

RIPON FORUM

JANUARY, 1970

VOL. VI, No. 1

ONE DOLLAR

JOHN MITCHELL:

The Politics Of Justice

also

- **Governor Sargent
On Ecology**
- **Anthony Downs
On Urban Myths**
- **Anthony D'Amato
On Survival**



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

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.

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EDITORIAL

Throughout the first year of the Nixon Administration, the officials and policies of the government that have come under the heaviest fire from liberals of all stripes have been those of the Department of Justice. The Ripon Society, which fervently hopes that the Administration will go down in history as one that will have re-united the nation under principles of justice and progress, has generally refrained from such criticisms. In this issue of the *FORUM*, we present a report on the actions of Attorney General John N. Mitchell and his department in two highly controversial areas, and the record is one that we view more with alarm than with pride.

When President Nixon appointed his campaign manager to the Attorney Generalship, observers wondered about the extent to which Mr. Mitchell would continue his political activities in that highly sensitive post. He was certainly not the first campaign aide to head the Justice Department — Truman, Eisenhower, and Kennedy had appointed, respectively, McGrath, Brownell, and Robert Kennedy. Critics have always watched such appointees for signs that the impartial execution of the laws would be subverted to narrow political interests. In John Mitchell's case, they particularly noted his performance on the two issues of major political significance — civil rights and "law and order." In a time when the whole judicial process is under scrutiny due primarily to the Abe Fortas case, it is especially important that the administration of justice be exemplary.

The area of civil rights attracted probably the most attention. In an excellent speech in the 1968 campaign, President Nixon said that "surely one of a President's greatest resources is the moral authority of his office." To no subject is this statement more relevant than to the need to insure equal rights — especially in education and voting — to Americans of all races. And yet, too often last year was the Justice Department cast in the role of delaying and even reversing the great strides for equality by Southern blacks. The Attorney General and the politicians who serve as his chief assistants are motivated by a desire to "sell" the President to the white Southerner. Such a "Southern strategy," as noted in a recent issue of the *FORUM*, is morally inadequate and strategically im-

practical. In the article to follow, the authors also show that the white Southerner is not nearly as intractable as the Attorney General seems to assume.

What is needed are new avenues for social equality, notably in the economic realm. The President suggested one such approach in his advocacy of "black capitalism," but there has been more promise than performance in this field. On the other hand, the Administration has acted courageously in promoting the Philadelphia Plan of Secretary of Labor George Shultz. This campaign to drive Jim Crow out of Northern labor unions is the best effort of the Nixon Administration to promote black aspirations, and the Ripon Society heartily applauds it.

In the area of crime control, the Justice Department has tried to deliver on the lavish promises of the campaign. Indeed, one theme of Mr. Nixon's speeches in 1968 was that the mere replacement of the Attorney General would herald a major attack on crime at all levels. Critics noted at the time that the Federal Government has the jurisdiction to deal with only a small part of the many types of crime that prevail in the United States. But even in the areas within the purview of the Justice Department, as the article to follow states, the programs of the Attorney General deal "not with basic problems, but with surface tensions." Apparently Mr. Mitchell is concerned more with the impact of his programs on the public consciousness than with the evolving of programs equipped to deal with the root of the problems. Again, political considerations have outweighed proper approaches to secure justice for all.

And so we can only conclude that the Attorney General has failed to demonstrate that his office has placed the highest principles of law and justice over narrow political concerns. In a sense, he has destroyed much of the good will so necessary to the prestige of that office and as a result a torrent of criticism has been aimed at him, not all of it completely fair (such as that of the de-emphasis on Title VI enforcement and some of the arguments against his voting rights proposals). There is nothing wrong with an Attorney General advising a President on matters requested by the President, including political matters; but if the Attorney General brings politics into his own opera-

tions, he can only erode respect for our institutions of law and justice.

On the basis of its study, the Ripon Society concludes that John N. Mitchell has allowed political strategy to shape law enforcement strategy. It recommends that Mr. Mitchell distinguish now between his roles as the President's chief political adviser and the nation's chief law enforcement officer. If he is not prepared to keep politics out of law enforcement, he can, of course, resign as Attorney General or assume the more traditional political position of Postmaster General. Short of these steps, the Society recommends the following measures which will help restore the respect of an informed constituency for the Attorney General's role as an impartial executor of the laws.

(1) File motions for immediate desegregation, based on the Supreme Court's October 29 decision, in all cases in which the Justice Department is a party;

(2) Endorse publicly the President's rider to the Mitchell version of the voting rights bill to retain the "prior clearance" requirement of Section 5 of the 1965 Act;

(3) Introduce legislation to reduce possession of small quantities of marijuana to a misdemeanor, and initiate a comprehensive study and reevaluation of all Federal and state narcotics laws;

(4) Eliminate Justice Department requests for preventive detention;

(5) Limit wiretapping without court orders to those cases falling within the strictest definition of national security, and with court orders to bona fide investigations of organized crime;

(6) Appoint someone other than Jerris Leonard — preferably a special prosecutor not now in the Justice Department — to lead the investigation of the Black Panther slayings; and announce that further incidents of violence involving the Panthers will be included in the investigation;

(7) If the President desires to fill the vacancy on the Supreme Court with a Southerner, recommend a well-known and respected jurist such as Frank M. Johnson, Jr., William E. Miller, or John Minor Wisdom; or, if the Constitutional difficulties can be overcome, Representative Richard Poff of Virginia.

Political Notes

SAN DIEGO: a blow to Lindsay's urban strategy

The press, led by John Herbers of the New York Times, saw last month's election of Mayor Richard Lugar of Indianapolis as Vice President of the National League of Cities as a victory for Richard Nixon's small town America over John Lindsay's urban strategy. While the votes of each of these two candidates did divide mainly along small town-big city lines, that cleavage tells only part of the story of what happened at San Diego.

Normally, the leadership of the League, like that of so many other quasi-official bodies, including the Republican Governors Association, is determined several years in advance. The incumbent vice president normally moves up to the presidency. Also, in the case of the League, the chairman of the resolutions committee traditionally is elected vice president. As the League convened in San Diego, Lugar was the chairman of the resolutions committee and therefore already in line for the vice presidency.

Nevertheless, the nominating committee, dominated by big city Democratic mayors, passed over Lugar. Their first choice was Carl Stokes of Cleveland, but his outspoken criticism of the Republican administration on the floor made it clear that he would not be

able to get the necessary votes to make the challenge. The nominating committee fell back on Lindsay, who had already left town. The brunt of the campaign for the absent New Yorker was carried by Stokes, Mayor Cavanagh of Detroit, and Mayor Maier of Milwaukee, all big city Democrats. In the League, where every city and town is equally represented, they were badly outnumbered. And they lacked the ethnic and Republican appeal to small town America that Lindsay might have found an asset if he had handled the campaign himself.

After he decided to run, Lugar attempted to reach Lindsay, to inform him of his decision before making it public. He never managed to do so, but did talk to one of Lindsay's young aides who reacted to the news not only with impoliteness but with profanity.

Lindsay ended up losing to Lugar and suffering an unnecessary embarrassment. The reason was not the machinations of Nixon administration agents, as the Times suggested, not any backlash tendency on Lugar's part — since Lugar was and remains a progressive. Lindsay lost because he became an unwitting pawn of big city Democratic mayors in their attempt to change the traditional lines of succession in the League.

SO. CAROLINA: a moderate for governor?

Arthur Ravenel Jr. of Charleston, a racial and political moderate, has announced his intention to run for

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John Mitchell as Attorney General: A Political Approach to Justice

"On August 25, 1969," trumpeted a full-page ad in *The New York Times* not long ago, "the United States Government broke its promise to the children of Mississippi." Under a huge photograph of a wide-eyed black youth, the advertisement — to raise money for the NAACP Legal Defense Fund — told the sad story of the U.S. Justice Department's retreat in the now-famous case of the 33 Mississippi school districts. "Our Government," the ad charged, "for the first time instead of pressing for school integration, has gone to court to ask that school segregation be allowed to continue."

It may be an oversimplification to lay the blame for 15 years of foot-dragging upon an administration that has only been in power for the last 12 months. Nevertheless, the Mississippi desegregation case — like the issue of school integration itself — was a symbol, a test of the intentions of John N. Mitchell's Justice Department; and the Department failed the test. Regardless of how many New Jersey politicians the Justice Department indicts, it now must confront the firm belief of millions of Americans that "law and order" has no meaning for them. Worse yet, Attorney General Mitchell and his top assistant for civil rights, Jerris Leonard, have let it be known that the clear dictates of the Constitution and laws of the United States will be subordinated to political considerations. No one can realistically expect the Justice Department to remain entirely independent of political pressures; but the politicization of the Department that is taking place under John Mitchell — reaching into virtually every area of law enforcement — is unparalleled in recent history. Nowhere has this politicization been more apparent than in the field of civil rights.

LAST BEST HOPE

President Nixon's 1968 campaign, managed by John Mitchell, was designed to lead white Southerners to believe that a Nixon Administration would somehow slow the pace of school integration and other Negro advances. In Charlotte, N.C., in September, 1968, Nixon laid it on the line to his white Southern constituency. After stating his belief that school segregation is unconstitutional, the candidate added:

On the other hand, while that (*Brown v. Board of Education*) decision dealt with segregation and

said we would not have segregation, when you go beyond that and say that it is the responsibility of the federal Government and the federal courts to, in effect, act as local districts in determining how we carry that out, and then to use the power of the federal Treasury to carry it out, then I think we are going too far.

The argument Nixon was making — that the Constitution outlawed segregation but did not require integration — had been repudiated by a series of federal court decisions, culminating in *Green v. County School Board*, handed down by the U.S. Supreme Court in 1968. Certainly Nixon and his campaign manager, both lawyers, must have been aware of this; but even a year later, Nixon could say at a press conference:

It seems to me that there are two extreme groups. There are those who want instant integration and those who want segregation forever. I believe that we need to have a middle course between those two extremes.

THE MIDDLE GROUND

The President seemingly ignored the fact that "instant integration" was, after 15 years of "deliberate speed," a constitutional obligation binding on all the nation's school boards (under the *Green* decision); instead, as he had during his campaign, he treated those taking this position as the opposite pole from the diehard segregationists, and he set his course somewhere *between* the Constitution and the prejudices of his Southern supporters.

John Mitchell, as the newly appointed Attorney General, was in a perfect position to make the Government's civil rights policy conform to political requirements. First, however, let it be said that after eight years of Democratic rule — during which time the Justice Department was run by such Attorneys General as Robert F. Kennedy, Nicholas deB. Katzenbach, and Ramsey Clark, and civil rights were the specific responsibility of, among others, Republican John Doar — September, 1968, still found just under 80 percent of the black children in the South attending segregated, all-black schools. But if the Justice Department under the Democrats had not always been terribly effective in its civil rights efforts, there was little doubt of its basic commitment to the cause; and it was just this sense of

commitment that John Mitchell, in less than a year, destroyed.

