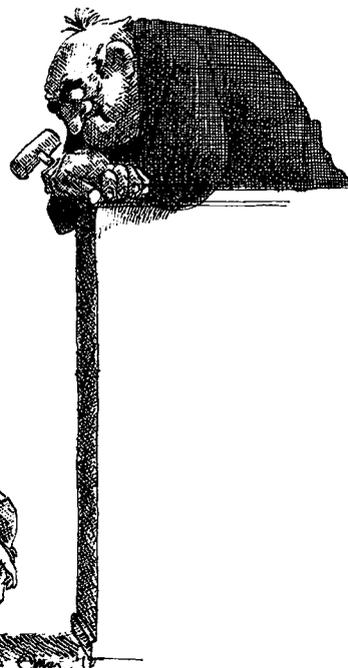


RIPON FORUM

APRIL, 1970

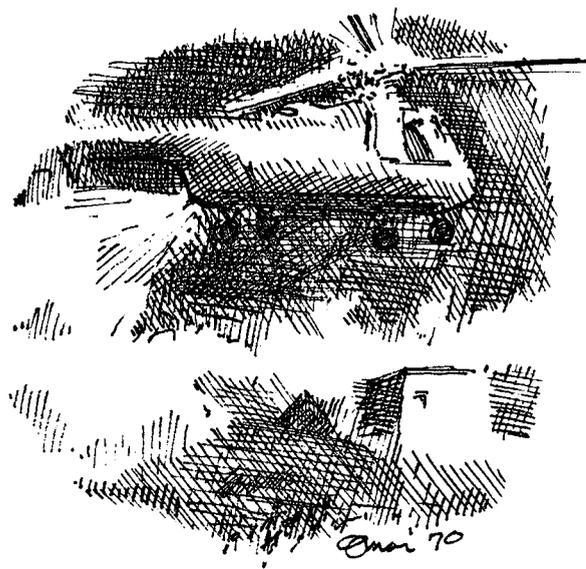
VOL. VI, No. 4

ONE DOLLAR



American Women: The Oppressed Majority

-
- **Building Codes and the Housing Crisis**
 - **The Case Against Carswell**
 - **The Balance Sheet: Foley's Law**
-



American Authoritarianism?

The Complex Society — Part V

SUMMARY OF CONTENTS

POLITICAL NOTES

—3

THE OPPRESSED MAJORITY

If you watch TV, you see the American female portrayed as either ornament (the Virginia Slims-FDS girl) or drudge (the typical floor wax-spray starch ad). Women in rebellion are objecting to both and demanding a variety of new rights and roles. Authors **Linda Mathews** and **Cynthia Mollenkopf** find Women's Lib the victim of government sloth, male reaction and its own lack of solidarity. They critically examine the spectrum of women's protest, from the legalists of NOW to the radical visionaries in Women's Lib, and the prospects for legislation and litigation helping to cure what's oppressive.

—6

BUILDING CODES

Local building codes distort and defeat efforts for mass production of housing. By discouraging innovation and industrialization, they increase the cost of every new home — thus perpetuating the housing crisis. **Charles Field** details the jigsaw puzzle of local codes and suggests reform — statewide codes based on performance standards.

—11

THE COMPLEX SOCIETY — PART V

William D. Phelan resumes and concludes "The Complex Society" with a warning against creeping authoritarianism. Americans are mesmerized by the idea of a sudden military coup or leftist revolution. The less sexy scenario sees an evolutionary process expedited by the Vietnam war, the armed Far Right and the Phillips-Mitchell "tough-guy opportunism." If this article doesn't convince and scare you . . .

—17

THE CASE AGAINST CARSWELL

The **Ripon Society**, in a statement that influenced many Senators when it was released in early March, urges the rejection of Supreme Court nominee Harrold Carswell on the grounds that he lacks even the minimal legal qualifications necessary for competent service. In a condensation of its statement Ripon offers strong statistical corroboration to the above. "The Case Against Carswell" characterizes the nomination as an insult to Southern jurisprudence and a lowering of the high standard that 20th century Republican presidents have maintained in choosing judicial statesmen for the Court.

—22

THE BALANCE SHEET

Duncan Foley resumes his politico-economic column with *Foley's Law* — a negative correlation between GOP House seats and the unemployment rate. It has worked before (see graph accompanying article) and if it holds this year, Mr. Foley predicts a bearish market for Republican candidates this November.

—26

14a ELIOT STREET

—27

LETTERS

—27

PUBLICATIONS PAGE

—28

OFF THE HORIZON

Apologies are in order to Peter Tufo. An item in last month's "On the Horizon" column seemed to imply that he was leaving the Lindsay staff because he had spoken to the press about Lindsay's becoming a Democrat. He is really leaving to set up his own law firm after long and loyal service. Also, since, as we reported in an earlier FORUM, Lindsay did not campaign for vice president at the San Diego meeting of the National League of Cities, it was wrong to blame Tufo for having "handled his unsuccessful campaign."

THE RIPON SOCIETY, INC. is a Republican research and policy organization whose members are young business, academic and professional men and women. It has national headquarters in Cambridge, Massachusetts, chapters in eleven cities, National Associate members throughout the fifty states, and several affiliated groups of sub-chapter status. The Society is supported by chapter dues, individual contributions and revenues from its publications and contract work. The Society offers the following options for annual contribution: Contributor \$25 or more; Sustainer \$100 or more; Founder \$1000 or more. Inquiries about membership and chapter organization should be addressed to the National Executive Director.

NATIONAL GOVERNING BOARD

Officers

- *Josiah Lee Auspitz, **President**
- *J. Eugene Marans, **Chairman of the Board**
- *Christopher T. Bayley, **Chairman of the Executive Committee**
- *Howard F. Gillette, Jr., **Vice President**
- *Robert L. Beal, **Treasurer**
- *Frank E. Samuel, Jr., **Secretary**

Boston

- *Robert Gulick
- Martin A. Linsky
- Michael W. Christian

Cambridge

- *Sam Sherer
- Michael Merz
- Marc Glass

Chicago

- *Harold S. Russell
- John A. Bross, Jr.
- Benjamin C. Duster

Dallas

- *Neil D. Anderson
- Howard L. Abramson
- Robert A. Wilson

Hartford

- *Nicholas Norton
- Alvin Dozeman
- William S. Glazier II

Los Angeles

- *Melvin H. Bernstein
- Edward H. McAniff
- Richard J. Ward, Jr.

New Haven

- *William E. Craig
- Paul C. Capra
- William H. Jeffress, Jr.

New York

- *Richard Zimmer
- Robert L. Musser
- Judah C. Sommer

Ex-Officio At Large

- *Clair W. Rodgers, Jr., **National Executive Director**
- Howard L. Reiter, **Editor of the Ripon FORUM**
- Michael F. Brewer, **Political Director**
- David M. White, **Research Director**
- Christopher W. Beal, **Policy Chairman**
- ***National Executive Committee Member**
- ****Past President or Chairman of the Board**

THE RIPON FORUM is published monthly by the Ripon Society, Inc., 14a Elliot Street, Cambridge, Massachusetts 02138. Second class postage rates paid at Boston, Massachusetts. Contents are copyrighted © 1970 by the Ripon Society, Inc. Correspondence addressed to the Editor is welcomed.

In publishing this magazine the Ripon Society seeks to provide a forum for fresh ideas, well-researched proposals and for a spirit of criticism, innovation, and independent thinking within the Republican Party. Articles do not necessarily represent the opinion of the National Governing Board or the Editorial Board of the Ripon Society, unless they are explicitly so labeled.

SUBSCRIPTION RATES are \$10 a year, \$5 for students, service-men, and for Peace Corps, Vista and other volunteers. Overseas air mail, \$10 extra. Advertising rates on request.

Editor: Howard L. Reiter

Managing Editor: Evelyn F. Ellis

Consulting Editor: Michael S. Lottman

Technical Editor: John Woodman

Contributors: Christopher W. Beal, Duncan K. Foley, Philip C. Johnson, William D. Phelan, Jr., David Omar White.

Circulation Dept.: Mary Horgan

Correspondents

- Mrs. Barbara Mooney, **Conn.**
- Maggie Nichols, **California**
- Alex M. Hehmyer, **No. Calif.**
- James F. McCollum, Jr., **Florida**
- Cullen Hammond, **Georgia**
- Michael McCrery, **Idaho**
- Ben Violette, **Illinois**
- J. Kenneth Doka, **Indiana**
- Terrence Dwyer, **Iowa**
- Eric Karnes, **Kentucky**
- Henry Bernstein, **Louisiana**
- William A. Merrill, **Mass.**
- Don Fowler, **Maine**
- Terrence Dwyer, **Michigan**
- Arthur F. McClure, II, **Missouri**
- William Harding, **Nebraska**
- Charles O. Ingraham, **New York**
- Deryl Howard, **North Carolina**
- William K. Woods, **Ohio**
- Stephen Jones, **Oklahoma**
- Eric R. Blackledge, **Oregon**
- Richard Ober, Jr., **Pennsylvania**
- Donato Andre D'Andrea, **R. I.**
- Bruce M. Selya, **Rhode Island**
- William H. Linder, **So. Carolina**
- Stanford M. Adelsstein, **S. D.**
- Robert R. Murdoch, **Virginia**
- W. Stuart Parsons, **Wisconsin**

Political Notes

VIRGINIA: republicanism for the future?

Airlie House in Warrenton, Virginia was host on March 13-15 to a unique meeting of future Republican leaders. The conference entitled: "Needed: A Republicanism for the 1980's" was sponsored by sixteen political activists; including: A. Lawrence Chickering, John C. Danforth, Robert O. Dehlendorf, II, Slade Gorton, Margaret M. Heckler, Stephen Horn, Thomas H. Kean, Fulton Lewis, III, Martin A. Linsky, John McClaughry, Paul N. McCloskey, Jr., Tom Railsback, Donald W. Riegle, Philip E. Ruppe, Jr., Henry B. Schacht, Marge Sklencar.

Conference participants numbered over 250, from 42 states and from all levels of government, and many professions. The sponsors made all final decisions on the conference, with the Ripon Society providing full time staff. Discussed during the conference were questions on a basic Republican philosophy, political strategy, race, crime, peace and quality of life issues. There were no resolutions or votes, but the greatest applause at the final full session was given to a proposal that all participants go to work against the Carswell nomination. Petitions circulated by J. Lee Auspitz, President of the Ripon Society, and the Action Now Committee (a group of Republican black community organizers in Dallas, Detroit, New York, New Haven, Hartford, Kansas City and Boston) urging the Republican National Committee to strengthen the Action Now Program, were widely supported.

In a follow-up to the petitions, the Republican National Committee agreed to increase the Action Now budget and to allow earmarked contributions to be channeled into it.

ALABAMA: a Wallace without "soul"

In making the anticlimatic announcement of his candidacy for the Democratic gubernatorial nomination on February 26, former Governor George C. Wallace came up with a platform that should, if nothing else, be a lesson to his Republican imitators. It again showed, perhaps more clearly than ever before, the unique blend of racism and populism that enabled Wallace in 1968 to reach voters previously untouched by the purely segre-

gationist appeals of Strom Thurmond and Barry Goldwater.

Wallace hardly needed to say that a major theme of his campaign would be a rollback of Negro gains, particularly in school integration — or, as he put it, an effort "to see that our domestic institutions are returned to the people of Alabama." And there was the obligatory ranting about "filthy literature, narcotics and crime."

On these points, Wallace's platform was a reasonably exact duplicate of that of his principal opponent, incumbent Governor Albert P. Brewer, who took office when Governor Lurleen Wallace died of cancer in May, 1968. Brewer appears to have the tacit support of Alabama Republicans in this race, and has been publicly praised by such GOP leaders as Vice President Agnew, Secretary of Interior Walter Hickel, and Postmaster General Winton Blount (an Alabamian). Part of this Republican support is tactical, because a Brewer victory would finish Wallace as a presidential contender. But the GOP's enthusiasm for Brewer is also due to the fact that, philosophically and emotionally, Albert Brewer is an Alabama Republican.

Brewer's racism, for example, is the quiet, restrained, respectable, and effective brand so much in favor with the business establishment. And his every instinct seems to ally him with the state's industrial interests, utilities, banks, and insurance companies, where Alabama's most powerful Republicans are concentrated.

Wallace, on the other hand, outlined a platform that placed him squarely on the side of the "little man." Among the planks were repeal of the 4 percent tax on water, gas, electricity, and telephones, as "a first order of business"; appointment of a blue ribbon committee to investigate utility rates in Alabama; hiring a "people's lawyer" to oppose future rate increases before the state Public Service Commission; reduction of insurance rates; legislation to protect the public from "unscrupulous money lenders and installment sellers"; appointment of five Alabama housewives to a "Consumer Affairs Board," whose duty will be "to guard the public against misleading advertising, price fixing, unlawful practices, and unfair competition"; fuller implementation of the free school textbook law passed under the previous Wallace Administration; elimination of air and water pollution "by the end of our administration"; and increases in workmen's compensation and benefits for the elderly.

These planks will likely be ignored by those assessing Wallace's performance in the May 5 Democratic primary, and by those seeking the "Wallace vote" in 1972. But because of them, a Wallace-Brewer clash, pitting a Wallace without "soul" against the real article, will carry important implications for both Alabama and national Republicans.

KENTUCKY: no gains expected

Kentuckians in 1970 will select seven members of the United States Congress. For the first time since 1958, there will be no additional contest for Senator or for President. Because of this situation, political analysts expect a low profile of interest among the voters at large, but a determined localized effort by both parties to make inroads in the delegation. At a present time, Democrats hold 4 seats and Republicans occupy the other 3.

