

RIPON FORUM



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Conversation with
Robert Stafford

Cleaning Up
Hazardous Wastes: A
Republican Approach

Can Science Save
Amazonia?

Executive Privilege:
The Environmental
Protection Agency and
the Supreme Court

19 New Jersey Avenue

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The GOP Heritage:
Maintaining the Environment

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RIPON FORUM

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Editor's Column

The rich Republican legacy on environmental matters has been noted since the days of Theodore Roosevelt and his conservation efforts. But now there exists a perception that Republicans are not interested in preserving the environment, rather that they are interested only in exploiting it for ill-gotten gain.

This issue of the *Forum* seeks to challenge that perception. Starting from the premise that some members of the GOP have indeed abandoned their heritage, Republicans like Robert Stafford and Claudine Schneider have been called upon to address a number of environmental issues and relate their importance to the party. That stewardship of the Earth's resources is actually a non-partisan issue is pointed out best, though, by Tom Lovejoy of the World Wildlife Fund-U.S. and Joel Horn of The Year 2000 Committee, both of whom make it clear that a clean, healthy environment is of importance to us all.

— Bill McKenzie

Notice to Readers

The spring issue of *Ripon Forum* contained an article by our chairman Rep. Jim Leach "R-I-A", entitled *Pax Americana*. Unbeknownst to the editors and Rep. Leach this is also the title of a directory identifying political action committees by their interests, published by Sunshine Services Corp., Washington, D.C. *Pax Americana* is a trademark of that firm. Sunshine Services also provides a number of services analyzing and reporting on money and politics under a trademark *Pax Americana*. We regret any confusion.

MEMO

TO: THE EDITORS

RE: SPECIAL INTERESTS

While I found the special interest voting charge in the April *Forum* to be of interest, I must take issue with one of your votes concerning the dairy industry.

Dairy farmers face great hardships. The cost of milk production is rising, meaning that many dairymen are in debt and barely able to hang on. In addition, you should realize that dairy production is a demanding twice-a-day, 365-days-a-year job with little relief available.

Because of these problems, I strongly disagree with your position on opposing subsidies for dairy producers. This, unfortunately, reflects public ignorance of the dairy industry's problem. The price support subsidy in question, vote number six, would only affect a small fraction of the \$.70 per quart farmers receive. So instead of opposing aid to help out dairy farmers, you should realize that some assistance for the dairy industry is needed, if only to insure that it remains a vital industry.

C. L. Gibson, New York City

Profiles and Perspectives

Senator Robert Stafford, R-Vt., has been a member of Congress since 1960. During that time he has worked in both the House and Senate to maintain a clean and healthy environment. Most recently, he has served since 1980 as chairman of the Senate Environment and Public Works Committee. In this interview with **Forum** editor Bill McKenzie, he discusses some of the issues before that committee and ranks his environmental priorities for Republicans.



Senator Robert Stafford

A Conversation with Robert Stafford

"It appears that the House will be key in determining whether any clean air legislation will be written."

Ripon Forum: The controversy over the Environmental Protection Agency (EPA) has received a lot of attention, yet there remain a number of troubling environmental issues. One of the most important is the reauthorization of the Clean Air Act, which the National Clean Air Coalition, a group of environmental and health organizations, says needs more strengthening. Given such concerns, what chances do you give for a compromise being struck on the Clean Air Act during this Congress?

Stafford: It's hard for me to estimate what attitude the House will take. But at this point, it appears that the House will be key in determining whether any clean air legislation will be written.

I do have high hopes and a reasonable confidence that we can pass a clean air package of amendments in the Senate. The most controversial aspect of clean air legislation will be acid rain controls. That, of course, means the control of sulfur oxide emissions in the heartland of America, which most people and scientists agree is the basic cause of acid rain in the Eastern 31 states.

However, one popular misconception I would like to point out and have cleared up is that the Clean Air Act is somehow expiring. That is not true. If no action occurs in this Congress, as in the last, then the Clean Air Act will continue without change. Although it could be made easier to live with if some duplicative procedures between states and the federal government were eliminated, it is not a bad act.

Ripon Forum: Certainly acid rain has received a fair amount of press attention, but confusion over the issue remains. What are the key issues regarding acid rain, and if you could make a recommendation to your colleagues regarding this legislation, what would it be?

Stafford: My recommendation, as it was last year, would be the acceptance of the provisions worked out in the Senate Environment and Public Works Committee during the 97th Congress. These took over eighteen months and involved sixty days of hearings and markup and would provide for removing approximately eight million tons of sulfur oxide from the emissions into the upper atmosphere over the next ten years — a truly remarkable compromise position. And since politics is the art of the possible, compromise becomes a necessity.

"I do have high hopes and a reasonable confidence that we can pass a clean air package of amendments in the Senate. The most controversial aspect will be acid rain controls."

This is a compromise position because the basic industries involved in the heartland of the industrial area, which put most of the sulfur oxide into the air, don't want to do anything except study the question, while the environmentalists, who are all friends of mine, want to go to twelve million tons. Some scientific evidence indicates that this would be a preferable level, but it appears that it is unattainable at this time. Therefore, the points developed in last year's bill, which was passed out of the committee by a 15-to-1 margin, represent a compromise between business interests and the environmentalists.

Ripon Forum: But do conditions exist that will allow a compromise to be reached this year?

Stafford: Since there is a growing public awareness of the problem of acid rain, time is on the side of getting something done. Public opinion now recognizes that acid rain is hurting timber growth, crops, aquatic marine vegetation, and even aquatic life.

The second factor is the mounting scientific evidence which shows that this is a serious problem. This is an important part of the growing demand for action.

Ripon Forum: What about the Clean Water Act? Will it reach the floor soon, maybe in this session?

Stafford: Yes, our hope is that we will do the Clean Water Act and the Resources Conservation and Recovery Act (RCRA) in the Senate before August. RCRA will probably come first and Clean Water second. But both of those come out of John Chafee's Environmental Pollution Subcommittee, so I want to follow his wishes as long as we can get those taken care of by mid-summer.

Ripon Forum: Will it be easier to act more quickly on RCRA than on Clean Water?

Stafford: Yes. Not that RCRA won't be controversial, but all the work on it was done mostly last year when the bill came out of the Chafee subcommittee. However, it came

out so late in the session, members objected to voting on it without an opportunity to study it. This meant it remained in the full committee when Congress adjourned and that we have to start again.

Ripon Forum: In the past you have worked to protect wetlands and to halt dredge-and-fill operations, otherwise known as Section 404 of the Clean Water Act. What sort of pressures exist to restrict this provision?

Stafford: I follow the old axiom: if something isn't broken, then don't try to fix it. In my opinion, there's not a great deal wrong with the Clean Water Act, although there will be some changes proposed by the Chafee subcommittee.

However, I will personally oppose any changes that adversely affect the wetlands program. If we are to make any changes in the Section 404 language, it will be to increase the protection of wetlands, and not to reduce it. In addition, it should be clear to everyone at this stage that we must strengthen the ability of the Clean Water Act to deal with the rapidly increasing dangers posed by toxic and other hazardous substances. I anticipate that the final version of the bill to be reported by the Environment and Public Works Committee will do just that.

"Our hope is that we will do the Clean Water Act and the Resources Conservation and Recovery Act (RCRA) in the Senate before August. RCRA will probably come first and Clean Water second."

Ripon Forum: Is your sentiment that both Clean Water and RCRA will move quickly through Congress? Or, will there be a lot of maneuvering by opposing forces?

Stafford: I expect there will be some debate on RCRA, especially from those most affected by it since the legislation will most likely tighten up the provisions concerning small generators of hazardous wastes. We will probably propose more stringent regulation of hazardous waste sites, meaning there will be some opposition. The major fight over water, however, will be in connection with the wetlands issue.

Ripon Forum: With William Ruckelshaus now in as administrator of the EPA, what changes will take place?

Stafford: I see EPA being in the hands of an experienced and very able administrator with previously demonstrated integrity. He is a man willing to leave any administration which tries to make him do something he does not believe is right. From the faltering leadership of the previous administration, we will now go to a strong and vigorous administrator who will bring in a team of his own choosing, instead of having one superimposed on him as was the case with Mrs. Burford. I also see him enforcing the laws as they are, not as he might wish they were.

Ripon Forum: Do you think he will have a free political hand to develop his own agenda?

Stafford: Yes, I do. I think that was part of the price for his taking the job. Since the administration needs him a lot more than he needs it, I don't believe it can run the risk of his resigning from the job. I also think that his coming aboard, which represents a large financial sacrifice on his part, indicates that the administration has had some change of

heart about environmental issues. I don't know how far this goes, but certainly deeds are going to speak louder than words.

Ripon Forum: What has produced that change of heart?

Stafford: I am simply speculating, but I think frankly that the president is considering running again. I think that he, and at least some of his adversaries, have concluded that the EPA was in very deep trouble and that it was hurting him by damaging his rapport with people across the country who are concerned about environmental issues. He knew that he better do something about it.

"... what influence will Watt have on EPA with Ruckelshaus as the new administrator? My expectation is that he will not have any influence. Ruckelshaus is a very strong character and I don't anticipate Watt being able to move him or advise him."

Ripon Forum: This leads us to the concern over Secretary of the Interior James Watt, who is really turning into a cliché. As you well know, the GOP has had a strong legacy on environmental matters dating back to the conservation ethos of Teddy Roosevelt. But Watt has alienated many people concerned about the environment, not just extremists. What effect will this have on the GOP during the 1984 elections?

Stafford: Well, until he decided that he was an authority on the public's taste in music, he had been pretty quiet. In fact, he has been pretty quiet since then.

Actually I don't have much contact with Mr. Watt. His areas of responsibility don't come under the jurisdiction of my committee with but a single exception — fish and wildlife. As for that, he has not been involved in any controversial disputes with the committee.

I think your real question is what influence will Watt have on EPA with Ruckelshaus as the new administrator? My expectation is that he will not have any influence. Ruckelshaus is a very strong character and I don't anticipate Watt being able to either move him or advise him.

Ripon Forum: There is a perception that under Secretary Watt progress has been rolled back on environmental protection. What effect will this have on Republicans in 1984?

Stafford: My guess is that if Ruckelshaus does a good job, handles the agency well, and does not make proposals which are adverse to water, clean air and soil, this will offset much of the negative reaction the public has towards Mr. Watt. I would suspect, and I don't mind saying so, that he will be kept very quiet in 1984 except for a few Western states where he still may be popular.

Ripon Forum: What should Republicans concerned about the environment do to reassure voters in 1984 that these issues have not been forgotten? In particular, what sort of organizational strategy would you recommend?

