The Supreme Court has denied our petition for certiorari. This ends the case, but the issue remains. It is an incredibly harsh result for the cause of representative government in this country. The following comments may help to put it in perspective.

At the outset, it is vital to understand that the Supreme Court's denial of certiorari does not indicate approval of the lower court's decision. The decision of the Court of Appeals in the District of Columbia is the law of the case, but if the facts warrant, a further challenge after the 1976 election is not foreclosed. I do not underestimate the difficulties of such a challenge, nor suggest that Ripon take such action. Since only a decision by the Supreme Court can settle the question, a lower court decision is not conclusive, particularly a decision which is so completely at odds with precedent, history, and reason.

The reasons why the Court decline our petition will never be known. Unquestionably, the timing hurt. The lower court is primarily responsible for the delay, having held the case for 14 months before reaching a decision. In reapportionment cases, the court has frequently expressed reluctance to interfere with a pending election, but has noted jurisdiction and granted relief for subsequent elections where the issue is one which is capable of repetition, yet evading review..." Here, it was obvious that the apportionment of delegates to the 1976 Republican National Convention could not be changed, and the Court may well have concluded that by taking jurisdiction, it would impugn the legitimacy of the Republican nomination. Even five months before the final Court of Appeals decision, Chief Judge David Bazelon, commenting on the effect of the delay, wrote that "...any expedition at this stage is entirely fruitless...the initial damage is done."

The lower court decision is contrary to principles established in other reapportionment cases, which have consistently struck down discriminatory primary and general election procedures. Every federal court that has considered the question since 1968, including courts in Montana, Maryland, Delaware, and Washington, has held that the selection of delegates for a national convention is subject to reapportionment principles. In 1971 the Court of Appeals in the District of Columbia twice held such principles applicable to national convention apportionment. Its change of heart in our case is based on its interpretation of several peripheral Supreme Court decisions. In one of these, the Court expressly states that it intended no view on the question raised by our case. Last month the Supreme Court affirmed without opinion the decision of a California court upholding the winner-take-all primary. The opinion of the lower court included the statement that, although the "Constitution does not require that the voters be afforded an opportunity to participate at either final or preliminary stages in the nomination process for presidential candidates...when an election is held in the delegate selection process, the weight assigned to individual votes cannot depend on where individual voters live or whether they belong to identifiable racial or political groups."

Subject to the Electoral College distortion in favor of smaller states, this principle is no less valid for the nation, given the fact that 29 states and the District of Columbia, which have 78 percent of the nation's population and cast 77 percent of the 1972 Republican Presidential vote, have scheduled some form of primary election in connection with the Presidential nominating process.

The Appeals Court decision is contrary to history. The debates in the Constitutional Convention confirm beyond question that the apportionment of Electoral College votes was intended to ensure the large states representation substantially proportionate to their population, subject to the addition of two members for each state. The smaller states were assured an equal vote only if no candidate were to receive a majority of the Electoral College vote. In that event, the President is elected by the House of Representatives with each state casting a single vote. To deny the more populous states their full representation in preliminary
phases of the Presidential election thus betrays one of the solemn covenants which made us a nation.

It is also contrary to reason. At the 1976 convention, one of the smallest states, Nevada, will cast 18 votes or six times its Electoral College vote. To afford a comparable representation to the larger states, New York's delegation of 156 would have to be increased by 92; Pennsylvania's delegation of 103 increased by 59; Ohio's delegation of 96 increased by 54; Illinois's delegation of 101 increased by 55, and California's delegation of 167 increased by 103. We have never contended that the Electoral College should be the sole standard of apportionment, but no objective measure of party strength could ever produce disparities of this magnitude.

The enormity of the error in sanctioning any apportionment purporting to serve the party's interests in apparent in the disproportionate allocation of delegates to the District of Columbia. By failing to address the reasons set forth in the record for that allocation, the Court of Appeals gave tacit sanction to the justifications advanced by the Republican National Committee for the disproportionate allocation, which include "large financial contributions to the Party." The use of money as a basis for representation is an outrageous disgrace.