The early outlook is for no change, although Democrats could pick up the 3rd district seat in Louisville while losing the 6th district seat in Lexington and the central Kentucky Blue Grass area. The situation by district:

FIRST DISTRICT: This rock-bound Gibraltar of Democracy has never elected a Republican Congressman and will not deviate from that habit in 1970. Congressman Frank Stubblefield might have had primary problems from state House Speaker Julian R. Carroll of Paducah had Carroll not decided to aim for the Governorship in 1971 instead. The only Republican mentioned so far is conservative Edward Rodgers of Mayfield, a candidate in 1967 for Railroad Commissioner and in 1969 for state Representative.

SECOND DISTRICT: Republicans have a slim chance to defeat incumbent Democratic Congressman William Natcher of Bowling Green. In 1968 a weak GOP nominee polled over 43 percent of the vote, and Republicans have been increasing their percentage in congressional races since 1960. Natcher apparently will have no primary problems. Republicans will field a stronger than usual candidate in former state Representative George Greer of Owensboro. Defeated for re-election to the state House in the 1969 anti-Nunn tide, Greer won election in 1967 as the first Republican state legislator in the history of fast-growing Daviess County. Greer may have a primary battle from state Senator J. C. Carter of Franklin. Greer would be classed easily as the more moderate of the two.

THIRD DISTRICT: Traditionally a tossup between the two parties, Louisville's third district now is represented by moderate Republican William O. Cowger. Elected to Congress in 1966, Cowger ran a weaker campaign in 1968, and is considered vulnerable. Old-line Republicans in Jefferson County, discredited by the Democratic sweep of city and county offices in 1969, may continue to impose their death-wish on the GOP by opposing Cowger in the May primary for being "too much a maverick" and too liberal. Cowger and Governor Nunn recently engaged in a political shouting match in the newspapers with neither coming out as winners. Cowger is assemb-

ling a young campaign force to do battle with the conservatives, whose candidate may by 1969 Mayoral candidate John Porter Sawyer, once considered a moderate, or conservative former Police Court Judge William Colson. Democratic candidates include front-runner state Senator Romano "Ron" Mazzoli, a liberal, and state Representative Tom Ray, Cowger's 1968 opponent. Humphreyite forces in the Democratic party are encouraging Ray to oppose Mazzoli because of the recent anti-war statements made by the state Senator. Cowger would probably defeat Ray with relative ease, but would have difficulty with Mazzoli.

FOURTH DISTRICT: Republican Congressman M. Gene Snyder will probably keep this seat for as long as he wants it. Elected in 1962 in the old Third District, he was soundly defeated in the 1964 Goldwater reverse landslide. In 1966 Snyder won election in the new Fourth, comprising the suburbs of Louisville and a narrow string of small Ohio River counties north to Covington. The most conservative member of the Kentucky delegation, Snyder will probably have no primary opposition, but could face a tougher than usual contest in November from Louisville advertising executive Terrence Holland, brother-in-law and 1960 campaign manager of young liberal Jefferson County Judge Todd Hollenbach. While not expected to beat Snyder, Holland could give him the best run for the money he has had since his 1964 defeat.

FIFTH DISTRICT: The Kentucky Fifth is as rock-bound Republican as the First is Democratic. This south and southeast Kentucky foothill and mountain country should easily return GOP Congressman Tim Lee Carter to Washington for as long as he wants to go. Carter was first elected in 1964 in a 21-candidate primary, was re-elected in 1966 and 1968 with ease, and looks forward to another easy sail through in 1970. Democratic candidates are rare in the 5th, and as popular as flatland bill collectors.

SIXTH DISTRICT: The Sixth is the best chance for Republican gains in Kentucky in 1970. Incumbent Congressman John C. Watts is elderly, out of step with booming Lexington and the surrounding smaller cities, and unable to protect the vital tobacco industry in Congress as he did years ago. Democrats sense Watts' problems, and have tried to no avail to persuade him to retire. He may face a primary from former Lexington Mayor Shelby Kinkead, a conservative of the Watts stripe, or from University of Kentucky political science professor Gene Mason, a Kennedy liberal. Mason was recently indicted for receiving stolen property; however, the case, considered a "frame-up" by Watts' Lexington friends, may backfire against the Congressman. Republican candidates include Larry Hopkins, a Lexington stockbroker and newcomer to politics who ran the best Republican race in 1969 for Fayette County offices, losing a County Commission race by 300 votes out of

38,000 while other Republicans were being plowed under by the Democratic sweep. Hopkins, 36, is a moderate. Mason's Democratic backers have indicated that they would support Hopkins against Watts, but under no circumstances would they back a conservative candidate. Hopkins, by putting together a Republican-Negro-organized labor-liberal coalition, could defeat Watts.

SEVENTH DISTRICT: One of the biggest thorns in Richard Nixon's side, Democratic Congressman Carl Perkins, Chairman of the Education and Labor Committee, is probably unbeatable, as much as the President would like to see a new Republican face from the mountainous Seventh. No primary is expected, and little GOP opposition. Most good Republican candidates are waiting until Perkins retires or dies, and that time is probably long off.

THE MORAL: Kentucky, a border state where Wallace got a healthy 18 percent of the 1968 vote, should, by the Mitchell-Phillips strategy, be one where the present tone of the Administration would help deliver congressional seats. But the fact is that there as elsewhere the GOP is not situated to field Wallaceite congressional candidates.

MINNESOTA: filling LeVander's shoes

From 45 degrees above one day to 30 below zero the next; that describes the winter months in Minnesota. The political climate likewise took a sudden dive on January 26, when one term Republican Governor Harold LeVander announced his intention not to seek reelection.

State Party leaders, who have never been close to the Governor, were shocked. It had been their understanding that LeVander would announce his decision to seek another term.

LeVander's record has indeed been impressive. A leader in the fight "to make Minnesota a better place to live," LeVander heralded the cause of human rights, pollution control, insurance regulation, state government reorganization and metropolitan planning. But the LeVander record never really got through to the people of Minnesota. Instead of being regarded as a champion of the people, LeVander has been characterized as a slow-moving, indecisive Governor. The Minnesota Republican Party must share a part of the blame for this failure.

Minnesota GOP leadership had vigorously opposed LeVander's nomination in 1966. Most observers will agree that the state GOP since 1966 has emphasized building a strong party organization — not promoting the accomplishments of their own Republican administration. LeVander's popularity had dropped to a low of 31 percent in December, 1969, from a high of 56 percent in January, 1967. Even among Republicans, only

50 percent gave a favorable opinion of the Governor.

Two days after LeVander's withdrawal, Lieutenant Governor James B. "Jim" Goetz, 33, announced his candidacy for the party nomination. Goetz, a self-made businessman, is progressive, energetic and concerned about Minnesota's problems. Goetz points to four vital issues of the day: pollution, credibility of state government, intergovernmental cooperation and state and local financial problems.

The Lieutenant Governor brings with him more personal "charisma" than any other Republican since Harold Stassen's entry into politics in the mid-1930's. He draws support from the growing number of young voters in the state.

Pitted against Goetz for the gubernatorial nomination is able Republican Attorney General Douglas M. Head, 40, of Minneapolis. Head had announced previously as a candidate for the party's senatorial nomination and was involved in a closely fought contest with Rep. Clark MacGregor of suburban Minneapolis. It took Head less than two weeks to shift to the more promising gubernatorial race. Elected Attorney General in 1966, Head distinguished himself as a leader in consumer protection and stricter law enforcement procedures. His volunteer organization is the most effective statewide network ever seen in Minnesota. This well staffed and financed apparatus gives Head an early and clear advantage over the lesser equipped Goetz. Head is also a close personal friend of state Republican chairman George Thiss.

A critical yet submerged issue in the campaign is one of those advantages. A coalition of Hennepin (Minneapolis) county Republicans have had tight control of the state party since 1965, wielding great influence over candidate selection. The Attorney General is a key member of the group affectionately referred to as "the Hennepin County Mafia" (after President Kennedy's Irish Mafia) by its opponents. This group's control of state Republican politics that may provide a vital issue in the party's nomination game.

Early reports from Republican precinct, town, ward and village caucuses indicate an increasing independence from the Hennepin group. If Goetz is to be nominated at the June party convention, he must cut into the Head organization in Hennepin county, while gathering a large percentage of the outstate delegate votes, as LeVander did in 1966. To date outside delegates appear to be unready to make a commitment to either candidate, but if past conventions are any guide, Goetz will be the likely winner in much of non-metropolitan Minnesota.

Republicans once thought 1970 would be a relatively easy political year. They held all but one state constitutional office; it now appears only State Treasurer Val Bjornson will be running for reelection while the likely candidate to head the D-F-L Party ticket is former Vice President Hubert H. Humphrey.

The Oppressed Majority

"You've come a long way, baby," trills an upbeat television commercial in which a gloriously miniskirted model with melting eyes and pouting lips advances sinuously toward the viewer. She is superimposed against montages of suffrage marchers and long-skirted, be-bustled feminists, which flicker across the screen and make the obvious point: this ravishing creature is the emancipated woman personified, the end-product of all that turn-of-the-century Woman Business, everything a modern woman could want to be.

Men's mouths may water, doughty matrons may despair over this child-woman, but a surprising number of strong-minded ladies who think woman should expect more from life than their very own slim cigarette resent this misuse of female history. They're in active revolt against everything the Virginia Slims girl represents, and in the past year they have served notice that this country did not wash its hands of the Woman Business 50 years ago when the 19th Amendment became law. Feminism, which might have been expected to be as dead as the carriage industry, is an issue all over again.

Suddenly it is impossible to pick up a magazine without finding a defense or a denunciation of women's liberation. Network television reporters and their cameramen, who are accustomed to being hassled by militant students and blacks, now report having to invent subterfuges in order to get inside women's meetings. New terms are entering the American political vocabulary: "sexist," "male chauvinism," and "sex object" as a synonym for "woman." Signaling its real arrival as an American institution, women's liberation has already developed schisms and in-fighting within its ranks. It has also elicited backlash from some men who have cloyingly announced the forma-

tion of the Men's Liberation Front.

And yet despite the attention given this resurgence of feminism, one has the sense that no one — not the media, to be sure, and not even the women who are themselves involved — has thought long and hard about what the liberation of American women would mean, or how it is to be logically achieved. The newspapers still report the movement as if it were a story about Seventh Avenue's dropping hemlines; it is a story for the Women's Page, not for political columnists. Walter Cronkite still smirks when he reports that Supreme Court nominee G. Harrold Carswell has been branded a "sexist" for ruling against a female job applicant who sought action under Title VII of the 1964 Civil Rights Act.

The insurgent women themselves have been too busy "raising consciousness" among the uninitiated to settle upon ideologies or strategies. Their unwillingness to synthesize operating plans or to lay out much more than immediate goals may also be due to a problem that bedevils their movement: the second wave of feminism has swept up a varied collection of women who often disagree over their priorities.

THE FEMININE MYSTIQUE

On one side are the ladies of NOW (a double-edged acronym: the National Organization for Women was formed in 1966 "to bring women into full participation in the mainstream of American society *now*"). NOW's founder and first president was Betty Friedan, who probably deserves most of the credit for bringing women's unredressed grievances into the open with her best-selling book, *The Feminine Mystique*.

NOW has concentrated on bread-and-butter issues. Although many of its members don't work themselves, they are indignant about the plight of women who do. Thus, they have been willing to provide money and volunteer legal counsel for working-class women who want to bring Title VII suits against their employers. Talking to the women from NOW, one gets the strong impression that all their lives, when rules were to be tended, these women did the tending. They are anything but kooks. If they don't look exactly like those conscientious club ladies in old *New Yorker* cartoons — the plump women who wore mink stoles and flower-pot hats — it is only because fashions change.

Perhaps because NOW members are so disarmingly *normal*, their indignation is more alarming —

THE AUTHORS

Linda Mathews and Cynthia Mollenkopf are both first year students at the Harvard Law School. Mrs. Mathews graduated from Radcliffe in 1967. She was the first woman managing editor of the Harvard Crimson and has since written for the Washington Post and the Los Angeles Times. Mrs. Mollenkopf, who graduated from Wellesley in 1967, has served on the executive committee of the Cambridge Housing Convention (which wrote the defeated rent control bill) and the Cambridge Corporation, a non-profit community development corporation.

and more significant. It may tell us that, contrary to all those TV commercials which show housewives fretting over the shine on the kitchen vinyl, all is not well in the suburbs. Betty Friedan tapped this dissatisfaction with her book, and now her converts have set about the task of proseletyzing with incredible zeal and thoroughness.

Nationally, they have hit at all those obstacles that keep women at home and in the bottom of the job market. They want total enforcement of Title VII; revision of the tax laws to permit full deduction of child-care centers; consistent business policies on maternity leaves; revision of divorce and alimony laws; implementation of the recommendations that have poured from the President's Commission on the Status of Women and gone unheeded; enforcement of regulations that require withholding federal funds from any agency or business that discriminates against women.

If NOW members, fighting in the courts or on the civil rights battlefield, are feminism's evolutionaries, there are, on the other side, more militant women who work to the left of Betty Friedan and comprise feminism's revolutionaries. Organized into a loose confederation of 75 chapters on campuses and in major cities these women work under different organizational names but generally call themselves "radical women" and their cause "women's liberation."

Hip, thoughtful, though occasionally given to radical cant, these young women came to feminism through a completely different process than did Betty Friedan. They are the byproduct of various New Left organizations, which the girls found were as much dominated by men as General Motors or the Republican Party. Women radicals grumbled about their secondary roles in the movement long before they did anything about it. They were jailed, beaten and Maced side-by-side with their activist male counterparts, but at meetings the men did all the talking and the women found themselves running mimeograph machines and making coffee. Otherwise turned-on young men quoted Stokely Carmichael's famous put-down to their restive girl friends: "The only position for women in the movement is on their backs with their mouths shut." Finally the girls tired of the ladies' auxiliary bit and struck out on their own.

