TAKING OVER VERMONT

get 225,000 counterculturists to settle in the green mountain state and exercise their franchise — and you've begun a unique social experiment

article

By RICHARD POLLAK

SUPPOSE THE NATION'S alienated young decided to stage a take-over of Vermont. Not by staging a weekend rock festival at Rutland and then hanging around the Green Mountains like freaked-out trolls. Not by lacing the water supply with assorted chemical brain scramblers. Not even by trashing the 14-kt.-gold-leaf dome off the Statehouse in Montpelier. Suppose they decided to do it by the book, within the system, the hard-hat–approved American way—by ballot.

Consider the arithmetic. The 1970 census counts 444,732 bona-fide residents of the state of Vermont. Of that number, only 287,575 are 18 years old or over and thus eligible by state law to vote in state and local elections. Since 107,527 of these eligibles are between the ages of 18 and 34 and, figuring conservatively,

one third of *them* (35,806) would be likely to sit down and break grass with all incoming pilgrims, the potential enemy strength reduces to 250,000. Lop off another ten or so percent for those good citizens who wouldn't bother to exercise their franchise, even at the prospect of a Yippie governor, and the numerical tipping point comes down to 225,000, give or take a Yankee. Hardly a boggling number in a country whose mobile counterculture routinely mustered twice that and more for the peace rallies and musical be-ins of the late Sixties and whose 18–34 population now totals more than 40,000,000, the majority within an easy hitchhike of what the Vermont tourist office likes to call "the beckoning country."

"You mean," says one Vermonter privy to these rudimentary calculations, "that some sort of latter-day Children's Crusade might simply march into this state and take it away from us? Preposterous. First of all, we'd never let 'em. But it wouldn't ever come to that, because they'd never be able to put it together. How would they live? What would they do for jobs? What about housing? Our winters, you know, aren't exactly tropical. The whole notion's ridiculous." Maybe so. Then again, in a nation roiling with people in search of an alternative to the bankrupt politics of the past, the notion of their own state may be less political science fiction than it seems. Already, in fact, a pair of founding fathers have given the idea its own radical "Federalist Papers." The document is "Jamestown Seventy,"* a little-noted treatise written by James F. Blumstein and James Phelan, two young visionaries out of Yale Law School. "What we advocate," they write, with a calm that suggests nothing more is at stake than a change in library hours, "is the migration of large numbers of people to a single state for the express purpose of effecting the peaceful political take-over of that state through the elective process."

Blumstein and Phelan are as serious as were Tom Paine and Patrick Henry, if a bit more prolix. Yet they are anything but revolutionaries. Blumstein, who was graduated from Yale in 1970, now teaches at the Vanderbilt University School of Law and is associate director of its Ford Foundation–funded Urban and Regional Development Center. Phelan recently resumed his quest for a law degree at Yale, following a tour in Delaware inspecting the Du Ponts with a band of Nader's Raiders and producing a major study of the corporation. They drew up "Jamestown Seventy" because, like anyone not in a coma in recent years, they see the United States foundering in a sea of conventional wisdom and unresponsive institutions. To their elders who would cling to these anachronisms and to their peers who would meet the problem by blowing up the General Motors Building, they say:

"The short answer to all this—revolution—is impossible when armed revolt by the citizenry at large would inevitably be put down by the military might at the disposal of those in control. We see the best way out in *re*dedicating this nation to its heritage: reopening the frontier, where alienated or 'deviant' members of society can go to live by their new ideas; providing a living laboratory for social experiment through radical Federalism; and restoring effective political communication in a multimedia society. . . . The goal of this take-over would be to establish a truly experimental society in which new solutions to today's problems could be tried, an experimental state which would serve as a new frontier and encourage imaginative local innovation [and], by its example, spur change in society as a whole."

While Vermonters oil up their muskets and contemplate reactivating the Green Mountain boys, some history is in order. Most of it is elementary and squarely in Blumstein and Phelan's corner. From the beginning at Jamestown, Virginia, in 1607, dissent and innovation were commonplace in pre-Revolution America: rickety democracy in Massachusetts under the Mayflower Compact, rare religious toleration in Rhode Island, friendly persuasion among the Quakers in Pennsylvania. And in the years leading up to the war, the colonies became a major testing ground for the iconoclastic ideas and ideologies of the Enlightenment of 18th Century Europe, resulting in the then-altogether-radical notion that, as Thomas Jefferson put it, "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

