

RIPON

FORUM

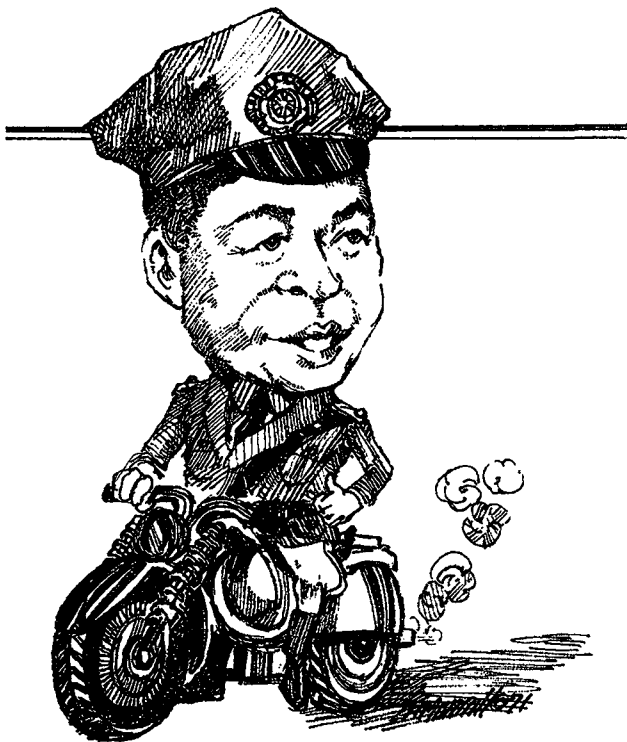
JANUARY, 1972

VOL. VIII No. 1

ONE DOLLAR

Why Nixon Needs Brooke

By Josiah Lee Auspitz



ALSO:

Forging a Republican Majority

by Senator Charles Mac C. Mathias, Jr.

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EVELYN ELLIS

We note with regret the resignation of Evelyn Ellis as editor of the FORUM. The Ripon Society owes her a deep debt of gratitude. Not only is she the longest term Ripon employee, but during long periods she virtually alone put out the FORUM — doing nearly all the managerial as well as editorial functions — and maintaining continuity and quality which without her would have been jeopardized. We wish her well in her future pursuits.

PRESIDENTIAL TELEGRAM

The members and friends of the Ripon Society have my warmest good wishes as you meet in Minnesota to celebrate another anniversary. For nine years, Ripon has been working to involve more young people in politics — and this is a very good thing. I must admit that the fact that you are working to involve them in Republican politics makes me all the happier. But the most important part of Ripon's contribution is new policy ideas. As you know, many of these ideas have been incorporated in both the foreign and domestic policies of this Administration. Nothing is more important for a government or a party than new blood and new ideas. By providing both, the Ripon Society is making a vital contribution to our country —

RICHARD NIXON

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

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EDITORIAL

THE DAYCARE VETO

In recent weeks, the Democratic majorities in Congress have made their response to the welfare and poverty proposals of President Nixon's "New American Revolution." They have passed a vast day care or "child development" program — at an initial cost of some \$2.1 billion, rising quickly to possible \$20 billion — which would be available, like many Democratic "poverty" programs, to both the rich and the poor. And they have enacted a work requirement for all welfare recipients. Of course, many Democrats — particularly those running for President — have made other proposals: George McGovern and Eugene McCarthy, for two prominent examples, have proposed guaranteed annual incomes of a least \$5,500 for a family of four (annual cost \$70 billion) while Edward Kennedy and Fred Harris have adduced other plans of comparable expense. But if we judge the Democratic Congress by its enacted bills rather than by its Presidential billboards, the multibillion dollar daycare venture and the work rule constitute its Christmas offering to the American poor and its principal response to the President's Family Assistance Plan.

Daycare centers and work requirements are both in fashion this season, though admittedly in different quarters. But no cogent evidence has been presented that in this time of scarce federal money and wide unemployment either federal program responds to a genuinely critical need or partakes of a coherent scheme for meeting our present problems. The work requirement is simply a public display cynically designed to conceal the failure to enact welfare reform. The daycare proposal was propelled through the Congress chiefly as a response to women's liberation and its desire to free women from some of the day long burdens of child care. For poor women, however, freedom from household chores may be liberating only to the extent they find it liberating to do chores for someone else — perhaps for one of the wealthier advocates of daycare. In any case, with its support from the affluent it is not surprising that under the bill, daycare would be available for everyone. Only Administration insistence that charges be imposed, in accordance with ability to pay, on families making more than \$4,320 annually, limited the scope of the program and held its eventual federal expense to an estimated \$11 billion a year.

It is fair to conclude that the Democrats, for all their talk of national priorities, lack any systematic notion of relative needs, costs and available resources — any willingness to submit to a discipline of scarcity and choose among the feasible

responses in terms of cost effectiveness. One measure of this failure is what HEW Secretary Eliot Richardson, in an excellent statement on December 17, estimated as a current \$6 billion and prospective \$9 billion gap between his department's Congressional authorizations and its actual appropriations. This gap might be fairly termed the big mouth of American liberalism, and it was wide open during the day care debate. Speaker Carl Albert called the measure "our paramount moral vote of the session" and the bill itself ran on for 22 pages of the Congressional Record, detailing the kind of fiscally unrealistic promises which Secretary Richardson accurately describes as "creating expectations beyond all possibility of fulfillment" and then "dashing the hopes of those with the greatest needs."

Even if one believes it desirable to subsidize daycare centers for all American children or to provide a guaranteed income of \$5,500 annually, such a dubious judgment is only the very first step in program development. A responsible politics will then proceed to the more difficult stages of statecraft: the orchestration of needs, options and resources in a comprehensive strategy of government.

Unlike the Democrats, President Nixon has developed such a strategy. He has decided on a program of family assistance, including aid to the working poor, costing an additional \$4 billion altogether during the first year, as part of a complete overhaul of the welfare effort — combined with a limited program of daycare for welfare recipients, and a nominal work requirement, dependent on the availability of jobs. This program, in an internally consistent way, responds to the most crucial need of the impoverished — money — and grants this aid to both the minority of poor who are unemployed and the majority who have jobs, thus removing incentives for men to leave either their families or their work. A nationally administered program without residency requirements, it does not hamper the mobility of the poor who need it most in seeking employment.

The current Democratic offerings lack these advantages. The billions projected for daycare would not meet the problems of the poor. Not only would it not provide them money, it would reduce the funds available for years to come for a serious effort to fight poverty, such as the plan proposed by the President. Not only would daycare fail to alleviate the problem of familial breakdown among the poor, it is quite possible that the new federal program, by making families less dependent on a

male provider, would contribute to the familial disintegration already promoted for years under federal welfare laws. The Democratic daycare program in fact is a special interest bill. It would provide assistance chiefly to *employed* women with children — and because middle class and educated women can most easily find jobs, the program might well be most widely exploited by the relatively well off despite the nominal charges it would require them to pay (as amended under Administration pressure). It is hardly a poverty bill.

President Nixon's veto, therefore, was eminently justified — even beyond the administrative problems in the program as passed, even beyond the labyrinthine jurisdictional tangle, involving cities, states, counties and towns, that it would have created. Because of the strong pressures for the bill, moreover, his veto was impressively courageous. But if you suppose he did not receive his deserved acclaim from such insistent advocates of the public interest and reordered national priorities as the *New York Times* and *Washington Post*, you are correct. The President was found by the *Times* to have revealed a yuletide animus against suffering little children. By the *Post* he was found guilty of gross illogic and inconsistency. The *Post* asserted that his veto of general daycare conflicted with his support of daycare centers as part of the Family Assistance program. If daycare centers are desirable for the poor, said the *Post*, they are desirable for everyone.

Such arguments are unworthy of their proponents. Most services in the society, and priorities among them, are established by the marketplace, and daycare centers are already being created more rapidly than qualified personnel can be found to staff them. But vast expansion of federal subsidies for daycare for everyone raises issues decidedly different from those mentioned in the *Times* and the *Post*. Such a program would imply a governmental judgment that as a matter of highest priority huge appropriations should be employed to encourage women in all circumstances to enter the already crowded competition for jobs and consign their children to "child development" centers. We would submit that such a program is a matter of the very lowest priority at this time of high unemployment, and vastly increasing demand for more urgent governmental programs, relating to poverty, jobs, housing, schools and hospitals. If the child development bill is what the Democrats mean by new priorities, by all means let us first fulfill some of the reactionary old ones.

Nixon has not claimed that federal day care in itself was desirable for anyone. He would prefer a situation where mothers could take care of pre-school children in the home or otherwise provide

for them privately. He advocated daycare provisions for the poor because poor women are most likely to have an urgent need to work and are least able to afford other provisions. For many a poor child the alternative to a daycare center is a day on the street with a key around his neck. The President's daycare effort, moreover, cost \$750 million as part of an initial \$4 billion Family Assistance plan that attempts to create a structure of incentives and supports within which poor families can most beneficially stay together and take care of their children themselves. Daycare is considered a limited expedient, complementary to his overall anti-poverty approach, not as a generally desirable program open to everyone and worthy of vast appropriations in its own right, competitive with anti-poverty efforts.

Rhetorical Flourishes

Now we will be the first to admit that on this occasion, as on so lamentably many others, the President used rhetorical flourishes of a sort that make it more difficult for him to gain the support of knowledgeable citizens who are inclined to oppose him but who are receptive to intelligent argument. These are the kind of political observers who might actually read his statement and evaluate it for their own audiences, of whatever size, from family to national network — and expand the President's and his party's declining base. It was not necessary for him to speak of enlisting what he quaintly called "the vast moral authority of the national government" to "the side of communal approaches to child rearing." Nor did he have to imply some governmental conspiracy to rob the cradles of our people and subject our infant population to some scheme of insidious processing during "those decisive early years when . . . religious and moral principles" are instilled. He would have been on sounder ground if he had pointed to the far more likely prospect that with the current shortage of qualified personnel the centers would scarcely be able to offer competent sitting services, let alone mental manipulation, for the vast numbers of eligible children.

Still, to read the veto message after reading the press and Democratic reactions to it — and after reading the Democratic speeches in favor of the bill — was a startling experience. For the statement was not nearly as bad as it was said to be and not nearly as irresponsible as the bill itself or the speeches made in its defense by distinguished liberals. Though the sight of an ecstatic *Human Events* may be more than the *Washington Post* can bear, we should gratefully acknowledge that on this occasion conservative pressure contributed to a decision by the President to stand courageously firm and do what is right.

On Forging a Republican Majority

By Senator Charles Mc C. Mathias, Jr.

I have come to Minneapolis to ask your help — for the Ripon Society, for our Party, and for our country. As we reaffirm the spirit of our Party's founders, we also assert our conviction that the national government which, under their leadership, overcame the crises of slavery, westward expansion, and industrialism can, given equal leadership, surmount our current difficulties. And so we meet tonight to commit ourselves as strongly as did our forefathers to building a progressive Republican Party that has the capacity for leadership and the will to lead.

As we meet, the forces shaping national affairs are in an even, but uneasy, balance. The left and the right tug at each other within the Congress and the Administration. And soon we will plunge into a national election which seems destined, unnecessarily, to polarize Americans even more.