Stafford: By 1984 it ought to be apparent whether or not Ruckelshaus is performing in accordance with his advance billing. If he does well, then that will be the assurance environmentally concerned Republicans need that the environment is getting the proper attention.

Ripon Forum: So you see it as a wait-and-see affair, that Ruckelshaus will bring many voters back into the Republican fold?

Stafford: Yes, deeds speak louder than words. Ruckelshaus has until January to prove himself and a year in which to show that he is a good administrator. Then the intense political pressure will begin. In fact, it will be that long until it is known whether environmental issues will hurt the president in 1984.

Ripon Forum: I want to ask a very broad question concerning the fundamental presuppositions that environmental battles are fought upon. Is it possible to develop a true balance between environmental stewardship and the need for economic development? For example, are changes occurring which will alter the effect environmental impact statements have upon economic growth?

Stafford: The Environment and Public Works Committee endeavored in the Clean Air Act produced last year to ease some of the situations in which a state and the federal government might duplicate each other. This pertains particularly to the production of impact statements, licensing procedures and red tape. We propose to make that same bill, which is now pending in the committee with ten co-sponsors, available to the Senate at some point. But of course, we will do so after holding a few hearings to update it, to determine if some good suggestions are made, and to look at any scientific evidence that has become available since last August. The bill will probably be voted out in early fall, meaning that the Senate could act on it this year.

"What we need now is a change in perspective. Regulated industries must realize they must obey laws which are designed to protect public health and the environment, while government administrators must understand they should use common sense in the administration of those laws."

Ripon Forum: You see this as an attempt to balance stewardship and development?

Stafford: Yes.

Ripon Forum: What else can be done to balance these competing tensions?

Stafford: The record clearly indicates that environmental laws do not hamper economic growth. What we need now is a change in perspective. Regulated industries must realize they must obey laws which are designed to protect public health and the environment, while government administrators must understand they should use common sense in the administration of those laws. We must convince all interested persons to move away from extreme positions, to minimize confrontation and litigation, and to get on with the job of running our technology without endangering the health of our citizens or endangering our natural resources.

Ripon Forum: I know the issues we have discussed are quite important. But what other environmental concerns should become a high priority for Republicans?

Stafford: The highest priority outside of Clean Air, Clean Water, and RCRA is the Superfund and the implementation of that program to clean up the hazardous waste sites that

have been identified in the U.S. and to provide a system of compensation for victims of toxic releases. Separate legislation has been proposed to extend the life of the Superfund for four more years, to double its size, and to provide for victim compensation. The fund is obviously inadequate, as we knew it would be, to deal with the numbers of hazardous waste dumps that now have been identified in the United States. But to get the bill out of Congress and past the president, we had to reduce it from \$4.2 billion over the first four years to \$1.6 billion. However, this simply can't cope with the 400 or 500 identified sites that now need attention. The fund is just trying to deal with the first 140 or 150.

Under Mrs. Burford it appeared as though the intent was not to fund the program extensively and to let it wind down, terminating it at the end of its first period of existence. But I think Bill Ruckelshaus will shift to a very rapid enforcement of the laws as they are written and as far as the money will allow him to go. In fact, in the Senate budget we added enough funding to bring EPA's budget up to the 1981 fiscal year level, a substantial increase over the level of the last two years. This, of course, is a pretty good indication that the Superfund is a high priority issue. ■

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Cleaning Up Hazardous Wastes: A Republican Approach

by Claudine Schneider

On September 30, 1977, a series of explosions racked the Picillo pig farm in rural Coventry, Rhode Island, sending up columns of smoke visible 20 miles away in downtown Providence. A fire marshal investigating the blaze found an open ditch full of ignitable chemical wastes, some of which, when heated, could turn into phosgene, the lung-searing "mustard gas" used with such deadly effect in World War I. As the investigation of the Picillo site expanded, local authorities discovered to their dismay that Rhode Island had been selected as the dumping ground for the land disposal of over two million pounds of chemical waste per month.

By now, of course, Rhode Island's experience has been shared by the people of almost every state. Sites like Love Canal, the Stringfellow Acid Pits in California, and the notorious Valley of the Drums in Kentucky have dramatically demonstrated the enormous volumes of chemical waste that are the unintended byproduct of our industrial society. EPA studies have suggested that there may be 15,000 abandoned sites scattered across the United States, with the cost of decontamination and cleanup reckoned in the billions. The cleanup of the contaminated dioxin sites in Missouri alone is estimated at well over \$1 billion, which is about equivalent to the federal commitment required after the Mount St. Helens disaster. The difference, of course, is that the hazardous waste crisis is not an act of God, but a disaster of our own making.

In response to the public outcry, the Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act, familiar to most Americans as the Superfund law. This fund, financed largely through a federal tax on petro-chemical feedstocks, provides the EPA with the money to pay for the cleanup of the most immediately dangerous abandoned waste sites. Perhaps even more important in the long-run, although less familiar to the general public, is the Resource Conservation and Recovery Act. RCRA provides cradle-to-grave regulation of the generation, transportation, and disposal of hazardous waste.

Hazardous Waste Reduction

A quick look at the statistics suggests why RCRA is so important. Every year, according to the Office of Technology Assessment (OTA), we generate 41 million tons of

federally regulated hazardous waste. If state regulated wastes are included, the total adds up to a staggering 275 million tons, or more than 2,000 pounds per year for every man, woman and child. RCRA is our first attempt on a national scale to ensure that these wastes are disposed of safely.

"Perhaps it's time to put the hazardous waste problem in perspective by remembering that it has developed as a natural consequence of our consumer-oriented society."

So far, the picture looks bleak — thousands of abandoned dumpsites and millions of tons of chemical wastes generated every year, with a harassed federal government struggling to control the situation. [Perhaps it's time to put the hazardous waste problem in perspective by remembering that it has developed as a natural consequence of our consumer-oriented society. Many of the products that we depend on — from the synthetic fibers that we wear to the iron and steel bridges that we cross on our way to work — have relied on a chemical process at some point in production that has generated some waste as a byproduct. Thus the American public is not likely to abandon the chemical-industrial technologies that have advanced so rapidly since the Second World War to make our standard of living the highest in the world.

Fortunately, we shouldn't have to make that choice, because the industries that have contributed to the problem are already beginning to develop the solution. Thanks to the ingenuity of American technology, we have begun to develop the means to recycle hazardous waste, to destroy it through incineration, to burn it as fuel, or to bind it chemically so that it becomes harmless.

Two examples from private industry serve to dramatize the potential. The 3M Corporation, well-established as a trend-setter for innovative corporate policies, has instituted a 3P program — "Pollution Prevention Pays." Through the reduction of waste and the development of substitute products for hazardous materials, 3M has saved \$20 million over the past four years.

The steel industry provides another example of waste reduction. Rust is removed from iron and steel by "pickling" the product in an acid bath, during which an iron salt precipitate (ferrous sulfate) is formed. Instead of throwing

Claudine Schneider is a member of Congress from Rhode Island and serves on the House Science and Technology Committee.

the contaminated acid in a landfill, the industry recovers the ferrous sulfate crystals, which can be used in the manufacture of pigments, magnetic tapes and fertilizer, and in wastewater treatment to remove phosphorous. With the iron salt precipitate removed, the acid bath is ready for re-use in the pickling process.

The potential for recycling, destroying or stabilizing hazardous waste is enormous. According to a study commissioned by the California Office of Technology Assessment, 75% of all the hazardous waste disposed in landfills could be recycled, treated, or destroyed. The study also found that the additional waste management capacity needed to meet the potential demand could be developed in less than two years.

With the technology already available, and the problems with land disposal so well documented, the treatment and recycling industries should be turning away customers, right? Wrong. A recently issued EPA study found that the demand for incineration is 80% of capacity, for chemical treatment just over 50%, and for recycling 24%. Despite all the negative publicity about dumpsites like the Picillo pig farm, four out of every five tons of hazardous waste generated is headed for: a landfill.

"The solution is deceptively simple, and one that lends itself to Republican philosophy. Why not charge a uniform, national fee for the land disposal of hazardous waste?"

Landfills

An exhaustive study of federal waste management policy just completed by the OTA points to the answer. Landfills, even with regulations designed to make them safer and cleaner, are still the cheapest disposal option. In fact, the EPA, through two successive administrations, has focused on landfills as the primary disposal option, asserting that, "We believe that most wastes can be satisfactorily managed in the land and that it can be done with a reasonable margin of safety more cheaply in this manner."

Here it is important to make clear that the landfills certified by the EPA under RCRA regulations are an improvement over the old dumpsites. Synthetic liners are required for new landfills, as well as ground-water monitoring to identify leakage and contamination. Nevertheless, the regulations have been widely criticized as postponing, rather than solving, the problems inherent in land disposal. A recent test of synthetic liners found 11 out of 12 susceptible to corrosion and tearing. It's no wonder that EPA regulations assume that at some point even the best-designed landfills will leak, and are thus preoccupied with measuring ground-water contamination and specifying remedial action to try to contain the damage.

The effect of regulations which assume that landfills will be the primary source of disposal has been devastating to the recycling and treatment industry. H. Clay Robinson, speaking for the Hazardous Waste Treatment Council,

sums up the dilemma: "There cannot be an economic return on the investment of such a facility so long as toxic waste which can be readily incinerated, treated or stabilized is nonetheless directed to landfills because they are cheaper."

In other words, industries that try to internalize the cost of waste disposal by focusing on capital-intensive treatment and recycling options pay an economic penalty relative to their competitors, who externalize their costs by routing their waste to a landfill that may leak and contaminate groundwater in twenty or thirty years.

"A market-oriented fee system gives the private sector an incentive to put its resources to work solving the problem."

The Hazardous Waste Reduction Act

The solution is deceptively simple, and one that lends itself to Republican philosophy. The problem we face is how to alter economic behavior in the marketplace where land disposal is cheaper than environmentally preferable alternatives. Why not charge a uniform, national fee for the land disposal of hazardous waste? Such a fee would establish an economic penalty that would reflect the fact that landfills — with the risk they carry of eventual degradation — represent an externalized cost that is shifted onto the backs of the taxpaying public. Since no such externalized cost would be incurred through the recycling, detoxification, or destruction of hazardous waste, no fees would be charged for these alternatives.

Together with Congressman Ron Wyden of Oregon, I have introduced a bill to establish such a fee system. As I mentioned earlier, the Superfund is financed through contributions from chemical companies raised through a federal tax on chemical feedstocks, the raw materials used in industrial processes. Since there is little connection between these raw materials and the waste generated as a byproduct, the current fee structure does not function as an economic disincentive to waste production. Our bill, the Hazardous Waste Reduction Act (H.R. 3129), would change the fee structure to finance the Superfund by taxing the land disposal of hazardous waste.

