

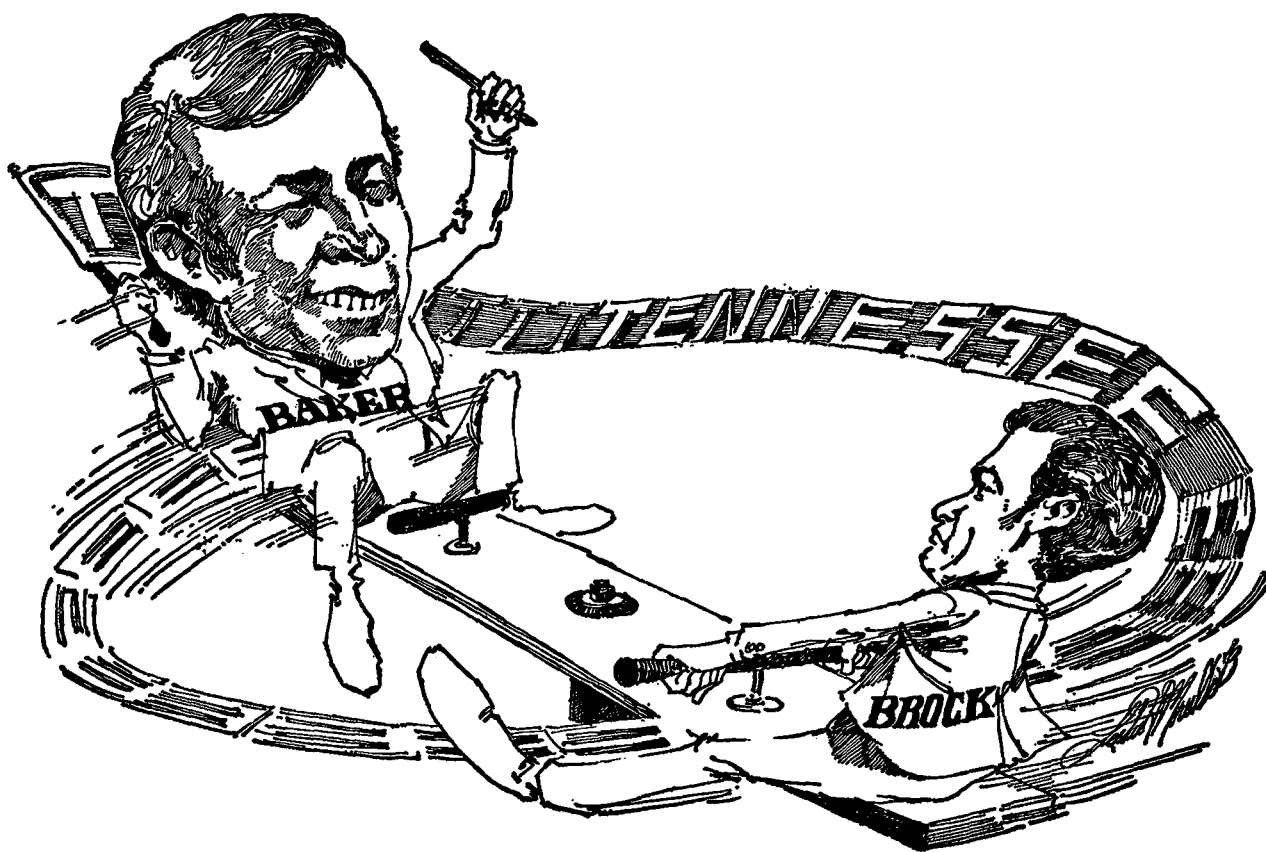
Diogenes: Where are you now that we need you?

**RIPON
FORUM**

SEPTEMBER, 1973

Vol. IX No. 16

ONE DOLLAR



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and the Spirit of '76**

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•Margin Release

PETERSBURG, N.Y. — "With all the nation's and the Republican Party's problems, why do you keep writing about Leggie in 'Margin Release?'" complained Bill last week.

If I was sharp, I might have answered that I write about Leggie, my friend the 15-year-old delinquent, for the same reason that *National Review's* Bill Buckley took an interest in convicted murderer Edgar Smith (since released).

Or I might have said that I find Leggie more honest than some of the current crop of New Majority politicians.

Or I might have pointed out that Leggie is more quotable than anybody else I know — and since I don't know anybody big and powerful and "usually reliable," I have to stick to those already locked up.

But instead, I weakly defended my position by revealing unpatriotically that, "Watergate bores me."

The full irony of Bill's criticism didn't hit me until 10 days later. This morning's page seven headline in the *New York Daily News* read, "Junior Bonnie and 3 Clydes Are Nailed with 70 Guns." The *New York Times*, less prone to sudden sensationalism, headlined on page one three days ago, "Two Armed Boys Free Girl in Bridgeport Child Center." (The story was consigned to page 24 of today's *Times*, but the *Times* had a picture of all the guns whereas the *News* only had a picture of Leggie.)

Leggie, tragically, had made it into the big time in the Big Apple. He and John Mitchell had shared the front page. He had been accused of liberating his girlfriend from the juvenile detention center at gunpoint early the previous day.

Only Sunday, we had talked by telephone. "Hey, did you know my girlfriend ran away from home again?" said Leggie.

"That was stupid," I replied sagely. "Why didn't you tell her it was stupid?"

"I did," said Leggie, "but she said what about you running away all the time?" (Leggie has allegedly run away from the state reform school 12 times.)

"I'm running away from being locked up, I told her," Leggie said. "But you're running away from problems."

You can't run away from problems," he continued.

John Mitchell, were you listening? You can't run away from problems. Even Leggie knows that.

It seems it was more like a month ago rather than just a week and a half ago that I sat talking to Leggie and his girlfriend.

The conversation turned to a nickname that the girlfriend had never heard before. "Why do they call you that?" she asked Leggie.

"Oh, that's what they call me at the state school for boys," said Leggie. "I've got lots of names: Tony, Antonio, Ants . . ."

"Yeah," I said to myself, "and there are a lot of other things people call you too." But I bit my tongue.

I needn't have. Leggie was way ahead of me. "I have a lot of other names too. Some people call me 'bad ass.'"

I laughed. Maybe I shouldn't have. But that was 10 days ago. Leggie's back at the state school, presumably on his way to an adult reformatory for post-graduate criminal education. One of the other "Clydes" is 16. He and Leggie and I had an appointment for dinner last Tuesday. Now, he too, has a probable appointment at the adult reformatory.

As I wonder who has more remorse — Leggie or John Mitchell — I am reminded of a story which I call the "Parable of the Tree."

This spring I planted two trees in front of my house. One, half-humorously, I named "Leggie." During one of Leggie's periods of incarceration, I told him what I had done and explained that the tree was named "Leggie" because it "would never run away." One or two escapes later, Leggie visited my house and I again identified the tree by name. Leggie was enthusiastic and wanted to put a concrete plaque in front of the tree. He mused about how he would like to come visit the tree in a few years. Now Leggie is back in a cell — and the tree is dead.

Sam Ervin would like that story. It probably says something "about the laws of Man and the laws of God." But I've never had the heart to tell Leggie. John Mitchell would understand. db.

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Consumer Protection Agency

by Charles H. Percy

The consumer movement represents a broad public reaction against bureaucratic neglect and corporate disregard of the public.

It is a repudiation of misleading advertising, empty warranties and guarantees, deceptive packaging, anti-competitive conduct, unfair pricing and bait-and-switch merchandising.

It is a check on sham, misrepresentation, deceit and fraud. And it is a control against monopolistic behavior by some corporations and the abuse of authority or discretion by certain agencies of government.

In brief, the fight for consumer protection is a battle for quality in goods and services, for fairness in advertising and promotion, for honesty in the marketplace.

In its broadest sense, I believe that the consumer movement amounts to a yearning for an improved quality in life — for an America that works again, for people, products and governmental institutions that support the society rather than tear it apart. It is an affirmation of the interest of the many over the interest of the few, of a broader public interest over special interests.

I spent 25 years of my life in business. I believe in the free enterprise system, and I remain deeply concerned about the vitality of legitimate, responsible businesses. But what I am writing here is entirely consistent with what I have said to my friends in the business community for the past quarter of a century. The essence of my message is simply this: What's good for the consumer is good for business. Most businessmen know this and build their businesses on this philosophy.

If a business is to be truly successful, it must have something to grow on. And there is no better foundation than insuring that the product or service produced is worthy of public acceptance. There is a corollary to this, of course. And that is: If the product or service is unfit for the purpose for which it is intended, if it is unsafe or defective or its marketing deceptive, then those facts should be made known to the public.

Many of these unsavory facts and thoughtless business decisions are so widely known that they do not require extensive elaboration.

Over the past few years, we have witnessed documented studies of leaded paint that kills children, of poorly designed cribs that lead to the strangulation of infants, of defective cars that are responsible for the carbon monoxide poisoning of passengers, of clothes that flare into flame, of contaminated roasts, of chicken wings pocked with tumors, of inaccurate and occasionally dangerous advertising.

Any discussion of consumer protection can be laced with horror stories rising out of corporate, industrial and governmental irresponsibility. The alarm has been sounded so often that such stories need not be repeated. What is needed, however, is the creation of an adequate defense for the beleaguered consumer.

The first — and the best — line of defense against the practices I described earlier is responsible and forthright remedial action on the part of the company or industry involved. When a corporation or industry refuses to take corrective action in the face of obvious abuse, then it is the responsibility of government to step in.

At the federal level, Congress has established regulatory agencies to provide a second line of protection for the American consumer — to pass on the wholesomeness of foods and the safety and efficacy of drugs; to approve or reject licenses, rate increases, route changes and patent applications; to assess product safety, packaging, advertising and merchandising, and to perform a great many other tasks that are taken for granted.

But in the course of years of hearings on how these agencies are functioning — or not functioning — we in the Congress have determined that there are certain flaws in the regulatory apparatus which permit some abuses to persist.

Therefore, after a great deal of deliberation and research on recurring abuses, we have focused upon an approach that seems to offer the greatest prospect of success.

Our approach involves supplementing the present regulatory apparatus with a new catalyst to more responsible behavior — the proposed Consumer Protection Agency.

The new agency would not be able to grant or deny rates, routes or applications. It would not be empowered to compel action by any existing agency of government. Its first, foremost and final responsibility would be to represent the interests of consumers in those deliberations before government agencies and the courts which involve substantial consumer concern.

In sum, the CPA would serve as a voice for consumers in situations where they previously have been voiceless. Its role would be to compile information, present relevant facts, supply testimony, rebut contrary evidence, submit briefs and conduct research and investigations.

As important as what the CPA would do — primarily inform and disclose — is what it would not do.



It would not decide any case before any agency or any court. It would be neither judge nor jury.

When all the excessive rhetoric that has been generated by the CPA is swept away, what remains is a comparatively tame — but vitally necessary — creature. Its scope of authority would be severely limited. And for that reason, we have permitted a breath of jurisdiction, which would allow the CPA to deal with any agency of government likely to be making decisions of substantial concern to consumers.

The consumer's demands are relatively modest. He asks only for a free consumer choice in a competitive market, the prevention of unfair or deceptive trade practices, fair advertising, promotion and sales practices, adequate product information and warnings, and protection of his legal rights and those of other consumers.

I know of no responsible corporation or business executive who would question the desirability of the consumer's goals. Yet last year, as we sought to pass the CPA bill that had the overwhelming support of the Congress and the public, we witnessed what appeared to be a conscious ef-

fort to misrepresent the purpose of the legislation. We heard everything from cries that the CPA would be a "super-agency" to the outrageously overblown assertion that the proposed CPA constituted "the most serious threat to free enterprise and orderly government ever to be proposed in Congress."