Much of the nation's future will depend — not simply on who wins the election next year — but on how the issues of that election are defined.

As holders of the balance of power between the left and the right, Republican progressives have the unique opportunity to clarify public debate, unite our country and move her forward.

Promise and Frustration

The past year has been one of both promise and frustration for progressive Republicans. On the one hand, we have seen the President pull together into a coherent package — which he terms the New American Revolution — a number of programs pioneered by Ripon:

Family Assistance: a plan which would provide both the incentive and the means for impoverished Americans to achieve real independence, and would lift some of the enormous financial strain placed upon our state and local governments.

Revenue Sharing: Over the past decade, there has been a revitalization of state and local governments — principally under Republican governors and mayors like Nelson Rockefeller, George Romney, William Scranton, Linwood Holton, William Milliken, Richard Lugar, and John Lindsay — whose Party left him before he left the Party.

But the responsiveness of these state and local governments continues to be inhibited by an inadequate and regressive tax system. Revenue sharing

THE AUTHOR

Senator Mathias delivered these remarks as principal speaker at Ripon's Ninth Anniversary Dinner, December 4, 1971 in Minneapolis, Minnesota.

offers the first real hope for achieving the effective and creative local governments that were the dream of the Founding Fathers of our country and our Party.

Executive Reorganization: As Congressman Frenzel has undoubtedly learned this year in Congress, a very large amount of our time is spent helping mayors, governors, and private citizens find their way through the maze of the Washington bureaucracy. The Executive Reorganization plan proposed by President Nixon would simplify and rationalize that bureaucracy — making it serve our citizens more effectively at less cost.

The Volunteer Army: A century after the enactment of the Thirteenth Amendment, we still require involuntary servitude from over 400,000 men each year. Euphemistically we term this system "selective service," and we tell ourselves that it is necessary to our national security — despite the fact that the morale of our fighting men is at an all-time low, and that 70 percent of our soldiers quit the military within 18 months after finishing their training. Study after study has supported the President's call for a more capable, less expensive military force of volunteers.

Initiatives Abroad

Just as we have cheered these and other proposals of the President for a New American Revolution at home, so too have we applauded the President for his initiatives abroad — toward China and Russia, in the Middle East, at the SALT talks, and in South-east Asia. These delicate maneuvers offer real hope for a more peaceful, secure and just world order.

Taken together, the domestic and international initiatives of the New American Revolution respond not only to their separate problems, but also to the imperative need to restore confidence in our government.

Yet I know that many of you still feel frustrated and uneasy. For the great promises of this past year remain unfulfilled. While the sores in America remain unhealed, our remedies languish in Congress; while Dr. Kissinger is welcomed in Peking, B-52's drop a record number of American bombs in South-east Asia; while SALT resumes over chocolate and pastries in Vienna, MIRV's and ABM's are deployed in North Dakota; while the President speaks of a New American Revolution, poll after poll shows that the voters identify our Party with the vested interests which seem to profit from war, pollution, discrimination, and income mal-distribution.

And so we ask, where have we failed? What

must we Republicans do in the coming year to fulfill for all Americans the great promise of the past year?

Two Positive Steps

I suggest that there are two major steps which we Republicans must take:

First, we must convince the White House to adopt a political strategy as forward-looking as its most important substantive programs. Second, Republicans who are as responsive and as responsible as yourselves must develop far greater clout at the grass-roots level.

I want to elaborate on both of these points.

It is a fact which seems to have gone largely unrecognized by the White House that positive Republicans constitute the only major political force in the country which is both willing and able to support Richard Nixon on *all* these programs in the coming election year.

Look, for example, at the response to the President's initiatives toward China or his Family Assistance Program.

Our friends on the right don't support the President. William Buckley, Young Americans For Freedom and the American Conservative Union have all denounced these key initiatives and publicly oppose President Nixon.

Our friends in the other Party either refuse to discuss these initiatives — hoping the voters will forget them — or else they wage a campaign of attrition against them.

So the Republicans represented here are the unique center that will consistently go to bat for the President on these parts of his New American Revolution. If we want national action on these programs, we must persuade both the President and the Democratic contenders to confront the problems which they address. Yet some White House staffmen have pursued a political strategy which betrays substantive Nixon proposals, undermines many Nixon political supporters and may destine the Republican Party to a permanent minority status.

In Washington today, there are many Republicans who confidently proclaim that our Party is strong and growing stronger. Their optimism is buoyed by polls showing that President Nixon would defeat all rivals if an election were held today, by a Party treasury bulging in anticipation of the coming campaign, and by the obvious disarray of the other party.

I would warn Republicans to guard against overconfidence based on these facts. While the President leads all rivals, he still receives the support of only 43 percent of the electorate — the same percentage he received in 1968. A Gallup Poll found recently that only 25 percent of Americans identified themselves as Republicans.

Four years ago 72 percent of the blacks in this country thought they could count on the Federal Government to help them a great deal. After three years of Republican Administration, only three percent feel that way.

The percentage of new young voters who register Republican is so low that many Republican organizations are afraid to mount new registration drives.

Today Republicans control fewer governorships, state legislatures and mayoral offices than they did before the 1968 election. And we still hold only a minority of the seats in both Houses of Congress.

In a recent *Fortune* article entitled "That Elusive Political Majority," political analyst James Reichley concludes that "progressive Republicans" are more likely to "serve as the instrument for a new age" than any other group in the country. Among the many reasons Reichley offered for this conclusion was this:

Since the progressive Republicans do not share the legacy of past Democratic administrations, they have the important advantage of being free from the precedents as well as the guilts of recent decades. They emphasize social reconciliation rather than class struggle. Most crucially, the progressive Republicans . . . are committed to a policy of harmonious collaboration in the public interest between government and business. They thus not only avoid politically exhausting strife with business, but actually can draw on business support and expertise.

Yet our Party's support among professionals and businessmen has steadily declined over the past thirty years. In 1940, 49 percent were Republicans while only 29 percent were Democrats. Today more businessmen and professionals are Democrats than Republicans and a plurality are independents.

The President's 1972 Strategy

In the next three weeks, the President will decide the substance and tone of his legislative strategy for 1972 and thereby his campaign strategy for reelection. The state of our party and the mood of the nation dictate that the President take these seven basic steps:

- (1) to place his highest priority on working cooperatively and forcefully for Congressional action on his New American Revolution, recognizing that our Constitution enables each coordinate branch of government, if it so desires, to paralyze the system and that only the lubricant of good will and positive leadership can avoid hopeless stalemate;
- (2) to replace the unsuccessful strategy of the 1970 campaign with a positive strategy emphasizing unity, equity, peace and prosperity;
- (3) to appoint only men and women of unquestioned excellence, who embody this positive appeal, to

- key campaign and government positions;
- (4) to stake out his position on the high road for the campaign — so he can run as President of all Americans;
 - (5) to lead efforts to reform the internal procedures of the Republican Party — the allocation of delegates among the states, the selection of delegates within each state, the procedures at the Convention. If the GOP is going to attract new members, it must be able to promise complete participation in Party government;
 - (6) to demonstrate an unequivocal commitment to the spirit of the Bill of Rights and the Fourteenth Amendment;
 - (7) to end the tragic war in Southeast Asia. A scheme by which American casualties are reduced but American bombings and civilian casualties are increased is neither politically or morally acceptable.

Let's Go To Work

But let me warn you tonight, you cannot sit on your hands and wait for the Republican leaders in Washington to remake the Party in your image.

Senator Barry Goldwater understood that when he told the Republican Convention in 1960:

This country is too important for anyone's feelings. This country in its majesty is too great for any man, be he conservative or liberal, to stay home and not work just because he doesn't agree. Let's grow up, Conservatives. If we want to lead this Party, let's go to work. I am a Conservative and I am going to devote all my time from now until November to electing Republicans from the top of the ticket to the bottom of the ticket, and I call upon you to do the same.

There are a number of Republicans today who suspect that the Ripon Society and all its fellow travelers are anti-Nixon almost by reflex. And, to an unfortunate extent, it would appear they are sometimes right. If you want a greater voice in the Republican Party, you must make it perfectly clear that there are no nattering nabobs of negativism nor any pallbearer polemicists amongst your ranks. You must give the same commitment to Republican politics as you have given to the development of issues in the past. You must school yourselves in practical party politics and in so doing reach out to all groups within the Party as well as to those groups currently alienated from the politics of the status quo.

There are plenty of campaigns around the country in which you can hold a responsible position and get practical experience — whether it be for incumbents like Mark Hatfield, Ed Brooke or Chuck Percy, or with a prospective Senator like Bob Smylie in Idaho, David Cargo or Pete Domenici in New Mexico, John Chafee in Rhode Island, Tom Reardon in South Dakota, or with an outstanding Congressman

such as Bill Frenzel or a Congressional candidate like John Price in New York. Find a candidate and work for him or her. Or, in the words of the first Ripon book — if you cannot find one, be one. Go to the Convention as delegates or alternates. Become ward and state committeemen and committeewomen. Run for the city council, the state legislature, and the Congress.

Birth of the GOP

One hundred and seventeen years ago a small band of men, fearful for their country's future, frustrated by political fragmentation, and fired by the conviction that principled politics was essential to solving national problems, came together in a small white schoolhouse in Ripon, Wisconsin, to form a political party that could build a progressive America.

The times were not auspicious for their undertaking. Amidst growing division and strife, almost a score of political parties had sprung up in the previous 16 years, only to wither away. At the time Free-Soilers, Know-Nothings, Barnburners, Radical Whigs, Abolitionists, Conservative Whigs, Anti-Nebraskans, Union Democrats and Normal Democrats were all competing for public attention. It took the founders of our party two years to agree on the name "Republican." In some states the new party participated in its first election with no name at all. When the founders of the party first approached an obscure, small town lawyer named Abraham Lincoln and asked him to lead the Illinois party, he flatly refused, predicting that the country's future lay with the Whigs.

But the men persevered, Lincoln reconsidered, and they forged a political coalition that forced the country to face up to its most fundamental problems, that led the Union through the bloodiest war in its history into a new era of peace, and that dominated national politics for the next 75 years.

Today, our Party and our country need the faith and spirit of those men in Ripon. To rekindle the Ripon-Lincoln tradition is your mission. It is a very large and difficult undertaking, but a challenge worthy of great men and women. I know you have the ability to meet that challenge, if you have the will.