Arguing that contemporary America precludes the pursuit of happiness for thousands of citizens, young and old, the authors summon half a dozen expert witnesses in support of their case for an experimental state. There is historian Frederick Jackson Turner reiterating his familiar thesis that "American social development has been continually beginning over again on the frontier," Supreme Court Justice Oliver Wendell Holmes stressing the need for "social experiments that an important part of the community desires, in the insulated chambers afforded by the several states," and Yale psychologist Kenneth Keniston (author of *The Uncommitted: Alienated Youth in American Society*) insisting that "Without at least some men and women sufficiently alienated to challenge the established order . . . no social innovation is possible" and maintaining that the "cultivation of and tolerance for alienation, at least in some individuals, is a prerequisite for any major social improvement." These testimonials may seem like radical abstractions. In fact, however, they jibe neatly with the essentially conservative *Realpolitik* of the Seventies: the growing disenchantment with New Deal–spawned centralization and the "widespread feeling in the country today that government must be returned to the people."

Experimental communities, of course, are nothing new to the United States. In the 19th Century, hundreds of Americans deplored one or another aspect of the system and went off to do their own thing. Encouraged by cheap land and the search for tolerance, dozens of sects established thriving farm colonies, such as the many Shaker enclaves east of the Mississippi and the Harmonist villages of New Harmony, Indiana, and Economy, Pennsylvania. Some of these settlements survived several decades and one—the Mormons in Utah—grew into a major force in its state. But for the most part, the religious separatist movements disintegrated under the homogenizing wheels of industrial progress.

More significant, secular breakaways proved even less successful. In the middle 1800s, followers of Welsh

social philosopher Robert Owen and French utopian socialist Charles Fourier eagerly set up some 50 communities in which to pursue Humanism and eschew capitalism. Most were singularly short-lived, folding after a few days when high-minded idealism came up against the rigors of communal life. Nathaniel Hawthorne dropped out of Brook Farm after six months, complaining that he could get no writing done. Six years after it opened for business in 1841, the prominent haven for Massachusetts intellectuals had "faded, flickered, died down and expired." Such discouraging precedents by no means dismay Blumstein and Phelan. On the contrary, they maintain that Brook Farm and its like were bound to fail—as are their counterparts now poking up around the country—because "provisions for the institutionalization of continuing experiment . . . are lacking, as are ties to the larger society."

So, Vermont: where ties to the larger society have existed since it ratified the U. S. Constitution in 1791; where offices available for the institutionalization of continuing experiment include a governorship and lieutenant-governorship, one House seat and two Senate seats in the U. S. Congress, 150 house seats and 30 senate seats in the state general assembly and scores of lesser posts; where the motto is "Freedom and Unity"; and where, as the authors put it in their most splendid understatement, "one can safely assume that the local population would have strong feelings on what was happening."

Already, the natives are restless. In the past few years, Vermont has become the dropout mecca of the Northeastern U. S. "Everybody wants to come here and the trend is growing," says Norman Runnion, managing editor of *The Brattleboro Daily Reformer*. "I get five job applications a week myself." What makes Vermonters edgy, though, is not the influx of city-sated newspapermen but the commune movement. No more than a few dozen settlements operate in the state, but they are having their impact and the Microbuses keep coming. Just down the road from Rudolf Serkin's place in Guilford, for example, is the Packers Corner Commune. Now in its fourth year, this well-organized precinct is firmly established on more than 100 acres of deeded land. Up against the Canadian border near Island Pond, Earth Peoples Park, Inc., has purchased 594 acres. And at the Cambridge (Massachusetts) Institute, a kind of counter-institutional think-tank, ideas have been circulating concerning the establishment of a new city "in which communal living relationships would be central." If funding had been available, the institute was interested in acquiring land, possibly in Maine. Just as possibly in Vermont. "There's a good deal of vigilante talk hereabouts these days," says one long-time Vermonter. "So far it's just talk, but if those unwashed troublemakers keep coming, we'll be ready." Blumstein and Phelan acknowledge the potential explosiveness: "The first great test of the experimental program will be the safeguarding of the rights of the indigenous population."