We were stopped by a filibuster in the waning days of the 92nd Congress, but we are fighting the battle again. The principal sponsors of the CPA legislation, Senators Abraham Ribicoff (D-Conn.), Jacob Javits (R-N.Y.), and myself, reintroduced the bill in February with the co-sponsorship of Senators Warren Magnuson (D-Wash.), Frank Moss (D-Utah), and Marlow Cook (R-Ky.) Hearings were completed by late June. We anticipate action on the Senate floor in September or October.

Again this year, we have the endorsement and active support of a company that had the courage to stick its neck out last year — Marcor, the parent company to Montgomery Ward, and the Container Corporation of America, and the active backing of Zenith Radio Corporation.

I hope, and I believe, that the de-

cision made by Marcor and Zenith will be echoed in dozens of other executive suites. Companies with vision — and I believe there are many of them — will understand that corporate self-interest and the consumer interest are ultimately synonymous. Strengthening protection for the public enhances public confidence in business.

The support of the Administration provides us with another reason for optimism this year. My discussions with the White House and the assurances I have received indicate that a decision has now been made by the President that consumers are in need of a forceful and vigorous advocate housed within a new and independent consumer protection agency. Whatever problems we had last year on this count in terms of the Administration's commitment, those problems are now gone. At the highest level and along the line, the White House is committed to insuring that the voice of the consumer is heard loud and clear in the important deliberations of government agencies and the federal courts which bear on the consuming public.

On every prior occasion that the Senate has been permitted to express its will on the CPA bill, it has indicated its overwhelming support. In the closing days of the 91st Congress, in December, 1970, it approved basically the same measure by a 74-4 margin, but the bill was killed in the House Rules Committee. In four tests last year, the Senate resoundingly turned back amendments designed to strip it of its essential elements, and then three times went on to vote by a substantial majority to invoke cloture against a filibuster launched by the bill's opponents. We failed to gain the necessary two-thirds vote to achieve cloture by just four votes the first time and three on the two ensuing occasions.

If we can avoid a filibuster this year — and the prospects are good because early consideration of the CPA bill will make such tactics exceedingly difficult — then we can expect quick passage by the Congress and approval by the White House. If this were to occur, the impact would be enormous. Every American would be a beneficiary, for each of the 210 million of us is a consumer. ■

Editorial Board COMMENTARY

Unrenewed Urban Renewal

by *Ralph Thayer*

The caricature of urban renewal as a monolithic "Federal bulldozer"¹ slashing indiscriminately through stable city neighborhoods lingers despite advances in program management that have been evident in urban renewal projects for some time. In fact, while there will always be criticism of large-scale urban projects, urban renewal is one of the major tools that can be and is used to redevelop blighted areas of our cities. Its application has been improving vastly each year.

Unfortunately, as a result of questionable advice from the Department of Housing and Urban Development pressured by the Office of Management and Budget, urban renewal is in se-

rious danger of not receiving adequate funding to continue its progress. The Nixon Budget for Fiscal Year 1974 requested an appropriation of \$137.5 million for urban renewal; compared to \$1.45 billion appropriated in 1973.

An attack on urban renewal in this fashion is very confusing and reflects an almost complete misunderstanding by federal officials as to how and for whom urban renewal works. The Office of Management and Budget claims that \$5.7 billion of unexpended urban renewal grant authorizations are available in the "pipeline" to sustain urban renewal activities in FY 1974. Even assuming that HUD has a clear idea of what funds are in the pipeline — and there is some indication that HUD does not know the amount with any degree of precision — such a statement contradicts the nature of renewal funding. The local urban renewal agency, upon receipt of project approval, borrows funds from private institutions to carry out the project and is reimbursed by HUD as the project is completed. Combining "progress grants" and proceeds from the sale of redevelopable land, the local agency repays its loans to private institutions.

Thus, to know how much is "in the pipeline" would require a very sophisticated fund tracking system which ascertains what portion of the authorization had been borrowed against at the local level, what part was already either committed or earmarked for local agency repayment, and what portion of the total had been programmed solely for mandated relocation payments, disaster relief, or early termination of certain programs. Assuming all these variables were known for over 1,000 areas having urban renewal programs, it would then be necessary to know the precise project status in order to estimate whether the funds assumed to be sufficient for continuation were available. If HUD knows all these variables in addition to the first set, they might have some justification for program limitation; virtually no one suggests this information is presently on hand in HUD.

To give an idea of how serious the miscalculation is, a national survey of local urban renewal agencies indicates:

1. 51 percent of the "pipeline" \$5.7 billion has already been borrowed against or is earmarked for man-

datory relocation payments.

2. 49 percent (the remainder) is contracted for by HUD to pay for previously authorized and approved activities.²

Assuming, as is reasonable, that local agencies have a survival stake in enunciating as strong a case as possible for higher funding and might therefore overstate the case, the question here could just as easily be posed this way: is it not appropriate for HUD to understate the case so as to justify the termination? This has occurred: HUD Secretary James T. Lynn contends that the mayors' survey of urban renewal shows about half the money "in the pipeline" is for future expenditures. This type of adversary non-reasoning leads nowhere.

The search for a middle ground is severely handicapped by HUD and OMB's failure to reveal why urban renewal is to be ended. To say that (non-specified) "program failures" underlie the cut-off decision is to tar everyone with the same brush and to highlight how woefully inadequate is our ability to evaluate programs. The National Survey of Urban Renewal agencies points out the following:

Given HUD's statement that \$5.30 of the local private and public investment is generated for every dollar of Federal funds, and given Dept. of Labor multipliers, Federal withholding taxes from construction and materials' workers equal or exceed the Federal government's original grant. *Construction workers alone pay for the Urban Renewal Program.*³

Has this factor been considered? What other ones are involved? It is entirely likely that urban renewal is falling victim to forces only partially related to its activities and blamed for trouble areas not entirely of its doing.

For example, to state that a program is a failure is to imply that there exists a standard of accomplishment by which programs are measured. It would be enlightening to see an enunciation of what was expected and where the shortfall of urban renewal occurred. A program of this magnitude deserves better than a nonceremonial burial bereft of substance. One can only wonder what sort of leverage local officials will have trying to re-



instate an urban renewal activity under the Better Communities Act when previous program has been branded with the scarlet letter. Do we mean urban renewal failed or our total urban non-policy finally caught up with us?

It is well known that inflationary pressures in the building supplies arena have been very strong. Mentioned in President Nixon's Controls Message of June 13 was plywood; other items in short supply are all lumber, bricks, cement, and pipe. Perhaps, the wage pressures of contractors figured is also a factor. At any rate, there is a reasonable case for saying that the demise of urban renewal could dampen inflationary fires in the building arena — and this is a valid objective. Yet, urban renewal was responsible for stimulating a significant amount of innovative city construction; it was also a primary (often the only) force providing for the construction of low and moderate income housing. We now have the possibility that inner city construction will be sacrificed to keep the price down on new suburban sprawl. Those who build low-income housing in the cities know full well that spiraling land costs in the cities preclude anything but luxury residential units unless a land write-down mech-

anism is used to partially offset initial costs.

Optimistically, the Administration expects to implement the Better Communities Act in July 1974. Without commenting directly on this timetable, suffice it to say that the present confusion over subsidized housing activity has every likelihood of delaying this target considerably. Even prior to the erosion of executive control following Watergate, the block grant idea had many serious hurdles. Thus, it is all too likely that this coming year will see sharply reduced urban renewal activity which could distinctly hurt on-going projects.⁴

Certainly it is possible to hope that local agencies will be able to "ride out the storm" and still be ready with a capable staff in place to handle renewal responsibilities under the Better Communities Act. There may even be some ultimately beneficial side effects of this funding hiatus: for example, given the expected drop in low and moderate income housing construction, pressures to open up suburban residential areas to equal opportunity housing might increase. This would be both beneficial and belated. But, to hypothesize this was an intended result and the cut in funds was therefore for our own good would be a bit far-fetched. Could it be that urban renewal, by creating opportunities for lower income housing in the city, has diverted the pressures for open suburbs and that this is its "failure"?

It is probable that the pressures for adequate(?) funding for urban renewal in 1974 will build up against a

weakened Chief Executive to the point where a compromise allotment will be granted. Since the amount finally to be settled upon is apt to be far below stated needs, the burden of "fiscal heat dissipation" will fall on the shoulders of HUD officials at regional and area offices. To cope with this tenseness, a style of operation by local HUD officials that cultivates obduracy and nit-picking to camouflage a lack of funds or information on local fund availability can be expected; in many areas it is already in operation.

There appears to be a distinct lack of courage exhibited in the back door manner in which urban renewal was deleted. Whether this action masks an absence of substantive documentation available to justify the decision is a moot question. Given the amount of money previously spent, the number and quality of evaluation studies performed, and the long history of the program, urban renewal would be presumed to merit a more just hearing. That it did not, to all appearances, receive a full and fair public hearing is yet another indication that the Administration remains bored with the many problems of cities. Would that each citizen could afford to become bored with cities because he or she did not have to face stark urban reality on a daily basis. ■

FOOTNOTES

1. The term was coined by Martin Anderson. (*The Federal Bulldozer*, Cambridge, 1964)
2. National Committee for Adequate Funding of Urban Renewal in FY 1974; "Urban Renewal \$ Needs in FY 1974" (May 22, 1973, San Francisco)
3. *id.*, page 2.
4. 81% of all communities with Urban Renewal programs will be adversely and substantially affected if additional funding is not provided in FY 1974. *op cit.*

RIPON SOCIETY

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Editorial Board COMMENTARY

After The Bear: A Tamed Summit

by Robert Donaldson

For most of the American public, the June summit meeting between President Nixon and Soviet General Secretary Leonid Brezhnev offered only a momentary diversion — something akin to a long station break — from the hypnotic fascinations of Watergate. The completion of the first round of the Senate hearings now affords the opportunity to assess the meaning of the summit and to evaluate the current status of U.S.-Soviet relations.

Although both sides had characterized the meeting in advance as a working summit, the Brezhnev-Nixon encounter was perhaps more memorable for the ebullient spirit and mutual horseplay of the two leaders than for the concrete results it produced. The latter included carefully prepared agreements in the areas of transportation, atomic energy, oceano-

graphy, agriculture and cultural exchange, together with agreed guidelines for the further conduct of the SALT negotiations and a "surprise" pact pledging mutual avoidance of actions which could lead to nuclear confrontations. As a whole, the package is less impressive than the agreements concluded in Moscow. Yet it symbolizes the intention of both parties to preserve the gathering momentum of U.S.-Soviet détente and cooperation.

Much of Brezhnev's energies in Washington were devoted to the cultivation of American capitalists and congressmen in the interests of expanding Soviet-American trade. But even in this sphere, atmospherics seemed to crowd out substance. The Soviets were at pains to smooth the ruffled feathers of Congress on the issue of the treatment of Soviet Jews, which is a major stumbling block to their desire to achieve most favored nation status in trade. And even should this obstacle be overcome, American businessmen who are tempted to explore the promised vistas of Soviet trade are likely to encounter severe limitations; the Soviets possess little spare convertible exchange and relatively few commodities for which there is likely to be an American market. Their interest is primarily in attracting long-term investment along with the attendant American technology for certain large-scale development projects. The payoff for American firms in such ventures is neither immense nor immediate. And although U.S.-Soviet trade has already increased threefold — from \$218 million in 1971 to \$442 million in 1972 — it is not likely to figure significantly in the total volume of either country.

