

INTRODUCTORY NOTE: James Dannenburg lives in Kailua, Hawaii. His essay originally appeared in the "My Turn" column in the February 18, 2002, issue of Newsweek.

What I Did Was Legal, But Was It Right?

Funny how time and events can turn your world view upside down. Now that we are engaged in what most folks—me included—consider a "just war" in response to terrorist attacks, a war in which American men and women volunteer to put themselves in harm's way, I am reminded of the not-so-subtle moral ambiguities my generation faced during the Vietnam War.

A few years ago my young son and I visited the Vietnam Veterans Memorial. When he asked whether I had fought in the war, I told him I had not. His question awakened a hundred hibernating arguments and rationalizations, but I felt incapable of telling him anything more, and he didn't probe further.

I did not volunteer for military service during the Vietnam War, nor was I drafted. Although I was of prime service age and fit enough, I did what I could within the law to avoid service, taking advantage of student deferments until 1970, when I turned 26 and was considered too old for the draft. Had I been drafted I might have considered resistance or Canada, but in truth I never had to make any hard choices. I slipped by, and I've had flashes of guilt and self-doubt ever since.

When it comes to our personal histories, we're all revisionists, struggling, usually unconsciously, to place our past in the best light, to see ourselves as virtuous. I have long been convinced of the rectitude of my opposition to the war. But as the passage of time brings greater objectivity, I have become more critical about my actions during that period.

Vietnam seemed a cruel misadventure to many then, as it still seems to me, and only through the thickest cold-war lenses could it be seen as a just war. Communities and generations clashed about its wisdom and morality. Eventually, however, as the body count rose, a majority of Americans from all ranks came to oppose it. Then it was over, and America moved on.

But even in the 21st century it is clear that some wounds have not completely healed. Some boys went to Vietnam, and some did not. And we all know who we are.

My first work as a lawyer in 1969 was in draft law, a now obsolete but then politically correct specialty. Our little firm of young lawyers was successful in keeping lots of boys out of the draft, mainly by tying up the Selective Service with its own regulations. Yet from the beginning I was dimly haunted by the notion that for each college boy we managed to "save," there was always another kid from a less privileged background to take his place. The Selective

Service was like a giant shark on a perpetual feed: if it missed one fish, it would move on to the next.

So even back then our legal victories rang a little hollow to me. Certainly they struck no telling blows against the war effort. On reflection, they seem immoral and dishonorable, much like the payments Civil War draftees could make to avoid service. Small comfort that we were on the "correct" side, that we were against the war. Our smugness was akin to the romantic reminiscences of Spanish Civil War ideologues, parodied by humorist Tom Lehrer: they won all the battles, but we had all the good songs.

A few years ago I began to think about the fact that someone took my place, too. Maybe he was drafted and sent to Vietnam. Maybe he was traumatized in the way that many combat veterans are. Maybe he died.

Millions of my generation did go to Vietnam and served honorably, but many middle-class, college-educated kids like me were effectively immune from service. Vietnam was an abstraction to us, albeit a powerful one. No doubt this shielded us from the kind of serious contemplation that seems appropriate even today, as we revere WWII vets and send troops to Afghanistan.

The real cost of the war was brought home to me recently, when I discovered that one of my own cousins had died in Vietnam. Richard Marks was only 19, a Marine PFC, when he was killed in Quang Nam in 1966, at the same time that I was safely protected from harm by a graduate-student deferment. In a way I have come to look upon Richard as my metaphorical counterweight.

I make no apology for opposing the war and still admit to some nostalgia for the spirit of the '60s, though I feel embarrassment for our ideological excesses. I only hope that I did not use my privilege to avoid military service out of cowardice, even as I admit to having been afraid.

No doubt about it: war is about killing and dying, and each generation must confront its own fear in answering the call. My father was awarded the Distinguished Service Cross, our nation's second highest military honor, as a combat medic during World War II. Had I been in his shoes, I like to think that I, too, would have served.

But I'll really never know, and talk is cheap. I survived the 1960s with a law degree and some guilt. Richard's name is on the wall, along with 58,000 others.

ESSAY TOPIC

Identify the conflicts that Dannenburg discusses. Write an essay centered on these two questions: Did Dannenburg do the right thing as a young man? Does he feel the right things now? (Note: You must answer both of these questions; you need not give the same answer to both questions.) Support your opinion by offering specific illustrations drawn from your beliefs and experience, your observation of others, or any of your reading, especially "What I Did Was Legal, But Was It Right?"