The Administration's civil rights efforts may have been crippled beyond repair by one of Mitchell's first steps — the appointment of Jerris Leonard of Wisconsin, loser with a dismal 38 percent of the vote in his 1968 Senate race against Gaylord Nelson, as Assistant Attorney General in charge of the Civil Rights Division. As Gary J. Greenberg, a registered Republican and the senior trial attorney in the Civil Rights Division who was a casualty of the Mississippi debacle, was later to write in *The Washington Monthly*:

There was Mr. Leonard himself, a politician from Wisconsin with no background in civil rights and, indeed, very little as a lawyer. He was insensitive to the problems of black citizens and other minority-group victims of discrimination . . . Still another element was the shock of his ineptitude as a lawyer. In marked contrast to the distinguished lawyers who preceded him in his job, Mr. Leonard lacked the intellectual equipment to deal with the legal problems that came across his desk.

Lest this assessment be dismissed as so much sour grapes, it should be noted that it is shared by many civil rights leaders who have had dealings with Leonard, as well as by many other attorneys in his own Department.

Under the uncertain leadership of Jerris Leonard, the Justice Department pursued what one Congressman recently called "a policy of confusion, involving an *ad hoc* approach to individual school desegregation cases," during the first months of the Nixon Administration. Initially, as the Attorney General was preoccupied with alterations in the Voting Rights Act and with his promised crackdown on crime (and on the rights of defendants), most of the public backing and filling on school desegregation was left to HEW Secretary Robert Finch.

"WE ARE TIRED"

On and off, there were rumors that the Administration was about to change the guidelines under which school districts were supposed to desegregate. Late in June, a group of black parents and children who had been among the first to integrate Southern schools — often undergoing threats, beatings, and even the destruction of their homes in the process — went to Washington for a pathetic, last-ditch sit-in at the Attorney General's office. "We are sitting here," they told Mitchell, "because there is nothing left that we can do. We have done it all — the letters, the waiting, the believing. We are sitting here because, in the most profound and basic sense, we are tired." Three days later, on July 3, came the official Mitchell-Finch statement on school integration — a masterpiece of equivocation that, while saying nothing new, managed to rekindle the hopes of those who still thought they could turn back the clock.

Mitchell obviously felt that some statement was necessary because of the political pressures building up on the Administration. And once the decision was reached to make a statement, it hardly mattered what was said, since the only conceivable purpose for making any statement would be to indicate — or appear to indicate — a slowdown in desegregation. Desegregation plans adopted by individual school districts, the statement said at one point, "must provide for full compliance now — that is, the 'terminal date' must be the 1969-70 school year." But at another point, the statement raised the possibility of a "limited delay" in certain circumstances:

Additional time will be allowed only where those requesting it sustain the heavy factual burden of proving that compliance with the 1969-70 time schedule cannot be achieved; where additional time is allowed, it will be the minimum shown to be necessary.

ASKING FOR IT

The initial reaction to this aspect of the Mitchell-Finch statement was puzzlement, combined with a suspicion that the Administration was inviting delay. *The Montgomery (Ala.) Advertiser*, in the heart of the area for whose benefit the statement was made, irascibly noted that

. . . the statement was written with calculated ambiguity, intended to convince Negroes that the Administration is going to get tough and the South that it is not — or something like that. . . .

It would have been far better if the Administration had quietly decided, without advance fanfare, what it was going to do rather than advertising that the guidelines would be vigorously enforced except in cases where they wouldn't be.

Meanwhile, the Leadership Conference on Civil Rights, a moderate coalition headed by the NAACP's Roy Wilkins, said the new policy would reward school districts that had held out to the last, while "Southern school officials who have carried out desegregation programs in good faith may face hostility in their communities because they sought to comply with the law." The statement, the Leadership Conference concluded, "plays politics with constitutional rights."

THE MISSISSIPPI CASE

Just how much delay the Justice Department was willing to tolerate was shortly to be demonstrated in Mississippi. And just how much delay the Justice Department and HEW caused by their months of waffling on the school issue was revealed in HEW statistics showing that 47 of 145 (33 percent) Southern districts with final integration plans for Fall, 1969, reneged on them, as compared with a 7 percent rate the year before. "Civil rights groups," reported the Southern Regional Council, "believe there is little reason to assume that

the Administration's attitude and ambivalence encouraged any district to implement its plan."

Besides the matter of delay, there was another aspect to the July 3 statement: an indication that the Administration was going to rely less on fund cut-offs under Title VI of the Civil Rights Act of 1964, and more on litigation to achieve desegregation. Though this shift in emphasis was bitterly denounced by some civil rights groups, it was not wholly without merit. The cut-off procedure, for one thing, was susceptible to political influences at every level of the HEW bureaucracy; and no matter how precisely HEW tried to word its guidelines, they always turned out to be endlessly negotiable. A more basic objection to Title VI enforcement is that the only available remedy is termination of federal assistance to the recalcitrant school districts. Cessation of government funds provides no assurance that the school district will desegregate; most terminated districts simply go on operating without the money — which, after all, was generally being spent on Negro students and schools. One result of this was that in mid-1969, schools in Georgia either had lost or were about to lose more than \$1 million that would have been used to give many disadvantaged children their only hot meal of the day. And when funds were cut off to Coahoma County, Miss., in February, 1969, the school board promptly dismissed more than 70 Negro teachers and staff members being paid with federal money. When the Administration began sending up trial balloons early in 1969 about a shift to the courts, civil rights advocates cited figures showing that in the 11 Southern states, 25.6 percent of the black children in districts under HEW were in desegregated schools, as against 11.5 percent in districts under court orders. But these figures were deceptive; it is the stubbornest districts that wind up in court, and the court-order districts also included most of the South's big cities, where Northern-style residential segregation limited the extent of integration that could be achieved by any method.

BEYOND CUT-OFFS

In the spring of 1969, the Administration was talking about a procedure whereby the Justice Department would bring suit against a district or group of districts, and HEW would move in to offer technical assistance — and also cut off funds if the resulting court orders were not obeyed. The Justice Department would also file suit against districts that had merely accepted the loss of federal funds as the price of continued segregation; once a court order was obtained and complied with, federal aid could be restored. In August, the Department, apparently as part of this new strategy, brought its first statewide suit in Georgia, seeking to require state officials to take responsibility for desegregation. (This approach had been used with considerable success in Alabama, in *Lee v. Macon*, which began

as a private suit against a single district in 1963 and grew to heroic proportions, with Justice Department involvement, as George Wallace persisted in defying the federal court.)

Though Georgia Governor Lester Maddox predictably denounced the statewide lawsuit, the reaction of other political leaders was not unfavorable — an important consideration not only politically, but also in determining the success of any resulting plan for desegregation. Senator Richard B. Russell said he thought the suit was on "shaky" legal ground, but a court order was still preferable to administrative action by the "fanatical bureaucrats" of HEW. Georgia's other Senator, Herman E. Talmadge, agreed. (Georgians actually might have been excused, in the light of subsequent events, for thinking that they were being sued to make up for Justice Department laxity in other areas. In a year-end interview given to *The Washington Post*, Mitchell cited the Georgia case, telling a reporter, "You can't say we didn't press with vigor there.") But in December, 1969, the Justice Department obtained an order charging state officials with the task of desegregation, and in Georgia, at least, the new tactic seemed to have a chance. After a federal court ordered officials to cut off *state* funds to all districts not submitting satisfactory final desegregation plans by March 1, 1970 — and ruled that 34 districts previously terminated by HEW were again eligible, "upon proper application," for federal aid — the Georgia Board of Education announced that it would comply with the terms of the decree.

POLITICAL PRESSURE

But on other fronts, the Justice Department-HEW strategy was being sabotaged by the same problem that had previously hampered the Administration's efforts: a simple lack of good faith on the part of those charged with enforcing school desegregation. The most significant indication of the Justice Department's intentions came in the South Carolina school cases. In late March, 1969, four federal judges — including Charles E. Simons, Jr., Strom Thurmond's former law partner, and former South Carolina Governor Donald Russell, whom Thurmond later pushed as a Supreme Court nominee — gave 21 school districts 30 days to work out acceptable desegregation plans with experts from HEW. This appeared to be an illustration of how a joint Justice-HEW approach could greatly expedite the process of school integration. But when the 30 days had passed, the plans were still up in the air; and when the details were finally made known, at least 12 of the 21 districts had been given an extra year — until September, 1970 — to complete the abolition of their dual school systems, with only minimum preparations required in the 1969-70 school year. It later became known that HEW had first proposed plans calling for complete desegregation by September, 1969, in 16 of

the 21 districts, but that political pressures had resulted in nearly all the plans' being watered down. Most of the pressure — said to have come from Senator Thurmond and the rest of the South Carolina congressional delegation — was directed at HEW; but the Justice Department, which had charge of the litigation, readily acquiesced. "When these plans were introduced in court," Allard Lowenstein charged in his recent report on school integration, "attorneys for the Civil Rights Division were ordered to defend them in court without regard to their professional judgment that the plans were inadequate under the Constitution." Furthermore, the Government has not appealed any of the orders authorizing delay in South Carolina; nor as of December, 1969, had it taken any action in those cases where the federal judges had not yet entered any order, even one requiring desegregation by September of 1970. Such developments strongly indicated that the reason for emphasis on court-ordered desegregation was to ensure that all school cases went through the hands of the Administration's chief political broker, John Mitchell.

THE ABM LEVER

But it was the Mississippi case that finally revealed the extent to which political judgments had replaced legal ones in formulating Justice Department policies. On July 3, 1969 — the date of the equivocal Mitchell-Finch statement — the U.S. Court of Appeals for the Fifth Circuit, acting upon the Government's assurance that the job could be done, ordered an end to the dual system in 33 Mississippi school districts by September of 1969. Pursuant to this order, HEW developed final desegregation plans for all 33 districts and filed them in the lower federal court on August 11. But meanwhile, the Administration's ABM system — vigorously supported by Senator John Stennis of Mississippi — was being debated and narrowly approved in the Senate. Also during this period, as Nixon later admitted, Stennis and other Mississippians discussed the school case with the President; Lowenstein believes that Stennis said he would have to abandon the ABM fight and return to Mississippi if total desegregation was about to descend on his constituents. "The President referred the Senator to Messrs. Finch and Mitchell," Lowenstein charges in his report. "Between August 15-17, Secretary Finch reconsidered the HEW plans and after consulting with Attorney General Mitchell a decision was made to withdraw the plans. Assistant Attorney General Jerris Leonard was contacted and asked to formulate the method for withdrawing the plans."

PEOPLE DO NOTICE

Whether the method that was ultimately used was Leonard's or not, it could hardly have been more heavy-handed and inept. For on August 19, Finch took the unprecedented and highly improper step of

sending letters to the Chief Judge of the Fifth Circuit and the members of the federal District Court involved, requesting a delay in the plans submitted by his department a week earlier. Copies of this letter were not sent to the other parties in the case — the school boards and the Negro families represented by the NAACP Legal Defense Fund. It is possible that at this point, the Administration still hoped to get away with doing a little favor for Senator Stennis without too many people noticing; in retrospect, at least, it seems unlikely that anyone in the Justice Department believed its retreat would be upheld by the Supreme Court. But for an Attorney General so preoccupied with the totems of law and order, Mitchell showed surprisingly little understanding of the symbolic nature of the Mississippi case. The public reaction to the Administration's move was an anguished outcry of betrayal; and the Legal Defense Fund — which had been a valuable stalking horse for the Government in so many desegregation cases — parted company with the Justice Department and petitioned the Supreme Court on its own.