The bill distinguishes between two categories of hazardous waste already defined in federal law — toxic wastes that accumulate in living tissue to cause cancer or genetic damage, and non-toxic wastes that are ignitable, corrosive or reactive. Both categories would be taxed, with toxic waste subject to a higher fee, in recognition of the greater danger it poses to society. The California study estimated that 40% of all land disposed waste is toxic. The record-keeping requirements already established by RCRA would be used to assess the tax, so the paperwork could be kept to a minimum. Wastes that are treated, recycled, or destroyed would not be taxed.

The bill has attracted 65 cosponsors. Republican supporters include Jim Leach, the head of the Ripon Society,

and Guy Vander Jagt, chairman of the National Republican Congressional Committee.

Market Oriented Solutions

The advantages of a waste-end tax are numerous. First and foremost, the tax would provide a market disincentive for the land disposal of hazardous waste. Businessmen faced with a tax on land disposal will opt for incineration or recycling technologies instead. As the volume of hazardous waste declines, the regulatory burden on both the government and private industry should decline. Businessmen who destroy or recycle waste will not be subject to the cradle to grave regulation and the liability coverage that are a consequence of land disposal.

By establishing a market-oriented hazardous waste management strategy, the bill would spur the ingenuity of the private sector in developing alternatives to land disposal. Mr. William Sanjour of the EPA's Hazardous Waste Implementation Branch, testified in favor of allowing the market to select the appropriate technologies: "There are many alternatives available. Chemical treatment, treatment techniques, incineration, waste exchanges, chemical fixation, biological treatment . . . I would let the marketplace itself be in a position to improve the technology. I believe that American industry has the technology, the know-how and the investment money to handle this problem, but there is cheap competition from landfilling and so long as the government continues to subsidize landfilling, the competing technology just can't get established."

A waste-end tax also provides for market equity, with industries contributing to the Superfund cleanup of abandoned dumpsites in proportion to the amounts of hazardous waste they are generating. The OTA report, in recommending that the Congress establish a waste-end tax on hazardous waste, summarized the equity argument quite clearly: "Those who are responsible for the waste should pay for the proper management of the waste, government activities that may be needed to clean up such wastes, and for the damages to health and the environment that may ultimately result from such waste."

Finally, and perhaps most importantly, by giving the private sector an incentive to help solve the hazardous waste problem, we may be opening the door to a new consensus on hazardous waste policy. An overdependence on a regulatory strategy pits harried federal bureaucrats against businesses trying to interpret the latest words from the federal register, and angry citizens against local officials trying to decide where to locate the new landfill. A market-oriented fee system gives the private sector an incentive to put its resources to work solving the problem.

Instead of treating industry as a perpetual antagonist, the public might begin to appreciate that there is a higher immediate cost to the permanent disposal of hazardous waste through recycling or treatment that will be reflected in retail prices. The OTA report estimates that consumer prices could rise one-to-three percent as the result of a "waste-end" tax as industries sought to recover their investment in more capital-intensive alternatives to land-disposal. Given the public's oft-stated willingness to accept some economic cost for environmental protection, a one-to-three percent increase seems reasonable. The OTA report identified another important consequence of educating the public about the cost of the alternatives to waste disposal:

"Moreover, a fee system that affected consumer prices could lead to a more balanced public perspective of hazardous waste. The demand by the public for generators to apply more stringent and costly controls would be balanced by the need of the public to consider the hazardous waste-intensiveness of products."

Congressman Wyden and I are fortunate to have received strong encouragement for our efforts from both the Chemical Manufacturers Association and a number of environmental groups, such as the National Wildlife Federation, the Environmental Policy Center, and Environmental Action. These groups have endorsed the concept of the waste end fee embodied in our bill, and have pledged to work with us in developing this legislation further.

"The Republican Party has a strong tradition of concern for the environment, beginning of course with Teddy Roosevelt. [Today,] the challenge we face as Republicans is to reconcile our environmental values with the dynamics of a capitalist economy."

The GOP Heritage

The Republican Party has a strong tradition of concern for the environment, beginning of course with Teddy Roosevelt, the founder of the national conservation movement. That tradition has continued to the present day, represented by such dedicated public servants as Russell Peterson, the head of the National Audubon Society, Russell Train, the president of the World Wildlife Fund-U.S., and Bill Ruckelshaus, the newly appointed administrator of the EPA, who also served as its first head. The challenge we face as Republicans is to reconcile our environmental values with the dynamics of a capitalist economy.

I believe that the Republican Party, with its roots in the business community and its faith in the versatility and strength of the free enterprise system, is in an excellent situation to promote the market-oriented waste-end fee system provided by H.R. 3129. The alternative is to stretch our regulatory system to its limits to try to contain an ever-expanding volume of hazardous waste. As Republicans, we have a unique opportunity to forge a constructive alliance between industry and public interest. Responding to market forces, private industry has already proved that economic growth does not have to mean a corresponding jump in our demand for energy. With the right kinds of incentives, private industry is ready to cut the cord between material progress and the hazardous wastes that have followed it as an unwanted byproduct. Together, we can harness the creative impulses of the free market to a goal we all share. We can prove that living with hazardous waste does not have to be the price we pay for an industrialized civilization.

Ripon Forum Reader's Poll

In order to ascertain the opinions and concerns of members of the Ripon Society and readers of the *Ripon Forum*, we present our first annual *Forum* survey.

The results, to be published in a later issue, will be used to evaluate policy, issue and organizational concerns. It will also help us to understand your views and preferences.

Please take a moment then to read and complete the enclosed survey and return it to the Ripon office. We also encourage you to add your personal comments in the spaces provided.

Please mark in the space next to the statement you most agree with.

1. Reagan Administration Priorities

"President Reagan's top policy priority should be . . ."

- a. Arms limitation talks/Nuclear freeze
- b. El Salvador/Nicaragua
- c. Environment/Environmental Protection Agency (EPA)
- d. Deficits (budget)
- e. International trade
- f. Unemployment
- g. Other: _____

2. El Salvador/Nicaragua

"I feel the U.S. should . . ."

- a. Maintain present military aid and advisors
- b. Increase aid and/or troop involvement
- c. Pull out entirely
- d. Economic aid only
- e. Partial aid and try to negotiate peace
- f. Step up intelligence operations
- g. New approach, I propose _____

3. Budget Deficits

"I feel Congress should . . ."

- a. Raise existing taxes
- b. Create new taxes
- c. Cut spending across the board
- d. Cut only military spending
- e. Cut only social spending
- f. Combination of _____ and _____
- g. I propose _____

4. International Trade

"The U.S. should . . ."

- a. Increase trade barriers to protect domestic industries
- b. Dissolve barriers to force U.S. industries to compete in the global market
- c. Maintain selected tariffs
- d. Get agreements from other nations before acting either way
- e. Greatly pursue and expand international trade
- f. Combination of _____ and _____
- g. I propose _____

5. Environmental Concerns

"Today's most pressing environmental problem is . . ."

- a. Acid rain
- b. Toxic waste
- c. Oil, coal, and/or timber leasing
- d. Interior Secretary James Watt
- e. Deregulation and corporate pollution
- f. Integrity and efficiency of EPA
- g. Other: _____

6. The Republican Party

"In order to attract minorities and women into the party and to improve relations between those groups and the Reagan administration/GOP, the president and the party should . . ."

- a. Appoint more minorities and women
- b. Nominate more minorities and women as candidates for elected office
- c. Institute more programs designed specifically to assist those groups
- d. Open the Republican National Committee (RNC) delegate selection process to more minorities and women
- e. Nothing, it's already too late
- f. I propose _____

7. Presidential Choice

"My choice for the 1984 Republican presidential nominee is:

- a. Ronald Reagan
 - b. George Bush
 - c. Howard Baker
 - d. Robert Dole
 - e. Jack Kemp
 - f. Other: _____
-

8. The Ripon Society

"I feel the Society should focus its future energies on . . ."

- a. More policy papers and research ideas
 - b. Political organizing/chapter development
 - c. Direct mail membership expansion
 - d. GOP rules/delegate selection
 - e. 1984 convention strategy project
 - f. Development of moderate GOP PAC
 - g. Issues conferences/conduct workshops
 - h. Fighting the "New Right"
 - i. Other: _____
-

9. The Ripon Forum

"I feel the strength of the *Forum* is . . ."

- a. Special reports
 - b. Interviews
 - c. The Chairman's Corner
 - d. Congressional ratings
 - e. Political reporting
 - f. Issues with a theme
 - g. Other: _____
-

10. Role of Ripon within the GOP

"I feel Ripon should . . ."

- a. Maintain independent progressive Republican voice distinct from the "official" party
 - b. Develop closer ties with the RNC and the administration
 - c. Act as clearinghouse and unifying force behind various independent moderate Republican groups
 - d. Lay political groundwork for a national moderate movement
 - e. Act as progressive "watchdog" for inter- and intra-party interests.
 - f. Other: _____
-

11. What is moderate Republicanism and what does it stand for?

12. What are the Ripon Society's weak points and how can it and the *Forum* be improved?

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Can Science Save Amazonia?

by Thomas Lovejoy and Maria Tereza Jorge de Padua

Near Manaus, Brazil — The roar of the tropical downpour disturbed us all. Earlier, we had been awakened by moonlight of arc-light intensity penetrating the rainforest canopy. Now, the beam of a flashlight could only penetrate a short distance into the rain-filled forest, beyond the palm thatched lean-to where our hammocks lay.

Within a year, the site of our lean-to would be pasture, yet 20 meters away the forest would be intact. This is one of the areas where patches of forest are being experimentally preserved in a realistic attempt to study how to conserve the maximum number of species of Amazonian wildlife.

The primary forests and rivers of the Amazon are thought to contain about 10 percent of all the species on the planet. But today this last great continuous wilderness is disappearing under the pressures of development. There are good reasons why this should be a cause for concern.

Amazon Basin

The Amazon basin is probably one of the best places to look for biologically-produced chemical compounds that could be useful medically. A constant struggle goes on there between the eaters (especially insects) and the eaten (plants). The plants evolve the capacity to produce compounds distasteful or toxic to the eaters, and the eaters evolve the ability to digest the compounds without harm.

“The primary forests and rivers of the Amazon are thought to contain about 10 percent of all the species on the planet. But today this last great continuous wilderness is disappearing under the pressures of development. There are good reasons why this should be a cause for concern.”

The Amazon forest can be seen as one huge pharmaceutical factory constantly producing compounds both old and new. It is not a far-fetched notion to think that cures for cancer may be found among them.

