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## Watergate: A Skeptical View

Noam Chomsky

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Even the most cynical can hardly be surprised by the antics of Nixon and his accomplices as they are gradually revealed. It matters little, at this point, where the exact truth lies in the maze of perjury, evasion, and of contempt for the normal—hardly inspiring—standards of political conduct. It is plain that Nixon's pleasant crew succeeded in stealing the 1972 election, which probably could have been theirs legally, given the power of the Presidency, in spite of Muskie's strength at the polls when the affair was set in motion. The rules of the political game were violated in other respects as well. As a number of commentators have pointed out, Nixon attempted a small-scale coup. The political center was subjected to an attack with techniques that are usually reserved for those who depart from the norms of acceptable political belief. Powerful groups that normally share in setting public policy were excluded, irrespective of party, and the counterattack thus crosses party lines.

The Dean-Colson list of enemies, a minor feature of the whole affair, is a revealing index of the miscalculations of Nixon's mafia and raises obvious questions about the general response. The list elicited varied reactions, ranging from flippancy to indignation.

But suppose that there had been no Thomas Watson or James Reston or McGeorge Bundy on the White House hate list. Suppose that the list had been limited to political dissidents, antiwar activists, radicals. Then, it is safe to assume, there would have been no front-page story in the *New York Times* and little attention on the part of responsible political commentators. Rather the incident, if noted at all, would have been recognized as merely another step, inelegant perhaps, in the legitimate defense of order and responsible belief.

The general reaction to the Watergate affair exhibits the same moral flaw. We read lofty sermons on Nixon's move to undermine the two-party system, the foundations of American democracy. But plainly what CREEP was doing to the Democrats is insignificant in comparison with the bipartisan attack on the Communist Party in the postwar period or, to take a less familiar case, the campaign against the Socialist Workers Party, which in the post-Watergate climate has filed suit to restrain government agencies from their perpetual harassment, intimidation, surveillance, and worse. Serious civil rights or antiwar groups have regularly discovered government provocateurs among their most militant members. Judicial and other harassment of dissidents and their organizations has been common practice, whoever happens to be in office. So deeply engrained are the habits of the state agencies of repression that even in the glare of Watergate the government could not refrain from infiltrating an informer into the defense team in the Gainesville VVAW trial; while the special prosecutor swore under oath that the informer, since revealed, was not a government agent.<sup>1</sup>

Watergate is, indeed, a deviation from past practice, not so much in scale or in principle as in the choice of targets. The targets now include the rich and respectable, spokesmen for official ideology,

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<sup>1</sup> John Kifner, " 'Best Friend' of Gainesville 8 Defendant Testifies to Being FBI Informer," *New York Times*, August 18, 1973.

reports. A Cambodian government White Book of January, 1970, giving details of American and ARVN attacks, evoked no greater interest or concern. Nor did the reports of large-scale defoliation of Cambodian rubber plantations in early 1969 or the occasional incidents of "bombing errors" that were conceded by the American government since 1966 when American observers happened to be present.<sup>13</sup> The complaints over government deception ring hollow, whether in the halls of Congress or on the editorial pages.

Still more cynical is the current enthusiasm over the health of the American political system, as shown by the curbing of Nixon and his subordinates, or by the civilized compromise that permitted Nixon and Kissinger to kill Cambodians and destroy their land only until August 15, truly a model of how a democracy should function, with no disorder or ugly disruption.

Liberal political commentators sigh with relief that Kissinger has barely been tainted — a bit of questionable wire-tapping, but no close involvement in the Watergate shenanigans. Yet by any objective standards, the man is one of the great mass murderers of the modern period. He presided over the expansion of the war to Cambodia, with consequences that are now well known, and the vicious escalation of the bombing of rural Laos, not to speak of the atrocities committed in Vietnam, as he sought to achieve a victory of some sort for imperial power in Indochina. But he wasn't implicated in the burglary at the Watergate or in the undermining of Muskie, so his hands are clean.

If we try to keep a sense of balance, the exposures of the past several months are analogous to the discovery that the directors of Murder Inc. were also cheating on their income tax. Reprehensible, to be sure, but hardly the main point.

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<sup>13</sup> As early as January, 1962, Roger Hilsman observed the bombing of a Cambodian village by American planes, who then attacked the Vietnamese village that was the intended target. Cf. *To Move a Nation* (Delta, 1967). For a partial record, see my *At War With Asia* (Pantheon, 1970), chapter three.

This confirmation of Pathet Lao charges, which had been largely ignored or ridiculed in the West, evoked little editorial comment or public indignation, though it is a more serious matter than anything revealed in the Ervin committee hearings.