NO MORE DELAY!

Everyone knows by now that in its landmark decision of October 29, the Supreme Court said no more delay would be tolerated in vindicating the rights of black schoolchildren, in Mississippi or elsewhere: "The obligation of every school district," the court ruled, "is to terminate dual school systems at once and to operate now and hereafter only unitary schools." The old standard of desegregation with "all deliberate speed," the court said, is no longer applicable; and so, what began as a staggering setback for school integration became instead a great step forward. But for a number of reasons, the story does not really have a happy ending.

One reason, of course, is the plainly political motivation of the Justice Department's actions in the Mississippi case. Whether or not the Department's move was the result of a direct promise to Senator Stennis, it was still clearly a part of the "Southern strategy," advanced by John Mitchell among others, that guided Nixon's presidential campaign. There is good reason to believe that Mitchell and Leonard knew all along they would lose the Mississippi case, and that more — not less — integration would be the ultimate result. Indeed, this prospect may even have pleased them, in that they thought they could expedite the inevitable process of school integration while appearing to resist it. But the Administration simply failed to understand the symbolic values at stake in the case — the whole complex of emotions attached to the plight of black children in Mississippi, and the importance of even a few months' delay after 15 years of waiting. It would be hard to conceive of a worse issue to play politics with. The underlying rationale of civil rights litigation has always been the

even-handed enforcement of the nation's laws, without regard to person or place; but the Justice Department, whatever its true motives, has now indicated that even the Constitution must yield to political considerations. If the Administration leads Southern whites to believe that federal court orders are not, after all, the result of an impersonal application of the law, then even the present grudging acceptance of some forms of integration will be washed away in a new and disastrous wave of resistance.

BOTH NORTHERNERS

For Mitchell is wrong if he thinks white Southerners will never yield to the requirements of the Constitution, or if he thinks opposition to integration is the only way to win their support. (Of course, there is always the possibility of the self-fulfilling prophecy.) By their acceptance over the years of changes that run counter to everything they have ever learned, many white Southerners have shown a profound dedication to the concept of law and order that so dominates the public utterances, if not the actions, of the present Justice Department. As the relaxation of desegregation efforts grew evident in August, 1969, *The Asheville Citizen* noted a remarkable lack of appreciation in North Carolina:

North Carolina has been lucky in this regard. There are several disturbing exceptions, notably in the East, but Tar Heels by and large appear to be convinced that desegregation of schools is inevitable, that it is basically right, or that it is bearable. . . .

On the whole, . . . North Carolina communities have been grudgingly compliant with this rule which has been, for 15 years, a law.

Certainly there are problems, even in gradual change, but nobody can rightfully claim that the transition has been precipitate. The South, or at least North Carolina, has adapted to the idea. We won't be pleased if the Administration tempers its policy too severely to satisfy Mississippi.

In rural Union Springs, Ala., after a federal court ordered total integration by September, 1970, some 500 parents began organizing a campaign to keep children in the public schools. And the town's weekly paper, the *Union Springs Herald*, editorialized:

If we must have three black teachers to every white teacher in our system, then we must somehow find competent black teachers. If we cannot do this, and the court still insists that we maintain such a ratio, then we cannot properly educate our children.

SEPARATE, UNEQUAL . . .

Elsewhere, too, there was growing recognition that most of the problems caused by integration were the result of the community's neglect, not the policies of

the federal Government or the orders of the court. "They're my product," admitted a South Carolina school superintendent after testing in one seventh grade class showed that one out of three black children was a non-reader. "All these black children started in the first grade while I was superintendent and I am responsible for their inabilities."

And even in Mississippi, amid the reports of whites' disgust with the October 29 decision, there were examples of resilience and acceptance. Some 200 parents in tiny Yazoo City took out an advertisement in the *Yazoo City Herald*, announcing a drive to keep white children in the public schools. State Senator Herman DeCell, a leader of the drive, referred to the fact that his daughter, a seventh grader, would be assigned to a previously all-black school. "I'm a little anxious," he told a *New York Times* reporter. "But she's going there." Only a genuine belief in law and order could account for the willingness of even these few whites in largely black areas to accommodate themselves to such a drastic change in circumstances. It is this belief, maintained at such a price, that the Justice Department is threatening by its casual barter of constitutional rights.

A WALLACE ORIGINAL

Ironically, the strategy of retreat may not even have impressed those at whom it was aimed. Even the Administration's lukewarm reaction to the Supreme Court's mandate enraged some bitter-enders like the editor of a weekly paper in Montgomery, Ala., headquarters of the Wallace movement. "The eagerness with which (the ruling) is adopted," said Tom Johnson of *The Montgomery Independent*, "gives the South reason to feel like the victim of a cruel practical joke." And Wallace himself had no trouble recognizing the Justice Department's strategy of conspicuous failure, since he invented it (or at least greatly enlarged on Orval Faubus' original version). The day after the Mississippi ruling, Wallace charged that "all the Madison Avenue propaganda about the 'Southern strategy' is just what it is — propaganda. . . .

The Justice Department knew full well in their own mind what the Supreme Court was going to do and Mr. Finch, Mr. Mitchell and Mr. Agnew knew it. So what they are trying to say is that it was the court that did it — when it was a Chief Justice appointed by Mr. Nixon who did it. . . .

Many politicians in Washington who insist upon the average wage-earner's child being bused and trifled with don't allow that to happen to their children. Folks are getting tired of these limousine hypocrites.

As far as George Wallace is concerned, John Mitchell is just another Wall Street lawyer trying to butt in where he is not wanted; and it is hard to see how a

Southern strategy can succeed when it fails to silence the Alabamian.

Aside from these practical considerations, there is the question of the effect continued official indifference will have on the schoolchildren involved, and on those who watch and try to understand. As Glenda Bartley of the Southern Regional Council eloquently stated it during an earlier period of disappointment:

We teach children, all children, that the United States is dedicated to law and order. We lie. We have shown a generation of American children, in the public institution closest to their lives, the schools, that this nation's fundamental law need not be obeyed; we have clearly demonstrated to them that what we expect is their conformity to lipservice to the shibboleth.

What will be the awful effect of these lies upon children, black and white alike? What depths of disillusionment when they hear us say "law" and observe only "order"?

After a generation has beheld successful evasion, rationalized vacillation, outright flaunting of the law, only a country absolutely wedded to the totalitarian concept of order without law could turn upon the victims of lawlessness and accuse them of destroying the fabric of society.

PROTEST FROM WITHIN

Perhaps the most devastating effect of the Mississippi case was the damage it caused to the morale and outlook within the Justice Department, and to the country's belief in the authority of its own institutions. What must have been the effect of Jerris Leonard's declaration, in late September, that even if the Supreme Court ordered instant integration, "nothing would change"? What was the effect when the head of the Civil Rights Division said that if the Mississippi desegregation plans had been implemented as originally submitted, "we would have been faced with massive litigation efforts, school closings, and massive boycotting. It would have taken years to bring these districts back into line"? If it is really true, as Leonard was saying, that mere opposition can effectively frustrate the Government and the Constitution, then the years of effort that have gone into school desegregation, and the many proud victories that have been won, were all along a meaningless charade, and those who worked in the cause, and believed in it, were fools. Furthermore, it was the clear message of the Mississippi case, enunciated by Mitchell and Leonard, that Justice Department attorneys were to be guided, not by the Constitution and their professional judgment, but by the instructions of their superiors. This development led to a protest by 65 of the 74 "line" attorneys in the Civil Rights Division, and to the resignation of the most outspoken of these, Gary Greenberg.

Writing in the December, 1969, issue of *The*

Washington Monthly, Greenberg said Leonard warned him in early October that "our obligation was to represent the Attorney General . . . and John Mitchell had decided that delay was the appropriate course to follow in Mississippi." That the Justice Department is ruled by Mitchell, and not by the requirements of law, seems indicated by the Department's conduct since the Mississippi decision. When the case was remanded to the Fifth Circuit, the Justice Department again argued for delay, despite Mitchell's previous promise to "bring every available resource to bear" in enforcing the Supreme Court order. Even as Deputy Attorney General Richard G. Kleindienst was telling a group of U.S. Attorneys from the South that all dual systems had to be eliminated by September, 1970, the Justice Department was asking for delay in other cases before the Fifth Circuit. Six weeks after the Mississippi ruling, the Southern Regional Council charged the Department with totally ignoring the Supreme Court, and with failing to file motions for immediate desegregation even in those cases to which the Government was already a party. According to Gary Greenberg, the prevailing policy in the Justice Department now is that "law enforcement decisions are to be made by John Mitchell, and the test for those decisions is soundness, including the relevant political considerations." If this is so — and it appears to be — then we are no longer a government of laws, but of men.

SINGLE OUT THE SOUTH

The Attorney General further alarmed liberals and civil rights groups in 1969 by tinkering with probably the most successful of all civil rights laws, the Voting Rights Act of 1965. Under the Act, more than 800,000 black voters had been added to the rolls in Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 37 counties of North Carolina, the areas coming under its so-called "trigger" provision. This provision directed the application of the Act at those states or political subdivisions where less than 50 percent of the eligible adult population was registered to vote, or had voted, in the 1964 presidential election. In the states and counties thus coming under the Act, literacy tests and other such devices used to keep Negroes from voting were abolished, and the Attorney General was empowered to send in federal examiners to register voters where local officials continued to discriminate. Moreover, Section 5 of the Act required the covered states to submit any proposed changes in voting laws to the Attorney General or the U.S. District Court in Washington, D.C., before putting them into effect. The Voting Rights Act is due to expire in August, 1970, and in June, 1969, John Mitchell announced the Administration's intention not to renew it in its present form. The uproar was instantaneous.

Mitchell's new voting rights bill extended the

1965 Act's ban on literacy tests to all 50 states (there are 13 states outside the South that use them); it also abolished all state residency requirements for voting in presidential elections. But the most significant change was the repeal of Section 5's "prior clearance" requirement; the Mitchell bill merely gave the Justice Department the authority to file suits to enjoin the application of discriminatory voting laws — authority which the Department had had all along, and the inefficiency of which had led to the 1965 Act in the first place. In the most telling criticism of the Mitchell bill, Representative William M. McCulloch of Ohio, a Republican who had fought for previous civil rights laws, said the Attorney General's proposal "creates a remedy for which there is no wrong and leaves grievous wrongs without adequate remedy."