19TH CENTURY POSITION

The Women's Lib converts — who themselves are so factionalized that one is instantly reminded of the radical in-fighting of the 1930s — are mildly supportive of NOW's aims but claim liberation ought to go far beyond the issues of equal pay or job discrimination. "Liberal reform is co-optive, and women were co-opted once before, to the destruction of their movement, with the final result that the position of women has changed little in its essentials from the 19th

century," says one radical.

Radical women, like the New Left organizations to which they still pay partial allegiance, are instead dedicated to a total restructuring of society. They are vague about what this totally restructured society would look like, but they have in mind as a starter a fundamental assault on marriage and the family: coupling without legal bonds, communal child-rearing to do away with the "destructive" one-to-one child-parent relationship. It is motherhood, they feel, which keeps women downtrodden and guarantees their oppression, whatever ameliorative reforms are achieved.

Their view of the family after the revolution is integrated with the other revolutionary ideas proposed by the New Left: the destruction of private property and the nation-state, with every man doing "meaningful work" and making the decisions that govern his life. "We are still part of the movement," says another Women's Lib member. "We work for the same things because women won't be completely liberated until everyone else is. But by having our own organizations, we can be sure that women's particular oppression is articulated, and that paternalism as well as capitalism is eliminated."

HOW MUCH SEPARATISM?

Women's Lib is anti-male to the extent that it bars men from membership and meetings, its members believing (as do blacks who recognize the importance of self-determination) that "Men will not liberate women. Women must free themselves." A few zealots (centered in Boston) have armed themselves with karate as well as Marxist ideology; in addition to self-defense, they call each other "sister" and do indeed live rather nun-like, cloistered lives, abstaining from sex and make-up. But for most chapters, the ban on men is intended simply to give the women a chance to grow and guide their own course.

Although occasionally cooperating with NOW, the radical women tend to operate underground, through the infrastructure built up through the anti-war movement. When they do emerge, their antics immediately capture public attention: guerrilla theatre in shopping centers, bra-burnings, raids on Yale Alumni Association meetings.

These separate wings of the women's movement do have one thing in common. Neither the good ladies of NOW nor the outspoken revolutionaries from Women's Lib have made membership inroads into the ranks of working-class and minority women, which is a serious deficiency. The new feminists, for the most part, are white and college-educated.

A few factory workers, however, have found at least a tangential relationship to the new feminism. These are the women who, feeling discrimination at its meanest level, have waged court fights against their

employers and against state laws which dictate how much weight women may lift and how many hours they may work. For the most part their cases have invoked Title VII, which outlaws job discrimination based on "an individual's race, color, religion, sex or national origin."

VAIN APPEAL

One such woman is Ida Phillips, an Orlando, Florida, mother who was denied a position as an assembly-line trainee by the Martin Marietta Corporation because of a company rule excluding mothers of preschool children. Her suit was unsuccessful at trial and before the United States Court of Appeals for the Fifth Circuit, which ruled in favor of the company on the ground that she was not excluded merely because of her sex. The court held that the company rule, which is typical of many businesses, passed Constitutional muster.

It is Mrs. Phillips's suit which evoked the charges against Judge Carswell; when the entire appeals court was asked to hear her suit, Carswell joined the majority in turning down the request. If his nomination is confirmed, Carswell will have an opportunity to reconsider his earlier vote. For the Supreme Court has agreed to review Ida Phillips's suit; it will be the first time the Court has heard arguments on the sex aspects of the Civil Rights Act.

Ida Phillips and women like her whose cases are stalled at appellate levels are heroines to the rest of the movement. But this tends not to be a case of mutual respect; Mrs. Phillips is no different from other working-class women in taking a dim view of feminist shenanigans, however militant her own stand against job discrimination. Such women are wary even of old-fashioned picketing, let alone bra-burning. "If I thought these things could be settled in the streets, I most certainly would not have spent every cent I could spare to take my grievances to the courts," says Velma Mengelkoch, a California electronics assembler whose challenge to state working-hours legislation has made her something of a celebrity on the West Coast.

STAY-AT-HOME AMERICA

There is a class difference here, the difference between wearing pants (not pants suits, but denims) and dressmaker suits to work. Working-class women go to "the plant," middle-class women with jobs head for "the office." One is Rosie the Riveter, the other the office Girl Friday. These are snotty distinctions to be sure, particularly to Americans with illusions about classlessness, but they are real. NOW and Women's Lib reject what many working-class women dream about: all the staples of suburbia, the luxury of staying home.

Mrs. Mengelkoch, who was often forced to moonlight as a practical nurse to support her children, is

more than a little wistful. "I would have liked nothing better than being a full-time wife and mother, but that's not the way it could be," she says. "I'm not interested in seeing all women punch time clocks and stick children in nurseries, the way the Russians do."

Given this array of sentiment, it is not surprising that the new feminists spend most of their time convincing women from all backgrounds that their mutual interests are greater than their differences. "You might think that our pursuing different goals is a sign of weakness," says one Women's Lib member. "But I regard it as a sign of strength that each woman feels free to understand her own needs. What we have in common is that we're all oppressed in different ways. I know I feel differently about this than a woman who stands on her feet eight hours a day, working in a factory. But does it really matter who's more oppressed? If I lose a thumb, and you lose an arm, and we're both gushing blood, should we stop to debate who's hurting more? No, we bind up each other's wounds, and we do it fast."

TOO MANY ISSUES

Despite these stirring words, the truth is that the feminists scatter their shots; their movement lacks focus. Ask six of them which issue ought to have priority, which issue might stir the still-slumbering masses, and you get half a dozen answers. "Repeal of abortion laws," answer the sexually-advanced militants. "Until women can control their own bodies, they have nothing," "Equal pay for equal work," say the careerists and the factory workers. "Pressure on the courts, to build up a body of law on sex discrimination," argue the women lawyers. "Day care centers," chorus the working mothers. "More humane welfare laws," cry the women on AFDC. "Nothing short of a social revolution," insist the ideologues of Women's Lib.

Just as there is little agreement about goals, there is little accord within this movement as to tactics. Each suggestion, though it has some strengths, also has serious drawbacks:

- The NOW people who instinctively trust the courts to enforce Title VII and the Equal Pay Act of 1963 ought to realize that the courts have never been women's best friend. It was the Supreme Court, after all, that in the early years of this century invalidated legislation that limited the hours both men and women could work, and then upheld such limitations that dealt only with women. The Court's example was an inspiration to state legislatures in developing discriminatory laws. Only 22 years ago, the Supreme Court again ruled that nothing in the Constitution precluded the states' "drawing a sharp line between the sexes."

These holdings are still "good law," which federal courts are reluctant to overturn. The usual dodge so far has been to hold that plaintiffs must first seek

relief in the state courts, on the grounds that federal courts ought to avoid "needless conflict" with a state's administration of its laws and policies. Moreover, there has been unwillingness to invalidate so-called protective laws because it is thought female workers at least ought to be guaranteed decent working conditions. Uncertain as to whether state legislatures would rewrite such laws and extend their coverage to male workers (who obviously need as much protection as women) should courts strike them down, the courts have tended to do nothing. Although at least two circuit courts have ruled for the women plaintiffs in cases involving protective laws, not too much should be read into the Supreme Court's decision to take the Phillips case on appeal. It does not touch on this problem, and should be easier for the Court to resolve.

WOMEN IN COURT

The basic problem with relying on the courts, of course, is that it is an incredibly tedious process. Even optimistic lawyers who are committed to battling out these issues in the courts concede that it will be five to ten years, at least, before there is sufficient body of law on the books to provide the precedents needed for easy litigation. What is more, cases that do not present sharply drawn discrimination — as in professional hiring, where employers consider "intangible" factors, and in job promotions — are unlikely to be decided favorably.

In general, the law and the courts are hostile to women. Women still do not have a Constitutional right to serve on juries, to retain their own names on marriage, or to maintain domiciles apart from their husbands. Prostitution laws punish the woman for selling her body, but not the male who patronizes her. Because women who violate criminal laws are thought to need "correction" rather than "punishment," many states allow indeterminate prison sentences for women — with the time adjusted according to the woman's behavior — while requiring that maximum sentences be set for men. The result is predictable: women serve longer sentences. If her husband is injured, a wife, in most jurisdictions, is not allowed to recover from the injuring party for loss of his "consortium," an all-encompassing term which includes companionship and sexual services; the husband, however, can recover for the loss of hers. These practices can be traced to the Common Law, where married women were treated like children and lunatics. Although the laws technically have been reformed, law professors who teach first year students that human conduct is to be measured by the standard of what a "reasonable man" might do still joke that, in the history of the law, there has never been a "reasonable woman."

EEOC — A WEAK REED

● The Equal Employment Opportunities Commission (EEOC), which was established by the Civil

Rights Act to process complaints of employment discrimination, is another weak reed. The commission's power is limited to investigating complaints, determining whether reasonable cause exists to believe the allegations, and attempting to conciliate the matter. Unsuccessful attempts have been made to grant the EEOC remedial powers — that is, to conduct hearings and issue cease-and-desist orders if conciliation fails — but Congress has balked at such suggestions.

At present, court proceedings following a failure of conciliation are entirely *de novo*, and nothing said during the commission's investigation can be used as evidence in court. This puts an obvious burden on the plaintiff and her lawyer, who will be put to great expense duplicating what the EEOC already knows; on occasion, the commission's findings may influence the government to enter "important" suits.

Eventually, some EEOC administrators hope they'll be able to levy penalties against companies with discriminatory employment policies; as it now stands, all a successful plaintiff receives is back pay and a job, which is what she was entitled to in the first place. If there were a \$50,000 fine for each offense, or treble damages as in anti-trust suits, the law might provide some deterrence.

As it now stands, the commission's potential as an investigator and conciliator has been limited by the scanty budgets provided by both the Johnson and Nixon administrations. In its first year of operation, the commission was funded to handle 4,000 complaints; it received 15,000. The ratio has improved since, but not by much.

LEAKY LAWS

● The laws themselves, both Title VII and the Equal Pay Act, are full of loopholes. Schools and colleges, which employ more college-educated women than any other "business" in this country, are excluded from coverage under Title VII. Neither is there any prohibition against discrimination based on marital status, which allows employers to refuse married women jobs on flimsy rationales. The exceptions and qualifications to the Equal Pay Act, which is administered by the Department of Labor, are simply too numerous to describe here.

● Political channels are no more promising. Sex discrimination was originally included in Title VII only because a certain Southern Congressman wanted to harass Northern liberals and halt passage of the bill; even in victory, women are a joke. Since 1964, Congressional attempts to elaborate prohibitions against sex discrimination have faltered in committee.

The Nixon administration is no more likely than the Congress to lift a finger for women. Although the President waxed lyrical during the campaign about opening up opportunities to women, it appears that in

this administration, as in those before, it is never going to be Ladies' Day. Fifteen presidential appointments (of approximately 1200) have gone to women, and of those, most are known as "ghetto" jobs — they are traditionally reserved for the girls. Of the women tapped for these jobs, all appear to be deferential and self-seeking. Says Mrs. Dorothy Elston, Treasurer of the United States, "It's a man's world, after all. That's why the jobs go to the men."

The administration could very well take the lead in putting some bite into Title VII and beefing up the EEOC, though given his political priorities, the President is unlikely to do either. He is said to support day care centers, as an adjunct to his welfare proposals; centers would operate in ghettos, and mothers who reject job training and an opportunity to place their children in the centers would be cut off welfare.

It is not only their own divisiveness and governmental sloth that haunt the feminists. Even if they were to unite on a specific demand, even if the government were committed to clearing away legal discrimination, feminists would still face a formidable obstacle: most women do not really think they are oppressed. For a depressed majority, women are alarmingly cheerful; they remain studiously indifferent if not downright hostile to feminism. The feminists would say, "But of course women are not disturbed by their condition. Acquiescence in one's oppression is the mark of oppression." Still, for every Women's Lib member, there are thousands of young women who decided last week to marry, give up their jobs and wallow in the despised domesticity.

SERVILITY AND INDULGENCE

NOW members are fond of drawing an analogy between the Negro and the woman in American society, both alternatively oppressed and indulged by white males. "Women and blacks are generally thought to be physically and mentally inferior," says a movement lawyer, "the women as happy taking care of hubby and the kids as the slaves were on the plantation when they were provided for by Ol' Massa. White male society takes the same attitude toward both groups when they start demanding their rights: "If we want to *give* power to you, that's all right. But don't act as if you're *entitled* to anything; that's too manly, too white."

This is a beguiling comparison, but a superficial one. Women, after all, are the first oppressed class in history to live in the same houses at the same standard of living as their oppressors. This very much colors their view of themselves. The assimilation of women into their husbands' lives has been so complete that most simply do not identify with women as a class. They tend to treat other women as natural rivals for masculine attention rather than as friends.

After years of struggle, the blacks at least have developed a strong and self-sustaining sense of race consciousness. They see themselves as a group. Women, on the other hand, do not think well of one other, which reflects deep feelings of self-contempt. Because they are not highly valued in society except as ornaments or drudges, they do not value themselves or other women. They limit their own aspirations.

Thus, when feminists march, women always respond more violently than do men. Women are affronted by such goings-on. Any newspaper or magazine article about feminism is sure to elicit waspish denunciations from housewives who suspect that women who complain about their plight are Lesbians or Communists or both.