More interesting than the question of what the summit accomplished — which has amply been explored in the American press — is the inquiry into how the Soviets themselves explain and justify Brezhnev's approach to the leaders of American imperialism. This is not simply a question of how their media present this policy to the Soviet public, but it is involved as well with ongoing debates among high Kremlin officials. Why, some Soviet officials are apparently asking, after years of tense Cold War confrontation with the capitalist bastion, should the Soviet Union pursue a line of

peaceful cooperation and concluding agreements in the realms of defense, science and technology, and trade?

The imposition of American concerns and categories of analysis as a framework for seeking out Soviet motivations should be avoided. Much of the pre-summit speculation in the American press focused on President Nixon's political misfortunes as an element in determining the timing of the Brezhnev visit. But from all evidence available at the time, the Soviets themselves did not regard Nixon's plight as any more than a temporary factor. Although the Soviet press has devoted a good deal of attention to internal U.S. developments this year, only a miniscule part of this coverage has concerned Watergate and its attendant fallout. The Soviet government has officially and consciously played down this issue, which it regards as a "subjective factor" which could only get in the way of an important series of negotiations. Rather, the Soviet focus has been on the "objective forces" building up in the two superpowers and in the world at large which have made détente possible and which dictate further development of Soviet-American relations.

This studied unconcern about Watergate is, however, not merely a result of diplomatic niceties or of a determination to focus on the "big picture," but stems also from a desire to protect a certain stake which Brezhnev has built up in President Nixon. Only with time has the Soviet leader gained confidence in Nixon's conversion to "realism." The Soviet leader has a substantial investment in his American counterpart; any serious reversal of Nixon's political stock which resulted in his removal from office would obviously be a capital loss for Brezhnev.

Brezhnev himself, though he came to the United States at the height of his powers, must be concerned about his own political vulnerability. Brezhnev's growing power is evident from the fact that it was he who came rather than Kosygin. Earlier, the Soviet premier had been the main foreign policy spokesman for the collective leadership. That the General Secretary came alone for these talks is in contrast with the Moscow summit of 1972, which was conducted essentially be-

tween Nixon and the entire Soviet troika. Moreover, the Soviet press recently has been filled with the exploits of Brezhnev — capped by the presentation of a Lenin Peace Prize for "his" foreign policy achievements.

Despite this budding cult of personality, Brezhnev is not wholly secure. Foreign policy debates centering on his "peace program" were evidently involved in the Politburo shuffle of April, and in spite of the elimination of two of his opponents, the General Secretary must still take into account powerful interests which are not easily reconciled to any shift away from past Soviet priorities. Evidence of continuing internal dissension was provided in a recent *Pravda* article, which taunted: "There are incorrigible skeptics who are asking in smart-aleck tones: where is the tangible proof that favorable changes have actually taken place in the internal situation?" It is worth remembering that the collapse of Khrushchev's power came in the wake of several foreign policy reverses. If Brezhnev's peace program fails to yield the promised results, he too will have to face insistent cries of "I told you so."

The basic rationale behind Brezhnev's assessment of Soviet-American relations can be discerned in a recent article by one of his close advisors, (and Moscow's leading "Americologist") George Arbatov, who pointed to some of the "objective factors" supporting détente. As Arbatov sees it, the American Cold War stance has in the past several years proven its bankruptcy. The debacle in Indochina was crucial in demonstrating to U.S. "ruling circles" their inability to exploit military power for political purposes in the "third world." According to Arbatov, "military-industrial complex" in the U.S. continues to see profit in the arms race and in a "positions of strength" policy, but it is increasingly under challenge from more "sober" representatives of the bourgeoisie (like Armand Hammer) who realize that the pursuit of arms competition and foreign adventures are damaging the competitive position of the United States *vis a vis* Western Europe and Japan. This internal debate within the American capitalist class has forced the Nixon Administration to reassess old Cold War pos-

itions, and has brought it to a realization of the limits on American power and the need to explore the possibilities of better relations with the USSR.

The basic force which has brought about this collapse of old American policies and consequent reassessment, Arbatov argues is the growing international strength of the USSR and its allies. It is this force which enabled the "Vietnam patriots" to win their victory (for so the Soviets interpret the Paris agreements) and which lay behind the crashing of U.S. illusions. Reluctant recognition of these new "realities" by the Nixon Administration has made détente possible (since the USSR itself has, of course, always stood ready to pursue a line of peaceful coexistence.)

But, Arbatov warns, the emerging détente should not be wrongly interpreted. American-Soviet relations are still basically characterized by struggle, despite the existence of parallel interests in trade and in reduction of tension. These two opposing social systems will continue their competition — on a peaceful plane, if the Americans are so willing — on the political, economic, and especially on the ideological level. In fact, as Brezhnev has frequently reminded his countrymen in recent months, this latter struggle between two irreconcilable ideologies will inevitably intensify as the military competition wanes. Thus, in the Soviet view, détente does not mean genuine reconciliation or cessation of struggle, but its continuation on a different level. The existence of nuclear weapons, the growing might of the socialist commonwealth, and the relative internal and international weakness of the United States, while they make possible a changing tenor in superpower relations, merely reinforce the basic Marxist-Leninist confidence that the ultimate victor in the competition will be the Soviet Union.

Soviet analysis, such as Arbatov's, does not explicitly acknowledge an additional factor, less confidence-inspiring, which undoubtedly has contributed to the necessity and timing of the Soviet "peace program." This factor stems from the internal stresses within the Soviet economy: the slowing down of industrial growth, the technology gap, agricultural shortfalls, and the acute

drain on Soviet resources caused by the arms race, which has thus far brought the Soviets to a position of rough strategic parity only at great price. Though there are no signs that the Kremlin leadership is now ready to pull away the armed forces feedback, there is apparent recognition in some Soviet circles that the SALT negotiations are a promising route for stabilizing defense spending and allowing the diversion of scarce resources to the civilian sectors of the economy.

A bourgeois political scientist has difficulty in accepting Arbatov's reasoning, which is relatively sophisticated but still phrased in Marxist-Leninist categories of class struggle. But there is nonetheless a narrowing gap between the implications drawn by Soviet analysts of international politics and the conclusions of Washington's own foreign policy planners. The prevailing view in the Nixon Administration is one of two relatively equal superpowers engaged in a limited adversary relationship, with both competing and complementary interests. Both Nixon and Arbatov would agree that there will be continuing struggle, but that it needs to be conducted in ways that will lessen the possibility of war. Mutual advantage can come from Soviet-American cooperation in trade, space exploration, scientific research, etc. In areas of conflict, both sides see the need for regular dialogue and the establishment of ground rules for the conduct of the competition. Despite the variance in ideologies, social systems, and perceptions of historical trends, both sides seem to accept efforts to regulate their competition as a necessary part of the evolving relationship between the world's two superpowers.

For both sides, of course, there is increasing necessity to take into their calculations the intentions and actions of a looming third power: China. And it is interesting to note that the Soviets have recently altered their view of the emerging Sino-American rapprochement. Their first impression was that this new relationship was a crude anti-Soviet maneuver on the part of both Nixon and Mao — a mutual teaming up against Soviet interests. But it became increasingly difficult to reconcile that line with thoughts

about stronger Soviet-American relations. The resulting reassessment has produced a line congruent with our own analysts' version of "triangular politics:" that in a three-way competition, it is in the natural interest of each party to watch out for the health of its own relations with the other two, so that no power has a monopoly in its dealings with the others.

While their own bitter conflict with China continues to fester, the Soviets are now saying to Washington: "we have no objections if you normalize your relations with China. But don't get caught up in the fiction that China is a greater power. China can't possibly offer you as much as we can. Chinese-American trade will never develop like Soviet-American trade. China does not have our military pow-

er. Go ahead and normalize relations, but don't miss the opportunities we are presenting to you, and above all, don't be tempted to intervene in the Sino-Soviet dispute."

The emerging international political game of the 1970's is vastly more complicated for all the players than were the alignments of the Cold War era. Though it is under great strain in the sorting out of these developments, the Soviet world view has not proved totally inflexible. The challenge for American foreign policy is to demonstrate even greater resiliency as we adjust our own perceptions of Soviet-American (and Sino-American) relationships. Clearly the Cold War categories are no longer applicable. But just as obvious is the folly of an abrupt turn-around in perception — some-

thing from which our tradition has by no means been immune. The United States is no longer locked in a zero-sum antagonism with the USSR, but neither is it on the verge of entering into a blissful partnership. To understand that the Soviets themselves assess the relationship as one of simultaneous cooperation and competition — with the struggle becoming more acute precisely in the realm of perceptions and ideas — may help us in restraining our own optimism about the future course of Soviet-American relations. More frequent contacts, increased commerce and the development of parallel interests will need to be accompanied by continued care for our own alliances and defenses and by persisting American involvement in the world. ■

POLITICS: PROFILES

Howard Baker, Jr. and Bill Brock

Next to Watergate, the 1976 Presidential election has become the most important political topic in Washington and throughout the nation. At this early stage of the game, two widely mentioned possibilities for the Republican ticket have been the two senators from Tennessee — Howard Baker, Jr., and Bill Brock.

Brock, the state's junior senator, is looked upon as one of the most ambitious personalities on the Washington scene. At the same time, Baker appears to be emerging as one of the most promising presidential or vice-presidential possibilities.

In comparing and contrasting these two distinct political figures from Tennessee, a number of factors need to be considered. First, there is their political background and the definite effect that background has had on each man. Second, there is the conduct of their previous campaigns — their actions and words, as well as their overall political strategies. Third, there is their conduct as members of Congress. And fourth, there is the lingering effect of the Watergate episode on each senator's future.

Howard Baker comes from one of America's truly political families. He

grew up in the traditional Republican setting of East Tennessee. His father and mother were both members of Congress, and his father-in-law was the late Sen. Everett Dirksen (R-Ill.) In addition, Baker is related to former Sen. John Sherman Cooper (R-Ky.), and his brother-in-law is U.S. Rep. Bill Wampler (R-Va.).

In short, Baker is steeped in the traditions of Republicanism. It is a fairly moderate brand of Republicanism which goes back all the way to East Tennessee's allegiance to the Union in the Civil War.

On the other hand, Bill Brock is the product of a newer brand of Republicanism which has swept many areas of the South — a brand of Republicanism which is conservative in nature and which has as its base the expanding suburban areas.

Brock was elected to Congress in 1962, after having built a reputation as a civic leader in Chattanooga. His election represented a significant watershed in the development of the Republican Party in Tennessee. For the first time since Reconstruction, the state's Republican Party was beginning to expand beyond its bastion of strength in upper east Tennessee.

The Chattanooga area had traditionally been a Democratic stronghold. With Brock's victory in 1962, those traditional ties were broken.

Brock was quickly recognized throughout the nation as an example of how a young, conservative Republican could appeal to white suburbanites of the South. And Brock quickly began to assume a leadership role in the Republican Party — mainly through his constant attention to the Young Republicans and their own continuing devotion to him.

When viewing each senator's political background, two overriding factors tend to emerge. First, Brock has probably tended to place more importance on party affairs than has Baker. This is not terribly surprising since Baker comes from an area where Republicanism is taken for granted, while Brock comes from an area where hard work was necessary to gain majority status for the GOP.

It is noteworthy that a major complaint among many local Republican leaders is that Baker, in effect, ignores them. On the other hand, Brock has made it a point to show an interest in local party leaders.

The second point that emerges from a look at their backgrounds is that Baker's brand of Republicanism is more moderate in tone than is Brock's. Of crucial importance is that Baker's Republicanism tends to be lacking in class and racial overtones.