In purpose and effect, the dilution in representation accorded the more populous states at the 1976 convention is no different than a conspiracy to stuff ballot boxes throughout the nation. It is the invention of a faction which secured the nomination for President and Vice President of men who disgraced the nation and the party with the most corrupt administration in history. Had the 1968 convention been apportioned on the basis of the Electoral College, Richard Nixon would not have been nominated on the first ballot. His friends and supporters conceded that if he were not nominated on the first ballot, he probably would not have gotten the nomination. The current apportionment again favors the least populous states, and may well result in the nomination of a candidate on the extreme right who does not represent the choice of a majority of Republicans, and can never secure the support of a majority of the people. That the party should have Federal funding for a convention which entrenches a faction that is not representative of the majority of Republicans aggravates the injustice.

I can offer no panacea, only a redoubling of our efforts with confidence that our cause is right. Even a favorable court decision would have left the development of a new apportionment formula to the party. The failure to gain such a decision makes reform more difficult, but state party leaders who have the courage to fight for a fair representation for their states will have compelling arguments to present to the convention that the existing apportionment formula is grossly unjust.

If the 1976 convention does not adopt a fair apportionment for 1980, a further court challenge will be justified, encouraged by the same principle enunciated by Chief Justice Harlan Stone in a decision sustaining the power of the government to deal with corruption in Presidential elections:

"If the government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and
President Ford’s 53-47 percent win in the Florida primary simply reaffirmed the contention that last December’s Gallup Poll showing Ronald Reagan in the Republican lead in the presidential race was the luckiest thing to happen to Ford since he became President. That poll gave the Ford campaign two important boosts: It made Ford the underdog and robbed Reagan’s rhetoric about “moral victories” in the early primaries of real meaning. And second, it demonstrated the bankruptcy of Howard “Bo” Callaway’s strategy of “preempting” the nomination by undermining Reagan’s conservative support. The significance of the Gallup Poll was underlined in January and early February when the news media filled with stories of disastrous Ford organizational efforts in New Hampshire and Florida. Ford looked so bad after December and January that even his small victories in New Hampshire and Florida made him look good. None of that would have been possible without George Gallup.

For Republicans, February and March suddenly turned unseasonably warm. Reagan’s rhetoric was matched by the campaign fireworks of Spencer–Roberts for President Ford. And while little light may have been shed on real issues by the ensuing exchanges between President Ford and Governor Reagan, a good deal of heat was generated—warming Ford’s campaign more than Reagan’s. As Human Events complained before the New Hampshire primary, “Whatever the results of the first-in-the-nation–primary this week, President Ford can no longer be looked upon as a gentlemanly opponent. Along with his political hatchmen, he has tried to tar Reagan with virtually every major smear that Nelson Rockefeller and the Democrats accused Barry Goldwater of in 1964.” Presumably, Ford should have suffered defeat like a gentleman.

Excuses about Reagan’s relatively poor performance in New Hampshire, Massachusetts, and Florida simply don’t hold water—except in one vital area. In the final weeks of February, Gerald Ford learned what Richard Nixon never forgot, that he and not Ronald Reagan was President. That fact alone can impress voters and depress opponents. Incumbency, whose value has been downgraded in recent years and months, got a sudden boost in the arm in Florida.

Ford’s earlier defeat of Reagan in Massachusetts glossed over one of the anomalies of the Republican nomination process. While 21 delegates were sweat over by Reagan and Ford in New Hampshire, only 43 were ignored by them in Massachusetts. While the Massachusetts GOP has only a 2-1 edge over its neighbor in delegate strength, it has about a 5-1(14-3) edge in Electoral College strength. In registered voters, Massachusetts outnumbers New Hampshire 10-1. And in Republican strength, five times as many Republicans voted for Richard Nixon in Massachusetts in 1972 as voted for him in New Hampshire—despite the Bay State’s distinction as the only state to reject the deposed President. If the 1974 gubernatorial races are used as a criterion of Republican strength, there were seven times as many Republican adherents in Massachusetts as in New Hampshire—despite a losing race by Gov. Francis Sargent (R-Mass.). By any criterion, the delegate allocation between these two states is absurd.