One of the problems in protecting the plants and animals of the Amazon is the difference between primary and secondary forest species. The vast majority of tropical rainforest species, 95 percent or more, are simply unable to persist outside virgin forest. This means that the bulk of Amazonian species will only survive in areas of intact forest specifically set aside for this purpose.

Thomas Lovejoy is vice president for science of World Wildlife Fund-U.S. and Maria Tereza Jorge de Padua is director of the Department of Natural Resources and Environment for the Sao Paulo Energy Agency. This article first appeared in Earthscan, a media information unit covering global environment issues.

One of the fundamental questions to be solved is where such protected areas should be located. Not all the species of the Amazon occur everywhere. The species to be found near Manaus are not the same as those at Belem or Iquitos. This problem is even more difficult because the Amazon forest is so biologically unknown. The vast majority of species have yet to be seen by a scientist, let alone their distributions worked out in detail. How does one conserve what one doesn't know about?

“The Amazon forest can be seen as one huge pharmaceutical factory constantly producing compounds both old and new.”

One response, of course, is to increase the knowledge on which conservation plans can be based. The pace of biological exploration in Amazonia has accordingly quickened — through the joint United States/Brazil “Programa Flora,” for example. A similar effort needs to be undertaken for the animals, especially if Amazonia follows the general global pattern of about nine or ten species of animal for every species of plant.

The great problem with this overall approach is that even if there were enough financial support and enough scientists, there probably would not be sufficient time to complete the task. The major conservation decisions in the Amazon must be made within the present decade, and many within five years.

Luckily there seems to be a shortcut in this race against time: scientists have detected a pattern in the distribution of Amazon species. It seems that during the cold dry glacial periods of the Pleistocene epoch, which occurred between two million and 10,000 years ago, the Amazon forest persisted in fragments instead of as continuous forest. Such fragments would have been cut off for long periods, long enough for isolated populations to evolve into many new species.

This would explain the distribution pattern of clusters of species occurring today only in limited areas, known to scientists as “Pleistocene refugia.” Four scientists working independently have identified patterns of this sort for birds, some butterflies, trees and reptiles.

This has provided a guideline for the conservationists. Refugia as defined by the four scientists can be put together, and when all four fall in the same spot on the map, that area becomes a first priority for protection. This proposed priority plan had been internationally welcomed as one of the most scientific approaches ever taken to national park planning — ironically in what is biologically one of the poorest-known regions of the world.

How big should protected areas be? Obviously, large areas hold more species than small ones. But it also appears

(continued on page 18)

Decision Making in a Complex Society

by Joel Horn and Kelly Teevan



Some people worry whether we can survive if we continue to ignore environmental issues in our decision making and persist with business as usual. I suggest that we should not worry about *whether* we will survive but whether we will sacrifice some of our freedoms in order to survive. The most critical challenge we face today results from the explosion of complexity in managing our lives. We must learn to understand and manage complex situations or we will *invite* someone else to do it for us. That person or group will do the best that it can, in the process severely curtailing our freedom of choice. And all at our own invitation.

Complexity

The world has become much more complex. Actually, that's a misstatement. In fact, we are just becoming aware of the complexities of the natural systems on which we depend. Up until the past century or two, nature had been able to assimilate the effects of human actions with little threat to the life-support services which the earth provides. But things have changed. There are many more people, roughly four times as many now as in the early 1800's. And man has developed substances which nature has trouble assimilating, especially when produced in quantities required by a large population. As we have developed products and industrial processes which place novel assimilation requirements on the environment, it has been revealed to us that human actions can and do have unconsidered and unintended consequences across time and distance. Some relationships have become commonplace. We realize that if we spray an almond orchard with a pesticide designed to kill bugs and it also kills the bees, we'll get no almonds. No bees, no pollination; no pollination, no

Joel Horn and Kelly Teevan are staff members of The Year 2000 Committee, an organization of national leaders examining the ability of the United States to respond to global trends in natural resources, population and the environment.

almonds. That much we grasp. But what happens to the offspring of the bees which are able to flee? To the water and soil which pick up the pesticide? To the almond trees in four or five years? Could actions to increase yields today actually decrease yields in the future?

"Why is it that intelligent, well-meaning leaders continually launch programs which backfire? It is because we fail to analyze our decisions adequately beforehand."

We do not know the answers. More precisely, we don't even know which questions to ask. We are just beginning to open our eyes to the range of consequences human action can have. The complexity boggles the mind. People react differently. The complexity intrigues and challenges some. It scares some. Many choose to ignore complexity, even deny that it exists. Many educated people have not awakened to the web of interrelationships in which we exist. And for most people, of course, the daily pursuit of sustenance renders such concerns ludicrous.

What *should* we do? We must develop a waking awareness that the sought-after effects of our actions are not the only effects that occur. Our actions create chains of interrelated causes and effects through time. We must learn to hear the rattle of those chains. We must develop a mental sense that those unplanned and undesired consequences *are not* side effects; they are direct and *chosen* effects, as fully as are the desired ones. When we make a decision and act, we choose that chain of events which follows; we choose those outcomes, good and bad, not just a selected subset of events which we find beneficial.

We humans think that we know how to get what we want. But most likely our inadequate knowledge of the complex systems in which we act causes us to get what we don't want. Why is it that intelligent, well-meaning leaders continually launch programs which backfire? It is because we fail to analyze our decisions adequately beforehand. Clearly, we cannot foresee every effect of an action, but we are failing to generate and use the information which would improve our decisions. As a result, we don't recognize and factor important possible outcomes into our decision-making process.

The Loss of Freedom

The problem with unforeseen outcomes is that they can be destabilizing. They can upset the delicate balance upon which we rely to conduct our lives. I am not calling for maintenance of any *status quo*. No, we survive through change. But when a system is upset by a drastic unforeseen change people become very worried. Their livelihood is threatened. They clamor for someone who can control the

situation, someone who can return that sense of predictability and ensure their livelihood. When people are worried *enough*, they will even accept control which limits their freedoms. If you were worried enough about "the Reds" in the 1950's, you agreed that people ought to be investigated and interrogated, even though that abridged their rights. The energy shock of the Seventies almost brought on government control of a comprehensive gas rationing system. And, today, those people worried enough about handguns feel that citizens should not have the right to carry one. I contend that the destabilization associated with environmental issues will worry people *enough*. At that point, somewhere in the not-too-distant future, when we find ourselves threatened in a very complex situation, many people will accept some central authority which offers to sort out the complexities and calm the economic and political instabilities. But the prospect of centralized authority is really scary. We don't need it to cope; we can

"... somewhere in the not-too-distant future, when we find ourselves threatened in a very complex situation, many people will accept some central authority which offers to sort out the complexities and calm the economic and political instabilities."

avoid it. It's a surrender, a "cop-out" which admits lack of effort to face up to complexity, accept it, sort it out and respond to it.

Witness Mexico, which suffered severe economic problems last year. The inflation rate hit 99%. Food and energy subsidies were slashed. Millions of people at the hunger line became hungrier, which exerted pressure on the government to act. People were angry and scared. There was talk of revolution. What did the government do in that unstable situation? It nationalized the banks. That's supposed to *feed* people, or make milk and tortillas less expensive?! In response to a complex situation, the government summarily transferred control of about 15 percent of the Mexican economy from the private to the public sector. Freedoms of choice which had been allocated to decentralized, independent decision-makers were revoked and gathered in by the central authority. The people thought something had been done in their favor. Had it? Are they less hungry? Or just less free? Maybe you don't believe this. Maybe you don't *feel* the threat to your freedom. But think about it and feel it, because it's there.

As we are repeatedly haunted by failures to discern the intricate interrelationships on this planet, we will increasingly sense the need to sort it all out. Either we can face the challenge by attempting to understand our complex environment or we can ignore the situation and allow someone to deal with it for us, inviting someone — as best he or she can — to decide, *for us*, which course to follow. But we should not allow a lone authority to take over the decision making and our right to choose along with it. In fact, if we work hard enough and are creative in our approaches to dealing with complexity *we will find endless opportunity* to promote human well-being while *avoiding* extremely threatening situations. In that way we can preserve our freedom to choose.

In fact, here is a suggestion on how to approach decision making in a complex situation. Make the situation even more complex. Don't simplify. Don't jump to answers. Take the subject apart, section by section, sub-section by sub-section, until you can get a handle on it. Then examine information on each little piece and see how it relates to each other piece, never forgetting the whole picture. Then start to put together an answer from the bottom up.

One key component is information, although information alone will never make the decision for you. If it could, then you wouldn't be facing a decision. *You* make the decision, based on emotions, values and intuition. The value of good information in decision making is this: if you're trading off the quality of the lakes in the Adirondack Mountains for increased energy in the Ohio Valley, you'll know it. Such trade-offs have to be made and will be made; but to minimize their destabilizing effects on our economic and political systems these trade-offs should be investigated, debated and accepted beforehand, not understood only in hindsight.

One of the best speeches given on the relationship between environmental decision making, good information and a free society was delivered by J. Irwin Miller at a symposium on corporate environmental decision making at Stanford Business School. The following, which penetrate to the heart of the matter, are excerpts from that talk:

... a society which gives only a passing nod to the importance of relevant factors, which is impatient with the time required to discover facts, and which considers facts to be like golf clubs (one first decides on the shot one wishes to make, then searches for the best club [or fact] to make that shot); such a society will end only in head-to-head controversy, will be unable to resolve its problems, and somewhere down the road will invite a strongman to take over.

By contrast, a society which is sensitive to its delicate interdependence, to the interactions which will destroy any casually contrived program; a society which values better and better facts and data, which is especially responsible to them precisely when they do not support one's own bias; a society which has an eternal concern for the other fellow, his needs, his point of view; such a society, however it has organized itself, has more than a fair chance to achieve a workable consensus, to cooperate, to solve its problems, to prevent its disasters — to create and sustain a good environment for its people.

... The real difficulties of corporate environmental decision making are clearer when we add a phrase and make it "decision making in a participatory democracy." The chances of tackling successfully, in a participatory democracy of 220 million people, the kinds of enormous problems that have been described to us during this symposium look pathetically low. Nearly every emerging Third World country has today chosen another way than the democratic way: one-party government, semi-dictatorial government, or straight dictator. Your generation will probably have a chance to prove — or lose — the democratic option, so formidable are our problems. ■

Defend the Family

Sensibly

Finally, the health of the family has become a top priority item on the national agenda of concern. It's about time, for the family is the premier humanizing institution of our society. The family is where love is grounded and actualized in commitment, where we learn to give as well as receive, where the harsh judgments of the marketplace can be neutralized by love and forgiveness. It is the embryo of a better, less impersonal, less calculating society. It is our children and our future.