PRIOR CLEARANCE

Mitchell's defense of the bill, made during his much-delayed appearance before the House Judiciary Committee, was that the 1965 Act was "regional legislation," discriminating against the South and also against Negro citizens outside the South. If these arguments were specious, they were no more so than some of the protests raised against the Administration proposal. For one thing, though hundreds of thousands of blacks had been registered under the 1965 Act, the pace of voter registration had slowed in the South; many, if not most, of the federal examiners sent in by the Justice Department had either curtailed their operations or gone home. The complaint about repeal of Section 5 was that it would shift the burden of uncovering and challenging discriminatory state laws back to the Government; as Congressman Abner Mikva of Illinois put it, the Justice Department would have to play "chase the legislature." But as a matter of fact, the burden was already on the Justice Department — and on the affected voters and candidates. When the U.S. Supreme Court ratified the Section 5 procedure in March, 1969, in *Allen v. State Board of Education*, it was actually ruling in four different cases, involving four different changes in the laws of Virginia and Mississippi; and in none of the four cases had the change been submitted for prior clearance. It is wishful thinking to assume that just because Section 5 stays on the books, Southern officials intent on implementing discriminatory regulations will meekly ask permission of the Attorney General or the District Court. Moreover, many of the most vigorous protests against the Mitchell bill were predicated on the assumption that since the bill extended the 1965 Act's prohibitions into the North, it might not pass. The Civil Rights Leadership Council, for example, argued that although it "supports in principle the complete elimination of literacy tests, this proposal at this time would embroil voting legislation in controversy." Why?

The Attorney General's bill, taken by itself, is simply not as bad as its critics have charged. But taken

in context with the other actions of the Justice Department, the proposal appears more dangerous. The bill, by expanding the covered area and repealing Section 5, places a greater premium on Justice Department initiative; and blacks and liberals have abundant reason to question the Attorney General's commitment to civil rights enforcement. When Mitchell testified about the expanded protection his bill would provide, he also told the House committee that no more money would be needed — a patent impossibility, if the Justice Department was planning a good-faith effort to implement the new law. Another disturbing aspect of the bill is the amount of hocus-pocus it contains — such as the provisions giving the Attorney General the power to bring suits against discriminatory laws, and to dispatch federal observers where voting rights are threatened, when he already has such authority under existing law. In the Administration's previous statements and actions in the field of civil rights, and law enforcement generally, it has been difficult to distinguish shadow from substance, to tell whether a position is being taken out of conviction or for political effect. Thus the inclusion of these largely meaningless provisions in the Mitchell bill raises understandable suspicions that the whole thing is a ploy.

POLITICAL CALCULATION

Again, the principal objection to the Mitchell bill is that it subordinates legal judgments to political considerations. Like the Justice Department's actions on the school question, the bill is all too plainly a part of the Southern strategy, based not on a judgment of what the national welfare requires but rather on a political calculation of which interest groups will be pleased. The bill is not even a straightforward attempt to disenfranchise Negro voters; it is a tenet of the Southern strategy, as articulated by Mitchell's assistant Kevin Phillips, that registration of Southern blacks should be encouraged, since it drives white Democrats into the Republican Party. If Mitchell's proposal were, on the other hand, part of a legitimate effort to bring the South back into the country, it might be justified on that ground. The Administration might say to the South, all right, your motives have been under suspicion for five years, but now we're going to give you a chance to be trusted. But in the present context, the bill is anything but a measure to encourage the South to police itself; rather, it is intended to show the Administration's sympathy for the white South, and to win the affection of those who voted for George Wallace in 1968. In practice, the bill really offers nothing to anyone; it is a political statement, without substance. Public works legislation may be put together in this manner, but a law involving a right so basic to democracy should be free of such blatant political influence. Small wonder, then, that in preparation for the new 1970 session of Congress the White House has taken steps to overrule Mitchell on the Section 5 issue. A

letter by the President and Gerald Ford seeks to preserve Section 5 but to extend it nationwide.

To date, the Justice Department's activities in the area of criminal law enforcement have not led to confrontations as clearcut as those over civil rights. But an examination of the Department's performance in this area shows an alarming tendency to concentrate on the wrong people, to tinker with constitutional safeguards where reform is required, and to base policy on what is popular rather than what is right.

CRIMES OF VIOLENCE

Mitchell has frequently made clear his philosophy that the major job of the Attorney General is law enforcement and not "sociology" — an apparent dig at his predecessor, Ramsey Clark. Few would dispute the centrality of the Justice Department's, and the Attorney General's, law enforcement role; what is questionable, however, is not Mitchell's vigorous efforts to enforce the laws, but rather some of the choices he has made in his enforcement efforts and the rationale he has articulated to justify these choices.

Mitchell moved into office in the wake of presidential rhetoric, much of it designed under his supervision, which elevated law and order to the nation's top domestic priority. The actual content behind the slogan was ill-defined; however, the overtones were of harsh, if not repressive, treatment of social and criminal deviates. The Attorney General began his tenure with heavy emphasis on the need for an intensive campaign against street violence and organized crime. Since that time, a number of initiatives have been taken to reduce crimes of violence; but for the most part, the impact of these promises to be greater in reducing personal liberties than in reforming the serious institutional inadequacies of our criminal justice system, which impede the effective prevention, detection, and prosecution of crime.

And though the rhetoric has usually been directed against the Mafia and similar villains, the actual targets of the Justice Department have often been students, blacks, and political dissenters. A pattern begins to emerge: the Justice Department uses the Mafia as a spectre to justify the whittling away of civil liberties; then, when the precedent is established, the Government turns its attention to other types of "crime." And the Department often trains its fire on groups that are unpopular with the "silent majority" whose votes the Administration wishes to cultivate. In early May, for example, at a time when university campuses were wracked with disturbances ranging from peaceful protest to armed violence, the Attorney General lashed out at the student dissidents in a manner that not only exaggerated the problem but also raised the scare of "foreign and communist" influence (cf. Mrs. Mitchell's remarks). Paying lip service to the fact that the colleges and universities might actually be in need of

some minor changes, Mitchell chastised the students, the school administrators, and local government officials for not treating the disturbances as infractions of the law. "The time has come," he said, "for an end to patience. The time has come for us to demand in the strongest possible terms that university officials, local law enforcement agencies and local courts apply the law . . . Campus militants . . . are nothing but tyrants." Mitchell also indicated that his Department was investing substantial resources in dealing with the dissident students. Jerris Leonard had taken time out from his understaffed, beleaguered Civil Rights Division, and had assured the Attorney General that the anti-riot provisions of the Civil Rights Act of 1968 were adequate for prosecuting the student militants. The FBI had several investigations underway; state and local governments would be given the information and encouraged to seek their own indictments. In addition, special seminars on campus disorders would be held for police chiefs.

The Mitchell exhortation to take the students to the precinct stations and the courts came at the same time that university presidents and the American Association of University Professors were saying that the schools should be allowed to handle campus disorders on their own, that reliance on often uncontrollable police forces only exacerbated the situation and polarized the community, and that it was unwise to slap police records on substantial numbers of the nation's most promising youth. James Allen, the U.S. Commissioner of Education, joined with the college officials; Allen also pointed out that there were serious underlying causes for the students' discontent, an observation that Mitchell typically did not echo. The Mitchell approach characteristically dealt not with basic problems, but with surface tensions.

STOP THE POT

Another area where the Justice Department was primed to strike a blow for the silent majority was that of narcotic drug control. To the average respectable Southerner or "Heartland" farmer, nothing symbolizes all he hates and fears in modern society so much as the drug culture. For months after coming into office, Mitchell has talked of an overhaul of the federal narcotics laws. It was clear from his previous proposals — such as preventive detention and expanded use of wiretapping — that the Attorney General did not intend to deal lightly with narcotics offenders. However, there was no warning for the drastic penalties suggested by the Administration's Controlled Dangerous Substances Bill of 1969.

On July 15, Mitchell sent to Congress a bill that, in addition to coordinating federal narcotics enforcement activities (a commendable aim), greatly increased the penalties for most drug-related offenses. For example, LSD and other hallucinogens were elevated to

the maximum penalty bracket previously shared by heroin and marijuana. The bill indicated that Mitchell had decided to rely on the threat of harsh punishment in his war against drugs, although this had deterred neither professional distributors nor users in the past, as demonstrated by the continually increasing availability of marijuana and other drugs. The Attorney General must have realized the basic shortcoming in his approach; thus it is hard not to view his drug proposals as, once again, a political statement rather than a legitimate attempt to solve a social problem. The same point can be made about the Administration's absurd "Operation Intercept," a cops-and-robbers effort to halt marijuana traffic by sealing off the U.S.-Mexican border.

REDUCED PENALTIES

The Government's unfortunate approach to the drug problem came at a time when innovative programs, substituting treatment for prosecution of addicts, were being instituted in cities across the nation. The Department might have made a more significant contribution by setting up a system of treatment centers or by developing new procedures for keeping drug users off the endless treadmill of prosecution, incarceration, and subsequent return to a life of addiction. But the Attorney General, apparently, was interested in making a point, not a contribution. Later in 1969, however, the Justice Department came to its senses, to a degree, at least as far as marijuana was concerned. John E. Ingersoll of the Department's Bureau of Narcotics and Dangerous Drugs asked Congress in September to amend the Administration's original proposal by reducing marijuana possession offenses to misdemeanors, reducing the possible sentences for nearly all marijuana offenses (except those involving "professional criminals"), and permitting judges to grant probation or suspend sentences in such cases. At a White House conference on drugs in December, President Nixon seemed to signal a new approach to the drug problem when he told the assembled Governors that education, not punishment, was the solution. The President said he once believed that law enforcement was the answer to drug abuse, but he now thought education and information were more important than criminal penalties. The Attorney General, however, continued to push for "no-knock" legislation, which would give narcotics officers the authority to enter private homes without knocking or announcing themselves when they had a search warrant for illegal drugs. So the question still remained as to where the balance would be struck in the Nixon Administration with regard to the drug problem.

Mitchell's willingness to abandon the constitutional and statutory protection against no-knock searches was symptomatic of his Department's approach to criminal justice. Rather than seeking the root causes of

crime, rather than making the judicial process more efficient, Mitchell seemed content to concentrate on changing the rules. And when Congress balked at his suggestions, he used that as an excuse for the lack of results. Again, the suspicion is overpowering that the Attorney General has made many of these proposals merely to build a record; whether they are approved or not, whether they would work in any case, all this is irrelevant, because the purpose of these measures is political, not legal.

During the week of July 5, the Justice Department unveiled another of its major initiatives for cracking down on criminal offenders — a proposal for pre-trial detention, without bail, of "dangerous criminals." The Federal Bail Reform Act of 1966, which the Attorney General sought to amend, had recognized that many individuals charged with crime were incarcerated simply because they could not afford bail. This meant that indigent defendants, because of their poverty alone, were imprisoned before they were found guilty of anything — sometimes for months on end, because of overcrowded court calendars. Not only were they deprived of their freedom, but their incarceration also frequently impeded the development of their defense. The Bail Reform Act sought to end this discrimination against the poor by providing for a system of pre-trial release — often without bail, on the defendant's own recognizance. But the Attorney General's proposal was a step in the opposite direction; it threatened to undermine, rather than improve, the Bail Reform Act.

WITHOUT BAIL

Briefly, the proposal provides that a federal-court defendant can be held without bail pending trial if the judge finds — in a hearing where the defendant can be represented by counsel — that there is "a substantial probability of guilt," and that release of the defendant would be a danger to the community. The proposed bill spells out certain arbitrary categories of "dangerous" defendants and offenses. A preventive detention ruling could be appealed by the defendant; in addition, he could be released temporarily if his freedom were deemed necessary for the preparation of his defense. A defendant so detained could request an expedited trial, and would be entitled to release after two months if his trial were not in progress.