Before Reagan drops out or fades out, here’s a rundown of other state developments:

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Arizona: National GOP Committee woman Mary Crisp says Reagan can't win the general election, but Reagan's clearly leading Ford in Arizona. One poll showed the former California governor with a 44-37 percent lead. According to Southwest regional Ford coordinator Al Zapanta, "We know we're behind in Arizona. A poll is being conducted now to see just where we stand." Similar comments have been made by House Minority Leader John Rhodes, a Ford backer. Incidentally, Sen. Barry Goldwater ruffled conservative wings with his winter praise of Vice President Nelson Rockefeller, saying that Rocky would be "a good President and one I completely agree with on foreign policy."

California: Reagan took a dramatic leap ahead of Ford in the latest California poll, grabbing a 54-37 lead, a startling reversal of Ford's nine-point lead last August. However, Ford still does somewhat better than Reagan in test runs against possible Democratic candidates. "California Republicans are all waiting, praying for this thing to just go away," said GOP State Chairman Paul R. Haerle of the Reagan-Ford contest. "Close friends are on both sides. Families are split. It's almost like the Civil War," commented one Reagan backer. Ford made further incursions into the ranks of Reagan's former backers when State Sen. Dennis Carpenter (R), a conservative, joined Attorney General Evelle Younger (R), a moderate, as co-chairman of the state Ford campaign.

District of Columbia: A slate of 14 pro-Ford delegates has been chosen, but not without arousing the emnity of GOP women who were angered that only four women were selected. According to the D.C. Ford chairman: "There were several women who turned us down. ...Some of these young people we never saw before and now they want to be delegates. In the pecking order of things, you don't just get right on and do everything."

Indiana: President Ford has been talking about addressing a $100-a-plate dinner June 17, just before the GOP state convention. Although the May 4 primary will determine the delegation composition, the news may help neutralize the appearance by Reagan at a similar affair last year.

Maine: Former State Sen. Harrison Richardson (R) resigned as the Ford campaign chairman just after the New Hampshire primary and was succeeded by State Rep. John R. McKiernan. With U.S. Rep. William Cohen (R-Me,) campaigning actively for Ford in New Hampshire and the possible loss of a major defense contract softened for the state, things would have been looking up for the Ford--if it weren't for the Rev. Herman Frankland and his Baptist congregation. Frankland, angry at McKiernan and the local GOP because the legislature overrode Gov. James Longley's veto of a school tax package, packed the Bangor caucuses...defeating even McKiernan as a convention delegate with his congregation's newly-enrolled Republicans. More disturbing to Republicans is the infiltration of GOP ranks by members of The Way, a dynamic and evangelical Christian group which has virtually overwhelmed GOP groups in some towns. Efforts by Way members have GOP leaders confused, uncertain what they expect to accomplish.

Minnesota: In straw ballots taken after the state's recent precinct caucuses—which were much more heavily attended than anyone expected—Ford led Reagan by 55-37 percent. That showing and Ford's lead in all eight congressional districts compares favorably with a November poll which showed Ford had a 42-23 percent margin.

Mississippi: State GOP Chairman Clarke Reed is known for his ability to tell which way the political winds are blowing and his recent prognostication on Reagan-Ford was: "Reagan's strategy was to deliver some knock-out blows in the early primaries. It's not happening. Republicans tend to stick with the incumbent. It will be very difficult for Reagan to win the nomination."

New Hampshire: Little noticed in the hullabaloo over Ford, Reagan, Carter, Udall, Bayh, et al in this state was Wallace Johnson's accumulation of 75 percent of the vote in the Republican vice presidential primary. The former Berkeley, California mayor based his campaign on opposition to congressional pay raises; Johnson was the author of an article on expanded employee stock ownership in the Rikon QUARTERLY (Summer, 1975).