Without question, these two factors, as well as other aspects of their distinct political backgrounds, have had a significant impact upon each senator's style, thoughts and political outlook. Their senatorial campaigns and their Senate records bear out this contention.

Baker's first outing as a political candidate was in 1964, when he ran for the Senate against U.S. Rep. Ross Bass (D). Baker was lost in the Goldwater riptide that year, but he ran well ahead of any other statewide candidate. In 1966, Baker made his second Senate bid, this time against Gov. Frank Clement (D). In one of the state's major political upsets, the East Tennessee Republican rode to an easy victory — garnering 56 percent of the vote and becoming the state's first popularly elected Republican senator.

In that 1966 campaign, Baker gained the reputation of being a clean political campaigner — sticking to the issues and avoiding the mention of his opponent's name, much less directly attacking him. It is a political attitude that Baker has continued to maintain throughout his political career.

In his 1972 re-election campaign, Baker was the victim of bitter attacks by his Democratic opponent — U.S. Rep. Ray Blanton, a conservative West Tennessean with a populist flare. Blanton criss-crossed the state, accusing Baker of favoring busing, gun control and "foreign aid giveaways" while opposing social security increases and tax relief.

Much to the chagrin of many



Howard Baker, Jr.

staff members and financial supporters, Baker refused to retaliate directly against Blanton until late October. And at that time, Baker responded in what proved to be a remarkably restrained, yet politically advantageous, manner. First, over a period of several days, Baker responded directly to a number of Blanton's charges, in effect, "setting the record straight." Then, he began to lecture Blanton on campaign standards, expressing shock at the Democratic candidate's tactics and urging that the campaign be placed on a higher level.

This response by the senior Senator to political charges against him can be viewed as part of an overall strategy which Baker adopted in his re-election bid — a strategy which was not only politically sound but also in keeping with Baker's personality and his concept of politics.

Basically, Baker's strategy in 1972 was the same strategy he had used to be originally elected to the Senate in 1966. It was based on the need to build on his Republican base by appealing to all disenchanting Democrats and independents, both liberals and conservatives. While welcoming the support of the significant Wallace backing in the state, Baker seemingly recognized the racist orientations of this group and tended to maintain his distance from them.

At the same time, he demonstrated his willingness to seek support among the black community and other groups with liberal Democratic leanings. In short, Baker's strategy was one of building on his Republican base by seeking support from many varied groups — conservatives and liberals, Democrats and independents, blacks and whites.

Especially as the campaign came to a close, Baker successfully portrayed himself as a moderate senator with support from all segments of Tennessee's population. This unifying theme came through clearly in his election night address, as he remarked, "I have no illusions as to why this victory was possible It was the work of a broad base of support from Tennesseans of all walks of life — rich and poor, black and white, Democrats, Republicans and independents from east, middle and west Tennessee."

As in 1966, this moderate strategy

paid off well for Baker in 1972. He won a staggering 62 percent of the vote in what a decade ago was considered a Democratic state. He made significant inroads into traditionally Democratic middle Tennessee, being the only contemporary Tennessee Republican to ever carry the metropolitan Nashville area in a general election. Baker received the support of every daily newspaper in the state, including the liberal Democratic Nashville *Tennessean* and the Chattanooga *Times*. He ended up with about 40 percent of the vote from black precincts, doing especially well in black areas of Memphis and Knoxville.

The only conceivable flaw in Baker's campaign approach is that, by its very nature, it went well beyond a reliance on party organization and consequently was somewhat lacking from an organizational standpoint. But Baker's personal attempts to broaden his appeal, backed up by an extensive media effort, more than made up for the organizational shortcomings in his campaign.

Brock's 1970 campaign strategy was in sharp contrast to Baker's all-inclusive approach. In fact, Brock was probably the most successful practitioner of the infamous 1970 Southern Strategy. Tennessee's senatorial campaign was without doubt one of the most divisive campaigns of that memorable election year.

The Brock campaign focused primarily on the desire to push incumbent Sen. Albert Gore (D) as far to the left as possible. The Tennessee



Bill Brock

Senator was painted as a man who had abandoned the hopes and aspirations of most Tennesseans and had become more in tune with the liberal beliefs of his eastern, society friends.

Vice-President Spiro Agnew was ushered into Tennessee on Brock's behalf. Speaking to around 10,000 admirers in Memphis, Agnew branded Gore, among other things, as "the Southern chairman of the Liberal Eastern Establishment." At the same time, a concerted effort was made to portray Brock as a man more in tune with a majority of Tennesseans. As the fall campaign progressed, the Brock theme appeared on billboards throughout the state: "Bill Brock believes in the things you believe."

Under the leadership of Ken Rietz, the Brock campaign was carefully timed and organized so that each campaign occurrence would have the most significant impact. This was particularly true with the charges leveled against Gore. In September and throughout most of October, Brock's charges centered mainly around Gore's dovish position on Vietnam, his opposition to the Supreme Court nominations of Clement Haynsworth and G. Harrold Carswell, and what Brock portrayed as Gore's pro-busing votes.

By late October, Gore finally realized the necessity of focusing on bread and butter issues. The incumbent took the offensive by attacking Brock's poor voting record on such issues as aid to Appalachia and increased Social Security benefits. But Brock wisely held his most damaging accusations until last. With about ten days left in the campaign, Brock effectively attacked Gore's support of gun control legislation and his support of the Supreme Court's ruling on prayer in public schools. With these last-minute charges, Gore's fate was sealed.

In following this type of strategy, Brock made the conscious decision to portray the 1970 senatorial race as a classic liberal-conservative confrontation. He correctly surmised that in such a clearcut confrontation in Tennessee, the conservative would prevail. In

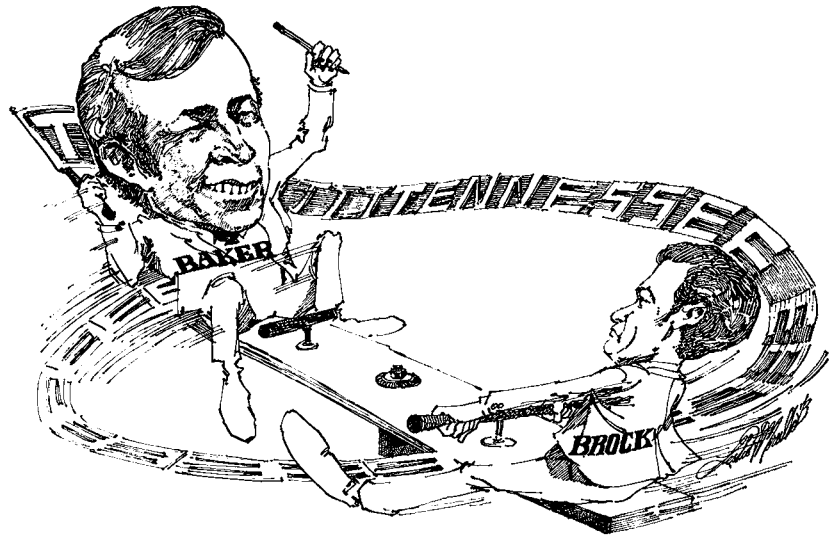
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short, the Brock strategy was one of limited appeal — one of excluding certain elements of the electorate in order to insure the support of a "conservative majority." It is obviously not a strategy on which to build a landslide victory. Indeed, Brock prevailed with only 51 percent of the vote.

To an extent, the contrasting campaigns of Baker and Brock can be explained in relation to their particular opponents. In 1966 and again in 1972, Baker ran against fairly conservative Democrats. On the other hand, Brock ran against a somewhat liberal Democrat. But the contrast goes beyond that point. It is questionable whether Baker could, under any conceivable circumstances, wage a personalized, vindictive campaign against any opponent. He has consciously attempted to maintain a high standard of conduct in his campaigns, much to his credit and success.

While serving in the Senate, the performances of Baker and Brock have been somewhat different as well.

Baker has developed a record as an



active, articulate, moderate-to-conservative leader in the Senate. The senior senator from Tennessee ran against Hugh Scott for the minority leadership of the Senate on two occasions. He lost both times by narrow margins. But despite his failure to hold any official leadership position, he is without doubt looked upon as one of the Republican leaders in the Senate.

Perhaps more significant is the admiration that senators on both sides of the aisle have for Baker. He is viewed by Democrats as well as Republicans

as one of the most articulate, hard-working members of the Senate.

Baker's ability to work well with other senators and go beyond partisan considerations can be seen by his actions in a number of areas. In 1967, he and Sen. Edward Kennedy (D-Mass.) were instrumental in establishing one-man, one-vote apportionment for House districts. As members of the Public Works Committee, Senators Baker and Edmund Muskie (D-Me.) have worked closely in drafting essential pieces of environmental legislation. And in 1972, Baker and Sen. Hubert Humphrey (D-Minn.) jointly introduced and worked for passage of the Revenue Sharing Act.

Baker's performance in the Senate also points to his ability to rise above sectionalism. He was one of only two Southern senators to vote for the 1968 open housing bill (the other Southerner being Gore). In fact, Baker took an active part in passage of the bill.

As a member of the Senate, Baker serves on three standing committees — Public Works, Commerce and the Joint

Committee on Atomic Energy.

On the other hand, Brock has received most of his personal Senate publicity as a leader in the fight to prevent the use of busing for purposes of school desegregation. Much to his credit, he recently has taken a leading role in proposing effective campaign reform legislation.

However, since his Senate election, Brock has seemingly devoted more time to activities outside the Senate than to activities inside that chamber.

As an outgrowth of his demonstrated

loyalty to the President and his attention to the Young Republicans, Brock was selected to chair the Young Voters for the President effort in 1972. He brought in Ken Rietz — who had managed his senatorial bid — as executive director of what proved to be a very slick, well-financed YVP effort.

After the 1972 elections, Brock was selected by his Republican colleagues to serve as chairman of the Republican Senatorial Campaign Committee. By early 1973, it had become obvious that Brock was earnestly putting together a base from which to launch an official presidential bid in 1976. Through his 1972 work with Young Voters for the President, he had seemingly gained the confidence and admiration of the President and those with access to the Oval Office. And as chairman of the Senate Campaign Committee, he had placed himself in a position to gain additional exposure, as well as numerous political IOU's.

Comparing Tennessee's two senators, Baker has had a major impact within the Senate itself while Brock's major impact has been through more partisan effort somewhat detached from the Senate.

It is worth noting that this difference illustrates the importance of each senator's background in determining his actions and approaches. Throughout his political career, Brock has devoted a considerable amount of time to building the Republican Party in Tennessee, both from an organizational and financial standpoint. It is only logical to assume that Brock will continue to use direct service to the party and its campaign efforts as a means of improving his chances for promotion.

Under ordinary circumstances, Brock's attention to party matters and his devotion to party organization would be a definite asset in any Presidential bid. At the same time, Baker's relative lack of interest in such matters would, under ordinary circumstances, serve as a liability in any effort to seek higher office.

But due to Watergate and related matters, the nation and the Republican Party are not faced with ordinary political circumstances. Since the Watergate hearings began, Brock's past activities have tended to become a liability, especially in view of accusations against Rietz involving political

espionage by the Young Voters for the President organization. On the other hand, Baker's image as an effective, impartial member of the Watergate Committee has definitely become his greatest asset.

As the Watergate episode continues to haunt Washington, there seems to be an increasing awareness by Republicans that in order to have any chance of retaining the White House in 1976, the GOP must find a nominee whose honesty and integrity is without question and whose popularity goes well beyond the party's rank-and-file.