In spite of the high hopes and early priority placed on it by an Attorney General concerned above all with law and order, the preventive detention proposal offers little to combat the spiraling rate of crime; it would affect only a small percentage of the defendants in the federal courts, and none in the state courts, where most street crime is dealt with. The proposal does, however, threaten to put additional burdens on the nation's poorly organized and underfinanced court and correctional systems, especially in the District of Columbia, and to reduce important constitutional pro-

tections previously accorded the accused. The pre-trial detention hearings will further clog court calendars, at a time when many experts are saying there would be no need to worry about crime committed on bail if the courts actually provided the defendant with the prompt trial to which he is constitutionally entitled. Nevertheless, as a year passed without any appreciable change in the rate of street crime in D.C. or anywhere else, the Attorney General could and did blame Congress for failing to approve preventive detention.

WIDESPREAD WIRETAPS

Mitchell's next panacea, and a more serious threat to personal liberties, was wiretapping. Without much proof, prosecutors for years have sought to eavesdrop on criminal suspects, but the Supreme Court has recognized wiretapping as lawful only when necessary for the preservation of national security. In 1968, Congress, impatient with the court's restrictive rulings, enacted Title III of the Omnibus Crime Control and Safe Streets Act, authorizing wiretapping — at the request of the Attorney General and with court approval — in the investigation of a broad range of criminal activities. The authorization permitted wiretapping in any situation that "may provide evidence" of the enumerated crimes.

Although Title III has been described primarily as an extension of wiretapping to combat organized crime, this description is highly misleading. The crimes listed in the Act include many offenses which are often, if not usually, committed by everyday defendants. Among these are obstruction of criminal investigations, interference with commerce by threats or violence, theft from interstate shipment, embezzlement from pension and welfare funds, and interstate transportation of stolen property. In addition to categories of crime which might involve the Mafia, the Act also allows wiretapping with regard to offenses endangering the national security, including those "relating to riots"; crimes of violence, such as murder, kidnapping, or robbery; and drug-related offenses, including "receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marijuana, or other dangerous drugs." In other words, the Act opens the door to eavesdropping on students, political dissenters, and civil rights and peace groups, among others.

DOMESTIC SUBVERSIVES

Doubting the constitutionality of Title III, former Attorney General Ramsey Clark refused to implement it and continued the practice of restricting Justice Department wiretapping to traditional national security cases. But as early as February, 1969, John Mitchell's Justice Department indicated its intention to use wiretaps under Title III, with a court order, against organized crime. In June, it was disclosed that "national security" wiretaps — not authorized by any court —

had been used against five of the Chicago 8 defendants, and in a number of other political cases. This invasion of privacy in the cases of alleged domestic subversives represented a dramatic extension of the national security wiretap, which had in the past been primarily restricted to cases of foreign subversion.

In congressional hearings last July, the Attorney General reemphasized his intention to utilize Title III. His testimony concentrated on using wiretaps against organized crime, but when questioned as to their use for the other offenses enumerated in the Act, he made it clear that the Justice Department would probably take full advantage of the law. One can recognize that distasteful methods may be necessary to fight organized crime without approving of the approach advocated by the Attorney General. What is most upsetting in the whole wiretapping controversy is the apparent lack of clearly defined limits on the use of taps, or, to put it another way, a lack of a sense on Mitchell's part that wiretapping should be restricted by something other than a pragmatic judgment (his) as to what is useful.

MAD ABOUT GUNS

While the Justice Department has been eager to tamper with basic rights, it has not been willing to take the hard, politically unpopular steps necessary to make real inroads in the fight against crime. For instance, the Department has refused to interfere in this violent country's love affair with guns. The Justice Department moved quickly to squelch proposals requiring licensing of gun owners and registration of firearms, and setting stiff penalties for the use of firearms in the commission of crimes. In testimony before Senator Thomas Dodd's Subcommittee to Investigate Juvenile Delinquency, Associate Deputy Attorney General Donald E. Santarelli opposed registration and licensing as being a "distinct departure" from previous procedures — though why these measures would be more of a departure than preventive detention or unbridled wiretapping, Santarelli didn't say. The proposals would "constitute an unwarranted invasion into the province of state and local governments," Santarelli went on, adding that there was no clear evidence that registration and licensing would cut down on crime. For a Department willing to put all its chips on similarly untested methods of fighting crime, Justice was surprisingly cautious on the issue of gun control — though given the political nature of the entire debate, there was really nothing surprising in Santarelli's remarks. The Administration has been only slightly more forward-looking in another low-glamour area—prison reform. President Nixon often talked about improving the nation's prisons during the 1968 campaign, but it was not until November 13, 1969, that he gave the Attorney General a 13-point directive on the matter. Mitchell's response to the President's charge is so far unrecorded.

On the whole, Mitchell's law enforcement strategy has been inspired by political motivations, not by a judgment about how best to deal with a series of serious problems. Furthermore, this strategy is articulated in proposals that are clearly futile and absurd. Mitchell, in short, has defrauded the voters who rose to his and Nixon's law and order rhetoric, and has done nothing that is even arguably well calculated to make the U.S. safer and more humane.

The nomination of Clement F. Haynsworth to the Supreme Court, though not strictly a Justice Department function, had Mitchell's mark on it and represented the same political approach to justice. Certainly, the President has a right to appoint judicial conservatives to the court, and few would have objected to a nominee with the stature of a John Marshall Harlan. Even Judge Haynsworth's unfortunate financial dealings might have been overlooked if he had had some other redeeming qualities. But from the start, it was painfully obvious that Haynsworth was nominated because he was a conservative and a South Carolinian, and for no other reason. Rather than a serious attempt to mold the Supreme Court in the Administration's image, the Haynsworth nomination was a political gesture, designed to boost the President's stock with Southerners, whether it went through or not.

MAFIA AND PANTHERS

What, after a year, has been the result of John Mitchell's law and order crusade? Clearly, a breakthrough of sorts has taken place in New Jersey, where federal grand juries recently returned a massive gambling indictment against 55 people and an even more significant indictment implicating Newark Mayor Hugh J. Addonizio, nine other present and former city officials, and five others in a \$253,000 shakedown scheme.

But if John Mitchell's Justice Department could take the credit for the New Jersey indictments, then it also had to take some of the blame for what a growing number of people are beginning to see as the repression of the Black Panther Party. Jerris Leonard is reported to have told the director of the Illinois Civil Liberties Union last spring that "the Black Panthers are hoodlums and we've got to get them"; the same Jerris Leonard is now leading a grand jury investigation into the slaying of two Panther leaders by Chicago police. Even such moderate black leaders as Roy Wilkins have alleged the existence of a nationwide plot to wipe out the Panthers; certainly, the Justice Department has done nothing to discourage police violence against the militant group.

But the question is not just that of rising fears among Black Panthers and radicals. By placing politics above the law, Mitchell is risking the erosion of public

trust in the institutions of government among all segments of society. When people begin to believe that justice is for sale, there will be no way to maintain law and order short of military rule.

The self-contradictory nature of present Justice Department policies — and an unconscious warning of the consequences — were outlined in a speech given by the Attorney General during the time his Department was asking for a delay in the Mississippi desegregation case. "While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals," said John Mitchell. "When this Administration took office eight months ago, we decided that the time had come to stop talking, to stop offering excuses and start acting now. . . .

"Indeed, tomorrow may be too late for all of us."

A. E. I.

Political Notes — from page 4

Governor in 1970, if the state Republican Party holds a primary. Ravenel — a real estate dealer who turned Republican in 1960 after serving in the state House of Representatives as a Democrat — disturbed some GOP conservatives in 1968 by trying to build a Republican organization in Charleston's Negro precincts. He has also campaigned for economy in government, citing the recent expenditure of \$15,000 for having the statues on the Statehouse grounds turned to face away from the building, and has suggested selling the state's huge Santee-Cooper power facility to finance a new multi-million-dollar educational plant for the University of South Carolina. (State GOP Chairman Ray Harris recently braved public opinion by saying educational needs should come before expansion of the athletic facilities).

Meanwhile, members of the party's dominant conservative wing are pressing Congressman Albert W. Watson, who was drummed out of the Democratic Party in 1965 for supporting Barry Goldwater, to announce for Governor. Late last year, Senator Strom Thurmond introduced Watson at a GOP fund-raising dinner as the "future Governor of South Carolina." The party has nominated its candidate by convention in the past; whether Ravenel will get a primary will be determined at the state convention in March.

The Democratic nominee for Governor is likely to be either Lieutenant Governor John C. West, a moderate, or three-term Columbia Mayor Lester L. Bates. In promoting themselves as candidates who can appeal to blacks — some 35 percent of the population and 24 percent of the electorate — both Ravenel and West must deal, not only with conservatives in their own ranks, but with likely opposition from a new black people's party now in the process of formation.

How to Snatch Survival from the Jaws of Pollution and Overpopulation

The reason that environment is eclipsing Vietnam as an issue among college and high school students is not that they suddenly have just discovered the existence of smog, or that they are being forced to pay for bottled spring water, or even that they have suddenly become enamoured of the California redwoods. Such concerns are the province of suburban commuters, conservation groups, and wilderness trekkers, who ordinarily have little in common with radical students.

What motivates today's students is a deeper fear — a dawning chill of awareness that the continued existence of the human race on the tiny planet called Earth is severely threatened by environmental pollution and degradation. And so every polluter of the air or water has become an arch-enemy of mankind; and action-oriented students can be expected to mount increasingly vigorous campaigns for environmental preservation. The public — and the Administration — have hardly heard the beginning of this massive political and social issue.

IN SHARP CONTRAST Political leaders, however, are beginning to awaken to the explosive potential of the environment issue. President Nixon's Environmental Quality Council was recently instrumental in getting a partial ban on DDT; the President has ordered an end to the production of weapons of germ warfare; and the ban on cyclamates has alerted the public that foods and drugs are not necessarily safe. Scientists and experts have been calling for these steps, and many more, for years. The Nixon Administration has at least started to move on them, which places it in sharp contrast with previous administrations. This contrast will not be lost on many young adults who will vote for the first time in 1972.

Yet these beginning steps will also heighten public awareness of other, unchecked instances of environmental pollution. The present administration, therefore, cannot afford to rely on comparisons with its

predecessors; it will be measured in 1972 by what it should have done, rather than by what had gone before. Real political danger resides in not doing enough. To understand why this is so, it is necessary to take a close look at the basic ecological factors in environmental degradation. Only by making an effort to understand the problem in the way that young adults are beginning to understand it can one sense the gravity of its political implications.

I. *The Population Bomb.*

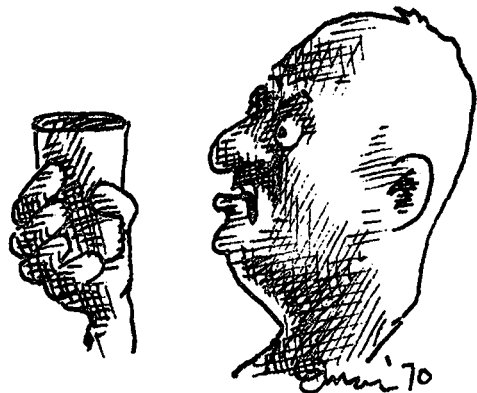
Traditional environmentalists, and even current spokesmen with an engineering mentality, think of air and water pollution as phenomena that can be dealt with on their own terms, without regard for population dynamics. Indeed, demography is a neglected science today, and its relation to other sciences is even more neglected. But a simple arithmetical curve showing the world's population over the millennia should convince anyone that the unprecedented population growth of the past few centuries must be a key factor in today's environmental crisis (see graph on next page).