But **there are lethal forces at loose eating away at the health of the American family:** women's lib extremism *and* the battering of wives and children, abortion *and* unemployment, "gay" politics *and* careerism, pornography *and* greed, and even the television-as-babysitter.

The *New Oxford Review*, a new and unique Christian monthly, seeks to protect the family on all fronts — and do so without being shrill, kooky, bigoted, intimidating, or just plain reactionary.

We don't believe Moral Majority-type groups have a monopoly on the family issue. We don't believe the family issue should be a captive of the fundamentalists and the radical right. We believe that to be against abortion is *not* rooted in puritan-

ism, or the punitive mind-set, but in an affirmation of the dignity of every human life — and that to be truly pro-life entails looking at all other issues from a life-affirming point of view.

We believe the time has come to build a national pro-family consensus. If the Christian New Rightists are allowed to exploit the family issue and use it to divide conservatives from liberals, Republicans from Democrats, they may have some momentary success in winning power for themselves, but they will poison the wellsprings of social renewal. And ultimately, the pro-family cause will be the victim, for its momentum will be stymied as it isolates itself in the ghettos of resentment and rancor.

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Executive Privilege: The Environmental Protection Agency and the Supreme Court

by Frederic R. Kellogg

Amidst the public concern over the impact of the recent Environmental Protection Agency (EPA) controversy, a little understood but consequential aspect of the storm has gone unnoticed. It has to do with the manner in which the controversy itself arose. Perhaps the high drama was a good thing in the long run — if William D. Ruckelshaus can repair the damage to the agency's morale and reputation. But let us not forget that the whole thing began with a battle over the extent of executive privilege, a constitutional right that has been invented only very recently by the Supreme Court.

This, in fact, is the real cause underlying this crisis, which grew quickly to major proportions despite the absence of any evidence of a major violation of the law. Certainly the employment of Mr. James W. Sanderson at a high level within the agency while attending the interests of a client affected by EPA policy deserves to have been brought to light, but the relationship had been terminated before the crisis began. So, too, had the pattern of industry contacts, and the candor of high level agency officials. While these and other matters are still under careful scrutiny, the crisis originated with the refusal of the government to provide documents to Congress and the subsequent legal proceedings leading to the contempt citation of Mrs. Burford.

Executive Privilege

Issues of the separation of powers are present to some extent in every major governmental crisis, but the EPA matter is almost entirely born of a misunderstanding over the relationship of power and right between the branches of government. While attention naturally has been restricted to the immediate parties to the controversy within the White House and Congress, the responsibility of the Supreme Court should not escape examination. Were it not for the fact that the Court gave birth to a new constitutional doctrine in 1974, in a case arising out of the Watergate crisis, Mrs. Burford apparently would never have withheld documents from Congress which precipitated her contempt citation and further difficulties. That doctrine was executive privilege, and it was given the Court's imprimatur in a case which was decided against the executive branch and required no such doctrine to support its resolution.

At issue in that case, *United States v. Richard M. Nixon*, was whether the president should be allowed to withhold tape recordings and documents relating to his conversations with aides and advisors subpoenaed by the special prosecutor for production in the criminal trial of John Mitchell, H. R. Haldeman, John Ehrlichman, Charles Colson and three others. The lawyers for President Nixon argued strenuously that the Constitution provides an absolute privilege of

confidentiality for all presidential communications, and it was on that ground that the tapes and documents had been withheld.

"Were it not for the fact that the Court gave birth to a new constitutional doctrine in 1974, in a case arising out of the Watergate crisis, Mrs. Burford apparently would never have withheld documents from Congress which precipitated her contempt citation and further difficulties."

The Supreme Court rejected the view that the president could decide for himself what communications were privileged, and it held that the general assertion of executive privilege must yield to a demonstrated, specific need for evidence in a pending criminal trial. But it also breathed official life into the doctrine of executive privilege even while holding that it did not cover the pending case: "The privilege is fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution." The Court conceded the absence of any explicit constitutional authority for the doctrine but nevertheless firmly pronounced its constitutional basis: "Nowhere in the Constitution," said the Court, "is there any explicit reference to a privilege of confidentiality, yet to the extent this interest relates to the effective discharge of a president's powers, it is constitutionally based."

Prior to this decision there existed no clear precedent or authority for the executive to withhold information from the legislature, or in response to a properly authorized judicial subpoena, except in matters regarding military or state secrets, according to a long-standing rule, and a specific procedure for its invocation, accepted by the courts under the common law. To be sure, on prior occasions an argument of a right to withhold information had been made on behalf of the president, but going back only to 1958 that a general "executive privilege" existed to shield the executive by reason of its office, not the nature of the affair. In no instance had the Supreme Court accepted this contention of a general privilege.

Professor Raoul Berger published a book in 1974 — just before the Supreme Court decided *United States v. Nixon* — entitled *Executive Privilege: A Constitutional Myth*. Professor Berger's research makes clear to any reader that his book was appropriately named at the time; constitutional executive privilege was but an argument, not a rule, before 1974. But as the law is to a large extent what the courts declare it to be, the Supreme Court in the *Nixon* case added a large addendum to Berger's title, even if not to the validity of his research. It gave the myth enough substance to affect the conduct of the executive branch and to encourage it to withhold subpoenaed documents in the EPA matter.

Frederic R. Kellogg is president of the Ripon Society and an attorney in Washington, D.C.

EPA and the Nixon Opinion

Justice Department memoranda and correspondence leading to the Burford contempt citation establish that the Supreme Court's opinion played a predominant role in the hard line taken with the House Subcommittee on Oversight and Investigations. The case is repeatedly mentioned in correspondence between Attorney General William French Smith and Congressman John Dingell, chairman of the Subcommittee. But more telling is the role which the *Nixon* opinion played in internal memoranda within the executive branch in which the merit of the administration's position was evaluated. The best example of this is a memorandum from Assistant Attorney General Theodore B. Olson to Attorney General Smith dated December 14, 1982, commenting on a legal memorandum fired across the executive's bow by the House after the hard line was taken in correspondence with Chairman Dingell. "For some reason," wondered Mr. Olson in his memorandum to Smith, "it does not even mention the major judicial authorities which do treat the subject of executive privilege" — Olson cited two, both appellate opinions in the *Nixon* case. He went on to say that while judicial authorities for the privilege "are relatively few in our jurisprudence, any responsible attempt to address the profoundly important issues presented by a confrontation such as the present one between the two coequal branches must confront and attempt to apply available precedent."

No clearer example can be found of the danger of deciding propositions rather than cases under the jurisdiction of the United States Constitution. The Court's opinion in 1974 suggesting the existence of a constitutional executive privilege came in the context of a case in which no such privilege was required to decide in favor of the special prosecutor. The Supreme Court may not properly decide any case which is not before it, under the constitutional restriction of the Court's jurisdiction to an actual case or controversy. Whenever the Court undertakes to decide a proposition of law in the abstract it tempts the danger of deciding not an actual but a future case; it most certainly may affect official conduct when the proposition involves the separation of powers. If, as it now appears, Congress and the White House reach an agreement concerning access to the EPA documents in controversy, the court will never decide whether they are protected by any privilege. This will not undo the damage arising from the Court's opinion in the *Nixon* case, which had the effect of encouraging the Justice Department to urge Mrs. Burford to withhold them in the first place. It is easy to understand her distress when the Department later withdrew from representing her in the contempt citation.

The Court and The Law

This is not to question the propriety for the Supreme Court to lay down authoritative and general rules of constitutional law. The Court is the final arbiter among the three branches of urgent controversies among them, and if an understanding cannot be reached after repeated occurrences it may have to be imposed. But the sensitive issue is when, and how generally, it is done for all time. Executive privilege, as it was conceived by presidential lawyers in 1974 as well as in 1982, is a broad and potent doctrine. Mr. Olson was given to capitalizing both words in his cor-

"The Court ruled too soon on the right of the executive to withhold information from the legislature, encouraging instead a quite inappropriate temptation in the White House to assume that a constitutional shroud exists around what is said and done there."

respondence. The operative concept "executive" suggests coverage by reason of the place of origin rather than the nature of the file. The controversy for the last decade has centered mainly around documents generated in enforcement litigation. Had the proposition been so limited in *United States v. Nixon*, the case could have been decided without recourse to the Constitution nor tinkering with the separation of powers. It is not necessary to argue here against any possibility of invoking the United States Constitution in an appropriate case, should the law and fact warrant, in support of a decision that the executive branch need not relinquish certain specified information at the request of the legislature. The country has yet, however, to witness an irreconcilable dispute between the White House and Congress which would warrant recognizing any such constitutional executive privilege.

The issue of confidentiality in government is so vital, and the Supreme Court's influence on the conduct of officials in all three branches is so great, that the Court must proceed with the utmost care in deciding constitutional questions regarding legal privilege and First Amendment access. There is no check upon the Court other than the process of constitutional amendment. This is so cumbersome and time-consuming that it must be considered wholly out of the question for any but the most urgent national issues. Even then such issues must be greatly oversimplified in the course of public debate over whether the Constitution should be amended. There appears to be no realistic means whatsoever of reviewing or reexamining the Supreme Court's 1974 pronouncement of a constitutional executive privilege short of the occurrence of another case of sufficient magnitude to reach the Court itself — in other words, another crisis.

Conclusion

"Executive privilege" has thus entered the mainstream of political discussion, thanks to Watergate and the EPA crisis. Most people now assume that it is a valid constitutional doctrine. Whether those traumatic events can be viewed as purgatorially beneficial for the country I make no comment; it is at least arguable that Republicans would have been better advised to avoid the mistakes which brought them on. But this is a comment on the Supreme Court, the supposed referee of battles between the other two branches. The Court ruled too soon on the right of the executive to withhold information from the legislature, encouraging instead a quite inappropriate temptation in the White House to assume that a constitutional shroud exists around what is said and done there. ■

Editorial



Theodore Roosevelt said nearly eighty years ago that destroying our natural resources and exhausting our land would undermine the prosperity of our children. Now, ironically, his Republican Party is being perceived as a willing partner in that destruction.

Just last year, for example, the Republican Study Group released a report attacking environmental groups, claiming that environmentalists are "members of an elite and affluent class" who are "self-motivated to thwart economic development because only they garner the benefits of extremist environmental protection."

More recently, the question of ethics and allegations of poor administration which rocked the Environmental Protection Agency (EPA) have convinced many voters that Republicans are like foxes in the henhouse when it comes to environmental stewardship.

And, of course, Secretary of the Interior James Watt remains the number one issue about which nearly all environmentalists, many of whom are Republicans, are concerned. Outlandish statements about the Second Coming, off-shore drilling, national parks, and "liberal environmentalists," have done nothing but alienate those moderate voters concerned about the environment from the Republican Party.