The revelation of secret bombings in Cambodia and northern Laos from the earliest days of the Nixon Administration is by far the most important disclosure of the past several months.<sup>10</sup> It would be difficult to imagine more persuasive ground for impeachment were this a feasible political prospect. But in this case, too, the reaction is largely misplaced. It seems that congressional leaders and commentators in the press are disturbed more by the cover-up and the deceit than by the events themselves. Congress was deprived of its right to ratify — no one who has studied the Symington committee hearings of the fall of 1969 can have much doubt that Congress would have ratified the bombings and incursions had the opportunity been given.

As for the press, it showed as much interest in the bombings at the time as it now devotes to the evidence that Thai mercenaries in Laos are being shipped to Cambodia and that casualties of fighting in Cambodia have already arrived in Bangkok hospitals.<sup>11</sup> The press is much too concerned with past deception to investigate these critical ongoing events, which may well have long-term implications for Southeast Asia.<sup>12</sup> Similarly, when Jacques Decornoy reported in *Le Monde* on the intense bombing of towns and villages in northern Laos in the spring of 1968, the American press not only failed to investigate, but even failed to cite his eyewitness

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<sup>10</sup> Much was known before, at least to those who wished to know. See my *For Reasons of State*, chapter two, and references cited there. For some recent revelations, see Tad Szulc, "Mum's the War," *New Republic*, August 18–25, 1973; Walter V. Robinson, "Cambodian Raids — the Real Story," *Boston Globe*, August 12, 1973.

<sup>11</sup> See Marcel Barang, "Le Laos, ou le mirage de la neutralité," *Le Monde diplomatique*, June, 1973.

<sup>12</sup> See note 6 for a rare exception.

men who are expected to share power, to design social policy, and to mold popular opinion. Such people are not fair game for persecution at the hands of the state.

A hypocrite might argue that the state attack on political dissidence has often been within the bounds of the law — at least as the courts have interpreted the Constitution — whereas Watergate and the other White House horrors were plainly illegal. But surely it is clear that those who have the power to impose their interpretation of legitimacy will so construct and construe the legal system as to permit them to root out their enemies. In periods when political indoctrination is ineffective and dissent and unrest are widespread, juries may refuse to convict. In fact, in case after case they have done so, inspiring tributes to our political system on the part of commentators who overlook a crucial point. Judicial persecution serves quite well to immobilize people who are a nuisance to the state, and to destroy organizations with limited resources or to condemn them to ineffectiveness. The hours and dollars devoted to legal defense are not spent in education, organization, and positive action. The government rarely loses a political trial, whatever the verdict of the courts, as specialists in thought control are no doubt well aware.

In the President's "longer perspective," stated in his April 16 speech, we are to recall the "rising spiral of violence and fear, of riots and arson and bombing, all in the name of peace and justice." He reminds us that "free speech was brutally suppressed as hecklers shouted down or even physically assaulted those with whom they disagreed." True enough. In 1965 and 1966, peaceful public meetings protesting the war were broken up and demonstrators physically assaulted (for example, in Boston, later the center of antiwar activity). Liberal senators and the mass media, meanwhile, denounced the demonstrators for daring to question the legitimacy of the American war in Indochina. Peace movement and radical political centers were bombed and burned with no audible protest on the part of those who were later to bewail the decline of civility and

the “totalitarianism of the left” — those “serious people” (in Nixon’s phrase) who “raised serious questions about whether we could survive as a free democracy.” Surely nothing was heard from Richard Nixon, who was then warning that freedom of speech would be destroyed for all time if the United States were not to prevail in Vietnam — though when awards are given out for hypocrisy in this regard, Nixon will not even be a contender.

There is nothing new in any of this. Recall the reaction of defenders of free speech when McCarthy attacked the *New York Times* and, by contrast, the *National Guardian*.<sup>2</sup> Recall the pleas that McCarthy was impeding the legitimate struggle against domestic subversion and Russian aggression, or the reaction to the judicial murder of the Rosenbergs. In fact, the mistake of the Watergate conspirators is that they failed to heed the lesson of the McCarthy hearings twenty years ago. It is one thing to attack the left, or the remnants of the Communist Party, or a collapsing liberal opposition that had capitulated in advance by accepting — in fact, creating — the instruments of postwar repression, or those in the bureaucracy who might impede the evolving state policy of counterrevolutionary intervention. It is something else again to turn the same weapons against the US Army. Having missed this subtle distinction, McCarthy was quickly destroyed. Nixon’s cohorts, as recent events have amply demonstrated, committed a similar error of judgment.