JUST FEELING INFERIOR

The most radical feminists are correct, then, in diagnosing what is holding women back: it is an attitude, an ambiance, a whole system of values. Although the reforms that NOW seeks (equal pay, abolition of abortion laws, day care centers) would undoubtedly make life easier for women, and even provide some helpful therapy for women's self-esteem, the real problem will not be ended until the psychic self-limits are gone. Eliminating them is not simply a matter of individual will. They can't be rooted out with T-groups or psychoanalysis, for our acceptance of our own inferiority is so deeply conditioned that most of us cannot even remember a time when we genuinely felt we were as important as men.

Those limits are deeply enmeshed in the social habits of family, school, and work-place; they have been buttressed over the years by statute and societal acceptance. Just as a few people can't decide on their own to change completely the meaning of a word and make it stick, a few willful women cannot change the social role of all womankind. The loony fringe of Women's Lib sometimes phantasizes about a bloody domestic confrontation, but the Woman Business is more likely to be resolved quietly than in the streets. This is not to suggest that the women who take to the streets today are irresponsible. What they are doing is at least as important, if not more so, than what goes on in the courts and in Congress. But the sheer bravado of a few never liberated anyone, particularly an oppressed group seemingly intent on resisting its own liberation.

The answer can be found only in the spread of new styles of self-assertion among women. These must be coupled, of course, with the courage to face both male reaction — in legislation, litigation, and conversation — and hostility from other females. Women will have to believe that they count for something before men will ever believe them.

How Local Building Codes Help Perpetuate the Housing Crisis

This year the United States fell 1.6 million units short of a national housing goal of 2.6 million units. If we seriously seek to solve our housing crisis, we must begin to act against those institutional obstacles that frustrate housing programs. This article is addressed to one of those obstacles, local building codes, which have eluded public attention and public action. The present pattern for local building codes inhibits the development of housing innovation and growth of large-scale production — thus effectively depriving the final consumer of any benefits from these advancements. In the following pages, I shall describe the existing archaic pattern of building codes and show how it obstructs advancement in the homebuilding industry. I conclude, after analyzing three alternative solutions, that state-wide building codes supplemented by federal incentives offer the most feasible approach to countering the detrimental effects of local building codes.

We are challenged today by the need to provide a large volume of housing at reasonable prices. In other areas of manufacturing, industrialization has been used to meet consumer needs. It should serve the same purpose in housing. By transforming the present system of housing production into a volume production process, we can build more housing at lower costs than is generally provided today.

Preliminary studies of the homebuilding industry indicate that industrialization can achieve cost reductions of five to 30 percent over conventional construction techniques. These estimates must be considered as best guesses, for industrialized mass production of housing has yet to be realized in the United States. But even if the reductions were no more than 10 percent, the aggregate savings would still be substantial. In 1967, \$18.6 billion was spent on residential construction. This was an average of \$14,060 per privately built housing unit, excluding the cost of land and site improvements. A reduction of 10 percent would have

lowered the average cost of a unit to \$12,660 and the aggregate savings would have been \$1.86 billion. If those savings were reinvested into housing, an additional 146,900 units could have been built. Although the addition of these units would not have solved the housing crisis, the addition of 100,000-200,000 units over the span of a decade would result in a net gain of 1-2 million units, a major contribution to our housing needs.

ECONOMIES OF SCALE Secretary George Romney, by placing HUD's current emphasis upon "Operation Breakthrough," has directed the federal thrust toward increasing the efficiency of the housing industry itself. This new direction stands in sharp contrast to past programs. Instead of providing incentives to house building as such, HUD is offering incentives to transform the industry.

The crucial assumption underlying Operation Breakthrough is that, because the housing industry has been slow to industrialize, it is operating at a low level relative to its industrial potential. Volume production is the missing ingredient. If we can achieve volume production, we can enjoy cost savings resulting from factory production and economies of scale.

For the past 25 years both architects and engineers have possessed the technology to industrialize homebuilding. But institutional factors have blocked the implementation of this technology. Local building codes, in particular, have contributed to the housing industry's impotency. Much has been said about building codes; little is known for fact; and almost nothing has been done. Yet if we cannot overcome the existing out-of-date pattern of building codes, the efficiency sought through Operation Breakthrough will not be reached.

Today's pattern of codes is best described as a patchwork of small jurisdictions. With few exceptions, the states have delegated to municipalities the power to promulgate, administer, and enforce their own local building codes; and this is a power that the municipalities have eagerly used. Enactment of specification codes based upon traditional ways of doing things, the liberal use of prohibitions against the introduction of new materials and building techniques, are hallmark consequences of this state-granted freedom. To understand better why codes distort and defeat efforts at housing industrialization, we shall isolate three critical dimensions of the current building code structure: fragmen-

THE AUTHOR

Charles Field, 29, is currently a Catherine Bauer Wurster Fellow at the Harvard-MIT Joint Center for Urban Studies and a Ph.D. candidate in the Department of City and Regional Planning at Harvard. He received his BA from Cornell and MA from the Department of Urban Planning at NYU. He has published articles in the Journal of Urban Law and Reviews in Urban Economics.

tation, restrictiveness, and the imposition of additional costs.

Fragmentation

According to the Advisory Commission on Intergovernmental Relations, approximately 12,000 individual communities issued building permits in 1966. In 1968, the Douglas Commission made a comprehensive survey of building code regulations in 2,500 governmental jurisdictions with populations of 5,000 or more. It found that slightly over 80 percent of all the communities had some form of building code. For cities over 50,000 in size, the figure was 90 percent.

DISUSE OF MODEL CODES Proponents of the existing pattern argue that some uniformity does exist, since many communities use one of the four national or regional model codes (National Building Code, Uniform Building Code, Southern Standard Building Code, and the Building Officials Conference of America's Basic Building Code). These are modern performance codes, and each sponsoring organization is constantly testing, approving, and incorporating new materials and techniques into the code. According to the Douglas Commission survey, almost 52 percent of the communities with building codes reported that their codes were based substantially on one of the models; an additional 15 percent had codes which were modifications of one of the models; and a significant number, 33 percent of the communities surveyed, indicated that their codes were not patterned on any of the models.

Although these statistics indicate a substantial degree of uniformity, they belie the real diversity stemming from the way in which codes are administered and enforced locally. The lack of any real uniformity is attested by the immediate victims of the system, the builders. Richard Wasserman, President of Levitt and Sons, testified before the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency that:

There is not a single home in the entire Levitt and Sons line — and we have some 60 houses in the line — which can be built in different locations without modifications to respond to the requirements of local building codes and the local building inspectors who interpret these codes. These changes are costly to us. They keep us from using modern management techniques and result in higher costs and lack of efficiency.*

Wasserman's statement succinctly summarizes the negative effect of fragmentation. The process of innovation, particularly the radical type of innovation en-

* (*Housing and Urban Development Legislation of 1969*), Hearings before the Subcommittee on Housing and Urban Affairs, p. 390.

visioned in Operation Breakthrough, is a difficult and costly undertaking. The need to readjust continually to meet local code requirements compounds the problems of procedure and product design and increases the uncertainty of market success. The greater the degree of fragmentation, the greater the uncertainty for private firms undertaking research on new and improved products and techniques of construction.

ACCOMODATING SMALL BUILDERS Fragmentation also affects the industry by inhibiting large-scale production. The small builder operates in one or two communities at any one time, minimizing the number of codes and code enforcement agencies he must satisfy. The larger producer relates to many communities. Problems of accommodating to codes and agencies increase as fragmentation increases. The greater the number of problems, the more difficult it is for the volume producers to survive. Obviously, small builders will favor fragmentation as an institutional means of protecting themselves from the invasion of volume producers into their markets. When fragmentation is severe, which is the case today, savings to the consumer from volume production are lost.

Restrictiveness

Local governments are notorious for obstructing the introduction of innovative building techniques. Communities do this through the use of specification codes which list in detail the type of materials to be used, how they are to be used, and the method of construction. The specification code invariably spells out the old, tried, and tested way of doing things. Performance codes embody a more progressive approach to building regulations. They specify the objectives to be attained and leave the choice of material and construction method to the designer. For example, the performance code will establish the minimum acceptable load-bearing capacity for a wall, rather than specifying what materials will be used. The four regional model codes are essentially performance codes.

The Douglas Commission survey asked local communities whether fourteen building features, accepted by the regional model code groups, were permitted or prohibited under their own local codes. The responses, reproduced in Table 1, underscore the substantial lag between tested and approved technological advances and local institutional acceptance of those changes. The prohibition rate for some of the features was quite high.

A surprising finding was that communities which adopted model codes were not significantly more progressive than the national pattern. In fact, the differences in restrictiveness for each item were often minor between those who adopted and those who did not adopt model codes. The problem does not lie with the model codes themselves but with local modifications which exclude certain forms of innovation.

RADICAL AS PLASTIC PIPE The more radical the departure from the conventional wisdom, the more pervasive the restrictions. Among the fourteen features listed, for example, the greatest discrimination is against plastic pipe. Yet it is most likely that the greatest cost savings will come with the most radical changes in homebuilding. The imposition of prohibitive codes works toward the preservation of those local economic interests currently doing business in residential construction. The real loser is the consumer, who is deprived of the advantages in quality and lowered cost possible with innovation.

Imposition of Additional Costs

The fragmentation among communities and the restrictiveness of many obsolete codes together add extra construction costs without adding extra quality. A *House and Home* colloquium of housing experts in 1958 asserted that building codes add almost \$1,000 of unnecessary cost to each new home. A New York

builder reported in 1967 that the cost of building a house in Scarsdale, New York, was \$2,000 greater than that of building an identical house in Greenburgh, Connecticut. In Scarsdale he built under a specification code. The builder commented: "If the Scarsdale code produced better housing, we'd have nothing to say . . . but it simply puts an extra charge on housing that has no value to the home owner."

A more recent study by the Home Manufacturers Association for the Douglas Commission asked home manufacturers to indicate the additional cost of a home built to local code standards over the same home built to their regional model code or F.H.A. standards. For a 1,000-square-foot house which would have cost \$12,000 under the model code of F.H.A. standards (cost of land excluded), the 20 reporting manufacturers estimated an average extra cost of \$1,838. In terms of three particular factors, the additional cost due to rigid specifications for electrical conduits was given as \$300;

Table 1
PROPORTIONS OF LOCAL BUILDING CODES THAT ENTIRELY PROHIBIT VARIOUS FEATURES IN RESIDENTIAL CONSTRUCTION: 1968

<i>Construction feature</i>	<i>Percent of Governments Prohibiting Feature</i>	
	<i>All governments with building codes¹</i>	<i>"Model code" governments²</i>
Plastic pipe in drainage system	62.6	61.7
2" by 4" studs 24" on center in non-load-bearing interior partitions	47.3	43.5
Preassembled electrical wiring harness at electrical service entrance	45.7	44.8
Preassembled combination drain, waste, and vent plumbing system for bathroom installation	42.2	39.6
2" by 3" studs in non-load-bearing interior partitions	35.8	34.7
Party walls without continuous air space	26.8	27.4
Single top and bottom plates in non-load-bearing interior partitions	24.5	23.5
Wood frame exterior for multi-family structures 3 stories or less ³	24.1	22.0
1/2" sheathing in lieu of corner bracing in wood frame construction	20.4	21.1
Prefabricated metal chimneys	19.1	16.9
Nonmetallic sheathed electric cable	13.0	13.0
Wood roof trusses 24" on center	10.0	10.3
Copper pipe in drainage systems	8.6	9.4
Bathroom ducts in lieu of operable windows	6.0	5.3

¹These data pertain to the 3,273 municipalities and New England-type townships of 5,000-plus that have building codes.

²These data pertain to the 2,199 units (of the 3,273 total) that have building codes reportedly based primarily upon one of the four national or regional model codes.

³Calculation excludes governments that entirely prohibit frame residential construction (77 altogether, including 59 "model code" governments).

Source: Manvel, Allan, *Local Land and Building Regulation*, Research Reports No. 6 of the National Commission on Urban Problems (Washington, D.C.).

the required use of plaster instead of gypsum board added \$200; and sheathing requirements above F.H.A. standards added \$125.

Richard Wasserman of Levitt & Sons, testifying before Congress in 1969, stated: "We arbitrarily increase our costs because we are forced to adhere to codes and requirements imposed upon us from without, codes which stifle innovation and stifle any rational approach to mass production, codes not required of other major industries." The consumer pays for these excesses in the purchase price of the house, but he does not know that they are not necessary for a pleasant, safe, and sanitary home. Other families pay by not being able to buy new housing. For them, the marginal increase in costs due to outdated codes places the price of housing beyond their financial reach. Low-income families pay, by being forced to remain in substandard housing. At any given level of subsidy, the higher the costs of construction, the fewer the number of subsidized units which can be created for low-income families.

Local building codes, through fragmentation, restrictiveness, and the consequent imposition of additional costs have placed and continue to place severe restraints upon the industrialization of housing. The negative consequences are twofold. First, innovation is stifled. Second, the development of mass markets, a prerequisite for volume production, is inhibited.

REPEATING APPROVAL Specific innovations are either prohibited in the code, as in the case cited of plastic pipe, or blocked because of the high costs of obtaining product approval or of trying to amend local codes. To protect the public, innovators must test new products and building processes to ascertain their performance characteristics. Innovators willingly accept this cost of testing if they can then see their way clear to a sufficiently large market. But the local building code pattern is counterproductive because the innovator is forced to repeat the process of product approval or code amendment in each community that he wishes to enter. Approval in one community does not automatically mean approval in the next. This decision depends upon the local building code commissioner.

If the specific innovation poses an economic threat to local interests — for example, prefabricated housing is a threat to the sales of local material suppliers, to the jobs held by local unions and to the contracts held by local subcontractors — it is not surprising that pressures are brought to bear upon the local code commissioner to prevent its introduction by refusing to grant the innovation approval under the local building code. Interest groups such as material producers, unions, code officials, and subcontractors have been, and still are, more influential in the creation and maintenance of codes than the home manufacturer. Many

communities require, for example, that a member of the local building trades union or local builders association be included in the community's building code agency.