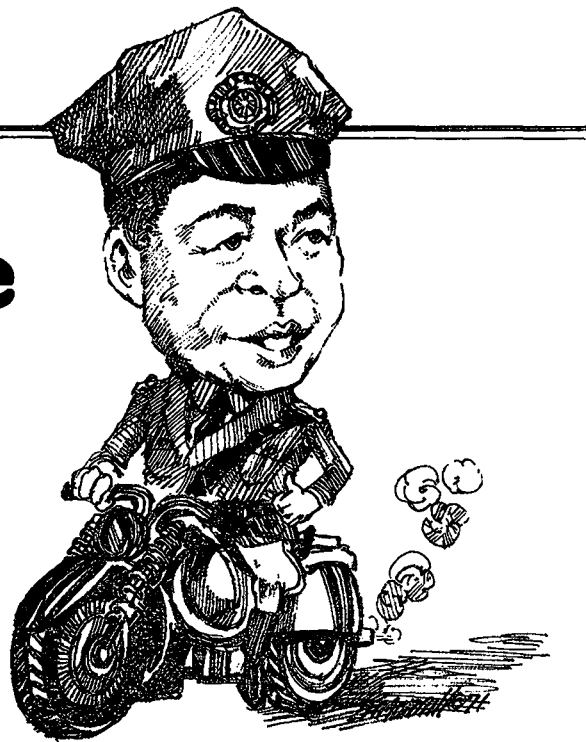
As James Reichley wrote,

The progressives have little chance of leading the Republican party, let alone the country, before 1976 — if then. A few more years of maturing experience, however, will give the younger generation of progressive Republicans time to develop their program. Just possibly, some future Lincoln sits in a governor's chair, in the back rows of Congress, or at some lesser post. If so, the shape of the next national majority probably depends, as much as on anything else, on the thoughts and dreams now passing through his head.

That is your opportunity and your responsibility.

Why Nixon Needs Brooke

by Josiah Lee Auspitz



"A Strategy of Peace — at Home and Abroad"

In September, Senator Edmund S. Muskie, speaking in seeming disregard of his political interests, said that a black running mate would harm the cause of civil rights and of his own electoral success. This statement was generally accepted as an honest recognition of the political facts of life both by black leaders, including Charles Evers of Mississippi, and by most other observers, including the conservative columnist William F. Buckley, who had earlier been on record advocating a black presidential candidate by 1980.

Richard Nixon responded immediately to Muskie's remark with an effusive statement in praise of his own party's leading Negro, Senator Edward Brooke of Massachusetts. Brooke's position as the most popular politician in his home state, his landslide victory in 1966 with an electorate of which only 2 percent were of his race, and his prospects for easy reelection in 1972 showed, the President said, that the American public could disregard race and vote on a candidate's qualities as a man. Republican Senate leader, Hugh Scott, followed a day later with an outright endorsement of Brooke for vice President, as did Congressman Paul N. McCloskey, who is challenging the President in the New Hampshire primary. Spiro T. Agnew, the incumbent vice President, told re-

porters that he thought "Ed Brooke could be elected vice President." All these Republican statements were either forgotten by the national press or dismissed as the usual self-serving political rhetoric, contrasting sharply with Muskie's candor on the issue.

Except by the columnists Evans and Novak, who are among the nation's most astute observers of day-to-day party politics. They tested the effect of a black vice presidency in a straw poll in Westchester county and found that whereas a black running mate like Carl Stokes hurt Muskie, Nixon was actually aided among white voters by having Brooke on the ticket. Their article suggested what I shall argue is indeed the case: that Muskie did give voice to a simple political fact, but one that is true only for the Democrats. A black vice-presidential candidacy would indeed be a disaster for them, but the same candidacy could actually help Richard Nixon.

Thus, far from embarrassing Muskie, the attention given to his statement helped to entrench him as the Democratic front-runner, while rhetoric about Ed Brooke, far from being merely idle talk by Republicans, opens up a realistic option for the President which deserves to be discussed at least as seriously as current gossip about retaining Agnew or

replacing him with such men as Connally, Rockefeller, Reagan, Rumsfeld, Scranton, Morton, Javits, Bush, Taft, Stafford, Dominick, Milliken, Baker, Buckley, Cook, Volpe, Romney, Brock, Richardson, Dole, Cahill, Sargent, Lugar, Ruckleshaus, Laird, Gurney, or Holton.

To see why a Nixon-Brooke ticket is a realistic political possibility one must remember that the voters with the strongest racial feelings about blacks are Democrats, not Republicans. The Democratic national constituency stands upon four pillars and forms a house divided on civil rights. It is based on: 1) white southerners who traditionally have been suspicious of civil rights gains; 2) blue collar northerners who, though remarkably free of racial malice, have become leery of the civil rights movement because they have borne the major burdens associated with black migrations into Northern cities; 3) blacks, themselves, who have a strong sense of grievance about the inadequacy of civil rights gains; and 4) younger business and professional people, who often vote Republican in statewide elections but have begun moving Democratic in national elections because of the GOP's lack of positive leadership on domestic reconciliation.

A House Divided

Thus, the four voting groups that are most important to the Democrats split up the middle on the issue of civil rights. This is the reason that national Democratic standard bearers must outflank any Republican attempt to give prominence to race and the social anxieties that are related to it in the voter's mind. Race can only split the New Deal alliance, whereas economic issues inject new life into this old, but not yet dead, coalition.

Republicans, on the other hand, as befits the party that abolished slavery and then was carried away a century later by a Southern strategy, are now in a middle position between the Democratic factions on civil rights. As a party that is largely middle class, small-townish, white and still overwhelmingly northern and protestant, the GOP has had few of the fears about integration that afflict lower middle class Democratic constituents. But as believers in an ethic of self-reliance and private initiative, Republicans have also been less enthusiastic than black and upper middle class Democrats about government intervention to advance black progress. Daniel Patrick Moynihan's use of the phrase "benign neglect" thus captures something important about Republican attitudes towards questions of racial equality.

This approach, of course, was somewhat less prevalent in the GOP ten years ago when the Nixon-Lodge ticket won 32 percent of the non-white vote, a majority of the business and professional vote, and when it was John F. Kennedy who won the Deep South and then paid off his supporters there with

atrocious appointments to the Southern bench. But benign neglect is perhaps dominant now, since in the past decade the Republican constituency in most states, though still basically benign toward blacks, has both shrunk and become more neglectful of its party's civil rights heritage.

Risking Defections

In its present reduced state, with only 25 percent of the voters calling themselves Republican and an ominously low and aging 31 percent of professional and business people, the Republicans are in an unenviable position. Unless the GOP can eliminate the economic issue that holds the Democrats together, it is tempted to pander to racial prejudice to divide the Democrats. The perils of this position are enormous. Since most Americans believe that it is wrong to exacerbate racial tensions, any toying with the racial issue will endanger the Republican party's increasingly tenuous hold on its traditional middle class supporters. Besides, because Republicans stand in the middle of the road on civil rights, any concerted movement either against integration or for federal intervention risks a defection from their own ranks.

To get a feel for the numbers that discipline Republican strategy, some recent statistical work by David Ballard, a Harvard Business School student, is helpful. Ballard used the data of the Michigan Survey Research Center to examine the civil rights attitudes of the 1968 voter. He found that several civil rights questions were asked that enable one to rank voters attitudes in an ascending scale from strong racial prejudice to strong integrationist sentiment. Such a scale, though still rough, provides a better sense of the gradation of prejudices and their susceptibility to leadership than one or two Gallup poll questions.

Only 10 percent of the American public were willing to tell pollsters that they disliked Negroes as a group (and this is roughly the same number who regularly say that blacks should be excluded from jobs regardless of individual qualifications). This vote, doubtless a few percentage points higher than that given to pollsters, may legitimately be called an apartheid vote or, to employ a much overused label, "racist." Next on the scale comes the issue of open housing: 79 percent of the 1968 voters agreed that "Negroes have a right to live wherever they can afford to, just like everybody else." Sixty-five percent agreed to the next question, that "the Federal Government should support the right of Negroes to go to any hotel or restaurant they can afford." Those who passed these two questions can be called "moderately integrationist." Fifty percent, the "integrationist" vote, thought that the government "should see

to it that white and Negro children go to the same schools." Finally, only ten percent qualified as "strongly integrationist" by asserting that the civil rights movement was progressing too slowly.

Scaling the Electorate

Ballard found that one's answers to questions scaled naturally (on what is called a Guttman Scale)* so that those who failed the first question failed all the others, and those who passed the third generally passed the preceding two, and so forth. The gradations he devised enable us to divide the electorate roughly into those 10 percent who are strongly integrationist, the 40 percent who are integrationist, the 29 percent who are moderately integrationist, the 11 percent who are non-integrationist and the remaining 10 percent who may legitimately be called racist by virtue of their desire to judge a man by color alone. In national elections, the 10 percent of the population who are strongly integrationist are strategically much more important than the racist vote. Not only are they richer and more influential but they also contain a far higher proportion of ticket splitters who switch between the two parties. The racist voter, drawn from the ranks of older and less educated citizens, tends either to vote a straight party line, regardless of the issues or personalities involved, or to cast a protest vote for a third party "populist" candidate and thus reduce his leverage over the major parties.

Ballard also devised a somewhat rougher scale to measure attitudes toward the welfare state, in which he classed voters as "liberal, moderate and conservative," depending on their desire to see the Federal government take an active role in such questions as aid to education, medical care, and full employment.

Conservative and Integrationist

The results on these two scales may be summarized as follows: 1) Among white voters, the Nixon constituency in 1968 was integrationist on civil rights, and had more integrationists than the white constituencies of Humphrey and Wallace combined. At the same time it should be noted that Humphrey had a majority of strongly integrationist whites and of blacks, almost all of whom are integrationist, so that with black voters included, Humphrey's constituency was more favorable to civil rights than Nixon's. 2) The Nixon constituency in 1968 was "conservative" (i.e. against government intervention) on social welfare issues and had more conservatives than the Humphrey and Wallace constituencies combined. 3) Nixon's 1968 constituency was closer to the mainstream of Americans on both civil rights and social welfare issues. The American public as a whole

*Using similar Guttman Scale techniques the *Scientific American*, January 1972, suggests that there has been accelerating movement toward integrationist sentiment since Ballard's 1968 figures.

leans toward racial integration but is skeptical about major extensions of the welfare state. Wallace's constituency leans against the consensus on civil rights, Humphrey's on the welfare state.

These three points will explain some of the contradictory strains in Mr. Nixon's centrist position, and also throw light on some mistakes he has made thus far. Until the spring of 1971, he improvised on the advice to Republicans in Kevin Phillips' book, *The Emerging Republican Majority*, which held that the GOP should keep the racial issues alive through unabated federal enforcement of the laws, but use other political means to encourage those who were alarmed by black gains to enter Republican ranks. The political logic that can justify such an approach is that one might limit one's losses among the better educated voters with integrationist policies, while one might attract the less educated, more naive voter with rhetoric. Hence John Mitchell's oft-quoted maxim, "Watch what we do, not what we say."

Words and Deeds

But it is in fact the more verbal, college educated voter who is most impressed with words. It is the lower middle class voter, with his suspicion of politicians, who waits for deeds before questioning his national party affiliation. Phillips' own willingness to recognize this fact came slowly because of his desire to see the Republican Party become both a majority and more "conservative." The only source of available "conservative" voters seemed to be Wallace supporters. His book thus continued a longstanding disservice to the conservative cause by making it seem synonymous with the recruitment of racists and non-integrationist protest voters on terms unacceptable to most Republicans. As he became aware of this difficulty, Phillips began to question the polarizing rhetoric he had previously applauded as part of a new "populist" conservatism. He laid increasing emphasis on attracting Wallace supporters with positive programs, but these tended to be New Deal style spending and subsidy projects that unfortunately run counter to the anti-interventionist strains in the GOP.