New York: Reagan is staying out of this state to avoid angering the GOP hierarchy, but the shakiness of the state's officially uncommitted delegation may be indicated by signs that perhaps half the district delegates in Monroe County, an upstate moderate GOP bastion, may lean to Reagan. According to Reagan aide John Sears, "At this point, with the delegates uncommitted, we at least feel we will be able to deal with enough of them that we won't be harmed." According to GOP State Chairman Richard Rosenbaum: "In our delegation there are people who favor Ford and a few people who in their hearts feel prone to support Gov. Reagan. But this is a team operation and most of them are also very staunch Nelson Rockefeller supporters."

North Dakota: A fall poll showed Ford leading Reagan by a 55-45 percent margin, but some Republicans believe that the President has picked up about five percentage points—despite the hindrance of Ford Administration grain export policies.
Ohio: Former State GOP Chairman John S. Andrews, State GOP Chairman Kent B. McCough, GOP National Committeeman Ray C. Bliss, and GOP National Committeewoman Martha C. Moore are all assisting Ford Chairman Keith McNamara. Despite the heavy organization lean to Ford—a Cleveland Plain Dealer Poll showed Ford leading among GOP county chairmen by a 23-4 margin—state polls have shown the two Republicans running fairly close. Still, McCough has claimed that Ford would "win pretty handily" in the state.

Pennsylvania: A UPI survey of GOP county chairmen showed Ford had a 45-12 lead over Reagan. Delegate candidates are officially uncommitted so organizational influence will be strong. The failure of Reagan to mount an organizational effort in the state is symptomatic of the Reagan campaign's strategic weaknesses.

Rhode Island: With James Field, Jr., the state GOP chairman, off to Washington to serve as associate director of White House personnel, the youthful GOP leader has been succeeded by party secretary Americo Campanella. Meanwhile, Providence Mayor Vincent "Buddy" Cianci has been named to head the Ford campaign while conservative businessman James Nugent, the GOP's disastrous 1974 gubernatorial nominee, is heading the Reagan campaign.

South Carolina: The Ford campaign appears to have chalked up this state as virtually a complete loss. Although the GOP caucuses come in late March and Sen. Strom Thurmond (R-S.C.) has declined to publicize his presidential preferences, Gov. James Edwards (R) is solidly behind Reagan and locked up the state for him. It's even hard to find a Ford spokesman in the state; a North Carolina aide said, "We'll try to pick up a few delegates here and there. But we respect Gov. Edwards' position and won't make an all-out effort. 'We'd much rather have the governor and his people with us after we(ford) get the nomination.'

Virginia: State Del. Wyatt B. Durette, a Fairfax moderate, has been named one of three state cochairmen for Reagan. The appointment of Durette was compared to that of fellow cochairman Sen. A. Joseph Canada, Jr., of Virginia Beach, since ambitions for statewide office are attributed to both men. In a recent statement, State GOP Chairman George McMath observed: "It would appear that at the present time that a majority of Republicans in Virginia favor Gov. Reagan.

Washington: A State GOP survey of recent precinct caucuses reflected a 50-40 percent lead for Ford, but Reagan organizers have maintained they have a 3-1 lead in convention delegates.
The city—-as we know it—is a relatively recent development. At the time of the Declaration of Independence, the population of Philadelphia, the largest American city, was 28,000. Throughout the world at that time, there were less than 25 cities with a population of 100,000 or more. Since 1776, the rate of growth of our cities has been dramatic. Unfortunately, as Miles Colean commented some years ago in Renewing Our Cities, growth "came about almost too fast for thought and certainly too rapidly for adequate foresight. It put a premium on the quick, the makeshift and the expedient."

Growth alone—in terms of increasing population—would not necessarily have resulted in the problems now faced by our cities. It is conceivable that the growth in population could have been accommodated in a relatively small geographic area through the use of high density land utilization, i.e., the focus might well have remained inward. However, the march of technology eliminated this possibility. The development of mechanized transportation allowed people to live at a much greater distance from their place of work than had been previously possible. They were no longer forced to live within walking distance.