The immediate consequence of this deviation is that Nixon’s wings have been clipped, and power is being more broadly shared among traditional ruling groups. Congress has imposed constraints on executive actions, and in the changed political climate, the courts have refused to permit executive encroachment on the legislative function through impoundment.

Most important of all, Nixon and Kissinger were unable to kill as many Cambodians as they would have liked, and were thus de-

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<sup>2</sup> Those whose memories are short might turn to James Aronson’s review of the record in *The Press and the Cold War* (Bobbs-Merrill, 1970).

But the conditions that permitted the rise of McCarthy and Nixon endure. Fortunately for us and for the world, McCarthy was a mere thug and Nixon’s mafia overstepped the bounds of acceptable trickery and deceit with such obtuseness and blundering vulgarity that they were called to account by powerful forces that had not been demolished or absorbed. But sooner or later, under the threat of political or economic crisis, some comparable figure may succeed in creating a mass political base, bringing together socioeconomic forces with the power and the finesse to carry out plans such as those that were conceived in the Oval Office. Only perhaps he will choose his domestic enemies more judiciously and prepare the ground more thoroughly.

Nixon’s front men now plead that in 1969–1970 the country was on the verge of insurrection and that it was therefore necessary to stretch the constitutional limits. The turmoil of those years was largely a reaction to the American invasion of Indochina. The conditions, domestic and international, that have led successive administrations to guide “Third World development” in the particular channels that suit the needs of industrial capitalism have not changed. There is every reason to suppose that similar circumstances will impel their successors to implement similar policies. Furthermore, the basic premises of the war policy in Indochina have not been seriously challenged, though its failures led to retrenchment. These premises are shared by most of the enemies on the Dean-Colson list and by others within the consensus of respectable opinion.

The reaction to recent disclosures illustrates the dangers well enough. While public attention was captivated by Watergate, Ambassador Godley testified before Congress that between 15,000 and 20,000 Thai mercenaries had been employed by the United States in Laos, in direct and explicit violation of congressional legislation.<sup>9</sup>

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<sup>9</sup> For some congressional reactions to earlier exposures, see my *For Reasons of State* (Pantheon, 1973), p. 13f.

lary to the doctrine<sup>8</sup> that no law prevents a superpower from enforcing ideological conformity within its domains.

The Watergate affair and the sordid story that has unfolded since are not without significance. They indicate, once again, how frail are the barriers to some form of fascism in a state capitalist system in crisis. There is little prospect for a meaningful reaction to the Watergate disclosures, given the narrow conservatism of American political ideology and the absence of any mass political parties or organized social forces that offer an alternative to the centralization of economic and political power in the major corporations, the law firms that cater to their interests, and the technical intelligentsia who do their bidding, both in the private sector and in state institutions. With no real alternative in view, opposition is immobilized and there is a natural fear, even among the liberal opposition, that the power of the Presidency will be eroded and the ship of state will drift aimlessly. The likely result will therefore be a continuation of the process of centralization of power in the executive, which will continue to be staffed by representatives of those who rule the economy and which will be responsive to their conception of domestic and global order.

It is true, as critics allege, that Nixon's tactics threatened to subvert the two-party system. The illusion that the people rule rests on the regular opportunity to choose between two political organizations dominated by similar interests and restricted to the narrow range of doctrine that receives expression in the corporate media and, with rare exceptions, the educational institutions of American society. Nixon's tactics thus tend to undermine the conventional basis for stability and obedience, while falling far short of supplying some form of totalitarian doctrine as an ideological alternative.

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<sup>8</sup> Generally called the "Brezhnev Doctrine," though it was explicit in virtually the same terms in the earlier doctrines of Eisenhower, Khrushchev, Kennedy, and Johnson, as Thomas M. Franck and Edward Weisband have shown in their important study *Word Politics: Verbal Strategy Among the Superpowers* (Oxford, 1971).

nied such limited successes in Cambodia as they achieved in South Vietnam, where all authentic popular forces were severely weakened by the murderous assault on the civilian society. Although the failure of the terror bombing of Christmas, 1972, may have compelled Nixon and Kissinger to accept the DRV-PRG offer of a negotiated settlement (formally at least),<sup>3</sup> they nevertheless continued to support the openly announced efforts of the Thieu regime to undermine the Paris Agreements of January. At the same time, they simply shifted the bombing to Cambodia in the hope of decimating the indigenous guerrilla movement. As recently as April, Senate doves feared that the "political mood is not right" for a challenge to Nixon's war policy, though they recognized that compliance might be the "final act of surrender" to presidential power.<sup>4</sup> But as Nixon's domestic position eroded, it became possible to enact the legislation urged by opponents of the American war and by politically more significant groups who have come to realize, since the Têt offensive of 1968, that the war was a dubious bargain for American capitalism.