An issue on which Phillips' approach might have succeeded was in federal measures to integrate housing, but here he used a term, which the President prematurely took up, that pointed up the fundamental contradiction in the Nixon constituency. The phrase was "forced integration." It was ill advised because, though the Nixon constituency was against government force, it was for integration. Mr. Nixon first tried to explain that his opposition to "forced integration" should not be construed as opposition to integration itself, but finally he just dropped the term altogether and acquiesced in George Romney's modified Open Communities program. This shift marks the end of Phase I in Republican use of the racial



issue, which might be called the "deeds versus words" phase. Since then, Mr. Nixon has tried to align deeds and words more closely.

Phase II, which might be called "crime not race," begins with the President's speech announcing his two Supreme Court nominees. The *Boston Globe* reported that Edward Brooke was explicitly offered one of these two seats, so that it may have been the President's original intention to present a Poff-Brooke ticket to the Senate. He may have hoped that Brooke's acceptance would have led to the retirement of the aging Thurgood Marshall who would then have been replaced with a law and order conservative. Had these three appointments occurred it would be widely accepted that Nixon had somehow changed his political emphasis. As is, the very careful wording of his speech announcing the appointment of Powell and Rehnquist will have to suffice as evidence of the new emphasis:

In the debate over the confirmation of the two individuals I have selected, I would imagine that it may be charged that they are conservatives. This is true, but only in a judicial, not in a political sense. . . .

As a judicial conservative, I believe some court decisions have gone too far in the past in weakening the peace forces as against the criminal forces in our society. . . . And I believe we can strengthen the hand of the peace forces without compromising our precious principle that the rights of individuals accused of crimes must always be protected. . . .

Let me add a final word. . . . I have noted with great distress a growing tendency in the country to criticize the Supreme Court as an institution. Now, let us all recognize that every

individual has a right to disagree with decisions of a court. But after those decisions are handed down, it is our obligation to obey the law, as citizens to respect the institution of the Supreme Court of the United States.

The message is unmistakable: "Our obligation to obey the law" applies to issues of integration as well as crime. Nixon has delivered to the conservatives on the latter, by changing the balance of the Court towards *judicial* conservatism. Those whose *political* conservatism demands a further pandering to anti-integrationist sentiment had best shop elsewhere.

Some credit for bringing Mr. Nixon to this change must go to two veteran Democratic campaign analysts, Messrs. Scammon and Wattenberg, authors of *The Real Majority*, published well in advance of the 1970 elections. This book was summarized in loving detail for White House strategists, who somehow failed to recognize that it was designed as a handbook for Democrats, not for them. It pointed out that as the economic issues essential to the New Deal coalition receded, a social issue, of which race was only one strain, had come to the fore. If Democrats stuck only to the economic issue, Republicans might split their coalition on the social issue. But if Democrats neutralized the GOP on the social issue, they would still have a residue of trust on bread-and-butter concerns to see them through. With careful clustering of poll results Scammon and Wattenberg were able to show that Democrats could have all the advantages of the social issue without any hint of race. Their message: come out four square for law and order but purge this issue of any racial overtones. The White House approach, on the other hand, was better reflected in a memorandum which Murray Chotiner sent to Republican Senatorial candidates. He urged them to try to get their opponents to take a stand for or against busing. Either way, they lose, Chotiner observed.

Polarizing Style

Because Republican campaigners were less than scrupulous with their rhetoric on the social issue, their use of it alarmed middle class voters who put a high value on reconciliation between races and generations. These voters perceived Republican rhetoric as "divisive." The results were that Democrats made important inroads in affluent Republican suburbs, retained the black vote, and even won a majority of the Wallace constituency in every Southern state, including South Carolina, where Albert Watson, with the campaign assistance of David and Julie Eisenhower, ran a losing gubernatorial strategy by denouncing the "bloc vote."

Mr. Nixon, returning from a European trip in the last weeks of the campaign, identified himself with the polarizing style that he had hitherto left

to his vice President. He did succeed in making strident rhetoric seem legitimate to some voters, who actually returned to the Republican fold because of his campaign efforts, but he also demeaned his own office in the minds of others and put many of his own supporters in a difficult bind in which their respect for the office of the Presidency and their loyalty to the Republican Party conflicted with their craving for a moderate political style.

The one belated lesson which the President seems to have taken from this campaign is that in a national constituency, he dare not get too strident without scaring some of his own supporters. Moreover, having been outmaneuvered on the social issue by the Democrats, he learned the real lesson of Scammon and Wattenberg: any benefit that can be gained from the social issue he can have with a calm approach on crime alone. The minute any hint of malice is attached to it, the President loses. Many Americans will of course continue to exhibit some level of unease about the extraordinary progress in civil rights during the past decade, and some will vote their racial prejudices in local elections. But in a national election the most important swing voters will not tolerate a President who associates himself, however indirectly, with the seamier passions in American life.

If Mr. Nixon has learned this lesson, some of his aides have not. One can accordingly expect them to try to align the President with plans to use the busing issue to partisan advantage, even to the extent of soliciting presidential support for an anti-busing amendment to the constitution. It will be a test of Mr. Nixon's new phase if he resists such pressures to emphasize that his major priorities in the social sphere are "crime not race."

From this stance to putting a black on the ticket is a large step that depends on events that cannot now be foretold. But it is a plausible step for Mr. Nixon, though one that must overcome some standard objections from both his friends and his enemies.

Some Standard Objections

Some of his enemies will hold that he would not do such a thing because he is himself racially prejudiced. They neglect the distinction between entertaining racial prejudices oneself and seeking support of voters who have them. Mr. Nixon's own personal feelings are probably best explained by Gary Wills' designation of him as a "self-made man," propelled by a small-town Protestant ethic of hard work, individual initiative and self-reliance. This ethic may have its blind spots, but racism is not one of them. In the Republican Party as a whole, Mr. Nixon's impact has been to loosen prejudices by appointing southerners, Catholics, Jews, Mexican-American

and blacks to unaccustomed positions. This is significant because the Republican Party is overwhelmingly northern, white and Protestant. For the Democrats, who are a coalition of regional, ethnic and religious minorities, such appointments have come naturally. What qualifies as drama within the stuffy confines of the GOP, may not seem a very big thing in the headier air outside, but it may be sufficient to suggest that Mr. Nixon is himself trying to reach out from the traditional constituency of his party.

Some of the President's friends will object that race still remains so explosive an issue that putting a black on the ticket will be tantamount to writing off the South, in which Mr. Nixon received 61 electoral votes in 1968, that it would tear the country apart, that it would cause a bolt by conservative Republicans, that it would lose the election for Mr. Nixon.

Many Hats

Certainly, if Mr. Nixon put Angela Davis or Eldridge Cleaver on the ticket, all these things would happen. But we are talking here about Senator Edward M. Brooke of Massachusetts, a man whom the President reportedly offered cabinet and Supreme Court positions, who is the Senate's expert on arms control, who was campaign manager for Senator Hugh Scott in his successful race for Republican Minority leader. Brooke has been described by a Southern colleague as "the most graceful man on the Republican side of the Senate," by Professor John S. Saloma of MIT, an authority on the Congress, as the most successful Republican Senator in the class of 1966, which includes such men as Charles Percy, Mark Hatfield, Howard Baker Jr., and Robert Griffin. In his early days in Massachusetts he used to call himself a conservative, a label that he can no longer accept in public so long as conservatives themselves fail to make clear that it is not a synonym for racial prejudice. He has appeared regularly at Republican dinners in the South and has campaigned with his wife, an Italian war-bride, before every kind of audience in his home state, whose politics are dominated by what are thought to be "backlash" ethnic groups.

If he were put on the ticket after an arms control agreement with the Soviet Union, it would be because he had earned it. If he campaigned in defense of the President's increased spending to make law enforcement into a respectable profession, it would be because as a former Attorney General of Massachusetts he believed in it. If he appeared with the President in open air cars in such cities as Memphis and Dallas, it would not be a symbol of racial turmoil but of reassurance that America was on its way back to social peace. Conservative Republicans might object to liberal aspects of his voting record, but cognizant of their need to guard against an unfair inter-

pretation of their own motives — and these motives are not racial — they would be best advised to become Senator Brooke's vocal supporters.

Increased Sales

Among the voting public, there can be no sure predictions about the impact of a Nixon-Brooke ticket, because as the Senator observed on a Boston radio program, "We will never know until it has been tried." Properly executed, such a ticket would probably produce an effect somewhat like that experienced by the first companies that included black models in advertising their products: a wave of angry protest coupled with much favorable comment, and when the dust had settled, increased sales. A Nixon-Brooke campaign, with Vice President Agnew, Barry Goldwater, and Ronald Reagan adding their support to it, will probably have the following results:

About 18 percent of Mr. Nixon's 1968 supporters who are non-integrationist or racist will have attitudes ranging from extreme discomfort to fury. Perhaps two-thirds of them can be mollified by appeals to Party loyalty, to Nixon's record in office, or to Brooke's merits as a man. The rest will split between Wallace and Muskie, if he is the Democratic nominee. Their effect can be counterbalanced in the North by increased gains among racially tolerant young people and suburbanites, who have been most enthusiastic for Brooke in his home state. In the South, the President can count on support among the many moderate Southern blacks who already give his administration favorable ratings. In the North, where his percentage of black approval is much lower, his advantage may consist in part in a low black turnout for his opponent. On the whole, Mr. Nixon can prudently count on a change from his 8 percent share of the black vote in 1968 back to the 32 percent he gained in 1960. To make similar gains in any other group Mr. Nixon would have to write off a large part of his Republican base.

A Machiavellian Trick ?

A Nixon-Brooke ticket may make George Wallace run with a vengeance, in which case he will draw off racist protest voters, the majority of whom are Democrats. This can bring Wallace up to his 1968 totals, but probably not much higher. Nixon would continue to attract responsible southern voters by running on his record. The Democratic nominee will be best advised to run on the economy, even if this has improved from 1970, and on Nixon's personality. Some of the more partisan Democratic campaigners will also try to revive the "tricky Dick" image, with its implication that the selection of Brooke was a Machiavellian trick. The credence swing voters give to this will depend on the evidence. If they are convinced that Nixon's and Brooke's positions on foreign and domestic affairs are not too different, that

Brooke has in some way earned a spot on the ticket, and that the effect of his presence will be to promote national reconciliation, they will reelect the President. If not, they probably won't.

For Mr. Nixon and the advertising men who advise him, a credible ticket of this sort is difficult to stage manage, because, when all the political calculations are done, there remains in it a dimension of moral leadership that cannot be faked.

The country has made extraordinary progress in racial attitudes over the past decade. But there remains a good fifth of the population who do not yet accept integration as a desirable goal; half of these are hard-core racists who are willing to judge a man by his color alone. The effect of these voters on our politics has been minimized by their party-line voting habits and their hankering after protest candidates. Such predictable responses make a Nixon-Brooke ticket politically feasible in 1972. But twenty percent of the electorate is too big a group to dispose of with mere cleverness, especially since their attitudes differ only in degree from those of others. Though the President would be wrong to allow even a whisper of reticence about the country's irrevocable commitment to racial equality, he does, as President, have an obligation to assure a measure of dignity to those citizens who feel themselves undermined by the social trends that have accompanied the drive toward civil rights, but which are distinct from it. In the 1970 and 1971 elections, moderate Southern Democrats found that "a little man's" approach could reassure these voters without the usual race-baiting. A new breed of Southern Democrats has stressed the common concerns of black and white citizens with irresponsible large corporations, corrupt government, poor government services, and of course the usual bread-and-butter issues.