However, there may be a silver lining in this dark cloud and that is the newly appointed head of EPA, William D. Ruckelshaus, whose dedication to the protection of the environment is both personal and professional. In addition, before deciding that all Republicans merely chuckle at clean air and clean water, consider this: that it was under a Republican administration that the Environmental Protection Agency was created and the Clean Air Act was passed. Moreover, one of the first environmental laws ever passed came under the administration of President William McKinley in 1899. Known as the Refuse Act, this legislation was designed to clear up navigational hazards and was later updated during the Nixon administration to toughen water quality standards.

The only new environmental law that was passed during the 97th Congress came under the skillful guidance of the Senate Environmental and Public Works Committee chairman, Robert Stafford, a Republican from Vermont, and his Senate GOP colleague, John Chafee, R-R.I. This act, the Barrier Islands Bill, was designed to protect the nation's fragile and endangered Barrier Islands and was considered by some to be the only truly new and innovative legislation enacted by the 97th Congress.

Stafford's chairmanship of that committee already has resulted in it becoming a watchdog against environmental rollbacks. That he has gone beyond the committee's former Democratic chairmen in pushing for reform was especially made clear when the federal program for controlling and cleaning up spills of hazardous chemicals was held up in

federal court because of industry lawsuits. Stafford, unlike his Democratic predecessors, went to bat and pushed through a quick fix, known as the "311 fix," to get the program underway.

In addition, when the Senate Agriculture Committee reported amendments to the federal pesticide law that would have prohibited state regulation and restricted access to health and safety testing data, Stafford forcibly kept the bill from the Senate floor. This resulted in those damaging amendments not becoming law.

"Before deciding that all Republicans merely chuckle at clean air and clean water, consider this: that it was under a Republican administration that the Environmental Protection Agency was created and the Clean Air Act was passed. Moreover, one of the first environmental laws ever passed came under the administration of William McKinley."

The Republican legacy in environmental matters is not only rich, it also is unique. It is what propels Republicans like Claudine Schneider, R-R.I., to offer solutions based upon market principles, not government directives. Using the tax code to provide market disincentives for the land disposal of hazardous waste may not appeal to flat-tax Democrats, but it does give the private sector an incentive to solve the hazardous waste problem. As Schneider says in this month's *Forum*, "we may be opening the door to a new consensus on hazardous waste policy."

The Republican approach to the environment also is very balanced. Mark Hatfield provides a case in point when, as the Republican governor of Oregon, his administration challenged the city of Portland to rectify the pollution problems of the Willamette River. Even back to 1955, when Hatfield was a co-sponsor in the Oregon Senate of an air and water pollution bill, he made sure that his state was the first in the Union to have air and water pollution standards.

But it was Hatfield, too, who warned that environmental zealots can make the "orderly and wise use of our natural resources (appear) dishonest and immoral." What we need, the Oregon legislator said, is "coordinated and harmonious management." This, in the long run, "will increase benefits to all (and) with proper and coordinated planning, we can have residences and recreation, business and beauty, payrolls and playgrounds." Such an approach makes Republicans uniquely qualified to do battle with industry, while chiding environmental extremists that stewardship must be matched with growth.

Perhaps no issue needs this sort of attention more than deforestation. While Tom Lovejoy has written in this *Forum* about Brazil's struggle with tropical deforestation, this problem is not peculiar to that nation or region. It is evident as well in such places as the Korup Rain Forest in

East Africa, where the demand for food, fuel and shelter is being challenged by the clamor that if the ecological systems which exist on the forest floor are disrupted, then severe environmental repercussions will be felt.

A reasonable response many Americans have to this problem is: why should we be concerned about forests in East Africa? The answer is simple: today's world is ever interdependent and the destruction of forests anywhere will have a real international impact. In fact, the Global 2000 Report claims that deforestation probably poses the most serious environmental problem we face.

Indeed, if current projections are realized, then all will be affected by the loss of wood products and forest-derived drugs and pharmaceuticals. The rapid deterioration in agricultural productivity due to accelerated erosion and siltation from deforested watersheds, floods, droughts, and reduced soil fertility will also affect each of us. This makes proper resource management not only necessary for ecological stability, but also for economic harmony.

Another important issue is acid rain, the phenomenon which occurs when sulfur and nitrous oxides produced by industries and automobiles combine with water vapor in the atmosphere to form sulfuric and nitric acid. This, in turn, falls to the earth in the form of rain or snow, complete with a high acid content.

Studies now indicate that over 200 lakes and ponds in the Adirondacks are lifeless and that over 250 others are in danger as a result of their pH have been lowered to 4.5 or below. A rating like that means the water is at least 1000 times more acidic than pure water.

The problem is complicated, though, by the fact that pollutants know no international boundaries. For example, the energy crisis has led to an increased use of high-sulfur coal in the United States, causing an increase in acid rain which often has traveled across our borders into Canada. While scrubber technology has worked well in some places to curb pollutants caused by burning high-sulfur coal, its high costs have prevented it from being used extensively. Until an alternative is found or the process is cheapened, then acid rain may continue to create tensions with our neighbors.

Environmental issues, therefore, require more than glib responses and ideological debunking. They need careful and thoughtful attention, something the mainstream of the Republican Party has tried to give for some time. That it will continue to do so was put best by Marianne Thatcher, a lifelong Republican who has worked for two Republican senators, one Republican House member, the Republican National Committee, a Republican president, and for the EPA under two Republican presidents. Writing recently in *The Washington Post*, she said:

"I have long believed in the Reagan dictum that one does not speak ill of one's fellow Republicans, but I want to state emphatically that those Republican members of the Republican Study Group do not speak for me or for thousands of other individuals in our party."

It is Republicans like Thatcher, who represent the environmental tradition in this party, that move into action not because of misplaced priorities concerning the environment, but because of a recognition that we have not inherited the earth from our fathers, rather we are merely borrowing it from our children. ■



Lovejoy

Continued from page 11

that an isolated area of forest is not able to maintain as many species over long periods of time as an area of similar size in the middle of continuous forest.

Solutions

To investigate this problem, a "minimum size" project has been launched by the World Wildlife Fund and Brazil's National Institute of Amazon Research (INPA). The project makes the most of a Brazilian government rule that 50 percent of the area held by each land development scheme has to remain in forest.

Why not see if that 50 percent can be rearranged to give a series of forest patches of different sizes? The plants and animals in each patch can be listed while the patch is still part of the continuous forest. After the patch is isolated, follow-up research will reveal what species are gradually lost, and how quickly, and how this relates to the size of the piece of forest.

It must be confessed that the answers are needed now, when decisions of park planning are pressing, not 10 or 20 years hence when most of the results will be coming in. If national park areas planned border on forests designated for other uses, the parks can be enlarged later if the results of the minimum size project show them to be too small. Further, the results of the research program will be of use in managing small areas, enabling them to retain more species than they otherwise naturally would.

A major problem still to be solved is how much of the Amazon basin must remain in forest to maintain the integrity of Amazonian rainfall patterns. INPA's director Dr. Eneas Salati estimates that around half of the basin's rainfall is generated by the forest itself as opposed to the ocean. There may be a critical point beyond which cutting Amazonia's forests may trigger an irreversible drying trend.

Recent thinking on conservation says that environmentalists should not only restrict themselves to selection, protection and management of wild areas but also that they should help to plan biologically sound and sustainable development. Choosing areas to protect biological diversity is clearly key in a biological management plan. The scientific tasks to be confronted in saving the teeming biological riches of Amazonia are immense — and the experimental plots of forest near Manaus may provide a starting point. ■

The Chairman's Corner: The Lesson of Icarus

by Jim Leach

The ultimate environmental issue is, of course, arms control. Just as the present administration has tended to take a confrontational approach to environmental issues — as witnessed by the controversies arising over the park system, off shore leasing, soil conservation and toxic waste clean up — the tendency in recent years has been to take an equally confrontational approach to the issue of containing nuclear weapons.

Congress' record on arms control is only marginally better, and in authorizing funds for the MX missile the House proved it is willing to be hortatory rather than serious about arms control.

In May the majority was willing to vote for a nuclear freeze exhorting the president to end the arms race, but now it has refused to restrain the very weapons systems which millions of Americans have concluded threaten the security of the globe.

Much of the credit for securing congressional approval for the MX has been given to a report issued by a bipartisan commission headed by retired Lt. Gen. Brent Scowcroft.

The Scowcroft Commission

Ironically, the president's Commission on Strategic Forces, the so-called Scowcroft Commission, hardened the MX sufficiently to get Congress to authorize its funding, but it refused to conclude that the silos housing the missiles could be hardened sufficiently to survive a Soviet first strike. In fact, preceding the vote the Defense Department acknowledged that 99 percent of our land-based missiles would be destroyed if the Soviets launched a preemptive attack.

Therefore, the only rationale for the MX relates either to the possibility we would launch a first strike against the Soviet Union, a prospect all American presidents have rejected, or that we would "launch on warning," a strategic concept every serious student of arms control has long rejected. In fact, in lobbying for the MX one high administration official privately told a congressional critic of the system that its vulnerability was exaggerated because the missiles wouldn't be in their silos by the time Soviet missiles struck.

It is precisely this kind of demagogic reasoning which has escalated so rapidly citizen concern about the arms race. Americans have come to understand that our strategic deterrence is almost exclusively in the air and at sea today and that the possibility of responding to a preemptive attack before it occurs is technically unlikely, if not morally dubious.

On the positive side, the Scowcroft Commission should be complimented for its serious effort to address the future needs of our strategic deterrent. In its careful discussion of the desirability of improving the land-based leg of our strategic triad, it suggested a profound shift away from

large, MIRVed missiles to small, single-warhead ICBMs that would be both less vulnerable to attack and less threatening to an adversary. It is precisely because the reasons for such a shift are so extraordinarily compelling that the Commission's endorsement of the MX is all the more puzzling.

The logic of moving to small missiles by first building their antithesis calls to mind a word of Greek origin: oxymoron, meaning an idea containing an internal contradiction.

"The logic of moving to small missiles by first building their antithesis calls to mind a word of Greek origin: oxymoron, meaning an idea containing an internal contradiction."

The Scowcroft Commission persuasively argued the case for reducing target value by replacing our present ICBM force with small, mobile, single-warhead missiles. But the report then contradicted itself by recommending deployment of the large, fixed-site, 10-warhead MX. That's a true oxymoron. It is magnified by a larger contradiction — the administration's negotiating thesis that it is necessary to build up in order to cut back; that despite our capacity to destroy the Soviet Union many times over, we face a "window of vulnerability" in our strategic relations with the Soviet Union.

