inaugural.” Estimated by D.C. police at 5,000 and by organizers at 12,000, the protesters symbolically marched from the White House to the Capitol—opposite to the direction Nixon would traverse the next day. This mostly peaceful protest was followed by greater visible hostility to the new president on Inauguration Day itself. As the limousine carrying Nixon and his wife Pat passed between the crowds lining both sides of Pennsylvania Avenue, 300 to 400 militant protesters shouted obscenities and lobbed sticks, stones, bottles, and smoke bombs at the motorcade. District of Columbia police, reinforced by combat-equipped National Guardsmen and unarmed troops of the 83rd Airborne Division, arrested eighty-one protesters.

Nixon’s inaugural address contrasted sharply with these scenes of contempt and hostility. In addition to promising to “consecrate”

his presidency to the cause of peace, he assured the nation that he was willing to listen to his critics. “We cannot learn from one another,” he said in one of the most oft-quoted sentences in the address, “until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.” *New York Times* columnist James Reston, no fan of Nixon’s, wrote approvingly that “[t]he hawkish, combative, anti-Communist, anti-Democratic Nixon of the past was not the man on the platform today. He reached out to all the people who opposed him in the last election—progressive Democrats, the young, the blacks, the Soviets.”

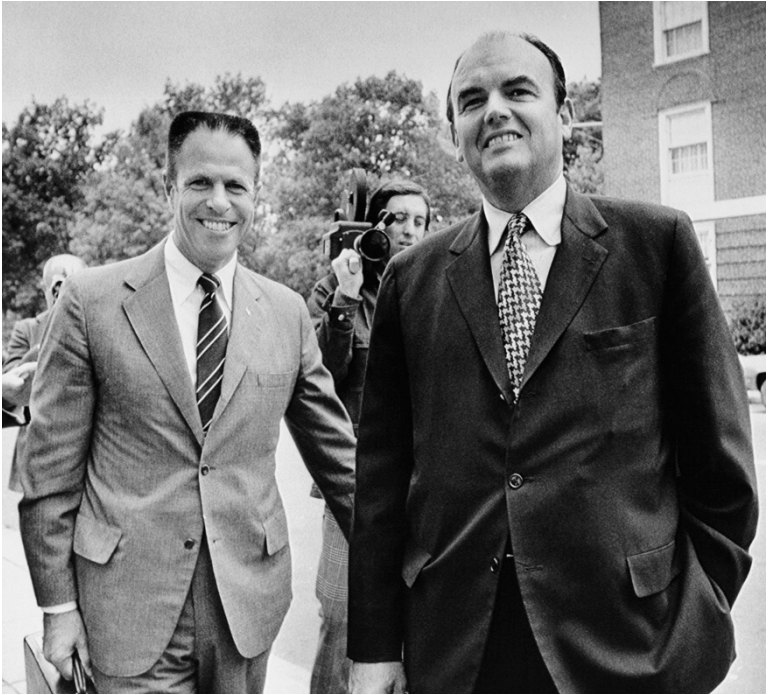


Figure 1.1 Nixon’s “Palace Guard,” H. R. “Bob” Haldeman and John R. Ehrlichman. In April 1973, both would be fired, along with White House counsel John Dean, due to fallout from the Watergate scandal. © Bettmann/CORBIS

Such optimism was grossly misplaced. Far from reaching out, Nixon surrounded himself with a “Palace Guard” in the White House, headed by the imperious H. R. (Bob) Haldeman and John Ehrlichman, that ensured minimal access to the president (and shielded him as much as possible from dissenting opinions). Within weeks of his move into the White House, Nixon was seething at congressional critics who seemed intent on challenging White House prerogatives in foreign policy. In February, Senator J. William Fulbright (D-Arkansas), chair of the Senate Foreign Relations Committee (SFRC), infuriated the president by reintroducing a resolution that would increase congressional oversight of presidential commitments abroad and establishing a subcommittee of the SFRC to monitor secret executive agreements. Nixon’s national security advisor, Henry Kissinger, shared his boss’s low opinion of the legislative branch as a potential partner in foreign policy-making. Together, the two became increasingly secretive and manipulative in their dealings with Congress on Vietnam, as on many other foreign policy issues.

In addition to treating his congressional critics as traitors and enemies, Nixon dramatically ratcheted up secret intelligence-gathering on foes real and imagined in the broader public. While LBJ had begun such wiretaps, the scale of illegal surveillance dwarfed earlier actions. Later, declassified records revealed that over 1500 Americans were being spied on by 1973. Even FBI director J. Edgar Hoover, no defender of civil liberties, was nervous about the sheer volume of such government eavesdropping and, had he not cooperated by dying in May 1972, would likely have been fired by an angry Nixon for obstructionism after nearly half a century in his role.