There is not enough in Mr. Nixon's record or bearing to enable him to espouse convincingly such a modified populism. But in three areas he has been sensitive to the problems of what he has called the *Forgotten Man*: crime, patriotism and the responsiveness of government. His difficulty in each of these areas has been that years of pitting rivals off against each other in the political arena have habituated him to using issues to divide rather than unite; his political aides, attuned to the nuances of his own feelings, often magnify these weaknesses. Thus, the use of the crime issue in 1970 was so demagogic as to have divisive overtones. The flag-waving praises of America's men in uniform seemed to college students to contain a note of reproach toward the "bums" who were not serving. Mr. Nixon's espousal of responsive government, a genuinely unifying issue, stopped at the enunciation of a disembodied slogan about a "New American Revolution;" the Nixon staff could

think of no actions to back it up beyond a few regional press conferences — a feeble gesture at “grass roots” government.

Moral Leadership

The question of moral leadership implicit in the success of a Nixon-Brooke ticket, then, is whether Mr. Nixon can overcome the habits of two decades to provide a concrete symbol that will reassure the whole country rather than further divide it for partisan gain. He cannot do this without making law and order an issue in 1972, since this is one important domestic issue on which he can point to increased spending and other measures of performance. He cannot do it without reasserting his commitment to the essentially patriotic rationale of his phased withdrawal from Vietnam, with its emphasis on saving face and not admitting that American boys have died in vain. Nor can he reassure the country if Senator Brooke is thought to have been chosen for his race rather than for his qualities as a man. But the real question will be whether he can muster the sense of purpose to show that racial justice, a desire for peace overseas and a firm approach to crime, drugs and unrest all fit into a coherent vision of America.

The reader may take comfort in knowing that one will be able to answer this question for oneself well in advance of the Republican nominating convention. Though White House reporters like to emphasize the high drama in any shift of policy, presidents rarely undergo sudden conversions. Usually the ground is prepared by innumerable small statements and policies in which many people have a part. The President's “dramatic turnaround” on China, for example, was the result of patient State Department work from the very beginning of his administration, and it involved important contributions by many outside experts, journalists and businessmen as well.

If a Nixon-Brooke ticket is a viable option, the message will be clear from his staff's willingness to signal an irrevocable commitment to racial integration. This means that they will allow to circulate pictures of some of the President's meetings with biracial groups, that they will willingly schedule such meetings, that they will publicize the administration's commitment to stepping up the pace of integration in suburban housing and in the labor force, or publicize the innumerable small acts in the cause of racial reconciliation that regularly come out of the administration. It also means continuing emphasis on the President's attempts — with Brooke's support — for arms control (perhaps with a role for Brooke in the forthcoming Moscow trip) and a firm but not demagogic position on crime and unrest. It would mean, in sum, a transition into Phase III of the Nixon administration's politics, which in deference to the President's new use of “peace forces” to mean police,

might be labelled: “peace — at home and abroad.”

The President's two other options are to remain in Phase II with Agnew (or a more calming replacement) or to retrogress to Phase I with a demagogic use of the school busing issues. There will be supporters for both of these competing strategies within his party, and they will try to foreclose a Nixon-Brooke ticket. The President will probably have no choice but to let conflicting signals emerge while he busies himself with his still shaky position in foreign and economic affairs. No matter what the outcome, Mr. Nixon has neither the desire nor the power to alter this country's considerable progress toward racial tolerance. A Nixon-Brooke ticket gives the GOP a chance to ratify this progress and channel the drive toward civil rights in ways consistent with its own philosophy. This would mean emphasis on integration of labor unions, black business enterprise, community self-determination, home ownership, welfare reform, ghetto law enforcement, early childhood development, and fair-housing. These programs, incidentally, represent new frontiers for the civil rights movement.

The GOP can, on the other hand, cynically encourage a fifth of the nation in the vain hope that the President can negate the profound moral change in racial attitudes that has occurred. In this matter of social mores, as in so many others, the President is not so influential a person as those who teach small children, but what he does within the political calculus appropriate to his office can make a difference. Since Senator Brooke is the only black elected official of presidential timber, and since the GOP is in a unique position to benefit from a bi-racial ticket, 1972 presents Mr. Nixon with a rare opportunity to fulfill his original pledge to “bring us together.”

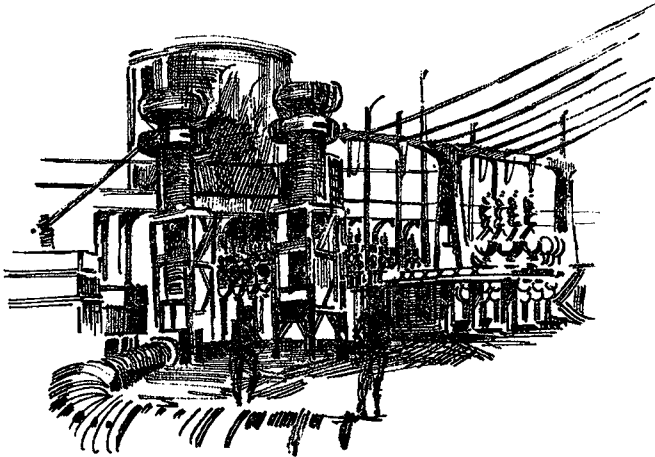
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RIPON PRIZE ESSAY

An Agency for Power Plant Siting

by *Barry M. Mitnick*



Electric power needs are doubling every decade. The large number of immense power production facilities required has led to almost unresolvable conflicts between the demands for electric power and for environmental protection. But no adequate public mechanisms have been created to manage these issues.

In the last two years this issue has been the subject of wide and increasing public discussion. Proposals for new siting mechanisms were introduced in the 91st Congress. Utility and conservation leaders have offered recommendations reflecting their interests. The Office of Science and Technology issued its important study "Electric Power and the Environment" in the fall of 1970. Most recently, President Nixon in his February 8, 1971, message on the environment announced his intention to introduce legislation establishing state or regional siting regulation.

Attempts to devise new institutions and procedures for power plant siting face difficult dilemmas. One might suppose that siting decisions are best made by experts independent of partisan influence and conflict of interest. Yet, power plant siting, like any other allocation of public resources, is inevitably a political decision. Similarly, we might dream of public interest guidelines so explicit as to allow automatic decision making. However, as both the production of electric power and the preservation of the environment are clearly in the "public interest," a prudential trade-off must be made in each instance. No agency

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design, however wise, can fully resolve such problems. Our proposal for state or regional Power Plant Licensing Agencies (PPLA) attempts to facilitate rational decision making, by using the best features of the adversary approach to assure that all pertinent facts and positions are adequately considered.

We start from the traditional regulatory commission, to which a siting agency bears a functional resemblance. By combining legislative policy-setting, executive rule enforcement, and judicial adjudication and arbitration, however, the conventional commission arrangement leads to irreconcilable conflicts of interest and function. The same men may set a policy, judge the guilt of its rule-breakers, and assess penalties for the infraction. Just as these functions are separated in the federal and state governments, we concluded, so should they be separated within a regulatory commission.

The commissions have also been hampered by an inability to attract high quality personnel and scientific expertise and by heavy administrative burdens. Petty administrative details and the routine application of unambiguous rules, we concluded, should be separated from the policy-setting and adjudicatory functions the commissioners perform.

Nor can the staff of a commission be expected to perform both as an impartial expert resource, and as an advocate of the public interest. What the public interest is may be quite unclear; judgements of that interest properly belong to the decision-makers operating from guidelines; and critics have noted that few agencies have developed consistent guidelines. Policy making by reaction or default has led to court decisions reprimanding existing agencies for failure to actively investigate rather than act as passive judges of evidence brought to them by interested parties.

Agencies tend to develop a subtle industry orientation. James Landis writes that this "arises primarily from the fact that of necessity contacts with the industry are frequent and generally productive of intelligent ideas. Contacts with the public, however, are rare and generally unproductive of anything except complaint." That industry and regulation are sometimes subtly linked in government is reflected in a report by Gladwin Hill of the *New York Times* on state anti-pollution boards. He notes

that "most of the state boards primarily responsible for cleaning up the nation's air and water are markedly weighted with representatives of the principal sources of pollution." Such connections may become still more questionable in the case of so-called "ex-parte" approaches to commission members by representatives of the regulated industry.

Extreme regulatory delays, due in some measure to too much work, a failure to set definitive policy standards, and inadequate budgets and personnel, have become commonplace. The fiercely contested application of the Consolidated Edison Company of New York to build a pumped storage plant near Storm King Mountain was first submitted to the FPC in January, 1963; after extensive hearings, a landmark Court of Appeals decision, and two grants of license, the case is still pending.

Too often the regulatory and similar agencies exclude the public from their deliberations. As the result of several recent court decisions, however, standing on the grounds of special interest in the governmental action, even without demonstrated economic injury, is generally established.

Despite this, the voice of the general public, or of some interested portion of it, may go unheard simply because of the expense and organization necessary to participate in an adversary proceeding before an agency. Under the present arrangement interested parties must approach the government at their own expense, not the other way 'round; the opinion of relevant sectors of the general public may not be sought out even if public hearings are held. Those special interest groups, including utilities, who can better afford the substantial costs of extended litigation have a better chance of winning.

An Example of Reorganization

In the face of such criticisms, some writers have called for the dissolution of the Federal regulatory agencies, assignment of their administrative functions to the relevant executive departments, and consolidation of their judicial duties in a new Administrative Court. This proposal has been echoed in part by a report on the regulatory agencies issued recently by President Nixon's Advisory Council on Executive Organization headed by Roy Ash, and by the statements of retiring FTC Commissioner Philip Elman. The Ash Report recommended that the commissions be reorganized and their commissioners replaced by one-man administrators in each agency. Appeals from final decisions would go to a new 15-member administrative court instead of to the existing U.S. Appeals courts. Proposals for such regulatory reorganization are far from new, the idea of an Administrative Court having been discussed at great length during the controversies leading to the Administrative Procedure Act of 1946.

The Power Plant Licensing Agency

We now propose the establishment in each region or state of a "Power Plant Licensing Agency" (PPLA) with the authority to license all new bulk power generation facilities (power plant units of 300 MW or larger and extra high voltage transmission lines of 230 KV or higher). In order to avoid conflicts of interest and function, PPLA would separate adjudicatory from administrative and from investigative roles. Our proposed agency would consist of a Director, a College of Examiners, a Counsel for the Environment, a Public Counsel, and a Research and Information Office. It would operate on the basis of a set of guidelines to be authorized in the agency's enabling legislation and set forth in the agency's regulations, subject to periodic review and revision. Since the actions of the siting agency would be taken in consultation with the environmental protection agencies, policing of state, regional, or national pollution standards — reconciled in the siting agency guidelines — would be left to the agencies which now perform it.

