

Vanderbilt Journal of Transnational Law

Volume 1
Issue 1 *Winter 1967*

Article 2

1967

The Law School Looks at Vietnam

W. G. C.

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Military, War, and Peace Commons](#)

Recommended Citation

W. G. C., The Law School Looks at Vietnam, 1 *Vanderbilt Law Review* 5 (2021)
Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol1/iss1/2>

This Article is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

THE LAW SCHOOL LOOKS AT VIETNAM

On November 7, 1967, while pollsters were busy recording increased popular dissatisfaction with President Johnson's Vietnam policy, the Vanderbilt International Law Society decided to find out what law students at Vanderbilt felt about the War and the legal implications stemming from it.

About two-thirds of the entire student body participated in the poll. A multiple-choice format was used; yet, many students added lengthy comments of their own on the War. Of course, their interest wasn't just academic. As one voter noted, "My answers are affected by the probability that I'll be going to Vietnam...and I don't want to get shot at."

The national polls in early November were showing the South as a center of "hawkish" sentiment. This was reenforced by a survey taken by the Vanderbilt undergraduate newspaper, the Hustler. That poll showed only 8% of the undergraduate students in favor of a 'smaller commitment' in Vietnam, 27% in favor of a 'larger commitment', and 65% in favor of 'the present United States commitment'.

When the results of the November 7 law school poll were tabulated, however, they showed a far different trend. 49.1% of the law students favored an immediate pull-out or de-escalation. The breakdown was:

Disengage immediately	17.6%
De-escalate	31.5%
Pursue the present course	22.4%
Escalate	28.5%

The third-year class tended to be by far the most "hawkish," showing that impending military service does not necessarily create doves. The results by class were:

	<u>1st year</u>	<u>2nd year</u>	<u>3rd year</u>
<u>Disengage or de-escalate</u>	57%	57%	38%
<u>Pursue the present course</u>	18%	17%	27%
<u>Escalate</u>	24%	25%	34%

Fully 82% of those who felt we were exercising too much internal control in Vietnam were in favor of getting out or de-escalating. One student saw little future in trying to change the attitudes of the Vietnamese and commented, "Communism is perhaps a faster method of industrialization than capitalism, especially given the non-competitive mores of the East." Yet, he approved of current handling of the War. A first year Wesleyan graduate from Connecticut felt the United States should exert more control over the South Vietnamese army, basing his judgment on a year in Vietnam.

Most of those polled, 83%, were willing to see the United Nations play a role in settling the War. But practically everyone, 94%, felt it would not play one. One representative of the dissenting 6% pointed out that "the U.N. has demonstrated a lack of ability to handle problems of this type." "A problem of this gravity," he continued, "should not be placed in their hands."

65% of the law students felt that whether the American position was justified under international law was an important question. Of the 72% willing to hazard a guess as to whether it was actually justified, a majority, 61%, felt it was probably not. The voting went as follows:

Definitely justified under international law	14%)	38%
Probably justified	24%)	
Probably not justified	38%)	61%
Definitely not justified	23%)	

Not too surprisingly, 54% of those having no legal qualms about our policy were in favor of escalating the War; while the 76% that were sure of American illegality suggested de-escalation or advocated pulling out.

Students in the law school ran the gamut from super-hawk, "Use atomic weapons", to draft despisers, "No one should be drafted and sent to Vietnam." Solutions were diverse: "Do like the British in Malaya", "String up electric fences on the border", "Hire the Israeli army". Overall, the law students were more "dovish" than the national average and seemed to have strong moral and legal reservations about American participation.

	Location of College Attended		
	<u>In South</u>	<u>Outside of South</u>	<u>(East only)</u>
<u>Disengage or de-escalate</u>	39%	57%	(61%)
<u>Pursue the present course</u>	30%	16%	(20%)
<u>Escalate</u>	31%	27%	(19%)

The obvious and hardly surprising indication is that Southerners who leave the South during their college years become a more "dovish" group than their counterparts who stay at home.

The problem of serious Red Chinese involvement in the War didn't seem to bother many people. Only 19% thought this neither imminent or probable. 54% thought this only possible and 27% thought it improbable. Students' answers on this question did not seem to correlate significantly with their opinions on United States policy in Vietnam.

Most students felt that American activity in Vietnam was justified by the requirements of United States foreign policy. 24% were sure of this, 35% felt it was probably true while 41% felt that our presence was either probably or definitely against the best interests of U.S. foreign policy. A caustic minority of these protested that if the United States had a foreign policy anymore, they certainly didn't know what it was.

To a rather ambiguous question concerning involvement in "other Vietnams", only 33% counseled the United States to become involved "under no circumstances". Probably on the fringe of this group was one student who commented, "The military industrial idiots are trying their best to take us into W.W.III." Perhaps a more reasonable comment suggested withdrawal "from the SEATO fiasco" while concentrating on strengthening India as a neutral buffer and helping Japan develop as the leader of east Asia.

A large number of Vanderbilt law students felt that the U.S. is exercising too much control over the South Vietnamese government. The breakdown of voting was:

Too much control	47%
Right amount of control	34%
Too little control	18%

Of the over 250 students who took the poll, 45% considered themselves Republican, only 29% Democrat, and 26% Independent. This unusually large Republican contingent in the law school is especially surprising since almost half of those taking the poll had their pre-college homes in the South. The Republicans were by far the more "hawkish" in their replies while the Democrats mingled support for Administration policy with a majority sentiment in favor of de-escalation. The voting went as follows:

	<u>Republicans</u>	<u>Democrats</u>	<u>Independents</u>
<u>Disengage or de-escalate</u>	38%	55%	60%
<u>Pursue the present course</u>	24%	27%	15%
<u>Escalate</u>	38%	18%	25%

Segregating the Southerners from the other students, the results showed:

	<u>Southerners</u>	<u>Non-Southerners</u>
<u>Disengage or de-escalate</u>	43%	54%
<u>Pursue the present course</u>	28%	18%
<u>Escalate</u>	29%	28%

So, as might have been expected from current national polls, the law school's Southerners were not as "dovish" as others. However, in this sample there was no indication that they were more "hawkish" either.

The difference between the South and the rest of the country on the question of Vietnam was more marked when correlating the location of the colleges attended by students taking the poll. Those who had attended school in the East were especially inclined towards a policy of de-escalation.

As regards the poll itself, the reaction was mixed, one third-year student calling it "the most asinine garbage I have ever seen", and another feeling it is "the best phrased questionnaire of its type I have read." While wondering at both the identity of the critic and the--we must disclose--solitary admirer, we feel that this poll is one more indicator that consensus, even among the future members of one profession, is not on the horizon. Such fundamental disagreements are perhaps a sign of health in our democracy. Moreover, they point to the continuing need for lawyers of all persuasions to preserve free debate and counsel lawful dissent. It is to be hoped that on all matters of public interest this overriding duty will not be forgotten.

-- W.G.C.