To John Connally, it is "an impressive fact, and a depressing fact, that the persistent underlying balance-of-payments deficit which causes such concern, is more than covered, year in and year out, by our net military expenditures abroad, over and above amounts received from foreign military purchases in the United States."<sup>5</sup> Ra-

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<sup>3</sup> To be sure, this is not the official version. With the complicity of television and the press, the government has succeeded once again in imposing on events an interpretation that is wholly at variance with the facts. For some details on government and press deception with regard to the Paris Agreements and the events that led to them, see my "Indochina and the Fourth Estate," *Social Policy*, September, 1973.

<sup>4</sup> See John W. Finney, *New York Times*, April 12, 1973.

<sup>5</sup> May 28, 1971, *Department of the Treasury News*, cited by David P. Calleo and Benjamin M. Rowland in *America and the World Political Economy* (Indiana University Press, 1973), p. 99. The editors of the *Monthly Review* have been particularly effective in explaining the contribution of imperial policy to the economic crisis. One might also recall Seymour Melman's efforts to arouse awareness of

tional imperialists who find this fact impressive were, no doubt, less than impressed by the fact that Nixon and Kissinger were able to “wind down the war” over a period equal to that of American participation in World War II, and were still intent on pouring resources into an attempt to crush revolutionary nationalism in Indochina. Though the attempt will surely continue,<sup>6</sup> the scale — temporarily at least — will be reduced. This is surely the most significant outcome of Watergate.

Nixon’s personal authority has suffered from Watergate, and power will return to men who better understand the nature of American politics. But it is likely that the major long-term consequence of the present confrontation between Congress and the President will be to establish executive power still more firmly. Nixon’s legal strategy is probably a winning one, if not for him (for he has violated the rules), then for the position that the Presidency is beyond the reach of the law. Kleindienst, Ehrlichman, and Nixon’s lawyers have laid the issue out squarely. In spite of their occasional disclaimers, the import of their position is that the President is subject to no legal constraints. The executive alone determines when and whom to prosecute, and is thus immune. When issues of national security are invoked, all bars are down.

It takes little imagination for presidential aides to conjure up a possible foreign intelligence or national security issue to justify whatever acts they choose to initiate. And they do this with im-

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the debilitating effects of the policies of the militarized state capitalist institutions, long before the topic became fashionable.

<sup>6</sup> See Jack Foisie, “US still financing Thai forays into Cambodia,” *Los Angeles Times-Boston Globe*, August 19, 1973. He reports from Bangkok that “Cambodia still is a clandestine target for US financed and directed activities from bases inside Thailand,” noting that the Thai retain their “long-range hope — to regain Battambang Province.” The attempted August 19 coup in Laos was also launched from Thailand, suggesting that the Thai may still intend to incorporate parts of Laos in their mini-empire, in accordance with policies outlined by such doves as George Ball in 1965. Cf. *Pentagon Papers*, Senator Gravel edition (Beacon Press, 1971), Vol. IV, p. 618.

punity. The low point of the Ervin committee hearings was the failure to press Ehrlichman on the alleged “national security issue” in the release of the Pentagon Papers, or his implication that Ellsberg was suspected of providing these documents to the Russian embassy. Mary McGrory has suggested plausibly that the factor that led the White House to such excesses in the Ellsberg affair was the fear that it might inspire further exposures, in particular of the secret military attack on Cambodia.

More generally, the President’s position is that if there is some objection to what he does, he can be impeached. But reverence for the Presidency is far too potent an opiate for the masses to be diminished by a credible threat of impeachment. Such an effective device for stifling dissent, class consciousness, or even critical thought will not be lightly abandoned. Furthermore, Congress has neither the will nor the capacity to manage the domestic economy or the global system. These related enterprises take on new scope with the increasing internationalization of production and economic affairs and with the Nixon-Kissinger diplomacy, which accepts the USSR as a junior partner in managing what Kissinger likes to call “the over-all framework of order;”<sup>7</sup> much as Stalin seems to have intended in the early postwar years. It is fitting, in more ways than one, that Nixon’s most loyal constituency should prove to be the POWs and the Politburo.

If the choice is between impeachment and the principle that the President has absolute power (subject only to the need to invoke national security), then the latter principle will prevail. Thus the precedent will probably be established, more firmly and clearly than heretofore, that the President is above the law, a natural corol-

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<sup>7</sup> *American Foreign Policy* (Norton, 1969), p. 97. This is properly the concern of the United States, in his view, rather than “the management of every regional enterprise,” to be left to subordinates.