The PPLA is designed to limit siting controversies to rapid, one-stop decision making, using an adversary system. Its decisions are to be subject only to appeal to the U.S. Circuit Court of Appeals and from there to the Supreme Court, on certain specified grounds, essentially those now in effect for appeal of regulatory agency decisions: an arbitrary or capricious manner of action or abuse of authority. The agency's rulings would supercede the authority of all governments within its jurisdiction.

Since the vigor and dedication of commissions has been found to decrease with age, any new administrative agency should be subject to regular review and possible dissolution, if warranted.

Any decision-making agency ruling on licensing must have at least three general components: a pleading mechanism whereby the applicant and opposition, if any, can argue the merits of the project; a judging or adjudicatory mechanism for deciding on those merits — in this instance, a Board of Examiners; and a fact-finding mechanism for supplying disinterested expert information to the decision-makers.

The Pleading Mechanism

Among the reasons for long delays in past siting cases have been unmanageably large numbers of intervenors and a lack of complete depositions at the start of hearings. In the Storm King case there were at one time 76 intervenors, 45 against, 25 for, 5 objecting to property interference, and one neutral. Much of the hearings time was devoted to elucidating the utility's exact plan and operating procedures with respect to environmental considerations, though FPC regulations require an application to set forth such

information at the outset.

Under our proposal, all parties to a siting controversy, pro and con, would be required to submit to the PPLA extensive public depositions and/or briefs before the start of hearings. In addition to a brief of its position and reasons for requesting the permit, the utility would be required to describe all actions taken to date on the proposed plant, including the results of pre-licensing procedures which might be developed by the utility industry as a whole or failing that, mandated by law. Required in the depositions would be a complete description of the plant and its proposed method of operation, a detailed analysis of alternatives, and complete consideration with regard to a criterion of "least possible level" of environmental damage. A period of perhaps thirty days might then be allowed for preparation for the hearings. With complete information on the nature of the project and the positions of the parties laid on the table from the beginning, the hearings themselves would hopefully be able to concentrate on the crucial points of difference with a minimum of needless animosity.

The Public Counsel

The hearings themselves will be structurally similar to those before existing regulatory agencies. We propose, however, a new cast of characters.

In order to insure that no interested party to a siting controversy will go unheard in the agency's deliberations, we provide in the PPLA for a "Public Counsel" actively to seek out and offer legal representation to all interested parties not represented by private counsel. Furthermore, the Public Counsel would ascertain all the relevant interests in the case and accept or deny intervenors subject to the ruling of the Board of Examiners, which will play the adjudicatory role in the proceedings.

It would be hoped that by this device the number of intervenors can be kept under control. In environmental cases, a single private counsel may commonly represent a number of like interested parties; we would extend this protection and consolidation to all interests in the case who desire it. Intervention by additional parties would be permitted in general only for a limited time after the hearings are announced, but petition to enter a case or reopen proceedings at any time on good cause, as ruled by the Board of Examiners, would be allowed.

The Public Counsel, however, would not be given the nebulous job of representing "the public interest." Rather we would create within our agency a Counsel for the Environment to represent the environmental interest. Decisions on what constitutes the public interest are left entirely to the agency guidelines and to the Board of Examiners. The Counsel for the Environment not only would argue at the

hearings for the maximum protection of the environment, but would be charged with investigating vigorously in support of the environmental position at all stages of siting cases.

The method of appointment of such a Counsel should insure his independence from the rest of the siting agency. If regional siting agencies were established by Federal legislation, he might be one of a nationwide Corps of Counsels for the Environment. Or he could be appointed by the governor(s) of the state(s) involved, though not serving at his (their) pleasure. Four to six years might be a sufficient term of office, with reappointment allowed — a time long enough to develop the potential of his office without growing stale.

In summary, appearing before the Board of Examiners at a hearing would be the Counsel for the Environment, the Public Counsel and/or his deputies, and private counsels for the utility and other special interests.

The Adjudicatory Mechanisms

A three man Board of Examiners, selected from a larger College of Examiners, would be constituted for each siting case to come before the agency. The sole function of the examiners is adjudicatory; they are to be independent of the other offices of the agency; and the more liberal rules of evidence, standing and procedure would seem to make a formal Administrative Court both unnecessary and undesirable.

The College of Examiners, a pool of full and part-time lawyers and technical men, all experienced to some extent in administrative procedure, would be large enough to supply the needs of the specific region or state. By requiring in the language of the agency's enabling statute that the Boards of Examiners consist of one lawyer and two technical men, in the manner of the Atomic Safety and Licensing Boards of the Atomic Energy Commission, a degree of scientific as well as legal expertise can be injected directly into the decision-making. A sample Board might consist of a fisheries biologist, a power engineer and a lawyer.

With a small core of full-time examiners supplemented by a larger group of part-time examiners, men of some scientific accomplishment might be induced to serve. In order to give the group steadiness of interpretation, however, at least two out of three men on any board might be required to be full-time.

Appointment to the College of Examiners could be by the governors of the states involved perhaps from a list of names put together in consultation between government, utilities, conservation groups, bar associations and the like. Terms of office would need to be long, perhaps six to eight years to encourage independence, and with overlapping expiration dates to insure continuity of interpretation. Re-

removal by the governor(s) would only be for demonstrated malfeasance, and the like, as is the case with the Federal examiners. It does not matter so much how examiners are chosen as long as they are competent and free of conflicts of interest.

The establishment of an advisory council of government and utility officials and community and conservation leaders would serve a useful information and facilitation role for the agency. As in one bill on power plant siting submitted to the 91st Congress, such a council might devise the environmental criteria for siting, assist in reviews of such criteria, or oversee a study directed to that end.

The Fact-Finding Mechanism

In many environmental cases, including Storm King, the problems of deciding between conflicting expert scientific testimony, and of gathering sufficient evidence, have been prominent. A siting agency must therefore have a scientific staff, which we have called a "Research and Information Office," to perform and/or evaluate environmental studies of sites. Such an office would retain a small investigative staff including, for example, scientists, power engineers, and economists, and contract out for projects it could not handle.

The staff of the Research and Information Office would supply opinions on conflicting scientific testimony strictly on the scientific evidence at hand, citing carefully all the sources and reasons for its decision. Unlike the staff of existing regulatory agencies, the scientific staff must as far as possible remain neutral in any siting controversy, providing opinions, including evaluations of policy alternatives, only at the request of the other agency components. With the approval of the Director of the agency, however, the staff could initiate and conduct a program of original research, which in addition to helping keep staff members aware of the latest techniques and interests, might serve to attract a higher grade of scientific talent to the organization. This program would resemble the one urged in the recent National Academy of Sciences study "Institutions for the Effective Management of the Environment," which proposes a Federal Institute for Environmental Studies (IES), to do long-range environmental planning, provide early warning of crises, conduct rapid analytic studies in emergencies, carry out rapid field analysis, and study the social, political, economic, administrative, legislative, and other factors that influence environmental decisions and management. Analogous duties relevant to power generation might instead fall to regional or state R & I Offices. If the work of regional or state siting agencies proves insufficient to support separate complete R & I Offices with a high grade of professional talent, a single national "office" could be created, with each regional or state

office able to pool its resources with other offices as necessary.

The Administrator

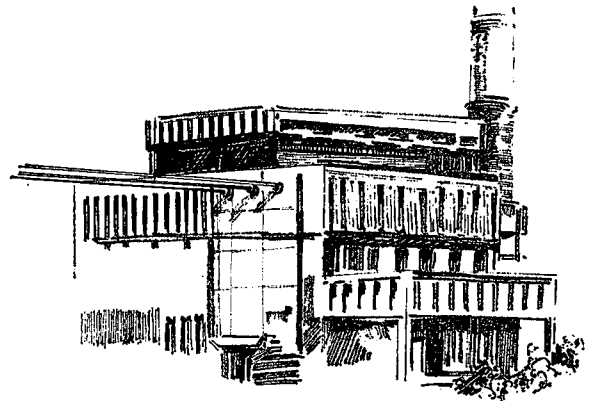
The "Director" of the PPLA would be the nominal head of the agency, and would be responsible for its smooth and efficient operation: preparing the budget, scheduling proceedings, choosing appropriate three-man boards of examiners for each case, expediting their deliberations and the preparation of the eventual decision, acting as liaison with the other regional councils, with the advisory council, and with the governor(s). His job would be administrative; the policy he would make would be purely procedural. He would be coordinator, supplier, and housekeeping overseer to the separate offices of the Counsel for the Environment, the Public Counsel, the College of Examiners, and the Research and Information office. Appointment would be by the governor(s), for a term of 4-6 years, and removal, again, only for malfeasance.

Guidelines for Decision Making

The legal issues involved in defining the permissible social cost of power production and hence the guidelines for siting decisions, are only beginning to be explored. Courts and administrative agencies have only recently acknowledged that environmental factors must be considered at all in siting decisions.

In a few cases, like air and water pollution, quantitative criteria exist by which to judge admissible social costs. Analogous new guidelines in such matters as fish kills or "thermal pollution" have begun to appear, and more will clearly be needed.

In other areas, quantification is very difficult, if not impossible. "Aesthetic values" with regard to the destruction of scenery cannot be quantified; someone must decide on the basis of intangibles whether or not a specific scenic vista, for example, is worth more than the production of 2,000 megawatts of electric power at that location. Quantitative measures of the recreational value of a given area could no doubt be devised, but the ultimate judgment in these matters will depend strongly on intangible values.



Environmental lawyers have succeeded in having the courts recognize that the "public interest" that exists in the environment includes recreational and esthetic values as well as economic. They are now seeking new approaches which support a more general "public interest" in the environment. While valuable, these approaches would not solve the administrative problem of how to determine the "public interest." Washington lawyer Anthony Roisman advocates applying the "trust doctrine" used in cases of submerged lands, to other resources such as air, water, wilderness areas, and "unique recreational sites." According to this doctrine, "public and private lands are subject to a 'trust' held by the state for the benefit of the public. As trustee for the people, the state must see that the public interest in such lands is not contravened." In both of these approaches, the difficulty of determining the standards for administering a trust or the measuring of a "decent environment" brings us back to the problem of creating agency guidelines.

The Environmental Interest

The guidelines for decision-makers could, we feel, be improved by recognition of the environment as a separate concerned interest in the decision. The environment receives direct, measurable injury and may be considered as a party to the case, with a vested interest in the outcome. This formulation distinguishes between the "environmental interest" and the overall "public interest," in which the loss to the "public" may be frequently measured in intangibles and be difficult to quantify. It can be used as an analytic tool by which the utility can be required to calculate the method and therefore the cost of generating power so as to cause the least possible level of damage to the environmental interest. The guidelines can then require the utility to meet this minimum criterion unless it can demonstrate to the siting decision makers that such measures cost more than is warranted by the actual damage to the public.