Since the alleged "missile gap" postulated in John Kennedy's 1960 presidential campaign, there has been no more misleading strategic proposition than the "window of vulnerability." Despite the Scowcroft Commission's implicit rejection of the fictive "window of vulnerability" as the principal rationale for the MX, it is still referred to by those in politics who prefer fear mongering to rational disclosure.

To be fair, the Commission identified four reasons for a limited deployment of the MX. Of the four, the only rationale related to our strategic deterrent is the claim that there is a serious imbalance between Soviet hard-target kill capacity and our own. However, the imbalance would appear to be as much a hobgoblin of the imagination as the "window of vulnerability." The imbalance argument rests on the fear that the Soviet Union might be so tempted by the prospect of being able to successfully destroy all our ICBMs that it might gamble on our not using our truly awesome air and sea capacity to retaliate against population centers.

The fact is we have a different strategic mix than do the Soviets. Our Pentagon planners have long since considered and rejected an overreliance on land-based systems, and the resulting and entirely correct emphasis on less vulnerable systems has imposed limits on our ability to threaten hard targets. Therefore, lest we sell ourselves short in this debate, it would be imprudent to ignore the 900 Mark-12A warheads in our Minuteman force, the D-5 warhead that the Trident II will have, and, of course, our bomber-delivered cruise missiles, all of which have a hard-target

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kill capacity.

Another argument advanced in favor of the MX is the age of our current ICBM force. That point might be cause for some alarm were it not for the professional assurance given the Senate Armed Services Committee, which asked the Air Force last year to address the issue. According to the written reply from Assistant Secretary Alton Keel and Lt. Gen. Kelly Burke dated March 3, 1983, "Minuteman is fully capable now and should continue to be an effective weapon system through the year 2000, if not indefinitely." Minuteman is not, after all, a used car being held together with bailing wire and hope, but rather an unused system being stored in an impeccable, sterile environment.

The arguments about imbalance and age are only window dressing for the two real rationales for the MX: its usefulness as a bargaining chip, and as a demonstration of our national will. The former can make sense in some situations but, when both sides possess the means to destroy each other many times over, obtaining a stronger bargaining position becomes an unproductive, not to mention dangerous, tactic; the latter places the pride of politicians above the concerns of the American people and improperly adds political posturing to the delicate equation of nuclear deterrence.

History does not give one confidence that a bargaining chip can contribute to arms control. On the contrary, it is more likely to impel one's adversary to accelerate his own efforts to develop new systems. In this regard, the MX is not likely to be traded for existing Soviet weapons of lesser capability, but only for more comparable ones that are now under development. If halting their development is a desirable goal, it would make better sense to skip the expense of building these weapons and, through a freeze or other mutual, verifiable agreement, end the arms race at current levels.

National Pride

National will is even more difficult to accept as an argument. What we really mean by it is pride. The only connection between national will and the MX is that the Commission's recommendation represents the minimum necessary to save the president's and a lot of other politicians' face. Our willingness to throw away \$14.6 billion over the next 3 years on a weapon that gives us so little by way of added deterrence says less about our national will than about our inability to rise above the action-reaction cycle of the arms race.

Given the political limitations on defense spending, development of the MX is incompatible with efforts to build up a prudent national defense. If Congress were likely to pass unlimited defense budgets, perhaps the MX could be considered an innocuous military excess. But given the recent budget resolutions passed by Congress, which curb significantly the administration's defense appetite, those who support the MX must not only demonstrate that it is strategically useful, but more useful than other conventional and strategic systems that will be limited or eliminated in the budget process.

Given the decision of Congress to delete some 5 percent from the administration's defense budget, what more rational place to start cutting than by eliminating a system which is 99 percent vulnerable. The building of roads and grain silos make far better public works projects than the hardening of missile silos.

It is true, as advocates of the MX argued on the House floor, that only the president can negotiate for our country. Just as surely, only Congress can appropriate funds for particular military projects. Those in Congress who favor a more forthcoming approach to arms control than recent presidents have articulated have a duty to urge and cajole this president and his advisors to adopt new strategies. But more importantly, Congress has a duty to take responsibility for what is constitutionally its jurisdiction.

"There will be other opportunities for Congress to act on the MX and with them opportunities for members to follow either the path of pride or the more prudent path of arms control. If we follow the former course, we will continue to be like Icarus, who, according to Greek myth, in an excess of hubris flew too close to the sun and plunged into the sea."

Here an unprecedented exchange of letters between a group of congressmen and the president is deserving of comment. In a legislative deal more common to domestic spending issues, several House members indicated by letter to the president that if he agreed to shift gears on arms control, they would reconsider their long-held skepticism about the MX.

I know of few more profound congressional efforts to influence the executive in foreign policy. But the bargain struck was a bad bargain. It defies rational explication. Those who wrote the president want to switch concern in arms control from efforts to limit launchers to warheads.

They want the U.S. and Soviet Union to place primary emphasis on restraining first-strike weapons through build-down approaches such as the two-for-one reduction scheme advocated by Senators Nunn and Cohen. Oxymoronically, and moronically, building the MX is incompatible with these goals. By their exchange of missives these well-intended members of Congress ended up endorsing the opposite approach to arms control than that which they contend they support. Rejecting euclidean logic and non-euclidian geometry, they embraced "the world is flat" approach to international politics.

There will be other opportunities for Congress to act on the MX and with them opportunities for members to follow either the path of pride or the more prudent path of arms control. If we follow the former course, we will continue to be like Icarus, who, according to Greek myth, in an excess of hubris flew too close to the sun and plunged into the sea. Daedalus, his father, counseled caution and flew to safety.

In this first era in human history in which man has the capacity not just to win wars but destroy civilization, we should take care not to fly too close to the sun. Prudence dictates we recognize the limits of man's capacity to control technology. The leadership of restraint has never been more necessary in international politics. Like Daedalus, we must learn to use, not abuse man's capacity to fly.

Einstein once remarked that the splitting of the atom has changed everything except our way of thinking. It is time for Congress to begin thinking, to regain its pride and bring rationality to the arms race and sensibility to the expenditure of taxpayer dollars.

The lesson of Icarus must not be forgotten. ■

Human Rights and U.S. National Security Policy: Perspective on Asia and a Reassessment of Stability

by Edward A. Olsen

Human rights as a sub-field of U.S. foreign policy has both a long and short history. For most Americans human rights became a buzzword of Washington's foreign policy only during the Carter administration. Advocates of a large role for human rights as a disparate venue in foreign affairs trace its substantial role back to the Roosevelt administration and Mrs. Roosevelt's subsequent activism at the United Nations on behalf of passing the Universal Declaration of Human Rights in 1948. If one wishes to be a purist about the term "human rights," such a chronology seems justified. However, the concepts enmeshed in the notion of human rights — liberty, freedom, self-determination, justice, and equal opportunity — were the basis of the American revolution and the founding of the United States. In the over two hundred years since those momentous events the United States has stood for and tried to epitomize by its behavior those ideals. It is no secret that the United States, its people and the government, often fail to meet such high standards. Nevertheless, we have tried and, in retrospect, have succeeded more often than not. In fact, it is fair to say that the United States' existence is testimony to the American people's advocacy of human rights for themselves and as an ideal for all people.

"Washington has been subjected to a great deal of criticism by human rights activists worldwide for following once more a do nothing policy."

U.S. and Human Rights

But for most of our history we have not been particularly concerned with influencing the status of other nations on human rights, considering them to be beyond our purview. We have been acutely aware of our own shortcomings and reluctant to throw stones as long as we lived in a glass house. However, a transition occurred beginning with the Carter administration during which Washington grew less reluctant to judge and accuse others in exchange for being willing to be candid about past and present American human rights violations. By implication the acceptance of some guilt by American society and a readiness to receive the criticism of others seemed to justify venting our national opinion about the behavior of others.

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Despite this effort to reduce any double standard effect, a significant number of Americans rejected the Carter human rights policies as hypocritical, ethnocentric, culturally naive, and excessively busybody in tone. Candidate Ronald Reagan was foremost among these critics. Since entering office President Reagan has down played the stridency characteristic of Carter era human rights policies, attempting to relegate them to a more traditional low key role in foreign policy. As a result of this shift to the status quo ante, Washington has been subjected to a great deal of criticism by human rights activists worldwide for following once more a do nothing policy.

"Clearly the United States faces, and long has faced, a dilemma: how can Washington help some other nations achieve the rights the American people achieved . . . without undermining vital strategic relationships?"

Among the people who most welcomed this reverse-course, human rights shift were American specialists in national security affairs. Few such specialists were enamored of Carter's leadership and his human rights policy frequently was singled out for their disdain. Because Carter's human rights policy regularly was applied to our allies — many of whom did not meet made-in-America human rights criteria — Carter's ideas, channelled through the Department of State's Humanitarian Affairs Bureau, were commonly seen as contradicting and undermining the United States' national security policy as implemented by the Department of Defense.

A Definition of National Security

The question that must be answered then is: Is human rights policy a legitimate part of U.S. national security? Clearly the answer is no if we view "national security" in the traditional manner. U.S. national security entails providing for the defense of the sovereign territory against foreign encroachment, protecting the means by which the nation maintains its material well being, and fostering conditions conducive to peace and prosperity which enable American leaders to attain the first two goals. Most of the activities carried on in the name of national security by the Defense and State Departments, various intelligence agencies, domestic police agencies, and economic regulatory and assistance agencies are legitimized by meeting these needs.

To the extent an activist human rights policy compels the United States to interject itself into foreign controversy, set itself up as a judgmental authority, and take action which

might prove destabilizing, it seems to be calculated to generate the sort of frictions which are antithetical to "fostering conditions conducive to peace and prosperity." There is some truth to such an interpretation. Clearly U.S. human rights pronouncements during the late 1970s about the Shah of Iran, Nicaragua's Somoza regime, or Park Chung-hee in South Korea contributed to rising expectations in each of those instances. Arguably U.S. human rights policy in those cases helped generate the unrest which led to each of those former allies' downfall. Anyone who cared to argue that these episodes proved human rights policies undermined American strategic interests could create a fairly convincing argument.

However, a better argument can be made that those situations already were degenerating before U.S. human rights policy initiatives became a factor. At most those initiatives may have had an accelerating influence, but not a causal relationship. In this sense those American actions were examples of "too little, too late" and not "too much, too soon."

"What Washington can do is to reassess the concept of stability."

The core of the present argument in favor of viewing human rights as an integral aspect of U.S. national security policy revolves around the third item cited above: "fostering conditions conducive to peace and prosperity." In short it is much wiser and far cheaper to seek to deter conflict than to cope with it after it becomes unavoidable. In the contemporary international system where the United States is the foci of a great many alliances which more or less serve American national interests, it behooves the United States to try to strengthen those alliances by helping to preserve harmonious conditions in our allies' internal affairs. Domestic unrest among friends clearly damages our alliances. Almost as threatening are the dangers growing out of domestic instability among potential and/or actual adversaries.