Short of violence, of course, any organized movement to update Vermont would quickly come up against a volley of legal buckshot. The Federal Constitution may protect the invaders' basic rights, but a governor and an inventive attorney general could create an assortment of frustrating hurdles anyway. For openers, they could summon a willing legislature into emergency session and quickly extend the state's new, liberal residency requirement of 90 days in state-wide elections, putting the voting booth off limits to all newcomers for three years. Or five. Or ten. Though such a tactic clearly would be prejudicial, the U. S. Supreme Court has yet to rule on what, if anything, constitutes fair and reasonable state and local residency periods; thus, the new law would stand as an impediment until the Court rules, which it may during the current session. Suits challenging residency laws, however, have been filed and won in a number of states, among them Tennessee, where the plaintiff was none other than Jim Blumstein. Blumstein says that he filed his suit to vindicate his personal civil rights, not as a first step toward implementing "Jamestown Seventy." "But when one of my colleagues heard about the suit after reading the treatise, he went running to the associate dean, crying, 'Look what we just hired,'" Blumstein recalled not long ago. "I told them not to worry about an attempted take-over of Tennessee, because the population [3,923,687] is too large."

Beyond extension of residency requirements, Blumstein and Phelan concede any number of other obstacles to their goal. If the new pioneers appeared on the verge of gaining the upper hand in, say, Franklin County, the general assembly in Montpelier could rearrange the boundaries and gerrymander the threat away. Or, for that matter, it could abolish counties and townships altogether and require all candidates for the general assembly to run at large. In addition, the "ins" could consolidate their power by making key elective posts appointive and by requiring that all new legislation be passed by a four-fifths majority. Obviously, some of these ploys are of dubious constitutionality and open to attack in the courts. But legal redress in many cases would take several years. Vermont straights could keep the heat on their would-be liberators, meanwhile, with an endless variety of lesser harassments—from unreasonably stringent health regulations for communes to arbitrary denial of admission to the bar, to the refusal of indigenous physicians to treat the ills of newcomers (whose own doctors would have been denied licenses to practice medicine in the state).

Despite the catalog of formidable obstacles available to the Vermont establishment, Blumstein and Phelan are confident of success over the long run. They insist in their blueprint that "given a time perspective of ten years (though the time could be considerably shorter), it's entirely possible that enough disenchanted, idealistic, adventurous and creative people would accept the challenge of resettling in a single 'frontier' state, especially once the word was out that a movement was on."

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Summer 1976. With headquarters on Main Street in Montpelier, a nationwide Mobilization to Open Vermont for Experimentation (MOVE) has brought more than 125,000 newcomers to the state. And in many areas, these Movers—as the pioneers call themselves—now hold the balance of power. The first to fall was Bennington County in November 1974, after the Supreme Court extended the Federal 30-day-residency maximum to state and local elections, and only 18 months after 750 of the participants in a National Conference on Women's Liberation at Bennington College decided to stay on and organize the country's first female-dominated political unit, now called Steinem County. Encouraged by the ladies' stunningly swift coup (made possible in no small part by the enthusiastic support of until-then-quiescent Vermont housewives), other groups staked out and renamed claims. Windsor became Hoffman County as the irrepressible Abbie and thousands of his Yippie followers re-established the Woodstock Nation in Woodstock, Vermont. More than 800 former Raiders and their families became formal residents with either permanent or summer homes in Nader (nee Essex) County. In neighboring Wilkins (nee Orleans) County, some 1500 young, middle-class black families did likewise.

Of course, not everything went smoothly. When the Black Panthers tried to start a colony in Wilkins County, a harmoniously integrated gang of night riders drove them away in the now-infamous Torching at Little Hosmer Pond. Similar hostility greeted the Panthers and other black militants when they sought to put down roots in other areas and for months they wandered the state until a generous endowment from

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the Leonard and Felicia Bernstein Fund enabled them to gain control of Grand Isle (now Cleaver) County in the middle of Lake Champlain. The Students for a Democratic Society weren't so fortunate. Their dream of creating a New Left staging area in Chittenden County died aborning when, during a ceremony in Burlington rechristening Ethan Allen Tower the Herbert Marcuse Monument, a dozen Weathermen slipped away and demolished General Electric's Armament Systems Department, inviting massive retaliation from the National Guard.

There were other setbacks (such as the failure of the Moog synthesizers to technologize the Marlboro Music Festival), but in general, the Movers made steady gains—and for some surprising reasons. For one, they encountered considerably less economic hardship than originally anticipated. Repeated appearances by Blumstein and Phelan on *The Dick Cavett Show* not only persuaded their fellow Yale graduate to build an A-frame house and make his legal residence in Middlebury but generated widespread vicarious support for "Jamestown Seventy." Donations poured into the Montpelier headquarters—from wealthy liberals bent on redeeming themselves for their collaboration with the forces of mindless materialism, from even wealthier conservatives eager to encourage the decentralizing doctrine that underpinned the project and from students at the nation's colleges and universities. Indeed, institutionalized links between several universities and communities in Vermont not only helped provide financial support but assured a steady flow of new settlers as well.