THE INNOVATOR AS OUTSIDER

The innovator stands as an outsider, attempting to persuade the community to act in opposition to certain local interests. Consequently the battle for innovation is likely to become a long and costly encounter. The more radical the departure from the traditional, the more arduous the fight. It is not surprising to discover that there is a willingness sometimes to make incremental changes in housing technology but rarely to make major breakthroughs.

The second consequence of fragmented and restrictive building codes is to limit the potential size of any individual firm. The jigsaw puzzle of local code jurisdictions and the variations in standards that exist from code area to code area significantly increase marketing problems and production costs. Home manufacturers, unable to aggregate large markets, hesitate to invest monies in the plant and equipment prerequisite for mass production. The risk of failing to develop a mass market is great; thus there is a tendency to keep investment at relatively low levels. Given that the market potential for large-scale production is minimal under the existing structure, the possibilities of achieving the economies of large-scale production are almost nonexistent.

If we hope to industrialize the homebuilding processes, we must come to terms with the problem of local building codes. The approach of Operation Breakthrough is to subject innovative concepts to stringent tests. By this testing, Assistant Secretary Finger asserts, "It is our hope that local authorities will accept the concepts in lieu of their existing codes. That is what we are driving for" (*Journal of Housing*, November, 1969, p. 590). It is HUD's experience that national testing with the aid of the various code groups is required, because these groups have had difficulties in coordinating their mutual efforts. By working together Finger believes that a breakthrough can be made.

However, a policy which aims to persuade communities to change on the basis of stringent federal tests is precarious. HUD's implicit argument is that restrictiveness and the hesitancy to accept innovation stem from a lack of local technical understanding of innovative systems. Once the community's building code agency understands the technical performance of the system, HUD believes, the community will be more receptive to change. Thus, stringent federal testing is seen as an appropriate strategy. Although there is some merit to the argument, it obscures the more basic and selfish reasons for restrictive local codes. To rely too heavily upon persuasion is to do too little. More direct action is needed.

MORE THAN PERSUASION

There are three possible courses of action: First, at the local level, voluntary adoption by each community of one of the four existing model codes might provide the sought-after modernization and uniformity of codes. Second, a compulsory federal code could be legislated. Third, the building code function might be returned to the state level in the form of statewide, compulsory building codes.

Voluntary adoption of a model code is the least appealing alternative. At issue is not the quality of the model codes. That quality is high. At issue is the procedure by which model codes are adopted by local communities. In most states, communities can voluntarily adopt one of the model codes, but they are free to modify the code as they see fit. Furthermore, once the model code has been adopted there is a tendency not to keep it up-to-date.

Existing federal incentives for local communities to modernize and adopt nationally recognized codes have so far proved ineffective. Section 701 of the Housing Act of 1954, as amended, provides federal assistance to local and county governments who modernize their codes. Under the "workable program," another federal incentive, the locality must adopt a building code based upon a national model before the community can become eligible for urban renewal assistance. The existing pattern of local building codes attests to the failure of these approaches at the present time. As long as the power to promulgate building codes is left in local hands, the probability of rectifying the building code mess must be considered low.

A federal building code is an attractive alternative solution. A national code with appropriate modifications to provide for local soil and climatic variations is technically possible to develop. But this solution seems the most politically remote of all. A federal code would represent a shift in public powers, and this is contrary to the current emphasis on the movement of power from Washington to the states. Moreover, the federal government has yet to establish a uniform code for its own construction (roughly 35 different agencies are responsible for construction) which raises questions about the feasibility of establishing a uniform code for the nation.

FHA - SET STANDARDS

The federal government does act in an indirect manner, however. F.H.A., for example, sets minimum standards of construction. A building that does not meet minimum construction requirements cannot secure government-insured mortgages. Widespread use of F.H.A. insurance, therefore, means widespread use of these standards. But the standards are not applied to whole communities nor do they restrict a community from tacking on excessive standards.

Government has acted through incentive programs

to bring local codes up-to-date. Although the incentive approach has achieved questionable results at the local level, it should not be discounted as a useful stimulant to code reform. Incentive was directed at the wrong level of government. States, not local government, should be the prime recipients of a federal incentive.

The federal government can facilitate the innovative process by creating a national testing agency which will provide state and local building agencies with authoritative test data on new products and building processes. The lack of such data has often slowed the rate of innovation acceptance. Many building code commissioners, cautious about accepting unfamiliar new techniques and materials, require stringent tests before approving their use.

A constructive step toward federal responsibility is the concept of a National Institute of Building Sciences. This Institute, proposed in Congress by Senator Jacob Javits (R-N.Y.), and others in 1969, would have the power to develop standards for all building materials, and standards for use in creating local building codes, and it would also promote studies on new construction techniques. Its functions would be oriented primarily toward research, and its decisions would not be binding upon local communities.

GREED IS AN OBSTACLE

A key postulate to the bill is that the absence of uniform building codes inhibits innovation and increases construction costs. Senator Javits, in presenting his bill, concluded that "this fragmentation [of building codes] is clearly not in the public interest. . . . We cannot allow fragmentation to defeat the housing goals which the Congress, itself, has set for the nation." The absence of an authoritative national source of information on recent innovations in building techniques, Javits feels, hinders the local acceptance of new procedures. This same premise was a crucial one for Operation Breakthrough. Certainly, increased knowledge can eliminate problems of ignorance, but it cannot on its own in the American system eliminate the other obstacles presented by the preservation of economic interests or local political power.

The bill faces political difficulties because several government departments are currently doing their own research on building codes; in particular HUD and the Department of Commerce. Both these departments were critical of the bill since it conflicted with their own interests. But the major flaw in the bill is its lack of power to coerce. It fails to suggest how one gets from the promulgation of Institute standards to the implementation of uniform local building codes.

The third alternative, the creation of statewide building codes, is the most desirable solution. Mandatory statewide codes that are based upon performance standards could stimulate both mass production and

innovation in homebuilding. They would allow for the creation of large markets, a precondition for mass production. They would also result in the consolidation of 12,000 jurisdictions into 50. Innovators would need to convince only one testing agency, the state, as to the acceptability of their products, and this would eliminate the costly and time-consuming process of applying for approval in each local community.

Statewide building codes are constitutionally and politically feasible. Although the states have delegated to local communities the authority to enact building regulations, they have the constitutional power to rescind that grant of power and enact their own codes. California, Connecticut, Indiana, Minnesota, New Mexico, New York, and Wisconsin have all passed statewide codes. Unfortunately, to facilitate political acceptance, one- and two-family dwelling units have been exempted from several of these codes. Such exemptions leave a large portion of new housing under the old, outdated local codes. Furthermore, in most of these states, the codes set only minimum standards, allowing localities to legislate stricter standards if they wish. This has effectively fragmented the state code pattern, and any benefits of uniformity have been lost. In New York and North Carolina, the codes provide both minimum and maximum standards. Any community seeking special local variances to the state code must appeal to the state code authority. Both states have looked with disfavor upon any major departure from uniformity.

HOME RULE VS. NEW CODES Connecticut has one of the most progressive codes on the books. Beginning in October, 1970, the code will be compulsory for all communities in the state. Like New York and North Carolina, local deviations from the code must be appealed to the state code authority, but such deviations are discouraged. Connecticut goes further than the other two states with the insertion of a provision for the state certification and approval of new materials and building techniques, certification being binding upon the local communities. This certification is a major step in favor of innovation. California has recently passed a similar certification program for factory-produced housing.

Home rule has always been a major stumbling block to compulsory statewide codes. New York circumvented the problem by passing a voluntary code. Once adopted by a community, the state code becomes binding and covers all future amendments. The North Carolina code exempted rural and farm buildings along with one- and two-family dwellings, thus taking some of the bite out of the bill but making it more politically acceptable.

Massachusetts, a strong home rule state, is currently attempting to reconcile the localism with the pro-

gressivism of a statewide code. The author is assisting Republican Representatives Martin Linsky and Bruce Zeiser, who have submitted a compromise bill that would establish a voluntary minimum-maximum statewide code. To insure the modernization of local codes, they will have to be approved every five years as being consistent with the statewide building code. State certification procedures are also to be established to insure the benefits of innovation. Once a product or system is given certification, it will be binding upon all local communities whether the community uses the state or an approved local code.

States do have the resources to establish and maintain a state building code agency, though the costs of adequately staffing such an agency are high. Professionals from architecture, engineering, and building construction are needed to develop codes and to keep them up-to-date. Additional costs are involved in research into new products and building techniques, as well as in offering continuing education for building inspectors. Only a few of the largest cities have the resources to undertake this burden and none of the smaller cities or towns. But it is within the reach of the states.

HILL - BURTON GRANT PROGRAM The federal government can give the states added leverage. A successful precedent for such a building code incentive program is the Hill-Burton Hospital and Construction Act. The grant program, designed for hospital construction, works through the states to local communities. States are required to adopt construction standards which meet federal minimum standards. Moreover, to qualify for grant assistance, states are required to establish standards of maintenance and operation of the hospitals built under the program. To date the program has funneled \$3.3 billion of federal assistance to the states.

Statewide codes, similar to those recently passed in several states, can overcome the local building code problems of fragmentation, restrictiveness and imposition of additional costs. These codes should be compulsory, specify maximum as well as minimum standards, and incorporate certification procedures. The benefits of statewide codes would be major while their costs would be relatively small. The public will benefit through cost savings, responsiveness of the building industry to technological change and in housing quality improvement. In the final analysis, the issue is whether the states are willing to exercise their political responsibilities in the area of building codes. The passage of statewide codes is the best available solution today to free the housing industry from the regressive effects of the local building code pattern.

—CHARLES FIELD

American Authoritarianism?

I talk with many powerful men, many men in government, and they all sense something is wrong in this country. . . . Something is about to change and this country may not be the same again. And they are scared, these men, they are frightened. They are at a loss for answers, for what to do. . . . The Church is rich and corrupt, the country is corrupt. . . . We are heading for revolution or dictatorship in this country.

—Billy Graham, as quoted by Dotson Rader, *Evergreen Review*, Jan. '70, p. 70.

Cunning is the dark sanctuary of incapacity.

—The Earl of Chesterfield

When Americans as diverse as Hannah Arendt, Bob Dylan, and Billy Graham suggest that something funny is going on — but they “don’t know what it is” — the time has come for a broad, speculative examination of the disturbing trends now discernible in the U.S. political system. This concluding article in “The Complex Society” requires several concessions from American readers. First, it is necessary to suspend the automatic assumption that the U.S. is a free, democratic, stable society within which the safeguards protecting the liberty of citizens are strong enough to withstand any plausible challenge. Second, one must be willing to do without a “devil.”

The totalitarian transformation outlined here does not depend on the existence of major political operators who want to produce it. The system would probably be established reluctantly by men who believed they were forestalling worse alternatives. It should be envisioned as the eventual result of a long series of

THE AUTHOR

William D. Phelan, Jr., is a graduate student in the Department of Sociology at Brandeis University. A former staff reporter on the Wall Street Journal and Harvard Henry Fellow at the University of Oxford, he has written on political and economic subjects for the Nation and appeared on the CBC, CBS, and Metro-media network stations to discuss U.S. finance and the military-industrial complex. He is currently writing a book about the deepening “systemic crisis” of American society, to be published by Beacon Press. According to the film “Z,” Mr. Phelan’s study of William James (The International Encyclopedia of the Social Sciences) has been banned in Greece since that country succumbed to spiraling Agnewism.

responses by the dominant political forces to a changing world situation and endemic crisis.

AMERICAN STALINISM

A “new order” could emerge in the United States without the formal repudiation of the Constitution. In some respects, it might resemble Italian fascism; in others, Nazism or Stalinism. Whatever the final synthesis, though, American totalitarianism would not simply ape earlier forms of tyranny in powerful industrial states. The new order would express in a radically transformed manner most of the idiosyncratically American strains in the current political system.

In this concluding article, I am strictly concerned with a “piece-meal” evolution. During the ‘60’s the United States probably became more vulnerable to revolution and *coup d’etat*. Four major kinds of discontinuous political change are possible (though not very likely): 1) the armed forces, acting out of frustration with civilian command, take over; 2) an Attorney General (or FBI chief, CIA director, etc.) creates an overwhelmingly powerful “secret police” and assumes real control from a weak President; 3) a series of ecological crises or protracted economic recession facilitates the emergence of a successful mass fascist movement; 4) the left achieves a revolution. At present left-wing victory is the least probable, though perhaps the most discussed, of the four.

While it would be foolhardy to deny the possibility of a “discontinuous transformation,” key institutions maintain sufficient strength to keep the odds against a coup or revolution high. Analysis of the prospects for a “continuous” evolution to totalitarianism is less intellectually sexy than speculation about abrupt changes. Nonetheless, it compensates by greatly surpassing the apocalyptic scenarios in “relevance.” Impending revolution makes an engrossing conversation piece; gradual transformation is likely to be the American reality.

THREE EXPEDITERS

It would be preposterous to claim that totalitarianism has only become a danger for the United States since 1965. The technological dynamic toward full centralization has been inherent in the society since the beginning. And, as Gabriel Kolko has brilliantly argued in his best book, *The Triumph of Conservatism*, the foundations of (post-liberal) “political capitalism” were laid down in the “progressive era” preceding World War I. The FBI was created in the mid

1920's. By the late 1930's an economically significant military-industrial complex had begun to form. The Department of Defense, CIA, and National Security Council were all established in 1947.