"Stability" long has been a byword in the field of national security affairs, often implying a conservative predilection toward preserving the status quo. Since the contemporary status quo frequently entails conditions of inequality which give rise to revolutionary activity, helping to maintain that status quo in the name of preserving the stability of allies just as frequently puts the United States in the unwanted position of opposing popular desires by the people of allied states for the very same freedom won by American revolutionaries in the 1700s.

Reassessing Stability

Clearly the United States faces, and long has faced, a dilemma: how can Washington help some other nations achieve the rights the American people achieved and would fight for again if anyone tried to deprive us of them without undermining vital strategic relationships extant between the United States and the less enlightened governments of those nations? Short of dire circumstances, the United States cannot run the risk of overt intervention in another state's internal affairs compelling it to toe an American

defined line. What Washington can do, however, is to reassess the concept of stability. Instead of the traditional preservative usage of "stability" we need to use the term in a prescriptive sense in pursuit of United States national security. Stability should be sought, not by rigid support of the status quo, but by helping to foster societal conditions within our more troubled allies' domestic affairs which will nip emergent tensions in the bud.

"The Reagan administration has emphasized a narrow national security conceptual framework at the expense of human rights, relegating the latter solely to quiet diplomacy."

The causes of such tensions long have been obvious: economic deprivation, political inequality, social injustice, etc. The list is virtually endless. In the United States attacking these problems traditionally has been the scope of economic aid agencies and, to a lesser extent, traditional "quiet diplomacy" as an instrument of influence. Carter-era human rights policies created a new focus for these activities. Unfortunately, this focus was, in fact, not "focused" because of the countervailing purposes expressed by apparently contradictory national security mandates to the defense and diplomatic agencies of the U.S. government. In short, Washington was acting at cross purposes.

But if the United States can refocus its efforts in a coordinated way, bringing all these activities under some centralized command and control system guided by an improved interpretation of what sort of "stability" is really vital to U.S. national security, there is reason to hope that the United States can both preserve its security and be true to its pro-human rights traditions. How can this be accomplished? Though there may be other ways, we shall explore one answer by shifting our attention to Asia.

Asia and Human Rights

There are many situations in Asia where minimal standards of human rights are slighted from an American perspective. Violators of these standards come in two shapes: influenceable and temporarily beyond American reach. The latter category includes North Korea, Vietnam, Kampuchea, Laos, and Mongolia. Though they all are gross violators of human rights, United States isolation from all these states minimizes our influence. The influenceable states include our quasi-allies (the PRC and Taiwan), our many allies, and a number of "non-aligned" states.

The need to influence and the possibilities for influencing any of the latter states vary greatly. A small number are very influenceable but do not need to be influenced by the United States since their standards are on par with our own: notably Japan, Australia, and New Zealand. Others, such as India and Burma, could stand some "influencing" to improve the quality of their human rights record, but self-appointed non-aligned states are a prickly lot. They do not want advice, often rejected kibitzing, and have leverage

against the United States by threatening to tilt toward an even less non-aligned stance. Also in need of influencing are the United States' two Chinese quasi-allies, but that peculiar status makes each largely immune to American pressure.

The only states in Asia that need influencing and are influenceable by Washington are the United States' smaller friends. Because they are dependent to varying degrees on American support, they are somewhat subject to American influence. Included in this category are South Korea, the Philippines, and to a lesser extent the ASEAN states, especially Thailand. The United States' association with and support of the Park and Chun regimes in Seoul, the Marcos regime in Manila, and Bangkok's succession of military strongmen is an affront to U.S. human rights traditions which subject Washington's foreign policy to ridicule.

“... a solution may be found within Asia in the form of a Japanese-style strategic concept: comprehensive security.”

None of this is new. Washington has been confronted by this embarrassment for some time. The Carter administration tried, but failed to ameliorate the situation via its human rights campaign because of conflicting pressures. The Reagan administration resolved this internal policy conflict by choosing to emphasize a narrow national security conceptual framework at the expense of human rights, relegating the latter solely to “quiet diplomacy.” Though some progress continues to be made in Asia on certain individual cases, such as the release of Kim Dae-jung, it has been marginal at best. The task remaining is tremendous and the efforts being put forth are miniscule.

There is virtually no prospect of the present administration reversing its human rights course and being a forceful advocate. The 1984 elections might produce an administration pledged to try once more the Carter-era formulas. However, since they failed before due to the inherent dilemmas cited above, there is no reason to expect better results if those formulas are tried again. Though the dilemma Washington faces in Asia over protecting human rights while not destabilizing allies is common elsewhere, a solution may be found within Asia in the form of a Japanese-style strategic concept: comprehensive security.

Comprehensive Security: The Japanese Model

U.S.-Japan security cooperation is a sensitive issue today. Many Americans, including this writer, criticize Japan for not doing its fair share to meet mutual and regional security responsibilities. Part of that criticism is often targeted on Japan's “comprehensive security” ideas, which posit putting equal emphasis on military, economic, and political stability in Asia. Americans often malign this notion because as expressed by Tokyo it is a transparent effort by the Japanese to accept a larger proportion of the responsibility for economic and political security while leaving military security to the United States which always

wants to define security narrowly anyway. To Japan this seems a proper division of labor according to each nation's natural advantage. To the United States it appears to be either a naive emphasis on non-strategic factors in the security equation which give Japan an easy way out or a way for Japan to perpetuate the status quo indefinitely and avoid ever taking commensurate responsibilities.

But instead of rejecting out of hand such an idea, the United States for strategic reasons should accept this concept but under its umbrella demand full equality and reciprocity with Japan, compelling Tokyo to bear its fair share. A major spillover from such a policy shift would occur in the field of human rights. If the United States, operating within a strategic doctrine of comprehensive security, is able in the name of national security to put equal weight on military, economic and political stability, it will sharply reduce if not eliminate the existing inhibitions which now stymie an effective human rights policy in Asia and elsewhere.

Guided by “comprehensive security” the United States would be able to give its full commitment to the pursuit of economic and political rights on the part of allied and friendly peoples because it would have accepted the vitality of these aspects of security to the viability of any armed security efforts. We cannot expect the latter to succeed for very long without the former also making corresponding progress. Operating under these assumptions, a coordinating human rights office at State, functioning within a pragmatic comprehensive security framework, would be part of a team effort including the Defense Department, intelligence agencies, and economic aid agencies. Given proper marching orders from the top in Washington, there is no reason why obstructionism cannot be converted to co-operation. In fact, under these conditions a viable and productive human rights policy might well be integrated within overarching and complementary national security policies. ■

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Sun Tzu, *The Art of War*

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Ripon Society executive director and Republican of the Year honoree Robert Dole gather at the Society's 21st anniversary celebration.

Washington Notes

Nearly 200 guests turned out to celebrate the Ripon Society's 21st anniversary in late June. Senator Robert Dole was honored as "Republican of the Year" for his work in closing budget deficits and securing passage of the Voting Rights Act extension . . .

The one year anniversary of the *Washington Times*, a paper owned by Reverend Sun Myung Moon's Unification Church, was celebrated this May, serving as a reminder that the alliance between elements of the New Right and the Unification Church continues. This alliance, which was reported in the January *Forum*, was also made evident by the participation this spring of New Right activists Lynn Bouchey of the Council on Inter-American Security and Terry Dolan of the National Conservative Political Action Committee in the Jamaican conference sponsored by Moon's Latin American organization, CAUSA. Bouchey served as the conference's chairman, while Dolan appeared as a guest panelist . . .

"The Gang of Five," a new moderate Republican coalition, which includes four Ripon Congressional Advisory Board (CAB) members, gained notoriety during consideration of the FY '84 budget. Senators Lowell P. Weicker, R-Conn., John H. Chafee, R-R.I., Mark O. Hatfield, R-Ore., Charles McC. Mathias, Jr., R-Md., and Robert T. Stafford, R-Vt., took the position that exorbitant deficits could ruin the recovery, a stand that more conservative legislators set aside in favor of higher defense spending. The "Gang of Five" budget called for higher taxes, lower defense spending and a limit on the July tax cut. The plan would have produced a deficit \$11 billion less than the Reagan-backed Senate Budget Committee proposal. While the moderate budget did not pass intact, a plan modified by Ripon CAB member Slade Gorton, R-Wash., did pass.

Political Notes

Progressives in both political parties have been encouraged by the formation of **Mississippi First**, a bi-partisan organization designed to provide campaign support and

services to those legislative candidates who seek to improve that state's education system and combat political corruption. So far nearly 15 Republicans have been sponsored. For more information, write: Mississippi First, P.O. Box 1488, Jackson, MS 39205 . . .

Michael Hayes reports from **Texas** that Chet Upham, the controversial chairman of the Texas GOP, has resigned and been replaced by 1982 GOP lieutenant gubernatorial nominee, Bud Strake. However, whether Strake can attract the necessary working class voters, Mexican-Americans and blacks needed for a strong GOP base there remains unanswered . . .

In **Michigan** speculation exists that Brig. Gen. Peter Daukins and retired astronaut Jack Lousma will seek the GOP nod to face Democratic Senator Carl Levin in his 1984 reelection bid. Other candidates discussed, some seriously and some not seriously, include Lorette Ruppe, director of the Peace Corps, and Charleton Heston, who is, incidentally, registered to vote in Michigan . . .

Washington Democratic incumbent Al Swift, known for his Energy and Commerce Committee work, will be challenged again by Joan Houchen, a GOP state representative who ran against Swift in 1982. The state's First Congressional District, which will be vacated by retiring Ripon Republican Joel Pritchard, should remain a moderate GOP stronghold given that each potential candidate is a moderate and that the district will receive more GOP voters in 1984 because of the redistricting plan recently approved by the courts . . .

California Forum correspondent Roman Buhler reports that the California Republican League will hold its Lincoln Conference in San Diego, July 29-July 31, focusing on campaign technology. For more information, contact the Ripon Society national office . . .

Oregon's GOP Senator Robert Packwood delivered the keynote address recently to the 19th Annual Dorchester Conference — a Republican ritual designed to unite the Oregon party — but many GOP regulars were not in attendance. This included party chairman Robert O. Voy and House Minority Leader Larry Campbell. Both were left out in the effort spearheaded by conference chairman Terry Kay to change the perception that the Republican Party is "carrying the water for the Moral Majority." Those not invited expressed their dismay, claiming that this was an attempt to divide the Oregon GOP between liberals, moderates and conservatives . . . ■