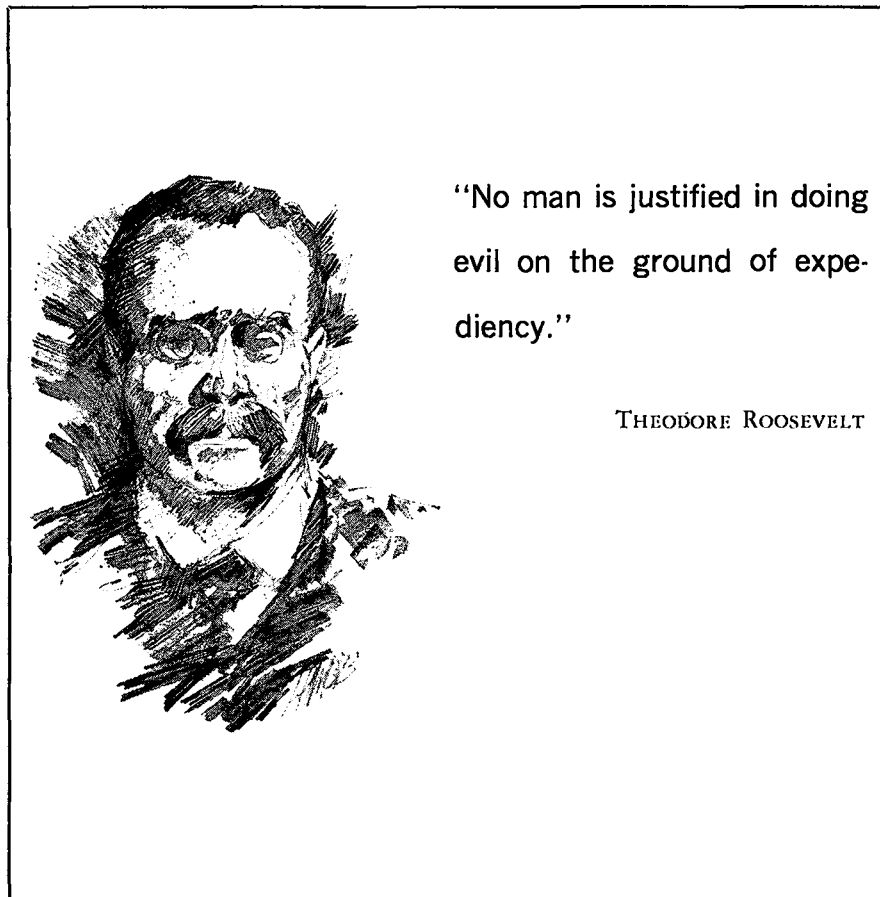
Throughout the spring and early summer of 1973, Brock traveled across the country on behalf of the Republican Party. Meanwhile, Baker has appeared almost daily on television screens throughout the country. His name recognition and popularity have soared in the past six months. A Harris Presidential survey released in late July showed Baker topping Kennedy, 45 percent to 44 percent.

While Baker's presidential stock has drastically climbed, Brock's has all but vanished. In effect, Baker's image as

an articulate, effective member of the Senate has tended to increase his Presidential possibilities. At the same time, Brock's image as a politician has tended to dampen his presidential hopes.

Brock has at least temporarily given up any hopes for 1976, having apparently concluded that 1976 will simply not be a Republican year — or at least not the year for Bill Brock. In late July, the junior senator from Tennessee indicated that he was not personally interested in seeking the Presidency in 1976 and endorsed Baker for the job.

Whether Baker's Presidential possibilities will continue to rise is difficult to predict. Some who are close to him doubt that he has the motivation and desire necessary to grasp the GOP Presidential nomination. However, it may well be that Baker's continued exposure through the Watergate hearings will serve to kindle a personal interest in the Presidency which the Senator from Tennessee cannot contain. In any event, Baker has emerged as one of the Republican Party's most promising leaders. ■



“No man is justified in doing evil on the ground of expediency.”

THEODORE ROOSEVELT

Perry B. Duryea, Jr.

NEW YORK CITY — In the early summer of 1971 a flurry of articles appeared in newspapers around the state remarking on the sudden political emergence of the Speaker of the Assembly, Perry B. Duryea, Jr. In the legislative session that ended that summer, Duryea had led the lower house in a successful fight to chop more than three-quarters of a billion dollars from the state budget. That action in itself was significant, but what gave Duryea his new aura of political power was that the budget cuts were made in clear and public opposition to Gov. Nelson A. Rockefeller (R). In New York, almost nothing in the legislature is done in clear and public opposition to the Governor, much less to Nelson A. Rockefeller.

Rockefeller and Duryea are close political allies, but there is little doubt that the Speaker chafes at the gubernatorial bit. Duryea remained in the background for a while after his election to the Assembly in 1960. Not only has he now come out of the Rockefeller shadow, but he has also become a power with whom the Governor must reckon. The Governor had to work out details of a \$3.5 billion transportation bond issue and pension reform package with Duryea and Senate Majority Leader Warren Anderson (R) before their passage by the Extraordinary Session in early August. That Rockefeller feels it important to clear various programs through Duryea is obviously an indication of the latter's position.

In short, Perry Duryea is the number two politician in the state — the question is whether he will become number one. Duryea looks like a governor: he is tall, handsome, has a sun-tan and silver hair. After just six years in the Assembly, he became minority leader in 1966, and after the GOP recaptured the lower house in 1968 he was elected speaker. Duryea has said that he does not intend to remain in the Assembly all his life, but if — as appears likely — Rockefeller runs for a fifth term next year, Duryea's ambitions to occupy the Executive Mansion will have to be postponed for another four years. If for some reason the Governor decides not to

run for re-election, the Republican race would probably be between Lieutenant Gov. Malcolm Wilson, a respected but little-known conservative, and Duryea. Wilson helped Rockefeller get elected in 1958, so the Governor may repay that debt by running again next year, running for President in 1976, stepping down as governor, and letting Wilson succeed him. Wilson would thus have the advantages of incumbency in the 1978 gubernatorial election.

Duryea represents a "safe" district from Montauk, Long Island, which is the extreme eastern tip of the state. He often flies his own plane from Montauk, where the millionaire politician runs the large family lobster business, to Albany. Duryea owes much to his flying ability, for in 1965, as chairman of the Assembly Campaign Committee, he flew around the state helping the campaigns of other Republican assemblymen, and became minority leader the following year. He repeated his campaign barnstorming activities in 1968, to help the GOP take control and elect him Speaker.

In that position Duryea has helped push through almost all of the Governor's programs, but he is independent. Earlier this year, he called for a tax cut in spite of Rockefeller's insistence that none would be possible. The Governor later relented. Duryea rules the Assembly with stern authority, but he does not employ cut-throat methods. He is more of a conciliator than a leader with respect to legis-

lative affairs. The Assembly has become a more decorous body under his rule and has adopted some important reforms. The committee system was made much more efficient, but it is still difficult to get transcripts of proceedings, and assemblymen absent from the Chamber are still able to vote.

Duryea's political philosophy is probably somewhat to the right of Rockefeller's. In his speeches, the Speaker constantly refers to the need for "fiscal responsibility," and has pressed for lower taxes and spending. He has strongly backed increased aid to education, and many environmental protection measures — his father was a state senator and state conservation commissioner under Gov. Thomas Dewey. Some assemblymen think the "Silver Fox," as Duryea is sometimes known, is a political pragmatist, willing to embrace any politically expedient measure. Some of this image no doubt is due to his failure to take the initiative on issues. Instead, Duryea negotiates between advocates. Some Democrats have given him another nickname, "Pious Perry," because of his aloof and seemingly self-righteous manner in the Assembly. In private however, he is quite charming.

Duryea attracted some national attention at the Republican National Convention in Miami last year with his strong efforts on behalf of a more equitable delegate apportionment formula. His work in committee and speech to the full convention won the admiration of many.

The Speaker has attracted some other attention recently. Attorney General Louis Lefkowitz (R) initiated an investigation — now in the hands of local district attorneys for possible criminal proceedings — concerning fraud and illegal use of Assembly Republican Campaign Committee funds in last year's election. It is not yet clear whether the alleged scheme, which involved setting up Liberal Party candidates to siphon off votes from Democrats and thus help Republicans, is directly connected to Duryea.

Many observers feel that the investigation will drift into insignificance and that the only thing standing in the way of the remarkably successful Perry Duryea is Nelson Rockefeller. ■



Perry B. Duryea, Jr.

POLITICS: REPORTS

MINNESOTA

MINNEAPOLIS — State Sen. Robert Brown was elected state chairman of the Minnesota Republican Party on June 23.

Lars Carlson, a Ripon member, had been recommended by a nominating committee made up of the party's 16 district leaders. Carlson also had the support of retiring State Chairman Dave Krogseng and retiring Chairwoman Luella Stocker, as well as nearly all party leaders from the last five years. Although National Committeewoman Iantha Levander supported Carlson, National Committeeman Boschwitz supported Brown.

The new party leader will be the first chairman to serve in a part-time capacity for ten years. He capitalized on anti-establishment attitudes, a worsening financial condition of the party, and support for a volunteer chairmanship to win the post.

Brown, 38, is associate professor and director of creative programs in educational administration at the College of St. Thomas, St. Paul. He was considered the more conservative of the two candidates.

The new state chairwoman is Mrs. Carolyn Ring, who was elected without opposition. ■

COLORADO

DENVER — Following the narrow defeat this June of a comprehensive land use package in the Colorado Senate, Colorado environmentalists have gone back to the drawing board for a way to regulate Colorado's spiraling growth.

The bill was defeated by a coalition of land developers, county commissioners, Denver Democrats and the Denver Chamber of Commerce. Special legislative committees, citizens advisory committees, and the Governor's office are now all discussing whether to attempt to enact a similar bill in the next session or attack the various problems individually by expanding the power of existing agencies.

The defeated bill would have given

vast powers to a five-member state commission and would have created regional authorities to establish and administer master regional development plans. Among the powers of the commission would have been the power to deny permits for: new residential development of over 100 sites, new public or private enterprises employing over 100 persons at one site, locations of new highways, trans-basin water diversions, new activities using over 200,000 gallons of water per day, nuclear detonations, oil shale development, new annexations and incorporations of cities, and other growth-related activities.

The bill's statement of goals required consideration of various factors including limiting growth in hazardous areas such as landslide areas or flood plains, stimulation of growth in rural areas, economic development, control of strip developments, elimination of urban sprawl, and moderation of growth in the "front range" area. This last goal caused one of the biggest controversies.

The "front range" is the land contained in seven counties which abut the front range of the Rockies, stretching from Fort Collins in the north, extending south along the plain through Denver and Colorado Springs to Pueblo on the Arkansas River to the south. Most of Colorado's skyrocketing growth (26 percent between 1960 and 1970) has occurred in this area.

Some critics, including Betty Ann Dittmore, the chairwoman of a special 28-member legislative committee, feel a land use bill should not include such population control features. They contend such controls will lead to economic depression of the metropolitan area, that they are contrary to the spirit of free travel and would be a unfortunate, selfish reflection on Colorado's present residents.

Ms. Dittmore's committee has already decided to approach the issue from scratch — to try to write a new bill rather than to modify the defeated proposal. The bill's principal Democratic sponsor, gubernatorial hopeful Dick Lamm, has argued that this would be like "trying to reinvent the wheel."

On the other side, maverick Republican proponent State Rep. Michael Strang successfully argued that re-writing the dead bill would only revive the opposition. Ms. Dittmore suggests that perhaps several different packages on different issues will be developed.