A CANCEROUS EFFECT Human population growth has suddenly become cancerous (measured in terms of the life of the planet, 500 years is "suddenly"). Alan Gregg first made the cancer analogy in 1955, saying that, "the destruction of forests, the annihilation or near extinction of various animals, and the soil erosion consequent to overgrazing illustrate the cancerlike effect that man — in mounting numbers and heedless arrogance — has had on other forms of life on what we call 'our' planet."

We are now adding to human numbers at an unbelievable rate. In a day, the human race grows by an amount exceeding the battlefield deaths in all of the Second World War. In ten years, India alone adds

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to its population a number equivalent to the present population of Japan. Cities all over the world cannot keep up with the people surging to them from the countryside, or with the births occurring in their overcrowded living units. In the developing nations, urban population was 100 million in 1920; by the year 2000, this figure will have increased more than 20 times.

Even in the United States, the war against poverty and the war against hunger are on a treadmill; for each person who moves upward economically, two or three more will take his place, will move into his less habitable tenement, and will get less food than he had. By the year 2000, moreover, the eastern United States will be a vast urban sprawl.

MALTHUSIAN HUNGER WAVE These population projections take into account the spread of birth control and contraceptive techniques, extrapolated over the next 30 years. But it is not the birth rate that is responsible for the bulk of the population explosion; rather, it is the rapidly declining death rate, a result of advances in medicine and nutrition. These advances will no doubt be exported to the developing countries, so that their rate of population growth in years to come will be as rapid as that of the United States and Japan in their developing years. In addition, the "green revolution" in agriculture, the development of much higher-yield hybrid wheat and corn — while it may prevent a Malthusian

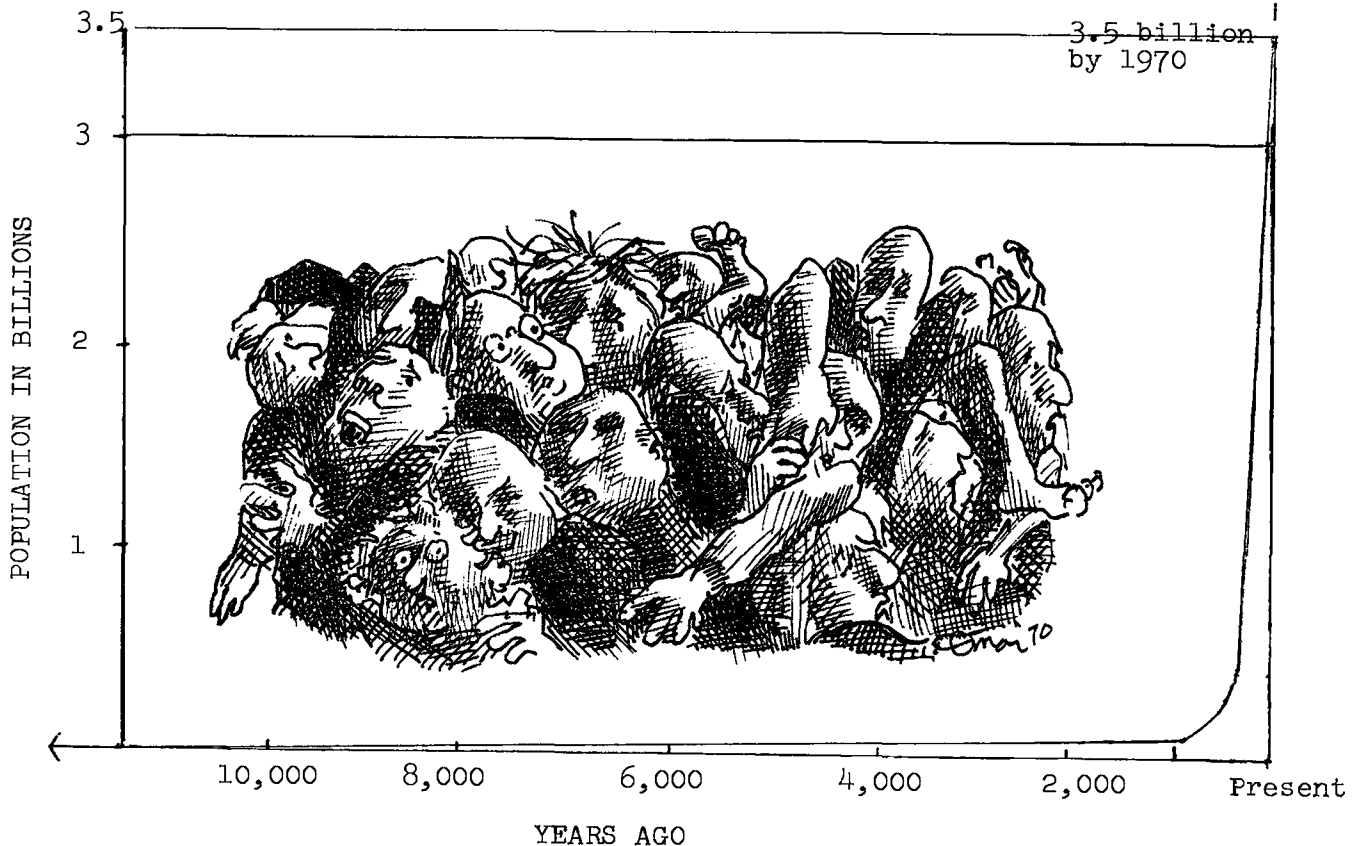
hunger wave — apparently succeeds best in spurring on population growth. The *per capita* food supply is steadily decreasing world wide.

The population explosion guarantees pollution of the environment. For more people means more wastes dumped into the lakes and oceans. More electric power will be needed to heat these people and drive their machines, and generation of electric power means more air pollution. Population growth uses up arable land; we pave some of it over to build houses and highways,

7 billion
by the year 2000 A.D. ↑

4 billion
by 1975

3.5 billion
by 1970



while we coax more food out of the remaining land by intensive use of artificial fertilizer. The latter degrades the soil and may eventually ruin its agricultural productivity. Moreover, the press of population cuts into wilderness areas, leveling forests and destroying animal and bird life. Truly, in ecological terms, the human race is a malignant cancer upon all other forms of life.

II. *Spaceship Earth.*

Eventually, if the present rate of population growth continues, the human race will exhaust the earth's supply of oxygen and everyone will suffocate. The truly frightening thought is that this could happen by the year 2000.

A PLANET LIKE MARS

To see why this is a significant threat, we must briefly consider where oxygen came from. When the earth was young, the oxygen component of the atmosphere was very small — a trace element only. Had plant and animal life not evolved, the earth would have remained a planet without much oxygen. The earth would have resembled Mars. However, life did get started, and plants gave forth oxygen through the process of photosynthesis. Animals breathed in this oxygen and exhaled carbon dioxide, which the plants in turn converted to oxygen. Plants stored enormous quantities of carbon in their cell structures; when they died, or when they fell victim to the fires that swept through vast areas from time to time, this carbon was restored to the atmosphere.

But then the vast upheavals of the Carboniferous period occurred, burying enormous amounts of plant life under the soil and trapping the carbon element. The atmosphere that remained was about 20 percent oxygen. Since then, the earth's plant and animal life have retained ecospheric balance, keeping the net amount of oxygen relatively constant. When man evolved, his respiration was attuned to the 20 percent oxygen level, and there was sufficient plant life — particularly in the oceans, where plankton accounts for 70 percent of the world's photosynthesis — to convert man's exhaled carbon dioxide back into oxygen.

But now the trend is running in the opposite direction. The human race is increasing at a tremendous rate, outstripping the relative growth in plant life. And as man increases, he cuts down trees, paves over swamps, and in general destroys the plant life that would restore the oxygen he needs. More importantly, he dumps his wastes in the ocean. We have loosed a billion pounds of DDT into the environment, and it has been found that minute amounts of this persistent pesticide can inhibit plankton photosynthesis by as much as 75 percent.

REMOVING THE OXYGEN

In addition, man is resurrecting all the plant life that was buried in the Carboniferous period and burning it, thus putting the trapped carbon back into the

air while taking out oxygen. By burning oil and coal for electric power, and by burning gasoline in internal combustion engines in our constantly expanding fleet of automobiles, we are removing more and more oxygen from the air. These factors lead some scientists to predict that the earth cannot support a population of 7 billion (projected for the year 2000) because of the limited supply of oxygen.

There is some hope in the possibility that nuclear reactor plants may some day be able to provide power for all the earth's needs. In these plants, nuclear energy is released without the consumption of large amounts of oxygen. However, under present technology, nuclear power plants are even more of a threat to the environment than ordinary coal-burning plants. For these new nuclear plants — which are being built, larger than ever before, in many U.S. localities — create a serious hazard of radioactive pollution. They actually emit their gaseous radioactive waste products into the atmosphere and into the water supply. Krypton is released into the air, and tritium, a dangerous radioactive material, flows into nearby rivers or lakes.

Only the solid radioactive wastes will be buried underground. And these will be buried in concrete-and-steel containers, which will corrode faster than the radioactive materials will lose their radioactivity. There is a substantial danger of this underground pollution's making its way into the water supply.

IN VERY HOT WATER

In a short time, the environment may be absorbing much more radioactivity than was released by the explosion of nuclear bombs at the end of World War II or in the test series that followed. In addition, the nuclear power plants present a great hazard of thermal pollution. When a nearby river or lake is used to cool their incredibly hot inner chambers, the ecological balance of the waterway may be rapidly upset. Although it took industry a quarter of a century to kill Lake Erie, the other Great Lakes may putrefy much more quickly, as a result of thermal pollution.

These dangers are easy enough to state, and to protest against. The trouble is that the population demands electric power, and the utilities are simply responding to this demand. As the population grows, even more electric power will be required. It will be quite expensive for these utilities to attach afterburners and other air-pollution control devices on existing coal-burning power plants. Rather, they will turn to the use of nuclear energy, and the public, because radioactive pollution is not visible, may go along.

Despite this prospect, very little research has been expended on ways of controlling radioactive pollution. The Atomic Energy Commission, which has jurisdiction over such matters, seems to content itself with requirements for burying solid radioactive wastes; it appears uninterested in the emission of radioactive gases or liquid tritium. Conceivably, technology might

be able to neutralize all radioactive emissions. But because of the rapid movement to nuclear energy and because of the enormous profits envisaged, few seem to be worried about the radioactive side-effects of nuclear energy.

III. *What Can Be Done?*

One way or another, people will have to pay heavily in order to keep the population down and save the environment from being degraded. Electric bills, for instance, will have to be raised in order to pay for a crash research program in anti-radioactivity technology. Taxes will have to be levied to replace today's almost sinful incineration of garbage with a system for the conversion of refuse into usable products. Further, taxes will have to be imposed upon users of air and water, and these companies — assuming they do not escape altogether such taxes — will pass them on to the consumer in the form of higher prices. The cost of food will skyrocket as the use of pesticides in agriculture is curtailed (the food will be more wholesome, but much more will be wasted by disease and parasites). More dramatically, the government may be forced to levy a high penalty tax on children in order to discourage population growth.