Any guidelines for siting inevitably leave decision makers with an undetermined judgment which will be based at least partially on nonquantifiable concerns. Clearly, effective guidelines must also require the agency to take into account 1) the need for the plant; 2) the need for the plant at the location proposed, and alternate sites for the plant; 3) alternate methods of supplying the power needed; 4) existing or projected land use or regional development plans; 5) the economic ability of the utility to meet the "least possible [damage] level" criterion, and related economic concerns. The ultimate decision will ideally comprehend all these considerations and will be made in the overall public interest.

State vs. Regional Control

Until recently, the development of electric power production in this country has seen each state or small region served by a company seeking to build power production facilities so as to make that area self-sufficient. This is still largely the case; Con Edison, for example, as a private utility, seeks to build enough plants within New York to serve its customers adequately. Power, of course has been marketed when a surplus has been generated. But it is only with the comparatively recent development of strong interconnections and power pooling, and the parallel occurrence of environmental saturation by power production facilities — no more room in some areas for new plants, as may be the case in New York City — that this self-sufficiency policy has been called into question. The problem comes down to this: Should Canada, or New England, or upstate New York, or Ohio, or TVA for example — some of the places from which Con Ed obtained extra power during the summer 1970 crises — take the pollution load for New York's power?

If this must come about, alterations in the concept of local power self-sufficiency are inevitable. State-level regulation of utilities may have to be superseded by regional control. It follows that if regional power planning, accompanied by regional power plant siting mechanisms, becomes necessary, planning for all types of development may have to be done on a regional basis. The development of industrial, residential, and recreational patterns generally depends in some way on the power production facilities crucial — or inimical — to them.

Power plant siting by an agency with regional authority would thus seem desirable. State-level agencies could probably handle many cases adequately, but would lack the overview and jurisdictional powers to deal with what in many parts of the country is essentially a regional, not a local problem. We note that the recent OST report recommended siting control at the state or regional level, as necessary.

We feel that if siting control is vested in a state-level agency, that agency in general ought not to be the existing state public utility commission. An agency charged with insuring reliability and continuity of service, and staffed with personnel with this experience, has a built-in bias for reliability over environmental protection. In addition to being subject to the usual criticisms of regulatory commissions, such agencies possess commissioners without the special expertise that may be necessary to rule on environmental controversies.

Our PPLA is compatible with either state or regional regulation.

Pre-Siting Procedures

Such a regional approach would dictate certain pre-siting procedures, such as those recommended in the OST report, including long-range (at least 10 years) regional utility planning, participation of environmental protection agencies at all levels, notice to the public of tentative site selections at least 5 years in advance with publication of specific plans at least two years in advance of construction. The existing regional Electric Reliability Councils, which were voluntarily established by the utilities in cooperation with the Federal Power Commission, would be the vehicle for the regional utility planning.

Other desirable pre-siting activities include:

1) Comprehensive regional land use planning.

A regional master plan could be developed by some form of regional commission, perhaps appointed by the governors of the states involved. Such a plan could be generated new by the commission; or it could emerge from the coordination of existing local plans, with the commission empowered to fill in the gaps, as necessary, and to adjust local plans to regional needs under agreed-on consultative procedures. We note that President Nixon's message on the environment, February 8, 1971, proposed a National Land Use Policy. The Delaware Valley Regional Planning Commission's 1985 plans are an attempt at such comprehensive regional land use planning.

2) Regional power planning by the utility reliability councils in conjunction with the FPC and regional planning commissions at least 10 years in advance.

3) Regional power plant siting surveys, perhaps conducted jointly by the regional planning commissions and regional utility councils, might seek to identify all potential locations in the region for power plant siting. Inclusion of a site in the master plan might be accompanied by informal hearings.

4) The utility industry as a whole could develop standardized procedures in approaching plant siting, with local variations as necessary. Of the utmost importance is the establishment of "good faith" by the utility — that the atmosphere of suspicion shared by utility opponents who believe the utility is merely putting up a "face" of public consultation should be dissipated. Steps should include:

a) Reaching a decision on siting on a regional basis with other utilities, and with the regional planning commission.

b) Announcing plans well in advance of any action.

c) Conducting or sponsoring environmental studies and surveys of the site in advance of site acquisition.

d) Conducting study work on the site only with the owner's permission and with sufficient advance notice to the community.

e) Consulting with all regional, state, and local resource and conservation agencies.

f) Sponsoring, if possible, an independent study of the need for the plant, and of plant alternatives.

g) Involving at every stage of planning members of the public with an interest in the plant, such as environmental, conservation, and local citizen groups.

h) Conducting a public information program designed to inform, not to convince.

One does not expect — nor hope — that the utility will cease acting as a privately-owned producer of power and assume the mantle of environmental protector. The utility serves the interests of power consumers by proposing new plants. But there is no need to discuss siting in an atmosphere of animosity and mutual distrust.

Summary

We have proposed the design of a regional or state agency whose sole purpose would be equitable and expeditious one-stop decision-making on the siting of bulk power generation and transmission facilities.

We note that the organization we propose meets, at least on paper, many of the criticisms of the regulatory agencies. Functions such as administration, and adjudication are separated; expertise in the decision-makers is encouraged by their requirements of office and the manner in which they are chosen; a facility for providing high-quality scientific advice is provided for, with the quality encouraged by the proviso that the scientific staff may conduct their own research; the adversary process is clearly demarcated and institutionalized, without confusion as to who represents the "public interest" and in such a way that the public — and the environment — is guaranteed a voice; explicit guidelines and general policy principles are authorized; independence from political or industry influence is encouraged by the nonpolitical character of the agency; delays may be hopefully cut by making the decision-making one-stop, and providing more carefully for intervenors and all relevant special interests.

There is no guarantee that such an agency would prove successful; the history of regulation is littered with agencies perfect on paper that crumbled in practice. Structural change need not produce administrative salvation, but we believe that in this case it will help.

RIPON POLL — IN AN ELECTION YEAR

WE THINK IT IS IMPORTANT TO DEVELOP AN IDEA OF HOW RIPON REPUBLICANS HAVE REACTED TO THE NIXON ADMINISTRATION AND THE NIXON PRESIDENCY. THEREFORE, WE ASK YOU TO JOIN IN JUDGING AND PROGNOSTICATING. WE HAVE PREPARED THE FOLLOWING POLL WHICH WE HOPE YOU WILL PARTICIPATE IN. SIMPLY FILL OUT THE POLL AND MAIL IT IN THE INSERTED ENVELOPE BEFORE FEBRUARY 1, 1972.

- 1) Did you vote for Nixon - Agnew in 1968? Yes No
- 2) Rate Nixon's overall performance as President so far. Exc. Good Ave. Fair Poor
- 3) Grade the performances of the Cabinet members and high level White House staff. (A + through F.)

Connally	Mitchell	Stans	Richardson
Butz	Rogers	Volpe	Hodgson
Morton	Romney	Ehrlichman	Rumsfeld
Laird	Shultz	Haldeman	Kissinger
- 4) Grade Vice President Agnew's performance so far.
- 5) If he continues as he has, will the President be re-nominated? Yes No
- 6) Leaving aside the many "ifs" and giving just a "gut" reaction, do you think Nixon will be re-elected?

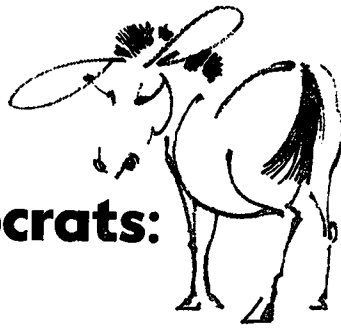
Yes	No
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- 7) Would you vote for the Nixon - Agnew ticket in 1972? (assume Muskie and Southerner as the Democratic slate) Yes No
- 8) Who would you prefer as V.P. candidate: Baker Brooke Connally Reagan Rockefeller other If you would not support Nixon-Agnew, would you support Nixon and a progressive?

Yes	No
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- 9) Do you approve or disapprove of the President's position on the following issues? If you approve of his position, do you like the way he has implemented it?

	POSITION		IMPLEMENTATION	
	approve	disapprove	approve	disapprove
Vietnam
China
foreign aid
defense spending
Middle East
welfare reform
open communities
revenue sharing
law enforcement
civil rights
international economic policy
inflation/wage-price controls
urban problems
agriculture
environment
court appointments
political strategy
building the GOP
volunteer military
government reorganization

- 10) Of the national leaders of either party, which one do you personally view as the man most worthy of your enthusiasm and support? (please choose only one)

Scott	Reagan	Humphrey	Finch	McCloskey
Nixon	Brooke	Scranton	Baker	Dole
Agnew	Laird	McGovern	John Gardner	Other
Rockefeller	Mathias	Muskie	Rogers Morton	
Romney	Wallace	Edw. Kennedy	Nader	
Bush	Lindsay	Hatfield	Milliken	
Percy	McCarthy	Richardson	James Buckley	



The Democrats:

With George McGovern and Loeb-backed, yet non-credible Sam Yorty as the only probable challengers to Muskie's still-strong New Hampshire position, Florida's March 14 primary is assuming increased significance. Henry Jackson's campaign there seems to be the first opportunity to challenge Muskie's front-runner position.

Under Florida law, the names of Presidential Candidates will be placed on the ballot by a candidate selection committee consisting of the Secretary of State (non-voting), the House Speaker, the Senate President, the minority leaders of both houses, and the party chairman of each party. (10 percent of the vote in the previous Presidential Election and 10 percent of the registered voters qualifies a party). To this committee the Secretary of State will submit during the second week in January the names "of presidential candidates who are generally advocated or recognized in news media throughout the United States or in the State." A putative candidate, omitted by the Secretary, may petition to have his name included.

In effect, the approval of one committee member from the candidate's own party places the name on the ballot. Barring such approval, there is no recourse except, presumably, through a court fight. Unlike in Oregon, an affidavit of non-candidacy is sufficient to remove a name from the ballot. With several candidates competing for the "liberal" and "conservative" factions, the make-up of the ballot — the presence, for example, of Mrs. Chisholm or George Wallace — may have a decisive effect on the outcome.

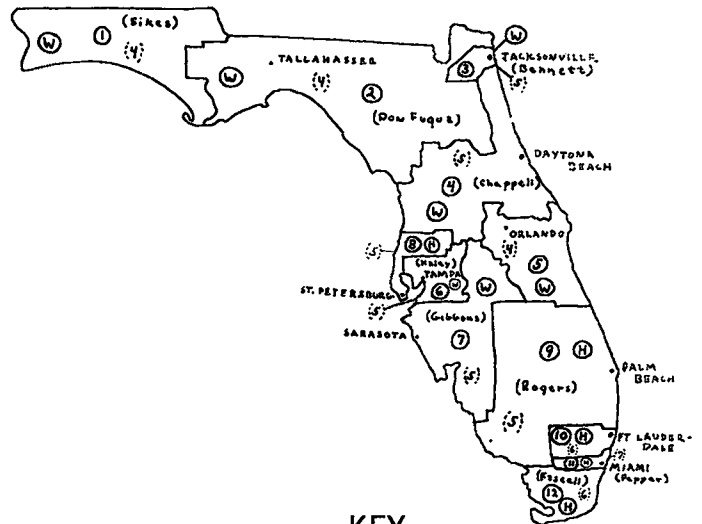
There have been several *unsuccessful* attempts to make it impossible for Wallace to appear. The architects of the new primary law are afraid that a good Wallace showing might discredit the state's image. But House Speaker Richard Pettigrew, a member of the selection committee and strong Muskie backer, may well be torn between his personal stake in the primary's "success" and Muskie's obvious interest in a Wallace candidacy to cut into Jackson's support.