In his quest for “peace with honor,” Nixon intended to continue the four-cornered Paris peace talks involving North Vietnam, the Republic of Vietnam, the National Liberation Front, and the United States, which his campaign had tried to disrupt near the end of the Johnson administration. The challenge was how to create leverage to produce progress at the negotiating table, while at the same time reducing the American military effort in order to undercut domestic opposition to the war.

“I’m not going to wind up like LBJ,” he told Haldeman, “holed up in the White House afraid to show my face on the street. I’m going to stop that war. Fast.” By March 1969, Nixon settled on a strategy he labeled “Vietnamization”: phased withdrawals of American troops coupled with significant increases in training and equipment for the Army of the Republic of Vietnam (ARVN). Privately, he resolved to employ massive military force, as necessary, to force the North Vietnamese to agree to a settlement. In his first meeting with South Vietnam’s president, at Midway Island on June 8, Thieu publicly accepted the Vietnamization strategy—although clearly without enthusiasm. Always interested in grand framing for his actions, Nixon explained to reporters in mid-July that Vietnamization was part of a broad new foreign policy approach. According to this new “Nixon Doctrine,” nations that sought aid from the United States in ensuring regional security would be expected to take on greater responsibility for their own defense. At the same time, Nixon initiated the first draw-down of U.S. troops in Vietnam, announcing the withdrawal of 25,000 troops in late June.

Nixon took a surreptitious route almost immediately. In March 1969, he ordered the secret bombing of installations in North Vietnamese-controlled parts of Cambodia, directing Air Force command to falsify its logs to conceal from congressional investigators this violation of a neutral neighbor’s rights. Simultaneously, he issued the North Vietnamese an ultimatum that if there were no progress in the peace talks by November, the United States would take “measures of great consequence and force.” North Vietnam agreed to enter into secret talks with the United States, parallel to the official four-party negotiations, but otherwise ignored the deadline. Nixon was now boxed in. The public’s patience with Vietnamization was already waning, and both doves and hawks in Congress were becoming vocal in their criticisms. The participation of an estimated twenty million people in a nationwide moratorium on October 15 reflected this growing war-weariness.

In this dicey situation, Nixon focused on shoring up support at home, announcing the withdrawal of 60,000 additional troops by

mid-December and launching a public relations blitz to discredit his critics. On November 3, the president took anti-war protesters to task in a nationally televised speech, concluding his address with an appeal for support from “the great silent majority” of Americans whose voices, he argued, had not yet been heard. All of the elements of the Nixon–Kissinger strategy for achieving “peace with honor” were now in place: the imposition of Vietnamization on an unwilling Thieu; back-channel negotiations with North Vietnam, buttressed by extralegal exercises of brute force; and a public relations juggernaut to marginalize war protesters as un-American.

Nixon also sought to thin the ranks of the disaffected by ending the draft—and with it, of course, the monthly draft calls that were building anti-war sentiment among middle-class and more affluent voters. In this effort, the president enjoyed support from liberals and conservatives alike. Principled objections to conscription were reinforced by public disgust with the head of the Selective Service System, General Lewis Hershey, for his heavy-handed use of the draft to punish those who protested the war. In September 1969, Nixon fired Hershey, and three months later announced that the draft would be replaced by a lottery system based on a randomized ordering of birthdates. Following strong lobbying by the administration, Congress voted one final extension of the draft, which would expire in 1973. Nixon had achieved exactly what he wanted. The promise of transition to a professional army after the 1972 election scored political points with many voters (especially those 18- to 20-year-olds who were newly enfranchised by ratification of the Twenty-sixth Amendment in 1971), but the draft would not end so soon that it would undermine the administration’s negotiating position to end the war.

Meanwhile, the political weakness of the Thieu government posed a major obstacle to achieving “peace with honor.” The North Vietnamese remained obstinate in Paris, in both the official and secret negotiations, and their intransigence led a frustrated Nixon to engage in extralegal military actions that fanned the flames of the anti-war movement. Most notable—and

damaging—was his decision at the end of April 1970 to launch an “incursion” (a term intended to seem somehow less aggressive than “invasion”) into Cambodia.

Public outrage at the Cambodian incursion was most extreme on the nation’s college and university campuses. The most violent confrontation occurred at Kent State University in Ohio, where the National Guard opened fire on a crowd of assembled students, killing four and injuring eleven others. Ten days later, at historically black Jackson State University in Mississippi, disaster struck again as two students were killed and seven were injured. By the end of spring, approximately 80 percent of the nation’s colleges and universities had experienced anti-war activities of some sort, with 448 of them experiencing strikes or closure. Even in the face of these tragic events, however, the administration was not without supporters. On May 8, just four days after the Kent State shootings, approximately 200 construction workers attacked an anti-war march in New York City; ten days later, “hard-hat” rallies in support of the administration were held in numerous major cities. The administration publicly embraced such visible “patriotic support.” Later in the year, a Commission on Campus Unrest appointed by Nixon strongly criticized the way in which authorities had reacted to the campus protests, judging the student deaths at Kent State and Jackson State to be “unnecessary, unwarranted, and inexcusable.” Nixon privately called the report “crap.”