Another technological change which had a dramatic impact was the increasing use of the production line with its emphasis on single-story buildings. Industry faced a need for larger facilities; facilities which were not normally available at an acceptable price in the existing city areas. Thus, industry turned to the suburbs for suitable locations. Still other factors tended to reinforce the outward expansion to the suburban periphery. The focus was outward rather than on the reuse of decaying urban areas.

The result of the outward focus was inevitable. The quality of life in the inner city began to decline. The tax base (in constant-dollars-per-capita) either declined, or, at best, remained constant, making it extremely difficult for the city to maintain essential services. With the passage of time, the problem has become increasingly complex as the demands on the city have increased, as the costs of any solutions have skyrocketed, and as the suburban areas themselves have duplicated the services previously offered only by the core city.

Recognition of the problem is not new. Planners in the 1920's saw the dangers inherent in the continued growth of the cities. It was not, however, until the Great Depression, when an almost continuous pattern of growth and expansion was finally interrupted, that it was realized that urban decay was not a transitory phenomenon which would be cured by further growth but that it was a permanent characteristic likely to expand as cities grew. The first attempt at reversing the trend was the United States Housing Act of 1937, which attempted to provide federal loans and subsidies for slum dwellers. However, it soon became apparent that the problem was far more complex and that broader methods would be required to solve the problems associated with the disintegrating city. The terms "urban redevelopment" and "urban renewal" were a product of the realization that simple and local solutions would be inadequate. One had to focus on the entire process.

A good deal of public money has been employed in this process in recent years with the philosophy of "knock it down and build anew." The result has been the devastation of large areas of the core cities. Once these areas have been reduced to street level, new office buildings, new city facilities, and large housing complexes have risen to fill the void. In many cases, private enterprise has been a willing partner in and major beneficiary of these waves of new construction. Too often, the results have been sterile. Not infrequently, the result has been a massive slum or a high-priced ghetto. Architecturally, the results may have been commendable, but from the viewpoint of a viable city, the results have been deplorable. The city has continued to disintegrate. The outward pressure—the flight to the suburbs—continued and the core city continued to die.

There is one bright and relatively recent development. A few firms, a few banks, and a growing handful of adventurous individuals are reversing the trend by attempting to restore rather than destroy the city. Instead of knocking down and building anew, they have chosen to attempt a renovation. Instead of continuing to flee the wrecker's ball, they have chosen to stand and fight. For all the parties involved, it is a gamble. The risks are often far higher than those experienced in other parts of the city. Still, people and institutions are increasingly willing to risk their own money in an attempt to revitalize the city. This is a tremendously important movement. Where it has succeeded,
the city still lives. Unfortunately, where it has failed, it has left a scar on the private community. It is important, therefore, to understand some of the factors which have led to success and failure—the hurdles on the road to successful urban renewal:

**Time perspective.** People, in general, have a relatively short time perspective when it comes to solving problems. They are interested in visible, immediate solutions. Politicians and public officials, in particular, have a short time perspective. They benefit from high visible, short-term solutions. Unfortunately, such time frames impose an undesirable perspective on urban renewal. Solutions either have to be short-term or massive in nature. Neither is desirable. We are not going to renew in three years that which took 50 years to create. We have to adopt a long-term perspective. We have to consider urban renewal as a long-term war; a war in which we may lose some of the battles but for which there is a clear-cut objective.

**Sectional attitudes.** Too often, the perspective is our district versus their district or our school system versus their school system. Again, our political system tends to encourage this sectionalism. Yet, we must move towards a broader perspective. We must establish that the good of the overall city and the surrounding suburbia depends upon the renewal of the city itself, and that it is in the best interest of the sectional groups to work towards a common goal. We cannot afford, from the viewpoint of urban renewal, to see progress blocked because the first effort is not being made in our neighborhood or because it might involve the use of our resources.