All the action is not in the primary. The Democrats have set up a series of caucuses to select delegates pledged to each candidate and until the primary will attempt to outshine the others in this activity. Twenty of the 81 delegates will be pledged to

First Test for Muskie

the winner of the state-wide contest, with the remaining 61 assigned on the basis of the winner in each of the 12 congressional districts. The delegates are pledged for two Convention ballots, or until their candidate releases them or receives less than 35 percent of the Convention vote.

The outcome of the primary will, of course, depend much upon the various campaigns of the candidates, but there are several constraints. First, there is the state-wide split between "liberals" and "conservatives." It is always risky to quantify such distinctions on the basis of past primary results, but recent gubernatorial and senatorial contests seem to indicate an almost even split between the two factions when voters are forced to decide in a two-way contest. The Humphrey-Wallace totals (676,794 and 624,207) also seem to bear this out. If anything, there seems to be a *slight* edge towards the moderate or liberal. If the only two credible conservative candidates, however, are Wallace and Jackson, and the moderates or liberals field Muskie, Humphrey, Lindsay, McGovern, and Chisholm, Jackson



KEY

- (1) — indicates the number of the congressional district (name) indicates the incumbent Democratic congressman
- (4) — indicates the number of delegates which will be assigned to the primary winner of that congressional district
- W — indicates those counties in which George Wallace received more votes than Hubert Humphrey in the 1968 Presidential Election
- H — indicates those counties in which Hubert Humphrey received more votes than George Wallace in the 1968 Presidential Election

will have a good chance of winning state-wide. Humphrey has the backing of Mayor Kennedy of Miami; Lindsay and Chisholm might be expected to do well among blacks and Spanish-American voters, and McGovern among college students; each chiseling at Muskie's position, each trying to win a Congressional District or two to maintain a credible showing.

Second, geography compounds Muskie's problems, since the "liberal" vote is highly concentrated. Humphrey defeated Wallace state-wide, for instance, but Wallace defeated Humphrey in seven out of the twelve congressional districts, carrying Districts One, Two and Three outright (See Map). Wallace's districts contain 32 delegates, and Humphrey's, 29. If Humphrey, Lindsay, McGovern, Chisholm, etc., seriously contest this primary, their major effort will presumably go into the five Humphrey districts, making Muskie's situation more difficult than if they were all interested in a state-wide showing.

Both Jackson and Muskie have wide organizational backing. Jackson is receiving support from the organization of both former Senator Smathers, and the late Senator Spessard Holland who was Jackson's honorary campaign chairman until his recent death. Four incumbent Congressmen have indicated support for Jackson (Sikes of the 1st District; Bennett (3d), Chappell (4th), and Haley of the 6th who prefers Mills but who has indicated support for Jackson if Mills is not a serious contender.) Jackson has also received the backing of former Governor Farris Bryant who is serving as his finance chairman. Elmer Rounds, Governor Askew's 1970 campaign manager, is reportedly going to play a very major role in Jack-

son's campaign.

Muskie has received the endorsement of two Congressmen, Gibbons of the 7th and Fascell of the 12th. House Speaker Pettigrew claims that a large number of state legislators will be in the Muskie camp, and he may ultimately receive the endorsement of Askew or Chiles.

Indications at present seem to give a slight edge to Jackson, although the outcome will clearly be heavily influenced by the intensity of the campaigns of the lesser candidates. The ultimate impact of Florida will no doubt be psychological. A major set-back for Muskie at the hands of Jackson may well set up Jackson for a spectacular defeat two weeks later by Muskie in Wisconsin, somewhat on the Wisconsin-West Virginia model of 1960. A state-wide victory for Muskie, together with a better-than-even split in the Congressional District races will knock Jackson out of serious contention and secure Muskie's right flank.

* * *

North Carolina in its new primary law has apportioned its convention vote (for one ballot) to the winners of the North Carolina Presidential Preference primary in proportion to their support. "The four candidates receiving the highest number of votes, or all candidates if there are fewer than four participating in the primary, provided each such candidate receives at least 15 percent of the total vote cast by his political party, shall be awarded a pro-rata portion of the authorized delegate vote of his political party. . . ."

CLIFFORD BROWN

14a ELIOT STREET

● The New York Chapter has had an active autumn. In a telegram released to the press the chapter urged HEW Secretary **Elliot Richardson** to veto two New York State welfare demonstration proposals. The controversy over the proposals attracted much publicity, and resulted in the State's modification of the plan, which was subsequently approved by Richardson. Under the plan, recipients would have their benefits cut up to 50 percent, and they would then be able to earn back the amount lost through the winning of "incentive points" for socially acceptable behavior.

The Society also endorsed nine progressive Republican candidates in the November local elections, of whom five were successful: **Michael Caruso**, **William Valentine**, and **August Petrillo** were elected as mayors of Utica, Rome and Mt. Vernon, respectively; **John Mulroy** and **Arnold Proskin** were reelected as Onondaga County Executive and Albany D.A.

The New York Chapter has also had as guests at its monthly meetings former Mayor **Robert F. Wagner**, N.Y.C. Transportation Administrator **Constantine Sidamon-Eristoff**, Human Rights Commissioner **Eleanor Holmes Norton**, Representative **Pete McCloskey**, N.Y.C. Housing and Development Administrator **Albert Walsh**, and Senator **Jacob Javits**.

● The Chicago chapter held a luncheon meeting with Congressman **Thomas Rallsback** on December 10. Rep. Rallsback recently completed a tour of several of the country's large prisons and spoke to the Ripons on the need for penal reform.

● There are new officers for the Washington, D.C. chapter. They are: **Alice Tetelman**, president; **Willie Leftwich**, vice president; **Chris Topping**, vice president; **Larry Finkelstein**, secretary-treasurer; and **Mike Gertner**, **Mona Dick** and **Pat Goldman**, board members.

● The Pittsburgh chapter had a Christmas party December 20 with newly-elected Congressman **John Heinz**. Chapter members **Bruce Guenther** and **Jo Ann Gardner** are both running for office, for State Senator and State Rep. respectively.

● The provisional chapter in Nashville met with Senator **Howard Baker** in late November. A poll of chapter members revealed that 80 percent rate Agnew's performance fair; 60 percent would like to see Brooke as Nixon's running mate; 80 percent approve of Nixon's Vietnam policy; 100 percent approve his China policy; and only 30 percent like his busing policy.

ERRATUM

The footnote on page 10 should refer to the *Scientific American* issue of December 1971, which contained an article by Andrew M. Greeley and Paul B. Sheatsley entitled "Attitudes Toward Racial Integration."

Ripon Review:

Automotive Manifest Destiny

THE GREAT AMERICAN
MOTION SICKNESS

by John Burby
Little Brown & Co., Boston
408 pages, \$8.95

Reviewed by
ROBERT D. BEHN
Chairman, 1970-71, Task Force
on Intercity Transportation for
Gov. Sargent (Mass.)

Any foreign observer of American transportation would conclude that one of the ten articles of the Bill of rights reads: "Congress shall make no law abridging the freedom to drive an automobile at anytime, to any place, in any manner."

Exercised by millions of Americans, drunk or sober, dramatized in daily rush hour mass "demonstrations," this "constitutional" mandate is also revered by Congress, which for example, still refrains from prohibiting alcoholics from driving automobiles (even though half of the nearly 60,000 highway fatalities involve a driver who has been drinking and is often drunk). Thus our foreign observer may be shocked to read John Burby boldly declare that "unlimited freedom to drive cars is not part of the Bill of Rights."

Throughout *The Great American Motion Sickness*, Burby catalogues the absurdities of this "freedom," through examples of "Why You Can't Get There From Here."

During the Thanksgiving holiday of 1967, Brenton Welling, Jr. transportation editor of *Business Week* magazine, telephoned O'Hare Airport from downtown Chicago at 7:30 one evening to ask whether there would be room for him on a 10 o'clock flight to New York. There was room, the counter clerk told Welling, but traffic on the

roads leading to O'Hare was so thick he could not possibly reach the airport by 10 o'clock.

Traffic in downtown New York, which in 1906 crept along behind horses at an average speed of 11.5 miles an hour, was by 1966 creeping along at 8.5 miles an hour behind the most powerful engines Detroit could mass-produce.

Like a stand-up comic, Burby tells these anecdotes one after another, so that this book is a goldmine for political speechwriters needing a story, any story, to epitomize the sorry state of U.S. transportation.

Now editor of the highly respected weekly publication *National Journal*, which provides some of the best transportation reporting coming out of Washington, Burby says he wrote the book to fill a need he found several years ago when he joined the staff of the first Secretary of Transportation: the void between "works like *The Little Engine That Could* . . . and books devoted largely to econometric formulas, written by systems analysts for other systems analysts."

Burby, however, makes an opposite mistake, failing to give economics the place it deserves in any serious discussion of the subject. An account of "why you can't get there from here" can be skillfully made — as Burby delightfully proves — with anecdotes and quotes, but any remedies for the "Motion Sickness" will depend on thorough economic diagnosis.

For, unfortunately, American thinking on the subject is dominated by a number of myths, including, most significantly, the notion that "user taxes" pay for all the costs of highway transport. The "user tax" is the major argument for construction of controversial highways, particularly interstate expressways through densely populated areas. Highway costs don't come from general revenues, it is said, so elected officials shouldn't interfere with the manifest destiny of the automobile.

At random intervals in Burby's book, there are descriptions of the

inequities of highway finances:

In cities, each automobile at rush hour is subsidized from property taxes of the city by about 10 cents a mile. (emphasis added)

Whatever the automobile costs its owner, it costs society even more. One rough estimate being refined at the Department of Transportation in 1970 was that for every dollar the owner spends, someone else spends thirty cents.

Federal Highway Administrator Francis C. Turner has estimated that when the Interstate system is finished, truckers will receive more than \$2000 in benefits for every \$900 they pay in taxes.

Still, Burby offers no coherent analysis of such absurdities. Although it is obvious that neither automobile nor air transport is adequately funded by users and that in addition neighbors of the facilities bear the environmental costs, these facts are not adequately recognized by the public — or much illuminated by Burby. The book needs a chapter that discusses transportation economics — the basis for a sound system of transport finance.

This does not mean, of course, that every Congressman is going to switch to Burby's track once today's economic inequities are understood by the public. That illusion is shattered by Burby's tour of the special interest groups which have conspired to prevent the evolution of more rational transportation policies. The list of powerful lobbies includes: the truckers who have highways built to their specifications but dominantly paid for by the automobile owner; the barge operators whose highways, the nation's system of man-made canals and man-dredged rivers, are built and paid for by the public; and the regulated transportation industries which oppose any lifting of regulatory controls that they know maintain artificially high fees and fares. These special interests rely much more on their political-financial clout than on the intellectual integrity of their arguments. But the factual ground-work must be laid before the political support of the general public can be mustered.