A critical factor in defeating the original package was the commission's proposed power to regulate new annexations. This spurred the opposition of Denver Mayor Bill McNichols, the Denver City Council and the Denver Chamber of Commerce. Colorado, which has one of the nation's strongest systems of municipal home rule, authorizes the city and county of Denver to annex land not only to the city but also to remove it from the adjoining county and school district (but not to annex other incorporated areas). Denver suburban counties have long resented this power, which absorbed their tax base and subjected their school systems to constant turmoil. Every Denver Democrat in the State Senate voted against the package.

Following the defeat, Denver started on a series of annexation moves that will give it an octopus-like appearance as it surrounds suburbs that have been trying to box it in with their own incorporations and annexations. Denver is able to obtain the necessary acquiescence of land developers who own the annexed land because Denver owns the major water supply system in the area. Some also allege that Denver has been offering developers higher density zoning as an added enticement to approval.

Denver feels the annexations are necessary so that it may continue to enlarge its tax base to pay for the services and culture it provides as the hub of the metropolitan area. Without these new annexations they fear Denver will begin to deteriorate as other older American cities have.

Another reason for the package's defeat may have been the membership in the legislature of several land developers and real estate brokers.

While the legislative committee, its citizens advisory committee, and former State Sen. John Bermingham, Gov. John Vanderhoof's special adviser on the environment, grapple to put a proposal together, the Colorado Air Pollution Board has decided to attack

land-use control under its power to control indirect sources of pollution. The board was given this power under legislation passed to comply with federal clean air requirements. Specifically excluded from the board's authority were new residential developments, but the board could, if it so chose, still regulate new development by prohibiting construction of roads and other necessary facilities in special "no growth areas."

The most vocal opposition to the defeated package was prompted by the loss of autonomous local control. The localities under the package would have been grouped into 13 regions — each region responsible to draw up a master plan and administer the law. The decisions of these regional planning units were to be subject to review by the appointed commission.

The opposition of Denver Democrats and most rural senators was enough to defeat the bill despite a list of sponsors that read like the "who's who" of the legislature (including the leaders of both parties in both Republican-controlled houses). Former Gov. John Love had also supported the bill's concept, as did Love's successor, Gov. Vanderhoof. The new governor has expressed special concern over the protection of agricultural property.

Still, it is not clear whether the original backers will introduce a package in the next session or try for a piecemeal approach by strengthening existing bodies and requiring localities to adopt stringent plans of their own. It is almost certain that land use will become a 1974 campaign issue. The annexation issue may be particularly explosive after Denver's latest moves; suburban voters have already started a petition drive for the 1974 ballot to amend the state constitution to strip Denver of its power to split off sections of counties.

Control of water diversion will also be a likely legislative topic. The Denver Water Board is starting a campaign drive to secure voter approval this fall of a new trans-mountain water diversion. Western slope residents fear this move will deprive them of water and thus prevent future growth in these sparsely-populated western areas of the state. The Denver diversion proposal was recently given a boost when both

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Colorado senators (Republican Peter Dominick and Democrat Floyd Haskell) succeeded in exempting the diversion area from the proposed Gore-Eagles Nest Wilderness Area. Further, any proposal to regulate the trans-mountain water diversions probably would not withstand a court test under the state's constitutional right to appropriate water for beneficial use on a priority-of-time-of-use basis.

The Colorado Constitution also prohibits any state commission from interfering with matters which are of local or municipal concern. Whether a proposal which would give a state commission power to control local zoning would withstand a court test is also doubtful. Even if a package is passed, it might be years before the necessary plans were completed and even longer before the plans and law were adjudicated.

If the legislature starts dragging its feet next session, it is probable that the citizens groups backing the plans — from the Colorado Open Space Council to the League of Women Voters — might turn their efforts to placing on the 1974 ballot either a constitutional amendment or an initiated bill. The Colorado voters passed a "sunshine act" to open legislative meetings to the public and a constitutional amendment against the 1976 Olympics in the last general election; nobody is willing to say they might not do so again. ■

DELAWARE

DOVER, Del. — In the wake of the Delaware GOP's disastrous showing at the polls last November (losing both the governorship and Sen. Caleb Boggs' Senate seat), some Republicans see the election of conservative Herman Brown as GOP state chairman as a ray of partisan hope.

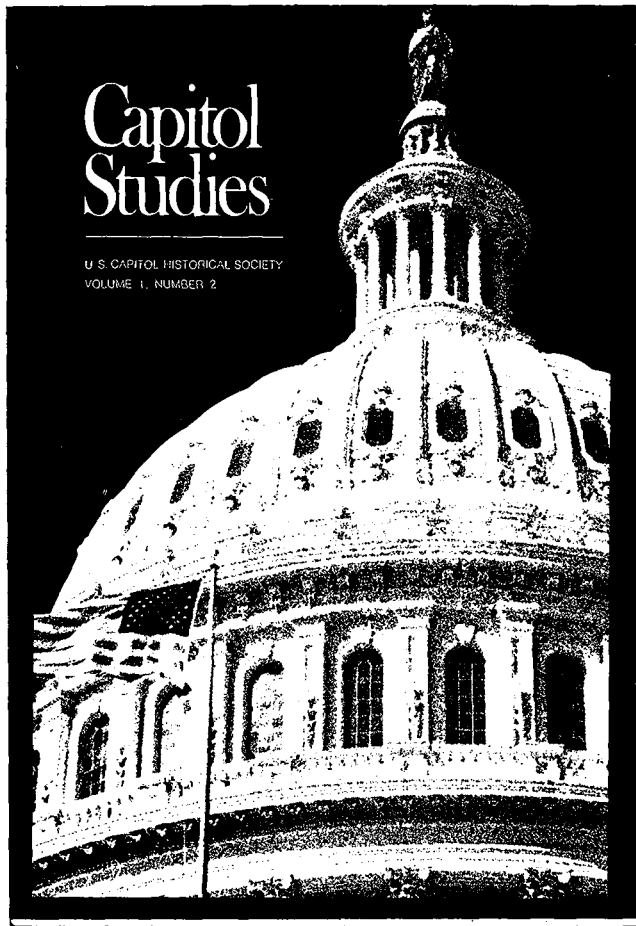
Brown, a successful trial lawyer, has a reputation for political shrewdness in the state. Part of that reputation stems from his brief stint as Kent County GOP chairman (1964-1966) when he organized the GOP takeover of the traditionally Democratic Kent County government. (Only recently, former State Auditor George Cripps (R) was elected a Kent County commissioner in a by-election, thereby breaking the Democrats' 7-0 hold on the county government.)

In last year's bitter gubernatorial battle between incumbent Gov. Russell Peterson (R) and former Attorney General David Buckson, Brown backed Buckson. Although Peterson won the primary he went on to lose to conservative Democrat Sherman Tribbitt. Like Peterson, the state's financial difficulties may be the political downfall of Tribbitt. Faced with a Republican lower house and a Senate controlled by a coalition of Democrats and two Republican defectors, Tribbitt has yet to demonstrate a mastery of state finances.

Possible Republican contenders for Tribbitt's post are less-than-obvious although U.S. Rep. Pierre "Pete" du Pont would be a logical choice if he shifts his attention away from an eventual Senate bid. State Insurance Commissioner Robert Short and Lieutenant Gov. Eugene Bookhammer may both have occasional gubernatorial dreams. State Chairman Brown denies any such visions.

Meanwhile, the defection of the two Senate Republicans from the party fold has not improved the prospects for party harmony. Although Sen. William Roth strongly backed former Gov. Peterson for administrator of the federal Environmental Protection Agency, State Sen. G. Donald Isaacs, one of the defectors, equally strongly opposed a Peterson appointment in correspondence with President Nixon.

One result of last year's electoral debacle may be decreasing party dependence on its three traditional financial angels: businessman John Rollins, State Sen. Reynolds du Pont, and former Wilmington Mayor Harry G. Haskell. A key goal of the new state chairman is to diversify and broaden the party's financial base. ■



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POLITICS: PEOPLE

● The board of governors of the conservative United Republicans of California has voted to oppose the possible nomination of HEW Secretary **Caspar W. Weinberger** for governor or other statewide office. Weinberger is too liberal for UROC's tastes; he has "supported such notorious liberals as Nelson Rockefeller, Pete McCloskey, Milton Marks and Norton Simon," the California group said. Meanwhile, California Lieutenant Gov. **Ed Reinecke** has announced he still is candidate for governor next year despite repeated reverses suffered by his campaign. The lieutenant governor says however, that he is not a "rubber stamp" for Gov. Ronald Reagan.

● If there are any doubts about the moral and political supremacy of progressive Republicanism over conservatism, they were erased by the victory of the Javits Jets over the New York Finest, which are the office softball teams of Senators **Jacob K. Javits** and **James L. Buckley**, respectively. The score of the Washington game was 15-8 in the fourth inning when they stopped counting runs. Both senators pitched; Javits popped out and had a single while his junior colleague hit two singles.

● HEW Secretary **Caspar W. Weinberger** has announced that his department has eliminated 119 of its 392 advisory committees at a cost savings of over \$3 million. Weinberger is seeking legislation eliminating 15 more of the committees.

● In an interview with **Bill Montgomery** of the *Atlanta Journal and Constitution* following his election as chairman of the National Federation of Young Republicans, Richard Smith said he had never met a member of the Ripon Society. "I've never seen a member, not once. I suspect there are 200 guys in Massachusetts with a printing press, and that's all." Chairman Smith may have occasion to meet Region Two National Vice Chairman **Norman P. Hetrick**. (Hetrick is one of 11 such national vice chairmen.) Hetrick, a Harrisburg (Penn.) attorney, has been a Ripon national associate member for several years. Another Ripon member, National Governing Board member **Judith Rae Lumb**, took exception to Smith's statement in a letter to the *Atlanta Journal*. "I am not a 'guy' and have never lived in Massachusetts," wrote Atlanta resident Lumb.

● The Tennessee legislature is considering taking time out for lunch. It has been traditional for state senators to send out for sandwiches and then eat at their desks. According to State Sen. **William Baird** (D) this practice has detracted from the dignity of the Senate; ergo, a lunch hour is under consideration.

● After several months of indecision, Missouri Republicans on August 11 elected **Albert L. Rendlen, Sr.**, a Hannibal lawyer, to be state GOP chairman. Rendlen succeeds **Richard Berkley**, who had been chosen as chairman last fall by Gov. **Christopher "Kit" Bond** (R). Berkley's resignation this spring caused a near-stalemate between Rendlen, a moderate-conservative who was Bond's choice, and **Stanley P. Christopher**, a more progressive Kansas City lawyer. Christopher withdrew from the race before the election. One of Rend-

len's first tasks will be to find a replacement for GOP executive director **Tom Reed**, who has resigned. Also at the August 11 meeting, St. Louis County Supervisor **Lawrence K. Roos**, the 1968 GOP candidate for governor, was elected Republican national committeeman. Roos succeeds **John H. Nangle**, who has been named to a federal judgeship.

● In Eastern Maryland's 1st C.D., one of the nation's most conservative, voters had a choice of two conservatives. They chose the Republican conservative, State Sen. **Robert E. Bauman**, who defeated his Democratic opponent in a close contest August 21. Bauman takes over the seat of the late U.S. Rep. **William O. Mills** (R).

● The presidential stock of Sen. **Charles Percy** (R-Ill.) has had several quiet boosts this summer. First, pollsters for the Gallup and Harris organizations and columnists **Rowland Evans** and **Robert Novak** showed Percy had surprising voter strength for a 1976 race. More recently, *Los Angeles Times* columnist **Tom Braden** has reported that Bailey, Deardourff and Eyre, a Washington political consulting firm, has told Percy that it is possible for him to win the GOP nomination because of GOP party reforms. According to the study, "... in virtually every state decisions can be made by the party at large rather than by the organization."