**Financial deficiencies.** It has become extremely expensive to really make progress in renewing the cities. Even the smallest project requires a considerable capital investment. We cannot wait, however, for massive infusions of public money. Not only is it unrealistic to rely on such funds becoming available, but it is also highly questionable as to whether the residents of the city benefit from paying out money as taxes only to get it back in a form which does not meet their needs. We must mobilize all available local and private sources of financing. If necessary, we must create the means of generating such funds. Furthermore, we must not overlook the tremendous source of both funds and effort which the people directly affected by urban renewal can generate. The people themselves are a major resource who are often overlooked.

**Organization inadequacies.** Many observers will say that the necessary organizations for urban renewal do exist. I would argue that we are far from having established the necessary viable organizational linkages. We need to bring together all the parties to solve the problems. We also need to give such organizations the power to implement their decisions. Too often, organizations, which in theory have the power act, are subject to interminable review and control. Let us establish the necessary organizations—consisting of homeowners, renters, banks, public utilities, etc.—and give them the responsibility for action.

**Philosophical inconsistencies.** On the one hand, we have the courts and Congress committing us to certain philosophical directions. On the other hand, effective urban renewal may require completely different philosophies. For example, it may be highly desirable from a social viewpoint to help the poor, it may make much more sense to invest in the middle class, a segment of the population that may be far better able to benefit from financial largesse. Similarly, the courts' philosophical commitment to busing conflicts with the objective of attracting middle class families to selected, previously-decaying neighborhoods. To overcome this problem, we may either have to change some basic social philosophies or obtain local variances in their application.

**Lack of perception of the true nature of the city.** Over the last 25 years, we have focused on the renewal of the buildings and facilities. We have overlooked the true nature of a city. A city is people. It is character. It is life and vitality. It is not a mass of sterile parking lots or a collection of office buildings which die at five o'clock. It is not an area to which people come—whether to shop or to go to the theater—and then leave. It is, if it is to have any meaning, a vital collection of people. And urban renewal must be oriented towards bringing those people back into the city.

**Lack of an overall approach to solving the problems.** Too often, the emphasis has been placed on the massive project costing millions of dollars where, only a short distance away, a much more effective (if less grandiose) piece of urban renewal could be carried out for a small fraction of the cost. Too frequently, urban renewal as planned will do nothing to revitalize the city. And in too many cases, urban renewal is carried out in the middle of an area which is itself not a viable community.

What then is the solution? First, the city must be perceived in terms of people. Then, we must take a long-term perspective which looks at the situation from more than sectional interests. We must establish the institutional linkages and we must mobilize the full resources of the community to solve
The key to the incremental approach is to start with a neighborhood which is socially and economically viable. This becomes the front line. From this point, we will move forward, renewing the city block by block. We are not going to commit our resources to a major leap forward. Rather, we are going to consolidate each area before tackling the next. Having identified the viable neighborhood, we then move into the nearest blocks of the decaying area. We identify what needs to be done to reverse the decline. We establish the organizations to implement the needed actions. We mobilize all our resources to rebuild one or two blocks. We integrate them into viable neighborhoods. We extend the services of the viable neighborhoods into decayed areas. Wherever we can, we restore and renovate what exists. We find new uses for warehouses. We try and maintain the character of the area. Only when we conclude that the existing facilities cannot be provide new uses do we build new structures.

Eventually, we recover the decaying area. It is now a viable community. But it borders on an area torn down in an earlier fit of urban renewal. At this point, we avoid the temptation to jump in with a massive, all-encompassing project. Instead, we continue the incremental approach. We work from the existing viable community and again, build block by block. Each successive area that is rebuilt must automatically become part of a viable neighborhood. It must not be considered either as a block that can stand alone or as part of something to be built in the years to come. It must be viable when it is built. This means it must have access to public facilities and schools. There must be industry in the area. There must be the same mix of interlocking parts that constitute a typical suburban area. Only in this way will the return of people to city be ensured.

The incremental approach is, in many respects, an unexciting approach. It doesn’t have the pizzazz of so many of the fine, multi-million dollar projects. Yet, it has a degree of realism that so many of the high-flying programs do not. It doesn’t assume that all the problems will be solved overnight by the pouring of concrete. It does assume that much of what already has been built should be restored. And it does place considerable emphasis on both private enterprise and private effort.