A number of special developments in the latter half of the 60's deserve particular attention simply because they have contributed to a marked acceleration in the trends towards totalitarianism. In previous instalments of this series four major relevant topics have been discussed: 1) the burst of new power accruing to the military-industrial complex since 1960 (and especially since 1965), 2) computers and automation, 3) generational differences (the generation factor is critical in the black and women's liberation movements as well as for white males — both young and middle-aged), and 4) the merger phenomenon and conglomeratization. The prominence of these four factors in late-60's America was responsible for much that was distinctive in that period. A comprehension of their social significance remains essential for an understanding of the United States as it enters the '70's.

Turning in this article specifically to matters of policy and politics, I shall focus on three important totalitarian "expeditors": the Vietnam War, the rise of a heavily armed Far Right, and the elaboration of the "Phillips-Mitchell strategy." All of the three are related, of course, both to one another and to the four factors discussed previously. None, in retrospect, will fairly be appraised as predominantly "responsible" for American totalitarianism. Far more probably, they will be recognized as decisive because they "locked" the United States into an inexorable transformative process.

VIETNAM PROVING GROUND

Despite the incredible sufferings of the Vietnamese people, future historians will almost certainly be principally concerned with the significance of the war for the United States. As the Spanish Civil War was a laboratory for World War II, so Vietnam may be serving as a proving ground for American totalitarianism. It should go without saying that this is not a conspiracy theory. No person, group, or "complex" contrived the Vietnam War in order to establish totalitarianism. What will be argued here is simply that such an outcome has been facilitated by the Vietnam intervention. Very briefly, let us consider six key factors:

1) *Technology* — Great advances have been made in the weaponry of counter-insurgency. Helicopters, choking gases, and improved munitions have become available for more "sophisticated" uses than ever before. Above all, however, Vietnam has entailed a great leap forward for the defense electronics industry. Electronic sensors have been developed to make ever more elaborate discriminations. "Real time" employment of computers has expanded tremendously.

With each innovation the prospect of controlling a population of millions using a relatively small military or police force draws nearer.

2) *Growth of "control-oriented" corporations* — The major aerospace systems companies have not benefited financially from the war in Vietnam. Procurement of missiles and certain kinds of aircraft was subordinated to the immediate requirements of a "brush-fire war." The corporations that have enjoyed the biggest boost in profits, power, and influence have been those, often quite small (before the escalation) companies that have been producing site monitoring surveillance equipment, other electronic control apparatus, and "anti-personnel" devices. Many of these corporations have become part of the American "infrastructure" and are moving into the emergent police-industrial complex.

3) *"Problem" region boom* — The defense industry (especially the smaller companies) of the South and Southwest has profited the most from the Vietnam War. As was noted in the *Forum* (February, 1968), prime contracting rose by 460% in Texas from the last quarter of fiscal 1964 to the last quarter of fiscal 1967 — during a period in which the national increase was 55%. In aggregate terms at least, many of the states in the South and Southwest are becoming very prosperous.

Economically and technologically these regions are highly dynamic. However, they remain a "problem" politically. The Far Right is strong throughout the area. Despite the explosive economic growth, inequality of income remains extreme. The boom has promoted a tremendous expansion in the power and influence of elements in the American society with strong proclivities for authoritarianism.

4) *Breakdown of legitimate authority* — No nation has ever had more thorough war-reporting — independent of military censorship — available to it than the United States in Vietnam. Whole journals have devoted themselves to news of the war and, in their different ways, the Republican White Paper and *In the Name of America* (produced by the Clergy and Laymen Concerned About Vietnam) have set an exemplary standard. Ironically, if effective censorship had been imposed (as was feasible for the far less libertarian Soviet regime when it invaded Czechoslovakia), the damage to the American political system might have been much lighter.

By 1966 a vast "credibility gap" had opened up for informed citizens. It was evident to the careful reader that America's leaders were making gross and systematic misrepresentations concerning the nature and objectives of the Vietnam intervention. The Presidents "style" in handling other issues only aggravated the problem.

Busy, middle-aged jobholders probably missed

Lyndon Johnson's statement June 17, 1965, about the Dominican Republic. But alert college-age citizens with more free time and a keener sense of being threatened by Administration policies were more likely to hear about it.

On that day . . . Johnson embroidered a bit more: "some 1500 innocent people were murdered and shot, and their heads cut off, and . . . as we talked to our ambassador to confirm the horror and tragedy and the unbelievable fact that they were firing on Americans and the American Embassy, he was talking to us from under a desk while bullets were going through his windows and he had a thousand American men, women and children assembled in the hotel who were pleading with their President for help to preserve their lives."

Alas, none of this was true. None of it was offered as the truth, or even as a rumor, until Johnson spun it out. William Tapley Bennett, Jr., who had been the ambassador under siege, said later that he could not recall any bullets coming into his office; he did *not* take cover under his desk. The beheadings were imagined. No U. S. citizen was harmed; none was threatened. (Two newsmen were shot by U. S. Marines, though).

(Sherrill, Robert. *The Accidental President*, pp. 42-43.)

This quotation, though an extreme example, illustrates the strain to which LBJ subjected the dignity of his office. Over a period of years frequent abuse of power takes its toll. For many people, especially informed under-30 Americans, the authority of the federal government since the Vietnam escalation is no longer recognized as legitimate. And when those who hold power have lost authority — yet wish to continue to rule without undertaking major reforms — they must be prepared to resort to repression.

5) *Application of the Vietnam technology to the U. S.* — CS "super gas" was dropped from a helicopter on a peaceful assembly at the Berkeley campus last spring; it drifted into a nursery school gathering and hospital facilities some distance away from the intended target. Helicopters, chemical weapons, electronic sensors, "real-time" computers, and other equipment developed or improved for Vietnam operations are rapidly being acquired by police and other law-and-order agencies. The same propensity for overkill exhibited abroad has been evident on many occasions at home.

6) *"Functional" brutalization?* — A Senate Judiciary subcommittee has been compiling records on civilian casualties for several years. According to their admittedly conservative estimates, hundreds of thousands of civilians have been killed by the American forces and their allies since the 1965 escalation. Well over a million have been wounded and several times

that number made refugees. Testimony before the subcommittee shows that most of these casualties are a direct consequence of the application of U. S. strategy. "Search and destroy" operations, "harassment and interdiction" attacks, and the establishment of "free fire zones" are designed to depopulate the interior. Villagers in many areas must either go to refugee centers, which are literally concentration camps, or suffer aerial bombardment.

The frequent occurrence of atrocities in Vietnam can, in part, be explained by the frustrations of a super-technological military establishment confronted with a tenacious, resilient guerrilla movement. As "personal" massacres like the one alleged to have been executed at Songmy/Mylai 4/Pinkville receive widespread publicity, pundits are beginning to talk of brutalization and its eventual domestic effects. They assume that many GI's have become ill-suited to civilian life in the United States.

Unfortunately, "de-humanization" may be adaptive. That is, the evolution of the dominant political and economic institutions — in response to technological change and other factors — may require a high tolerance for brutality (if basic reform is blocked). What can only be suggested here is the possibility that the growing preoccupation of American society with violence may to some extent be a "functional" adjustment to the requirements of newly emerging forms of organized economic and political power. (Even in this analysis, owing to feed-back effects, Vietnam remains a strong totalitarian expediter.)

THE FAR RIGHT

Since the Far Right apparently has very little chance itself of coming to power, is secretive, and tends to make allegations that many people deem ludicrous, it is fashionable to ignore or ridicule it. This cavalier disregard for para-military groups such as the Minutemen is unwarranted. Numerous Far Right activists are explicitly Hitlerite. When a society generates heavily armed, clandestine organizations espousing genocidal "solutions," only fools can be nonchalant.

No raid on a Black Panther, Weatherman, or other left-wing organization's headquarters has ever yielded an arms cache comparable to the sophisticated arsenals routinely uncovered when Minutemen are apprehended. (During the last year, however, hundreds of politically inspired acts of arson and bombing have been committed by people on the far left. This relatively recent development poses little *direct* threat of a pre-totalitarian sort. In a political situation where backlash "law and order" sentiments can readily be mobilized, the indirect threat is potentially very severe.) Many more people are involved in the Far Right groups, they are much better financed, and they typically have close ties to police departments and

National Guard units. Several of the organizations maintain exhaustive files on vast numbers of Americans who are marked for assassination when the time is propitious. Millions of citizens have been photographed at rallies and demonstrations by potential vigilante squads.

Although not the most active group in this area, the Minutemen possess, to quote their leader De Pugh (Norden, *Playboy* 6/69) "a comprehensive portfolio containing all the information we've gathered on his movements, his job, his personal tastes" for over 100,000 people. "The master files . . . have been buried underground in several places across the country, and cross-indexed lists broken down by state, country and city have gone out to local branches."

As Norden notes, ". . . the Minuteman is very much a child of this society, nurtured and shaped by the political demonology and hysterical anti-Communist rhetoric of the Cold War, shadowed through life by the Bomb and squeezed into an increasingly depersonalized, bureaucratic computer world he . . . doesn't understand. It is a sociopolitical atmosphere that easily breeds paranoia — and elevates it into a life style." In this analysis the Minutemen are principally a *symptom* of social malaise.

Such an assessment of the Far Right groups may prove inadequate. Of particular importance are their links to police departments and National Guard units. The model for a totalitarian transformation sees a radical breakdown of legal and political restraints first at the local and county levels. In many societies a decisive phase in the elimination of freedom has been the period in which vigilante groups associated with right-wing factions of the police or intelligence agencies begin to take the law into their own hands.

THE PHILLIPS STRATEGY

The genius of Kevin Phillips is his gift of spinning out a compelling myth. In this age of computers and "scientific" public relations, the stuff of a believable political fable is almost inevitably statistics. To heighten the *mystique*, judicious selection of flamboyantly irrelevant facts is essential. If the author believes passionately in his analysis, so much the better. A self-intoxicated bard often tells the most captivating tale.

To appreciate adequately the significance of the strategy outlined in *The Emerging Republican Majority*, one must translate from the language of electoral politics into the terms of "social structure" analysis. It has been argued at various points in this series of articles that the changes in computer technology, the Defense Department, and corporate organization since 1960 have greatly increased the power of the top administrators and the leading economic and governmental institutions within which they have authority. Police and other investigative agencies have begun to undergo an accelerated growth in strength during the

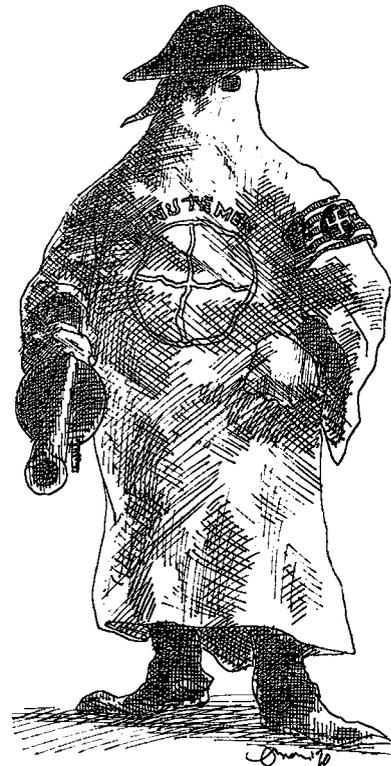
past year or two.

Phillips' discovery that the Chinese community of San Francisco voted for Nixon in 1968 is an intriguing diversion. But that whole class of facts and figures is far less important than the emergence of the makings of a new governing coalition. The institutional basis for such a coalition is the military, the large established corporations, and the police. Of course, this idea can be expressed in the form of an electoral strategy: the contemporary political opportunist should seek a compromise — some sort of resolution — of the objectives of people who have identified (or can be led to identify) their interests with the military, with the large established corporations, or with the police.

RIGHT-WING BIAS

In his discussion of the rapidly growing cities of the South and Southwest, Phillips stresses how defense contracting can be used to strengthen groups and areas of the country with a right-wing bias. Although he is less explicit concerning the police and big business, his influence in also encouraging the exploitation of their growing power for partisan advantage seems present in the Justice Department. Certainly John Mitchell has been a persistent advocate of the hard-line police viewpoint and entrenched corporate interests within the Nixon administration.

Several observers have noted that the "Southern strategy" is a limited and ultimately unsatisfactory description of the Phillips scheme. Obviously, when John Mitchell recommends a man like Judge Carswell for the Supreme Court, he is not simply seeking to please white Southerners. Such a gesture probably



makes little impression upon really committed Wallace supporters. On the other hand, it most likely has a distinctly favorable impact on certain groups of white Northerners.

Reviewers often go to elaborate lengths to try to determine precisely who is in and out for Phillips. The strategy is said to be "anti-establishment." Yet a glittering array of corporation executives, New York lawyers, and bankers are clearly influential in the Nixon administration. Phillips and Mitchell are said to be opposed to conglomerates, but close ties to Litton, Teledyne, UMC, and General Host are evident. It is most simple and precise to describe their stance in this area as resistance to those companies that challenge large established corporations. Companies like Litton and Teledyne are huge, well-entrenched enterprises that have concentrated on the acquisition of relatively small outfits. It is the conglomerates that have had a penchant for gobbling up the "big fish" that have received the brunt of the attack.

Most generally, Phillips takes an "anti-establishment" attitude toward institutions and groups that deviate in aims, to any significant extent, from the three key "structurally ascendant" components of the emerging coalition. It therefore only confuses matters to talk of "establishment" and "anti-establishment." "Anti-establishment" suggests populism — a patently absurd reading of Phillips. On the other hand, the expression "Southern strategy" recalls FDR, that skillful political operator who extended and strengthened his ties to the Southern wing of the Democratic Party in fashioning the New Deal majority coalition.