● Despite indications that former HUD Secretary **George Romney** would have strong support among Utah Republicans if he decides to make a Senate race there next year, the path to the Senate may be rough for the former Michigan governor. Salt Lake City Mayor **Jake Garn** is considered a probable candidate for the Republican nomination; former State Republican Chairman **Kent Shearer** will probably take an active part in Garn's campaign. If Romney gets the nomination, the likely Democratic nominee now appears to be freshman U.S. Rep. **Wayne Owens**.

● Georgia Republicans have hired a black field coordinator, 27-year-old **Ronald Coleman**, to win the allegiance of black voters away from the Democratic Party. The appointment is an outgrowth of the Black Involvement Committee, chaired by State GOP Vice-chairman **Robert Wright**, which was established last year to coordinate such recruitment efforts.

The Boston - Washington Alignment

Halt? Now just stop it right there. Were you going to mail your FORUM renewal to 14a Eliot Street?

That's wrong. You are going to mail it to 509 C Street N.E., Washington, D.C. 20002 (If we say "please," will you maybe mail it?) That's the site of the new Ripon Society offices. For verbal contact, phone 202-546-2111.

But like we said in a past issue, the FORUM still gets printed in the one and only, Massachusetts. So if you want to lay some wisdom on the editor, write P.O. Box 226, Charlestown, Mass. 02129. If he's reachable, it's at 617-242-4928.

Send your complaints to Washington. That's where I send mine. db.

The Rights of Juvenile Delinquents

There is a special urgency concerning reform of the nation's juvenile correctional institutions. First, too many of these institutions are consciously or unconsciously inhumane and in violation of American legal tenets. Second and more practically, these institutions are the breeding grounds of adult criminals. If there is to be any real fight against crime, it could usefully begin with the de-institutionalization and reform of juvenile corrections. In this article George Yeannakis and Dick Behn attack a small but important facet of the problem. Because juvenile proceedings in pre-Gault days were considered non-adversary functions, a youth's rights were often subordinated to his "best interests." But in view of the dubious "best interests" of incarceration, institutionalized youth need their own rights standards. Yeannakis is a graduate of the Boston University School of Law and a lecturer in criminal justice at Glassboro State College, New Jersey. Behn is a former juvenile who is often delinquent in his current duties as FORUM editor. He spent a traumatic year in reform school — as a teacher.

by George Yeannakis and Dick Behn

On June 24, 1973, the Law Enforcement Assistance Administration announced that there were 57,239 juveniles being held by local and state correctional agencies. The LEAA census, taken for June 30, 1971, showed that there were 44,140 boys and 13,099 girls in a total of 722 institutions.

In recent years, there has been increasing national publicity for the deplorable conditions which have characterized juvenile institutions. The publicity was spurred by books like James Howard's *Children in Trouble* and Lisa Aversa Richette's *Throwaway Children*. But despite such books and extensive newspaper coverage, practices like the solitary confinement of juveniles continue. On July 3, 1973, for example, in an article by Douglas Watson, the *Washington Post* revealed that "hundreds of unruly children in Maryland's juvenile facilities have been locked in solitary confinement for extended periods of punishment without the knowledge of the state director of juvenile services . . ."

In an accompanying article, Watson quoted one Maryland Training School for Boys graduate on the extensive education provided him by the school:

At the training school I soon learned to steal a car, how to mug someone so they could not make an out-

cry, how to use celluloid to open a house door; how to make checks to see whether people were at home before a burglary, how to make up and use a burglar's kit and various other little things necessary to a successful criminal career.

In Connecticut, one 15-year-old youth put his thoughts on solitary confinement in the form of a poem:

I sit in my cell and wonder about tomorrow
Will it be of happiness or involuntary sorrow?
Will people stop by and talk
Or will I have to holler like a hawk
Will I go home for Christmas
Or will I have to go to that unwanted island
Surrounded with no-man thoughts
Will the man come and see me,
Or will I have to beg and plead
Tomorrow will be another day of course
But what I believe in, it is a day of misery
And a day riding the horse with no course
I would like to be brought to the surface
Which is really something to me,
But to you, it is really nothing
I listen to the sounds,
Which make me think I am really bound.

I wait for it to be crowded

Thinking I will get out.

About the only thing that can be said for such confinement is that it encourages creativity.

“. . . it would be unfair and counter-productive to equate minimum juvenile standards with the minimum standards for adults.”

The rights of juveniles in institutions are very seldom litigated. The door unlocked by *Kent v. U.S.* and *In re Gault* has been opened only to the point of determining procedural due process rights in juvenile court proceedings with two significant exceptions: the right to treatment and the prohibition on cruel and unusual punishment.

Youths committed to institutions by juvenile courts have a constitutional or statutory right to treatment. The case of *White v. Reid* recognized that the utilization of the *parens patriae* philosophy by the juvenile courts is constitutionally permissible only if the disposition of a youth by the court is commitment to an institution that is not penal in character. More recently, the constitutional analysis has been elaborated in *Kauter v. Reid* and *In re Rich*. The latter case, which arose in the context of an administrative transfer of a juvenile to an adult prison, discusses the constitutional right to treatment in terms of a trade-off in disposition between procedural due process rights at trial and lenient, rehabilitative treatment. Other courts, not reaching the constitutional issue of right to treatment, have interpreted juvenile court statutes to require that a juvenile be provided with treatment.

In summarizing the evolution of the right to treatment, Judge Morris Lasker wrote in *Martinelli v. Kelley* that:

There can be no doubt that the right to treatment, generally, for those held in non-criminal custody (whether based on due process, equal protection or the Eighth Amendment, or a combination of them) has by now been recognized by the Supreme Court, the lower federal courts, and the courts of New York.

The prohibitions of the Eighth Amendment are discussed in *Lollis v. N.Y. State Department of Social Services* and in *Inmates of Boys' Training School v. Affleck*. In *Lollis* the plaintiff, a fourteen-year-old inmate of a New York State training school, was placed in a "security room" for attacking a matron. She was confined to the room for about two weeks when she was released into the general population at the insistence of the New York Family Court judge who had sentenced her. Ms. Lollis brought the suit to enjoin the institution from forcing children to endure extended periods of solitary confinement. The court listened to experts in the field of child care who stated that solitary confinement could have no educational or rehabilitative value. In granting a preliminary injunction, the court said:

Measured by the standards of the Eighth Amendment cases . . . a two-week confinement of a fourteen-year-old girl in a stripped room in night clothes with no recreational facilities or even reading matter must be held to violate the Constitution's ban

on cruel and unusual punishment.

In the *Boys' Training School* case, the plaintiffs sued a Rhode Island training school for depriving the plaintiffs of their constitutional rights. One part of the claim alleged that the plaintiffs had been subjected to cruel and unusual punishment. The court heard testimony from juvenile inmates and experts in the field of juvenile corrections. The witnesses pointed out the lack of adequate housing and care, the lack of rehabilitative programs, and the harmful effects of solitary confinement. There were no allegations of physical abuse. The court found the isolation to be "cruel and unusual punishment."

These two cases follow a new trend in the development of Eighth Amendment standards. No longer is it necessary to show actual brutality to establish cruel and unusual punishment. Courts are now willing to look at the nature of the confinement or the conditions of institutions in making their determination.

It has been argued that, at a minimum, juveniles should be entitled to all the rights given an adult prisoner. Proponents say this policy would establish guidelines for minimum standards in juvenile institutions and that it will erode the "hands-off" doctrine applied by the courts in this area. However, it would be unfair and counter-productive to equate minimum juvenile standards with the minimum standards for adults. Additional considerations for juveniles are inherent in the juvenile court system.

If a juvenile is being unfairly deprived of a right secured for an adult prisoner, it is a simple task for the court to remedy the deprivation by citing the adult standard. But, in reviewing a civil rights claim, it is more important for the court to examine the whole rehabilitative scheme applied to the child, than for it to determine whether or not a particular deprivation would constitute a violation of adult penal civil rights. A juvenile would be best served by having the court review the basis for the deprivation (*i.e.*, the care the juvenile is receiving). The juvenile treatment should be compared not to adult penal standards, but to concepts of justness and fairness found in the juvenile's community.

It should be clear that a court must be free to find a deprivation of civil rights of a juvenile (in terms of right to treatment) even where all adult penal standards are satisfied. Adult prisoners are primarily given custodial care. They are in prison to be restrained, to be punished, to serve as deterrents to others, to satisfy the retributive appetites of victims, and possibly to be rehabilitated. The juvenile, on the other hand, is primarily placed in an institution to be rehabilitated. All judicial or administrative actions are to be taken in the best interest of the child.

It is almost impossible to discuss any particular right to which a juvenile should be absolutely entitled since in the name of "rehabilitation" almost any right secured by the Bill of Rights or the Fourteenth Amendment could be taken away. Consequently, when an institution is accused of denying a juvenile a degree of freedom that ordinary citizens enjoy, it is often argued that the child is denied the freedom or right as an outgrowth of his rehabilitation program. As long as the rule depriving the right has a rational basis (*i.e.*, reasonably related to a viable rehabili-

tative scheme), a court would be very reluctant to strike it down. However, if the overall scheme is unreasonable or without merit, then the rule would be thrown out, as well as the whole rehabilitation program.

It appears that courts have limited their analysis of rehabilitation schemes to determinations of whether the programs violate either the Eighth Amendment or fundamental due process standards. No matter what else is alleged, unless a juvenile is able to show a violation of one of these rights, he will not succeed in challenging his treatment program. A better test would place an affirmative burden on the state to show that the treatment is reasonably related to rehabilitation.

If the court were to look at the case as attempting to equalize juvenile and adult prisoners' rights, it would never reach the issue of the validity of the whole program. In *Lollis v. N.Y. Department of Social Services*, an opinion modifying the injunction issued in the *Lollis* decision discussed above, Judge Lasker refused to change his decision as to what constitutes cruel and unusual punishment for a juvenile in light of a First Circuit decision defining cruel and unusual punishment for adult felons.

Even stronger language is found in the Seventh Circuit case of *Vann v. Scott*, a case in which runaway juveniles were unsuccessful in having the sections of the Illinois Juvenile Court Act that pertain to the commitment of runaway juveniles declared unconstitutional on equal protection and Eighth Amendment grounds. The Court responded to the State's argument that a minor has no Eighth Amendment protections by pointing out that even "well-intentioned attempts to rehabilitate a child could, in extreme circumstances, constitute cruel and unusual punishment proscribed by the Eighth Amendment."

The critical questions now are: "How will the courts

be informed of what is occurring in the institutions in order to be able to insure viable rehabilitation programs for all juveniles? And, even if the courts are adequately informed, how will they be able to handle the potentially overwhelming caseload?

These questions will not be answered quickly, perhaps because the courts are inappropriate instruments of reform beyond the vindication of certain fundamental rights. Sweeping reform is most easily accomplished by legislatures, but their years of inaction are not likely to be ended for the sake of juvenile rights. Reform of the juvenile correctional process will have to come from within the system. One reform tool is the formulation of rules and regulations for the care of inmates in the institution which limit the broad discretionary power of the institutional staff. In the broadest sense the following rules are an attempt to insure for delinquent juveniles a quality of life most nearly equal to that obtainable by non-institutionalized juveniles (*i.e.*, to de-institutionalize the institution). More narrowly viewed, they are an attempt to protect juveniles from arbitrary and/or inhumane treatment. It is hoped that the administrative burdens placed on the institutions by these rules will discourage institutional neglect of children. These rules are in no way intended to specify the use of any particular rehabilitative program.