The Movers augmented this assistance by setting up a number of thriving cottage industries, most notably the production of the now-ubiquitous red-white-and-blue sweat shirt with MOVE FOR A BETTER AMERICA stenciled on the back and a bust of Horace Greeley on the front. Moreover, many Yankees proved far from antagonistic when it came to making a fast profit selling goods, services and land to the Movers. This proved a particularly felicitous development, because older Vermonters salted away this cash bonanza and retired to warmer and politically more tranquil climes, thus further lowering the electoral tipping point. Their departure also helped ease the housing shortage, one that never reached the dire dimensions predicted because of the Toyota Conestoga, the compact, all-weather mobile home that Japan began marketing in the U. S. in 1973 for $3500. Besides these unforeseen solutions, the Burger Court proved wholly sympathetic to the Movers' aims. Not only did it uphold the plaintiff in *Blumstein vs. Tennessee* but all attempts by the state of Vermont to block the new arrivals with dilatory legal niceties were promptly struck down.

By far the most unexpected support, however, came from the Nixon Administration. Despite repeated pleas by Vermont's Senator George Aiken and intense lobbying on Capitol Hill by the maple-sugar industry, the President consistently endorsed "Jamestown Seventy." "The goals of these young people are altogether consonant with our great American heritage," he proclaimed at the July Fourth bicentennial celebration in Philadelphia. Predictably, some cynics questioned the President's sincerity, insisting that what actually excited him about the Movers was the prospect of isolating so many potential troublemakers in a readily surroundable compound. Nor was this view weakened when *The New York Times* reported that Vice-President Agnew, the Republican Presidential candidate, had quipped in one of his late-evening phone conversations with Bob Hope that Vermont should be called the Rotten Apple State and that if he lost the election, he might go into the barbed-wire business. Still, whatever

its real purpose, the Administration in no way used the enormous resources at its command to make life difficult for the Movers. And now, in the summer of 1976, their goal seemed closer at hand than ever as thousands more migrants arrived in the state, spurred by the "New Spirit of '76" campaign, a nationwide advertising blitz designed by Doyle Dane Bernbach, whose entire creative department had moved to St. Johnsbury in 1974.

In the Movers' first effort to consolidate power state-wide, they decide to sponsor an entire ticket for state-wide executive and legislative offices, attempting to unite their disparate constituency behind the immediate goal of peaceful political takeover. Stumping the state, the candidates promise that once control is achieved, all Movers will be given a voice in how the state is run, not only through the legislature but in the executive branch as well. At a widely publicized vigil in front of Calvin Coolidge's birthplace at Plymouth, they reiterate "Jamestown Seventy's" warning that "If the new majority becomes involved in fragmented political bickering, the traditionalists might maintain the balance of power" despite our numbers. As we all know, "Revolutionary groups have had a history of declaring war on their closest ideological ally, [and] such a pattern in the early stages of our political struggle might torpedo any chance for hegemony."

Already, in fact, fissures have begun to appear. The Steinem County Council, for example, voted seven to five in favor of a resolution demanding more women on the ticket. Blacks in both Wilkins and Cleaver counties have demonstrated increasing anger over the predominantly white slate, though a weeklong summit meeting of moderates and militants at Enosburg Falls failed to produce agreement on black substitute candidates. Disdaining politics altogether, Abbie Hoffman insists he and his Yippies will boycott the November election and then secede from the state. Meanwhile, the Nader County Consumers' Cooperative threatens to create a major housing crisis with a suit demanding that Toyota recall 20,000 Conestogas.

Despite these internecine threats, the summer polls give the Movers an even chance of winning and, as they enter the homestretch, our scenario ends. Could they make it? And if they did, could they (or anyone else) hold such an ego-tripping electorate together for experiments in anything beyond political chaos? Perhaps not. Then again, telling off a king and dumping all his tea also seemed somewhat unlikely at the time. Whatever the odds, Blumstein and Phelan are convinced it can be done. Nor do they insist on Vermont. In a footnote, to whomever it may concern, they conveniently list the nation's ten least-populous states: Alaska (302,173), Wyoming (332,416), Vermont (444,732), Nevada (488,738), Delaware (548,104), North Dakota (617,761), South Dakota (666,257), Montana (694,409), Idaho (713,008) and New Hampshire (737,681).