MOST LIKELY TO SUCCEED

What distinguishes the Phillips prescription — and makes it so much more likely to succeed than the quality of his supporting arguments would suggest — is its basic appeal to pro-military, pro-police, and pro-big business sentiments. These institutions and their supporters are by no means identical. They do not comprise a monolith. Any political strategy seeking to forge an ongoing coalition would have to resort to the traditional arts of compromise. Despite instances of marked divergence, however, there is sufficient commonality of interest to give promise of success.

In his book Phillips offers a re-creation of the winning coalition of 1968 in ethnic and regional terms. But did the Nixon campaign organization really devote itself wholeheartedly to securing Irish, Italian, New Jersey, and Tennessee votes? Of course not. It is useful to take account of ethnic and regional differences in planning the secondary aspects of a campaign. Given the nation-wide system of communications, though, exclusive emphasis on this approach would be impractical and self-defeating.

Even for 1968 my translation of Phillips would

appear relevant. When candidate Nixon called for repressive "law and order" measures or unquestioning support for the military on various occasions, he was not giving a private speech to Southerners. Rather, he was appealing to a segment of the electorate that is particularly heavily concentrated in the South.

I do not wish to belabor the obvious. It is clear from Phillips' book that the "structural translation" is becoming progressively more apt as the strategy evolves. Moreover, as the political influence of the military, police, and large corporations continues to grow, the strategy itself improves its prospects for success.

Of particular benefit is the "bad guy gets the reward" phenomenon. The military, police, and large corporations have been able to expand their influence not only in spite of failure to perform their supposed social role but in some instances because of this failure. An illustration from recent economic history must suffice:

During the last 4½ years the average real income of the non-supervisory worker in American industry has declined significantly. Small corporations have been engorged by giants (and fledgling giants) armed with cash derived from excess profits on defense contracts, volatile credit instruments, Eurodollar loans, and from other inflationary sources.

GOLIATH SLAYS DAVID

The policies of the largest companies certainly deserve much of the blame for the inflationary spiral of the late '60's. Yet the average worker and small business enterprise, major victims of the inflation, also stand to be hit much harder than the corporate behemoths by the Administration's anti-inflation program. As with the crime-and-repression spiral (and the emphasis on military solutions to problems abroad), it's a matter of "heads I win, tails you lose" for the ascendant institutions.

For this reason I believe that the Phillips hard-line strategy will work. Skeptics may argue that economic problems will be its downfall. Certainly this is the area of greatest vulnerability. Nonetheless, one can scarcely exaggerate the immense and growing power of the central government to mold public opinion. This is most true in the realm of "law and order" and foreign affairs. Hardly the most cynical of men have claimed that, to some extent, President Kennedy orchestrated the Cuban missile crisis for maximum advantage in the 1962 elections. Given the state of the art of public opinion manipulation, well-timed attempts to divert the electorate from their economic woes can be expected from the current wielders of power.

Whatever we may say of them, the police, armed forces, and large corporations are not democratic insti-

— *continued on page 25*

The Case Against Carswell

(This statement was released to the press and to Republican Senators on March 5, 1970.)

The Ripon Society urges Republican Senators to uphold their party's best traditions by rejecting confirmation of the nomination of Judge G. Harrold Carswell to the United States Supreme Court. While very damning evidence concerning Judge Carswell's judicial impartiality has already come to light, the most manifest reason for refusing confirmation to this nomination is the undeniable legal inadequacy of Judge Carswell.

Virtually all legal historians and scholars who have examined G. Harrold Carswell's record have found him to be one of the least qualified, if not the least qualified, nominee to the United States Supreme Court in the twentieth century. Exhaustive studies which have been performed jointly in the last month by a large number of lawyers and law students and which are being released for the first time in this Ripon Society paper give extremely strong statistical corroboration to the contention of judicial scholars that G. Harrold Carswell is seriously deficient in the legal skills necessary to be even a minimally competent Supreme Court Justice.

I: The Legal Inadequacy of Judge Carswell

Legal scholars who have examined G. Harrold Carswell's judicial opinions (Carswell has written no scholarly articles) or who have studied his record have concluded that Carswell lacks any legal distinction whatever.

Duke University Law School Professor William Van Alstyne, who testified in favor of the Haynsworth nomination testified of Carswell: "There is in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States."

Yale University Law School's Luce Professor of Jurisprudence, Charles L. Black, Jr., himself a native of Texas, has stated of Carswell, "There can hardly be any pretense that he possesses any outstanding talent at all."

Twenty professors at the University of Pennsylvania Law School have announced concerning Carswell: "Our examination of his opinions in various areas of the law compels the conclusion that he is an undistinguished member of his profession, lacking claim to intellectual stature."

After thoroughly examining Judge Carswell's opinions of recent years, Louis Pollak, Dean of the Yale University Law School, testified to the Senate Judiciary Committee: "I am impelled to conclude that

the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century, and this century began as I remind this committee with the elevation to the Supreme Court of the United States of the Chief Justice of Massachusetts Oliver Wendell Holmes."

An exhaustive statistical study recently completed by a number of lawyers and law students organized by Law Students Concerned for the Court reveals some very damaging information concerning Judge Carswell's judicial record. After a careful examination of the statistics yielded by the study and of the soundness of the methodology used in obtaining them, the Ripon Society concludes that these statistics strongly corroborate the contentions of legal scholars that Judge Carswell is an exceptionally inadequate federal judge besides being a poorly qualified Supreme Court nominee. This study yielded the following results:

1. *Reversals on Appeal.* During the eleven years (1958-1969) in which Judge Carswell sat on the federal district court in Tallahassee, 58.8 percent of all of those cases where he wrote printed opinions (as reported by West) and which were appealed resulted ultimately in reversals by higher courts. By contrast in a random sample of 400 district court opinions the average rate of reversals among all federal district judges during the same time period was 20.2 percent

of all printed opinions on appeal. In a random sample of 100 district court cases from the Fifth Circuit during the 1958–1969 time period the average rate of reversals was 24.0 percent of all printed opinions on appeal.¹

2. *Reversals in General.* Carswell's rate of reversals for all of his printed cases was 11.9 percent as compared to a rate of 5.3 percent for all federal district cases and 6 percent for all district cases within the Fifth Circuit during the same time period.

The majority of cases before any federal district judge ordinarily do not result in appeals, hence precluding the possibility of reversals in those cases. It is significant however, that Carswell's overall reversal record for his printed cases is more than twice the average for federal district judges. When additional unprinted opinions revealed by the testimony of Joseph L. Rauh, Jr., before the Senate Judiciary Committee and by the memorandum of Senator Hruska are included, Carswell is found to have an overall reversal rate of 21.6 percent.

3. *Citation by Others.* Carswell's 84 printed opinions while he was serving as a district court judge were cited significantly less often by all other U.S. judges than is the average for the opinions of federal district judges. Carswell's first 42 opinions during his first five years on the federal judiciary (1958–1963) have been cited an average of 1.8 times per opinion. Two hundred opinions of other district judges randomly chosen from district court cases spanning this same time period have been cited an average of 3.75 times per opinion. The 42 most recent of Carswell's printed district court opinions have been cited an average of 0.77 times per opinion. Two hundred opinions of other district judges randomly chosen from cases spanning the same 1964–1969 time period have been cited an average of 1.57 times per opinion.

1. A reversal is defined in this study to include an outright reversal, a vacation, a remand, and an affirmance with major modifications. An affirmance is defined to include an outright affirmance, an affirmance with minor modifications, a dismissal of an appeal, and a denial of a writ of certiorari. The ultimate disposition of the case rather than the action alone of an intermediate appellate court determined whether the result was to be classified as an affirmance or a reversal. It also should be noted that the Carswell figures are based on 84 of the nominee's reported decisions, believed to be all of his printed court opinions. The completeness of this analysis might be confirmed if the Justice Department made public its entire file of Carswell opinions. Unfortunately the Justice Department has not yet seen fit to make available such a complete file.

4. *Elaboration of Opinions.* Carswell's printed district court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell sat on the district bench was 4.2 pages.²

5. *Use of Authority.* In the 84 above-mentioned printed Carswell opinions the average number of citations of cases is 4.07 per opinion, and the average number of citations of secondary source material is 0.49 per opinion.³ The average for all district judges during the 1958–1968 time period was 9.93 case citations per opinion and 1.56 citations of secondary source material per opinion.

When these results are analyzed cumulatively they form a most impressive indictment of Judge Carswell's judicial competence. The incredibly high rate of reversals (59 percent) which Carswell has incurred on appeals in those cases in which he has written printed opinions brings into serious doubt the nominee's ability to understand and apply established law.

The shortness of a particular opinion and the relative paucity within it of case citations and citations of secondary materials do not necessarily indicate deficiency. Short opinions which are succinct and logical display great legal virtuosity, as Justice Holmes demonstrated. Yet not even Carswell's strongest supporters could argue seriously that the nominee's opinions have shown any unusual conciseness, perceptiveness, or skill. The very fact that Judge Carswell was so rarely cited by other federal judges who as a group are best equipped to evaluate the weight to be given to a judge's opinion underscores the generally low quality of Carswell's opinions. We are led inevitably to the conclusion that the shortness and slim documentation of most of Carswell's opinions is evidence of either Carswell's lack of diligence or his lack of ability.

The Senate Judiciary Committee record shows the Fifth Circuit Court of Appeals' reversing Judge Carswell again and again for failing to follow established legal procedures. Of particular concern was Carswell's failure to grant adequate hearing to individual peti-

2. The 84 printed Carswell opinions were calculated to the nearest tenth of a page. Four hundred decisions of other district judges were drawn randomly from Federal Supplements spanning the years 1958 to 1969. These opinions were calculated also to the nearest tenth of a page. In making all page computations only the text of the opinion was counted. Headnotes were not counted as part of the opinion.

3. These averages for all federal district judges were derived from another random sampling of 80 opinions drawn from Federal Supplements spanning the 1958–1969 period. Citations for any reason are included in these computations.

tioners in civil rights and criminal cases.

Judge Carswell is said to have boasted that he almost never held an evidentiary hearing in the federal equivalent of a *habeas corpus* case. The cavalier attitude on Carswell's part is yet another example of his insensitivity to essential individual rights dating at least as far back as the Magna Carta. Judge Carswell's attitude in *habeas corpus* cases, as well as in the civil rights area, suggests that his constructionism has been more "selective" than "strict."

The analysis of Judge Carswell's record during his eleven years on the federal district court would suggest that the nominee was significantly below the level of the average federal district court judge. There is no evidence to suggest that Carswell possesses any unusual talent to raise him above other federal judges. G. Harold Carswell's performance in the short time since he was appointed to the Fifth Circuit Court of Appeals has shown no signs of a late-blooming virtuosity.

Whatever their legal philosophies, young lawyers, law students, and law professors have reacted with overwhelming dismay to the appointment of such a mediocre lawyer to the Supreme Court. These individuals who form a major portion of the Ripon Society's constituency are fully aware of the enduring character of a Supreme Court appointment, especially that of a man as young as Carswell.

This dismay is felt generally throughout the legal profession. The vote of the Standing Committee on the Judiciary of the American Bar Association finding Carswell qualified is unrepresentative of membership sentiment within either the overall bar or the American Bar Association. Significantly the Chairman of this Standing Committee is the same man who as Deputy Attorney General of the United States played a major role in 1958 in the selection of Carswell to the federal bench in the first instance.

II. *Carswell Falls Far Short of Republican Standards for Judicial Distinction*

During the twentieth century Republican Presidents have maintained a remarkable standard in choosing judicial statesmen for the Court. Oliver Wendell Holmes, Charles Evans Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardozo, Earl Warren, John Marshall Harlan, William Brennan and Potter Stewart have all made significant contributions to American jurisprudence. The Ripon Society welcomed Mr. Nixon's campaign pledge to appoint to our nation's highest court persons of the caliber of Holmes, Brandeis, and Cardozo. Yet the members of the Ripon Society and many other concerned Americans find themselves deeply disappointed with the quality of recent nominations to the Supreme Court made by the present administration.

The Haynsworth nomination was inadequate to the national need to restore public confidence in the integrity of the judiciary in the wake of the Fortas resignation. Yet far more important than the possible vulnerability of Judge Haynsworth to conflict of interest charges was his limited sensitivity to the rights of blacks and labor. Judge Haynsworth, although a decent man, did not meet either in judicial insight or craftsmanship the standards of greatness which a nation demanded.

The duty which Republican Senators deliberating on the Carswell nomination owe to the Court and to the best traditions of the Republican Party transcends any duty to support a President of their own party on his Court nominee. They do the President no disservice by preventing a mistake which is likely to endure long after the President's tenure in the White House. In fact, by opening this seat once more to a Presidential nomination Senators could enable the President to put on the Supreme Court a person of greatness.

Legal inadequacy of a Court appointee has historically been a principal ground for the rejection of a number of Supreme Court nominees. President Grant withdrew the nominations of George H. Williams of Oregon and Caleb Cushing of Massachusetts after public outcries based largely on their mediocrity. Two of President Cleveland's nominees, William B. Hornblower and Wheeler H. Peckham, were rejected by the Senate largely because they were felt to lack either the impartiality or the stature necessary for the judiciary.

III. *Carswell's Lack of Judicial Impartiality*

Although it may be true that most people including judges have biases in one sort or another, it is incumbent on a judge in fulfilling his judicial function that he rise above these biases and adopt a neutral posture as an adjudicator of the law. Yet Judge Carswell through his decisions and his other uses of judicial power has seemed to eschew the role of impartiality demanded of a judge.

When he was serving as a federal district judge, Judge Carswell achieved the astonishing record of reversal in a tremendous number of civil rights decisions. Fifteen times Carswell was unanimously reversed on civil rights cases by the Fifth Circuit Court of Appeals.