DRACONIAN MEASURES But these things won't happen by themselves. And politicians will have to rise to heights of greatness to force through these measures, or others to accomplish the same purposes. President Nixon has indicated his awareness of environmental problems in a major population speech last summer, although he undercut all that he said by stressing voluntary population control and the right of families to be as large as they want.

In the last analysis, the basic element of any solution is public awareness of the problem. Only if the public is educated to the peril of imminent human suicide will it ever be able to accept the Draconian measures necessary to snatch survival from the jaws of oxygen depletion or radioactive sterilization. Ten very easy first steps might be the following:



1. An end to the income tax deduction now allowed for dependents.
2. A progressive penalty tax on all children after the first two per family.
3. Elimination of joint returns and all other forms of marital tax advantages.
4. Repeal of all laws against abortion.
5. Repeal of all laws against homosexuality. (Homosexuality — as well as the growing feminist movement in the country — are types of population control in that they discourage marriages and keep down the size of families.)
6. A direct use tax on all air and water users, based on the amount of contaminants they introduce into the environment.
7. A moratorium on the construction of all nuclear power plants, pending the development of technology sufficient to convince an independent panel of scientists that there is no danger to the environment from radioactivity.
8. Abandonment of the SST and an end to other government subsidies for the airlines.
9. Legislation phasing out the incineration of garbage.
10. A halt in automobile production, until a feasible model electric car — and workable afterburners for all present vehicles — can be developed.

Of course, one might say these measures are utopian. "How can we possibly get people to accept them?" politicians may ask. But if this is the consensus reaction to steps that, in light of the problem, are trivial indeed, then the extinction of the human race may be closer than anyone believes.

—ANTHONY D'AMATO

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The Hard Facts of the Urban Crisis

Right at the start, we must face the fact that a great deal of current thinking about urban problems is dead wrong. Unfortunately, millions of Americans believe in certain myths about urban affairs. These myths are accepted by all too many people at even the highest levels of private and government affairs. I will therefore begin by examining four such myths to establish a background for later conclusions.

The first myth is that the United States will experience an urban population explosion during the remaining 30 years of this century. The most common version of this legend states that there will be 100 million more Americans by the year 2000 than there are now — mostly in cities. In reality, the fertility rate in the United States reached its peak in 1957. Since then, it has fallen over 30 percent, and is still falling. Consequently, in 1969 our population will grow less than one percent for the first time since 1940. Nevertheless, the Census Bureau persists in making forecasts based upon the erroneously high fertility rates prevalent in the 1950s. As a result, almost all the population forecasts you will see, if they are based on any official data, will be wrong. They will be far too high. The highest Census forecast (Series A) indicates a gain in population in metropolitan areas alone of 122 million from 1970 to 2000. The lowest Census forecast (Series D) indicates a metropolitan-area gain of 62 million in the same period — just about half the highest. My own forecast, which is a crude one made without benefit of the Census Bureau's computer methods, indicates a metropolitan-area gain of only 42 million persons in these three decades. This means there will be far less growth, and slower growth rates, than most alarmists are now forecasting. Still, total population growth in the country will remain significant over the next three decades.

NO EXOTIC NEW CITIES The second myth states that the best way to cope with future urban growth — whatever its magnitude — is to build dozens, or even hundreds, of "new cities" away from existing metropolitan areas. Admittedly, this appeals not only to architects and planners, but also to the dreamer in all of us. But it simply will not happen. In my opinion, almost no new cities will be built far from existing metropolitan areas, and only a few will be created near or inside them. As evidence for this conclusion, I cite the 30 years of experience in building new cities in Great Britain. In spite of this experience, and in spite of the vastly greater government powers which the British have to

create new communities outside their big cities, in 1968 the British started only two and one-half percent of their new housing in such communities. In contrast 97.5 percent of all new housing units in Britain were built somewhere other than in new cities. To me, this indicates that our efforts to improve the form taken by future urban growth must concentrate on more prosaic activities than building exotic new cities. In particular, I believe state governments should (1) encourage new development at a larger scale than present small-sized subdivisions by making it easier to create planned-unit developments, (2) develop more uniform building and housing codes — preferably a single code within each state, (3) open up suburban areas to more low-income housing by a variety of means, (4) escalate present control over land-use zoning out of the hands of very small communities that now use those powers to exclude low-income and even middle-income households from their boundaries, and (5) take the initiative in sponsoring and building new housing for low- and moderate-income households in suburban areas through their own housing agencies.

The third myth is that use of industrialized housing production methods will cut housing cost significantly. In reality, the two most important costs in creating new housing are land and money — not the cost of construction. Land will keep rising in price, and money — which has risen faster than any component cost in recent years — will not go down much, if at all, in the near future. In fact, I believe we must recognize that there is no such thing as low-cost housing. Nor will there be as long we insist on maintaining our present high-level quality of new construction in housing. This means that the people who live in the worst existing housing, and therefore most need help, will be unable to afford new units of any kind unless they receive major subsidies. In fact, new housing is so costly that over half of all the households in the United States cannot afford to either buy or rent a new housing unit of any kind (except a mobile home) without spending too high a fraction of their income for it. So we cannot avoid the conclusion that "solving" our worst housing problem will require major subsidies paid for by other people.

NO CHEAP SOLUTIONS This observation concerning housing emphasizes a critical general conclusion: there are no cheap solutions to any major urban problems, from air pollution to crime prevention. Attempts to meaningfully improve any presently-unacceptable urban conditions

will require major public expenditures, regardless of whether actual programs are carried out by the public or private sector.

The fourth myth about urban problems, and the most widespread and insidious, is what I call the self-help solution myth. It has two aspects, both embodying erroneous thinking. The first aspect is typified by this kind of remark: "All that poor people, or black people, or any other deprived group of people who are suffering the most from our most critical urban ills cannot help themselves. They comprise a relatively small minority of the population, but they cannot escape from the ills which plague them without the help of the majority who are not seriously affected by those ills. For example, nearly half of all poor Americans by the Office of Economic Opportunity definition of poverty cannot earn their way out of poverty. They are either old, or disabled, or young children in households headed by women, or the women caring for such children. They can get out of poverty only if we give them money — our money. Another analogous minority-group problem is racism. Clearly, the 12 percent of all Americans who are black, and other smaller groups who are Mexican-American, Puerto Rican, or Indians cannot eliminate all the handicaps imposed by 300 years of discrimination and oppression solely by themselves. The white majority will have to alter its behavior and institutions significantly too if we are to make progress in attacking this problem.

TOO MANY PROBLEMS

Thus, regarding many of our most critical urban problems, the people who are worst off form a minority who need help from a majority which is not suffering much from the problem, and is therefore reluctant to tax itself to help those who are. This majority is particularly reluctant to provide aid to others because it has its own significant problems. Those problems include inflation, environmental pollution, traffic congestion, and many others. And this majority is not really very wealthy in spite of repeated talk about our "affluent society."

The second half of the self-help myth is even more insidious. Millions of middle-class Americans believe something like this: "I made it the hard way, without government aid. So why should I pay taxes to help others who are now suffering from the same evils that I escaped from myself?" But in fact they did not "make it" without government help. Rather, they had the benefit of significant government aids, but either they do not know it or they will not admit it. In fact, millions of middle-income and upper-income Americans are still getting bigger government subsidies than the poor in many areas of policy.

In housing, for example, the biggest total subsidy we provide does not consist of public housing financing, or welfare rent allowances, but the ability

of upper-income and middle-income home-owners to lower their federal income taxes by deducting property taxes and mortgage interest from their taxable incomes. An even more striking example is provided by public higher-education systems.

MORE HIDDEN SUBSIDIES

In all states, the state-supported college and university system usually provides an example of the poor subsidizing the rich! The students who attend these systems are mainly from upper-income and middle-income families. But poor families pay by far the highest proportions of their incomes to the state and local taxes which support these higher-education institutions. For example, families with incomes under \$2,000 pay about 25 percent of those incomes to state and local taxes; whereas families with incomes of \$15,000 and more pay only about 7 percent of their incomes to state and local taxes. The need to correct this gross injustice leads me to support Governor Reagan's suggestion that students attending state universities and colleges ought to pay tuition, and some of the resulting funds should be used to provide scholarships for those who come from low-income families. There are many other examples of hidden subsidies to non-poor Americans. These include highways, oil imports, farm subsidies, and tariffs — but I cannot discuss them in detail now.

In my opinion, this myth obscures an important hidden community of interest between the most deprived Americans and many of those in the middle class. We may not like to admit it, but most members of both groups need subsidies or government assistance of some kind to cope with some of the key urban problems that face them. But not all of them know it because the subsidies received by the middle class are disguised; whereas those received by the poorest citizens are clearly labeled. This causes a false division of the population. One group is labeled as incapable of supporting itself and highly dependent upon others, and is therefore considered inferior. Another bigger group receives even larger subsidies but retains the moral luxury of feeling superior because those subsidies are hidden. Our challenge is to bring this community of interest out in the open so that the need for government assistance can be a unifying element in society, rather than a divisive one. We in the middle class must stop thinking of ourselves as somehow superior to others, and not a part of the problems they face. In reality, we share many of their basic difficulties and needs for help.

MAKING BASIC CHANGES

Now let us turn to the most difficult, hardest-to-accept reality about urban problems in the United States. It is the fact that we cannot make any significant progress toward solving those problems without major changes in many basic institutions in our society. This means at least partly upsetting long-established traditions that many people cherish, but that are sim-

ply obsolete in our fast-changing world.

For example, take one of the leading issues in the headlines: crime and violence. We cannot reduce the rising tide of crime simply by putting more police to work. And, with all due deference to President Nixon's attack on organized crime, we cannot counteract increased crime by focusing on organized crime alone. Only fundamental reforms of the court system, the jails — which in many of our larger cities are homosexual jungles of scandalous nature — the probation system, and the entire structure of justice will be necessary to make a dent in this problem. But so far, most taxpayers either do not know this, or do not have the courage to admit it. And they certainly are not willing to spend the large sums of money needed to correct these conditions. For example, in one Midwest city I know about, a young man has committed over 200 burglaries without spending a single night in jail. He was caught time and time again, but the jails did not have room for any juveniles except those who had committed such serious crimes as murder or assault. The taxpayers were unwilling to spend the money needed for new jails. In Chicago during 1968, if you committed a burglary, the odds were 23 to 1 that you would not go to jail. Those are better odds for success than if you opened a new business! With a structure of incentives of this kind, we can hardly expect crime to do anything but rise.

HOUSING IN THE SUBURBS In housing, nearly everyone believes we need better-quality dwellings for many low-income households. But actually meeting this need requires major changes in existing local institutions. We cannot build large amounts of such housing in our older cities because there is not enough vacant land there, and clearance and rebuilding are too expensive and slow. So we must put such housing in the suburbs if we want any quantity at all. Yet every suburb vehemently resists low-income housing by using its local zoning powers to block the entry of such housing.