The Cambodian operation and the events that followed heightened congressional opposition. In June, the Senate voted to repeal the 1964 Gulf of Tonkin Resolution, which had authorized the U.S. military presence in Vietnam. Two other end-the-war measures, the Cooper–Church amendment to cut off funding for military operations in Cambodia and the McGovern–Hatfield amendment calling for the withdrawal of all U.S. troops from Vietnam, failed to pass, but the administration pulled all troops out of Cambodia as they were being debated “Although Nixon escaped with his power intact,” George Herring writes in *America’s Longest War*, “the Cambodian venture tightened the trap he had set for himself. The domestic reaction reinforced his determination

to achieve ‘peace with honor’ while sharply limiting his options for attaining it.”

Meanwhile, the court martial of Sergeant William Calley in March 1971 for atrocities his troops had committed at My Lai three years earlier fueled yet another round of anti-war protests across the nation. Heartfelt testimony by members of Vietnam Veterans Against the War (VVAW) before the Senate Foreign Relations Committee in April and May further energized the administration’s critics, culminating in the largest single anti-war demonstration yet to occur in Washington (300,000 protestors), with a companion demonstration half that size held in San Francisco. The administration responded viciously; on May Day, some 7000 protesters were rounded up and held in D.C.’s football stadium. But Nixon realized that time was running out.

The last thing the administration needed at this point was another crisis. On its face, the *New York Times’s* publication in early June of a top-secret Defense Department study of the origins of American involvement in Vietnam under previous presidents did not seem to pose any threat to the White House. Nor did Nixon initially regard it as a problem. Kissinger, however, was furious. and—knowing exactly which buttons to push—told Nixon that if he failed to take action, “It shows you’re a weakling, Mr. President.” Even though Nixon was not incriminated by anything in what came to be called the Pentagon Papers, the fact that a top-secret document had been leaked to the media was enough to make him responsive to Kissinger’s advice. He took immediate action, securing a court order enjoining the *Times* (and by then, the *Washington Post* and *Boston Globe*) from publishing any further material from the purloined Pentagon study. On June 30, 1971, the Supreme Court ruled 6-3, in *New York Times Co. v. United States*, that this attempt to bar publication was “a flagrant, indefensible” violation of the First Amendment, and public release of the Pentagon Papers proceeded unhindered. By the end of the summer, Bantam Books had published the entire study in a best-selling paperback.

Having lost the Pentagon Papers battle, Nixon gave in to his vindictive nature, approving formation of a “Plumber’s Unit” (so

named because its mission was to stop leaks) to get the goods on Daniel Ellsberg, the former RAND employee who had given the Pentagon study to the *Times*. Specifically, the unit was enjoined to break into the office of Ellsberg's psychiatrist and steal his confidential medical information. The Plumbers came up with nothing for their efforts. When Ellsberg was eventually tried in May 1973 for stealing the secret documents, the judge declared a mistrial because "government agencies had taken an unprecedented series of actions" infringing on his liberties.

The revelations in the Pentagon Papers of a pattern of governmental deceit that had obscured early U.S. involvement in Vietnam further eroded support for the war. More than 70 percent of Americans now believed that it had been a mistake for the United States to have sent troops into Vietnam, and nearly 60 percent regarded the war as immoral. The administration's phased troop withdrawals helped, but one poll suggested that nearly half of those questioned felt that the pace of withdrawals was too slow. At this point, however—if not earlier—Nixon's "peace with honor" strategy was all about securing his re-election.

In late January 1972, Nixon went on television to reveal the private peace talks that had been going on for more than two years. At the same time, he pressured Thieu to consent to the public release of nine "principles" for peace that had been given to the North Vietnamese the previous fall. Thieu, however, had not seen the nine principles until then. Nixon, Kissinger, and Thieu were all aware that such a ceasefire would doom Thieu's government, and it was imperative from Nixon's point of view that this not occur until he was safely re-elected. The North Vietnamese further complicated matters for the administration by launching a massive offensive against the South at the end of March. Nixon, however, was not to be bullied. He responded by giving the go-ahead for Operation Linebacker, the most massive bombing raids yet, and for the mining of Hanoi and Haiphong harbors. These aggressive actions eventually succeeded in blunting the North Vietnamese offensive. On July 1, Nixon announced the withdrawal of an additional 20,000 troops, leaving fewer than 50,000 in the field.