Carswell's 1948 election speech declaring undying allegiance to the principles of white supremacy is deplorable, but we fully recognize that such ill-spoken words can be surmounted by men with a potential for growth. The example of Justice Hugo Black comes readily to mind. Judge Carswell during his entire time of federal service, however, has shown no growth either in legal ability or in sensitivity to the rights of black Americans.

In 1956 when he was serving as a United States attorney responsible for upholding the rights of members of all races, G. Harrold Carswell acted as an incorporator of a private club set up to take over the municipal golf course to prevent its integration. Judge Carswell's recent denials that he knew the private club was set up to maintain segregation seem disingenuous in the extreme.

More disturbing than the golf course incident, however, has been the blatantly anti-Negro, anti-civil rights character of Judge Carswell's conduct on the federal bench. In his letter of reply to Senate Judiciary Committee members who had queried him concerning charges of activity on his part to stifle civil rights workers, Judge Carswell failed to make any denial of some severe charges of judicial misconduct. He left unrebutted the charge that while he served in Tallahassee as a federal district judge he arranged with a local sheriff to re-jail some civil rights workers he had been ordered to free by the Fifth Circuit Court of Appeals.

The testimony before the Senate Judiciary Committee suggested that in one case Judge Carswell granted a writ of habeas corpus, required the prisoner's attorney to serve the writ on the sheriff at the jail, then notified the sheriff that he had remanded the case to local jurisdiction so the prisoners could be rearrested before they left the jail.

Other unrebutted testimony has alleged that Judge Carswell commuted sentences of civil rights workers for the purpose of preserving illegal local practices. Faced with a legal necessity to overturn the convictions of certain civil rights workers, Judge Carswell allegedly advised the city attorney that if he commuted their sentences to time already served the matter would become moot.

Judge Carswell's continuing involvement as a charterer of a segregated Florida State University Boosters Club, his passage of property in 1966 under a racially restrictive covenant, and his telling of a tasteless "darky" joke as speaker at a recent public gathering of the Georgia Bar Association are all indications that G. Harrold Carswell has not progressed appreciably beyond the views expressed in his 1948 campaign speech.

IV. The Carswell Nomination is an Insult to Southern Jurisprudence

Our opposition to the Carswell appointment in no way derives from the nominee's Southern origin. A number of great towers of our nation's judiciary are Southerners. Such men as Judge John R. Brown of Texas, Elbert Tuttle of Georgia, John Minor Wisdom of Louisiana and Frank Johnson of Alabama all have displayed an unflinching devotion to the Constitution of the United States and have exhibited a moral courage of high degree. Justice Hugo Black of Alabama

has established himself as one of the great jurists of American history.

Both today and through our nation's history the South has produced first-rate legal minds. A Virginian, John Marshall, has had as great an influence as any American judge on the development of our legal institutions. The first Justice John M. Harlan from Kentucky and Justice L. Q. C. Lamar from Mississippi both demonstrated the high potential of Southern legal scholarship.

In passing over so many well qualified Southern lawyers and jurists, the choice of Carswell seems an insult to Southern jurisprudence. Unhappily a man lacking in both intellectual distinction and in judicial fairness is presented to the nation as representative of Southern jurisprudence.

Conclusion:

Persuaded that G. Harrold Carswell lacks either the intellectual stature or the judicial impartiality to qualify for a place on our nation's highest court, we urge the Republican members of the Senate to uphold their party's best traditions by denying confirmation to G. Harrold Carswell's nomination thus allowing President Nixon to submit the name of a person who can command national respect both for his or her fairness and legal stature. *THE RIPON SOCIETY*

The Complex Society — *from page 21*

tutions. A strategy that caters almost exclusively to the forces embodied in or affiliated with them is a strategy for creating an essentially undemocratic society. It is for this that Phillips deserves a special place in 20th century American history. He is the first leading Presidential adviser to develop a scheme that, if successful, would end the U.S. experiment in free and popular government.

Of course, the Phillips plan — or rather its "structural translation" — is not totalitarian. Neither the police nor the large corporations would be absorbed into the central government. Perhaps the best word for the strategy is "authoritarian." Owing to basic social trends and strains, however, it is highly unlikely that Phillips-Mitchell authoritarianism would be stable.

The latent danger of totalitarianism confronts every industrial state. But Vietnam, the rise of the Far Right, and the Phillips strategy have thrust the issue out of the U.S. political science classroom and onto the agenda of every responsible citizen. During the next decade or two the fundamental political struggle, whether Americans realize it or not, is the struggle to block domestic totalitarianism. If we lose it, the subsequent career of the human race will probably be nasty, brutish, and short.

— *WILLIAM D. PHELAN*

Foley's Law: $R = 246 - 14.6U$

President Nixon's anti-inflation program may be the greatest obstacle to the election of a Republican Congress this November. The chart below measures Republican House seats on its vertical axis and unemployment rates on its horizontal axis. Each of the points represents the October non-seasonally adjusted unemployment rate in an election year between 1950 and 1968 plotted against the number of House seats won by Republicans in the election. With the exception of 1964 there has been a strong negative correlation between the unemployment rate and Republican success. Each one percent increase in the unemployment rate has reduced the Republican House membership by about fifteen seats. The correlation is highly significant statistically.

It is important to recognize that a correlation by itself proves nothing. But the correlation appears to measure the effect of unemployment in raising the Democratic turnout. It seems reasonable that high unemployment would increase the turnout of Democratic voters on election day. In most areas Democrats are more numerous than Republicans but a smaller proportion of them vote.

It is also important to realize that the unemployment factor is not, obviously, the only one which influences House elections. A glance at the chart shows that in 1964 Goldwater dragged the GOP 42 seats below the amount predicted by the correlation. In 1954 the success of the new administration in ending an unpopular war and cutting taxes was enough to put 18 more Republicans in the House than might have been expected on the basis of the 4.1 percent unemployment rate that October.

SEAT-WINNING ISSUES SCARCE Perhaps the most prudent way to interpret the correlation is to say that the GOP has to work 15 seats harder to win a majority if the unemployment rate rises one percent. A one percent rise will wipe out the effects of three issues worth five seats each. Since 1950 seat-winning issues have been very hard for Republicans to come by. 1952 and 1954, when the Eisenhower administration was at the peak of its popularity, provide the only hopeful cases.

What will this year's October unemployment rate be? The President's Council of Economic Advisers estimates 1970 GNP to be around \$985 billion. This represents an increase of 5.5 percent over 1969, but a great part of the increase is bound to be inflation. It seems unlikely that output in constant prices will rise much more than one percent in the coming year.

It generally takes a rise of about four percent in constant-prices output to keep unemployment steady.

The small growth projected by the Administration would very likely raise the unemployment rate by a little less than one percent. October unemployment on the basis of this forecast might run 4.3 percent or .7 percent higher than in October, 1968 (about 10 House seats lower from the GOP electoral point of view).

Many independent forecasters are slightly more pessimistic (both for the economy and Republicans) and predict an unemployment rate of 4.6 percent for October.

HIGH ON GNP FORECASTS The major imponderable in these forecasts is the effect of monetary policy. The mechanisms by which tight money influences demand are not very well understood by economists, and the quantitative impact of monetary policy as a result is subject to great uncertainties. Money has been very tight by all measures (the money supply, interest rates or stock prices) for a long time. If anything, it seems likely that we have underestimated its effect and that the standard forecasts are

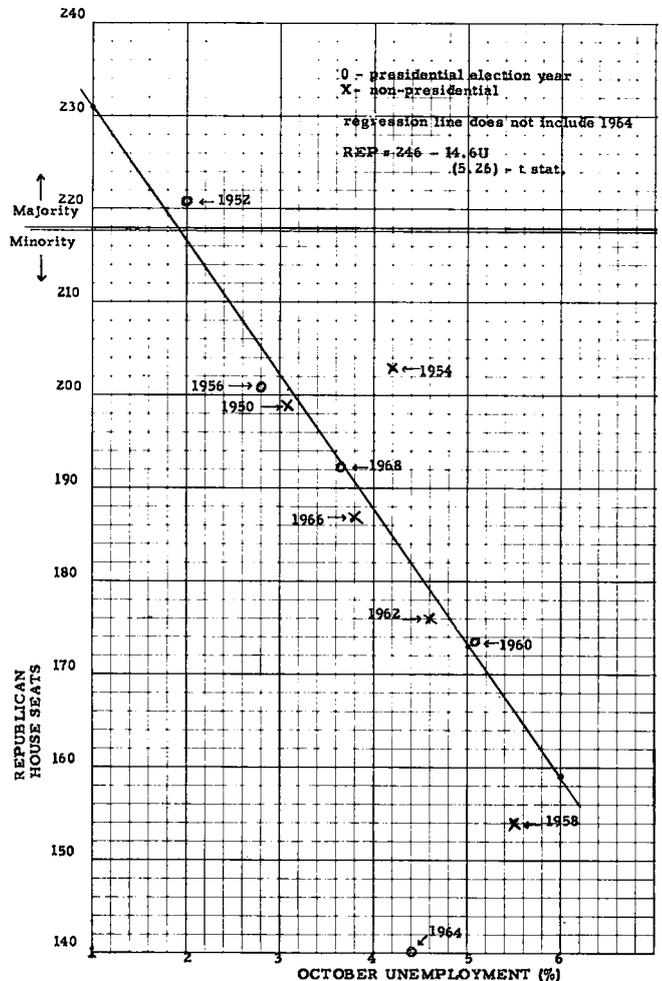


Table for Graph

<i>Year</i>	<i>October Unemployment Rate (percentages)</i>	<i>Republican House Seats</i>
1950	3.1	199
1952	2.0	221
1954	4.2	203
1956	2.8	201
1958	5.5	154
1960	5.1	174
1962	4.6	176
1964	4.4	140
1966	3.8	187
1968	3.6	192

too high on GNP, and too low on the unemployment rate.

Is there anything that canny Arthur Burns can do about the situation? Aside from the fact that there are, as of this writing, no visible signs of easing of money by the Federal Reserve, it seems likely that policies undertaken now will have their effects largely after the election. Huge systems like the economy have great inertia. They cannot be poked and prodded at will to get an instant response.

A prudent judgment would be that the unemployment rate in October will be 4.5 percent with a substantial chance of it being higher and very little chance of it being lower. The Republican House Campaign Committee had better find a 15-seat issue quick just to keep their present 192 seats from sliding down to 177 or so.

Could the issue be inflation itself? If there were to be a dramatic slowing of inflation the Republicans might successfully claim responsibility and make big electoral gains. The quantitative behavior of the price level is probably less well understood even than the workings of monetary policy. But past experience, especially in the 1958 recession, suggests that prices are about the last economic variable to respond to a slowdown. There may be some reduction in price changes noticeable by October, but this is likely to be small. The Administration may, by a combination of chance and design, reach a peak of unemployment in October with just as much inflation as ever. This is the kind of bad luck that makes history interesting.

— DUNCAN FOLEY

14a ELIOT STREET

The New Haven chapter met on March 5 with Governor Shafer of Pennsylvania and on March 9 with Edwin D. Ethrington, who recently resigned as President of Wesleyan to seek the Republican nomination for U.S. Senator in Connecticut. The chapter also has underway a project to locate promising people to become active in the GOP in one of New Haven's urban-blighted black wards. The ward now has a chairman and chairlady where none had existed before.

Knee-jerk conservatives in Washington, D.C. were circulating stories that Leon Panetta, who was abruptly dismissed as HEW's civil rights director, was a Ripon member. He wasn't, but his replacement, J. Stanley Pottinger, was once a member of the Ripon board.

The Ripon Society would like to pat the Gates Commission on the back for taking Ripon's position favoring a volunteer army (see "Politics and Conscription," December, 1966 FORUM and "Teddy Kennedy's Fantasy," April, 1969, FORUM and Chapter 3 of the Special Issue on Youth, September, 1969). Ripon National Governing Board member Stephen Herbits served as a member of the Commission.

A representative of the Ripon Society will appear on the Today Show April 13 sometime between 8:30 and 9:00 AM.

LETTERS

PRIVATE EXPLOITATION?

Dear Sir:

"Reprivatization: Another Way to Skin a Cat". This is the title that should have been applied to Dr. Simmons' foreign aid article in the February, 1970, edition of the Ripon FORUM because what he suggests will exploit our neighbors to the South just as severely as we have exploited them in the past. It will further encourage the epitaph [sic]: "Yankee, Go Home!"

Since the Mexican government's provision of credit, technical assistance and the marketing of farm supplies has failed to increase the corn yield or incomes of the small farmer, Dr. Simmons advocates the creation of a private service corporation which while earning for its investors some \$115,000.00 a year or 25% of the equity, will provide the same services that the government has been giving, namely, credit, technical aid and marketing of supplies. The magic of private industry according to Dr. Simmons' predictions will increase yields of corn from 4 tons per 10 acres to 10 tons. This same magic will make it possible for the farmer to work all of his 20 acres without having to leave a portion of it fallow and this will increase production from a meager 4 tons to an unbelievable 20 tons. The magic is further stimulated by paying the farmer 4% more for his corn where he could have earned 12% had he the ability to transport his produce a meager 20 miles over good roads. Dr. Simmons was silent as to the amount of interest to be charged by his benevolent service corporation. It probably is more favorable than the 4% a month now being charged, but I shudder to think how favorably.

Dr. Simmons inadvertently put his finger on the nub of the problem. Interest at 4% a month or 48% a year is not interest, it is confiscation. Land reform gave the land back to the people. Our Southern neighbors do not need a substitution of interest collectors. They need credit at a fair cost. We can provide that without strings. If we do, we will be doing a service and we will be welcome. Otherwise, the small farmer will continue to be by-passed and we, Yankee exploiter will be despised.

—JEROME MEDOW
Merrick, New York