At least three basic reforms are necessary to change this situation. First, land-use controls must be taken out of the hands of every small community in the metropolitan area, and shifted to areas with very large geographic jurisdiction — such as big cities or whole counties. This change in the local zoning power would undoubtedly be strongly resisted by many suburbanites, but it is essential to development of more responsible land-use planning in our metropolitan areas. Second, we must reduce the dependence of existing local governments upon property taxes. The main reason many small towns resist the entry of low-income citizens is that those citizens would generate more local spending needs than they would provide in added taxes. Every time a relatively poor family with many children moves into a suburban community, the community's expenditures in the schools go up much

more than its tax collections from the housing in which that family lives. As a result, the taxes of everyone now living there go up when poorer citizens arrive. Under these circumstances, we can hardly blame the existing residents for resisting the entry of low-income families. Only if there is some basic change in the financing of local governments can this situation be corrected. This means the use of state funds, or much larger taxing districts, or federal funds, is a prerequisite to opening up housing opportunities for low-income citizens in suburban areas. Yet those are the very areas where most new jobs, new housing, and other new opportunities are being created. Third, there must be some housing agency that will take the initiative in building subsidized housing for low-income families in suburban areas. This will probably have to be a state agency.

COALITIONS OF INTEREST A final aspect of institutional change we must understand is the need to create coalitions of interest uniting the most deprived urban households and many of those in middle-income groups together in support of programs that benefit both groups. This would represent a dramatic change from our present approach, which generally separates the most deprived households from the rest of society and labels them as somehow different and more dependent upon government assistance than others. It may seem "economically efficient" to focus all government assistance only on the most deprived citizens. But since they constitute a small minority of the total population, no matter which problem we are discussing, and the majority does not feel oppressed by that problem in many cases, it is impossible to muster majority support for any effective aid of this kind. Only if we design programs that provide some aid for a whole range of households across the income spectrum, with perhaps higher aid per household at the lowest-income end, can we expect to get sufficient political support behind meaningful attempts to solve urban problems.

In my opinion, the states are in by far the best structural position of any general type of government to attack most urban problems.

However, states have a very poor history of either concern for urban problems, or ability to cope with them effectively. So they must make major institutional changes in their own structures if they are to perform this role effectively. In addition to more general modernization, I believe states should carry out certain structural changes specifically related to urban problems. These changes include (1) centralizing many urban-oriented activities into a single department reporting to the Governor (like that in New Jersey), (2) creating their own urban development agencies to take the initiative in building new housing and other development like New York's Urban Development Corporation, and (3) providing much

greater funding for planning and development efforts, and much larger urban-oriented research staffs for their Governors. In addition, states need much larger financial assistance from the federal government in the form of revenue sharing of federal income tax receipts. However, I believe the federal government has the right, even the duty, to require modernization of state government structures as a prerequisite to such aid.

Finally, states need courageous leadership. Battling our urban problems is a fantastically difficult job — it is much harder than reaching the moon, and it is even less understood in its technical complexities by most Americans than space exploration. Doing that job will require all of us to make some painful short-run sacrifices in order to achieve long-range justice, peace, and growth. To do his job in the 70s, every elected official will have to face the need for many actions toward urban problems that are unpopular, that change long-established and cherished institutions and traditions, and that even the majority of citizens oppose at first.

The wisdom and intelligence to perceive the need for such actions, the courage to carry them out, and the leadership to show the people why they are necessary and to gain their support — *those* are the qualities we most need as we struggle with our urban problems in the 70s.

THE AUTHOR

This article is taken from a speech made by Dr. Anthony Downs of the Real Estate Research Corporation at the Conference of Republican Governors, Hot Springs, Arkansas, December 12, 1969.

LETTERS

THE SOUTHERN STRATEGY

Dear Sir:

I was tremendously impressed by the scholarly review on "The Emerging Republican Majority" or "The Southern Strategy." I find your comments more lucid, palatable, and politically wise than the premises of Mr. Phillips, all his charts notwithstanding.

As a "middle of the road" Democrat, I don't know whether to applaud the Administration's pursuit of the Southern Strategy in the hopes of its bringing the Republican Party down to defeat, or to oppose it as a dangerous polarization in these troubled times. Surely any responsible political organization must undertake the promotion of the "general welfare" of all our citizens even though the methods may differ.

Again, congratulations on a job well done.

Sincerely,

P. H. JACOBSEN
Coronado, California

FRESH AIR

Dear Sir:

I received my first copy of the Ripon FORUM today and it sure was a breath of fresh air, after all the brainwashing propaganda that I have been reading and been told in the Blood and Guts Corps. . . . The article by Senator Packwood was outstanding for telling the truth about the real war in South Vietnam. . . . Thank you.

Name Withheld
U.S. Marine Corps

14a ELIOT STREET

RIPON MEETS WITH PRESIDENT

On December 16, six representatives of the Ripon Society met with President Richard M. Nixon to discuss the Society's youth report ("Bring Us Together". A Report to the President on a Program for Youth, FORUM, September, 1969). The meeting was arranged by Senator Howard Baker, Jr., of Tennessee, co-sponsor of the report, who accompanied the Ripon representatives into what was originally scheduled as a 15-minute session. The dialogue with Mr. Nixon lasted more than three-quarters of an hour and covered the following points:

1. The substance of the report itself — the President discussed with Bruce K. Chapman, the senior author of the report, a number of the 60 specific suggestions contained in it. He expressed agreement with Ripon's program for a volunteer army, which he said had influenced his own thinking on this matter. He expressed concern for new measures to improve university quality. Education in this country, he said, was run by a "hidebound educational establishment" which impeded innovation.

2. The communications problem with the young — Ripon President Josiah Lee Auspitz told the President that he had a two-way communications problem with young people. His message was not getting out, and their message was not getting in. Those presidential programs which had intrinsic appeal to young people — the volunteer army, a U.N.-sponsored voluntary action corps, an extension of the White House fellows program to state and local government — were not well known on college campuses. The President had the programs to deliver a youth message to Congress this spring if he would only use them. The concerns of young people were not voiced directly to the President, the Ripon representatives pointed out. Despite his campaign pledge of an open presidency, this meeting with Ripon was the first of its kind in the new Administration. Ripon proposed that the President have more such meetings, that he consider setting up a youth advisory council and that he plan televised sessions in which he would answer the questions of young people. The President said that the latter suggestion was already under serious consideration.

3. Getting the input of youth — the President designated Leonard C. Garment his special assistant, to work with Ripon in developing a program to involve young people to a greater extent in government. He specifically approved the concept of task forces to report to him in selected areas of policy. He expressed a desire to review personally the plans for such task forces to assure them of maximum impact. He said that the input of youth should not be limited to "youth issues" only.

4. The problem of bigness — the President cited this as at the root of the youth revolt. Vietnam, he said, was a symptom rather than a cause of youth unrest. He quoted a French visitor who recently told him, "Your problem is war, ours is peace." Youthful unrest, he said, existed in all highly developed societies. He attributed it in part to the problem of modern bureaucracy — not only in government, but in the private and volunteer sectors. The young people come into institutions "bright-eyed and bushy-tailed" and eager to serve, he said, but in a few years they become frustrated. He cited the problem of bureaucracy and involvement as a major one for American society. The inability to make an impact in complex organizations created demoralizing conditions in the federal government and elsewhere.

5. Legislative measures — though Eugene Cowan, Special Assistant for Legislative Affairs, was in attendance, no presidential follow-up was agreed to on Ripon recommendations for an omnibus youth bill and a presidential message to Congress on youth.

Also representing Ripon at the meeting were Clair W. Rodgers, National Executive Director of the Ripon Society, Howard L. Reiter, Ripon Research Director who is editing the Hawthorn Press book version of the youth report, Frank Raines and Robert Davidson, two Harvard undergraduates who co-authored the report.

To Reclaim The Environment

The environment — how to undo what we have done to it, how to reclaim our water, our air, our earth — will be the major domestic issue of the 1970's. This statement, inconceivable a year ago, sounds almost like a truism today. Students have embraced the cause with the same enthusiasm that the civil rights movement generated a few years ago. Suburbanites by the thousands have joined existing conservation groups or formed new ones, after making common cause with city dwellers menaced by super-highways, jetports and other sources of pollution.

In this — the first FORUM of the 1970's — I would like to focus on two questions: why is all of this happening at this particular time, and what are the political implications?

UNHERALDED BATTLE The first question has puzzled me for several months. I have been closely involved with the environmental field for over twenty years, and for most of that time it has been a lonely battle fought against great odds — and even greater indifference — by a few bird watchers, garden club members, and other "conservation nuts." What happened to change this, why is saving our environment an idea whose time has come?

The answer is threefold, I think. First, we have finally come to realize just how bad things are. After a certain exposure, the grim reality of the Santa Barbaras, the air pollution "inversions," and the "dead" lakes and streams takes hold. Second, this rape of nature is taking place alongside the greatest technological triumphs in man's history — the flight to the moon, the wonders wrought by the computer, the miracles of the laser. If we can do these things, why is cleaning up a river beyond feasibility? Third, we have come to realize the dread implications of the environmental crisis — of not "doing something about it."

DEATH OF MANKIND I would like to dwell on these implications, for they are deadly serious. If we continue as we are now, life on earth will be destroyed. There is only so much air, so much water, so much land. Take noise, for example. Scientists have estimated that if noise in cities continues to rise at its present rate of a decibel a year, all city inhabitants will be deaf by the year 2000. Of course, this is unlikely to happen. Sooner or later, government would step

in to maintain an "acceptable pollution level" — a concept which I find somewhat similar to that of "acceptable damage" in a nuclear exchange.

Assuming then that life will go on, what kind of a life will it be, what kind of society will we have? The answer is that things will be extremely unpleasant, just as they are in far too many cases already. Much of the "urban crisis" stems from the fact that America's urban areas are barely fit to live in — the neighborhoods are blighted, the air polluted and noisy, the land too crowded for recreation.

Clearly, something must be done, which brings me to the second of my questions: what are the political implications of the environmental phenomenon? Obviously, any candidate, any political party which wants to win elections must demonstrate concern for environmental problems — and propose practical solutions. The emerging "environmental coalition" is an electoral force to be reckoned with.

REDIRECTING OUR ENERGY But for us Republicans, the implications go deeper. We now control the Presidency and 32 governorships, including nine of the ten largest states. We face the challenge of governing, of proving that we really do possess an oft-proclaimed managerial ability. The Republican Party, from the President on down, must demonstrate executive leadership in the field of "managing" the environment.

At the moment, I am cautiously optimistic that the challenge will be met. President Nixon is working towards extricating America from the Vietnam dilemma and towards redirecting our energies to domestic issues. He plans to make the environment one of his major themes during 1970. I have found among my fellow Republican Governors an acute awareness of the problem and an interest in the programs we are carrying out here in Massachusetts. I hope that the Ripon Society, which has so often been the source of constructive positions on major issues, will turn its attention to this one. The FORUM has in the past contained very few articles on the environment.

The Republican Party finds itself in a position of opportunity and of responsibility as we enter the 1970's. This is the decade in which America must resolve her environmental crisis, if she is ever to resolve it. There can be no greater responsibility, no greater opportunity than this.

RIPON FORUM

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JANUARY, 1970

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