Sometimes a rule must provide for freedom greater in scope than that accorded to a juvenile outside of an institution in order to compensate for other areas where institutional life demands conformity at the expense of individual liberty. For example, Rule V allows no censorship of mail in order to compensate for the necessary loss of individual freedom.

Basic amenities of life, as enumerated in proposed congressional legislation ("... adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care including necessary psychiatric, psychological or other care") are not dealt with in these rules. Although abuses have occurred in these areas in the past, the right of a juvenile to them is not often disputed, with the exception of disciplinary segregation cases discussed earlier. The controversies in this area center on the showing of proof of inadequacy.

The following rules are applicable to secure facilities for juveniles — facilities to which a child is given no choice but to attend. They have been designed to be applicable only to small institutions — less than 30 residents. Large institutions have a well documented history of rehabilitative failure. Even if large institutions are retained, the rules proposed here would be partially applicable to small units or subdivisions of the institutions.

All the rules are hopefully written in language fully comprehensible to children. Rules I through VI refer to the First Amendment. Rules VII through X refer to the "due process" clause of the Fourteenth Amendment. Rules XI and XII refer to the "cruel and unusual punishment" clause of the Eighth Amendment.

1. *Free Access to a Lawyer.*

A. Every child should have unrestricted access to a lawyer. There should be a lawyer at the institution to meet with any juveniles at least once a week. A telephone



and an attorney's telephone number should be available to the residents at all times. If the lawyer refuses or is unable to help, the juvenile must be referred to another lawyer. A lawyer or law student should give instruction in use of the courts and civil rights at least twice a month.

Comments: The right to free access to the courts to redress illegal action is guaranteed by the First Amendment. Few, if any, juvenile institutions could be accused of overtly violating this right, but free access requires that the institutions provide a reasonable means by which inmates can invoke the judicial process. It is unreasonable to expect a juvenile to be able to comprehend all the times when he has legal remedies. The presence of an attorney and the instruction in the legal system are attempts to assure the juvenile of his right to free access to the courts.

The fact that the attorney will be on the campus every week will also help serve as a deterrent to the staff from initiating any illegal activity. It will also serve as an informal check on the staff's compliance with the accompanying rules. In an admirable move in this direction, New York State's Division for Youth has hired four lawyer-ombudsmen. According to *New York Times* reporter John Sibley, the ombudsmen's first year on the job was both frustrating and rewarding:

Traditionally, (ombudsmen director Malcolm S. Goddard) noted, state training schools have operated as fiefdoms with treatment of the residents dependent largely on the personality of the director. But today, thanks mostly to the ombudsmen, certain children's right have been established throughout the system.

These rights include freedom of clothing styles, elimination of restrictions on hair style and length, compulsory access (but not a compulsory attendance) at religious services, and elimination of mail censorship. The ombudsmen may investigate institutional conditions; they may not act as court counsel for the juveniles in question, however. According to Sibley, institutionalized juveniles now understand the ombudsman concept but some still cannot pronounce the title, opting instead for "Mister Bug Man."

"It is almost impossible to discuss any particular right to which a juvenile should be absolutely entitled, since in the name of 'rehabilitation' almost any right secured by the Bill of Rights or the Fourteenth Amendment could be taken away."

II. Religious Freedom.

A. No institution shall make any rules or regulations limiting the exercise of religious beliefs.

B. All juveniles will be allowed to attend weekly services held by the religious organization of their choice.

C. If necessary, the juvenile shall be accompanied to the service by a staff member(s).

Comment. The First Amendment assures all individuals freedom of religion. Recent cases dealing with religious freedom in institutions have granted relief to Buddhists in Texas, and followers of the Church of the New

Song (all of whom are in prison) in Georgia.

III. Personal Appearance.

A. No rules or regulations will be made prohibiting free expression in individual appearance except: (1) where there is an indication that the juvenile's health will be adversely affected; or (2) Where a juvenile's appearance causes a major disruption of the functioning of the institution.

Comment. A juvenile should not be forced to conform to institutional dress or hair codes. Unless the code is rationally related to health or safety requirements, it would further de-humanize the juvenile while furthering no valid concern of the institution. Clothes and hair length are often sensitive point with youths. If they are to be encouraged to retain "outside" contacts, their appearance in their own eyes may make a significant difference in whether or not they wish to do so, or to turn inward and look to the institution as the source of their life. Bobby Seale won an important case in this area when he convinced a court to allow him to retain his beard while awaiting trial in jail. Juveniles in some maximum security institutions are forced to wear pajamas in their cells. Although this apparel undoubtedly limits their propensity to escape, it understandably is often considered dehumanizing by the juveniles themselves.

IV. Mail Censorship.

A. Incoming or outgoing mail may not be read by the staff of the institution or by anyone else.

B. Letters and packages may be checked for contraband.

C. If it is determined that a specific person or persons are harmful influences on a youth, then letters received from or sent to such person or persons will be returned with an explanation for the action. This determination shall be made by the institution staff in the presence of the affected youth.

D. All requests for magazines or newspapers must be made through the educational staff. Unless the requested material is prohibitively costly, the material will be obtained in sufficient copies to reasonably meet the needs of the juveniles.

Comment. It is the purpose of this rule to encourage a juvenile to use his correspondence as a means of asserting his independence from the institution. In the case of *Palmigiano v. Travisano*, the court said:

There are many alternative methods of handling prisoners' mail between the extremes of no censorship in any form and the practice of not recognizing any rights at all of prisoners to receive or send mail.

One alternative suggested by the court is similar to Section C of this rule. The Fourth Amendment prohibits the seizure of first class mail without a warrant based on probable cause. There is no compelling reason for an official at a juvenile institution not to comply with this standard.

V. Leave From the Institution.

A. Every juvenile is entitled to one day leave each week. The decision not to grant such leave must be made by more than one staff member who has worked with the youth during the preceding week. Any rules formulated by the institution staff as to criteria for leave, or status

of youth on leave, or others pertaining to the issue will be distributed to the residents of the institution in accordance with Rule VIII. Any decision not to grant the leave must be accompanied by a reason and conveyed to the juvenile in writing or in person.

B. Visitors should be encouraged to come to the institution. Unless otherwise specifically excluded, visitors should be allowed at the institution at any time. All rules concerning visitors or visitation hours must be made in accordance with Rule XI.

Comment. The Rule is intended to get youths off the institution grounds in order to decrease the harmful effects of institutionalization.

VI. Use of Telephones.

A. For at least one hour every day, a telephone will be available to juveniles for the purpose of making calls. Each juvenile may make one call each day. The time allotted to each juvenile for his private use will be determined by dividing the number of people interested in using the phone by the time allotted, but in no case may a call be restricted to less than three minutes. All personal calls will be made "collect." All business-related calls will be free.

Comment. With respect to juveniles the use of a phone may be as critical as the use of the mail to an adult. Often, this may be the only way to insure free access to the courts for juveniles. It is also easier to retain community ties through verbal than with written contacts.

By requiring that all personal calls be made collect, it is relatively easy to assure that the juvenile will not be able to abuse his ability to use the phone. If the party receiving the call does not, for any reason, want to talk to the youth, he does not have to, and needs not fear future harrassing calls. (Unfortunately, sometimes a parent will consider a \$.40 call from his offspring to be "harrassment.")

VII. Rule-Making.

A. All rules concerning the day-to-day operations of the institution not covered by the preceding rules shall be formulated by the staff. Any rules already in existence at the time of the passing of these rules, and not inconsistent herewith, shall be published, posted, read, and distributed to every juvenile in the institution. Any new rules formulated by the staff will be made in accordance with the following procedures: The staff will give notice of intent to change or formulate a rule to all members of institutional community. A time and place will be set where the community may raise any issues they have concerning the rule. When the rule is adopted by the staff, it will be published, posted, read and distributed to all the juveniles. A rule will state in clear language: its purpose; date it is to take effect, and the harshest anticipated punishment for violations. All ambiguities will be resolved in favor of the violator. Any rule concerning staff conduct will be posted for all to read.

Comment. The best feature of this rule is that it requires a lot of work on the part of the staff to formulate rules. That will have the effect of either forcing a reduction in the size of the institution or it will force a high degree of communication among staff — both of which are desirable.

The procedure is designed to prevent arbitrary action on the part of the staff. A child will be able to determine if he is being dealt with fairly or whether the staff is "jiving" him. This rule is heavily reliant on Rule I concerning access to lawyers.

"It is hoped that the administrative burdens placed on the institutions by these rules will discourage institutional neglect of children."

Too often, juvenile institutions tend to be arbitrary because they are operating in the "best interests" of the youths in custody. Too often in the past, however, the "best interests" of the juveniles have coincided curiously with behavior considered most expedient by the staff. A rather tortuous balance may have to be established between rational legal restraints on the operation of juvenile institutions and sufficient latitude for juvenile personnel to further rehabilitation without undue bureaucracy.

VIII. Transfer to Appropriate Facilities.

A. If it is discovered that a youth committed to the institution has a drug-related problem, a mental disability, physical handicap, or other similar disadvantage that the institution is not capable of handling, the youth will be transferred to an appropriate facility in accordance with the following: (1) The transfer will be made by the committing court after holding a hearing to determine the nature of the problem and the capabilities of the institution; (2) A federal or State penal institution or jail is never an appropriate facility under this rule.

Comment. If the staff of an institution determines that the facility is inappropriate for the care of a particular youth, they may recommend to the sentencing court that the juvenile be transferred. After a showing of proof that the youth is handicapped, disadvantaged, addicted, etc., the court will hold a hearing to determine whether the facility is appropriate for his care. If the facility is found to be inappropriate, the juvenile may be transferred to a facility better equipped to treat the problem.

By not allowing a transfer to a prison or jail, the rule intends that juveniles would be treated in facilities intended primarily for the care of non-offenders. As one juvenile transferee to an adult correctional institution succinctly put it: "This isn't any place for a kid." Unfortunately, the court history of these transfers remains ambiguous.

IX. Release Criteria.

A. The staff will develop and publish release criteria. These criteria will reflect the treatment goals and rehabilitative philosophy of the institution. Within one month from the date of entry into the institution, each juvenile must be presented with a brief statement of his program and what he will have to accomplish in order to be released.

Comment. This rule is an attempt to force staff to evaluate the program's goal in relation to each resident. It is also directed at providing the youth with a goal he can strive for, if so motivated. Unless an institution has clearly defined goals and a philosophy, it will not be able to accomplish its task of rehabilitation.

X. Placement Consultation.

A. Each youth will be actively involved in the se-

lection of a placement upon his release from the institution. Each juvenile must be shown at least two placements before he is released. Before a youth is assigned a placement or after-care program, he will be required to discuss his educational or job goals with appropriate staff members. No one may be released without a placement or after-care plan.

Comment. This process should be started as early as possible in the juvenile's stay at an institution. Like the rule on release criteria, it gives the juvenile a community-rooted goal for which to strive.

If the juvenile is made to think about what he will do after he leaves the institution, he is less likely to be institutionalized than is a juvenile who only thinks in terms of what he has to do to make it through the institution. This consultation process has been utilized with success at the Westfield Detention Center in Massachusetts. The staff there has found that a youth is less likely to run from a placement if he played an active role in selecting it. Of course, a rule like this presupposes a highly developed system of state-supported juvenile programs. Many states presently lack this resource.

XI. Corporal Punishment.

A. There can be no physical force used against a juvenile except in the following cases: (1) When it is necessary to restrain a juvenile from inflicting injury to others or himself, or (2) To restrain a juvenile who is attempting to leave the institution without an authorization.

B. The use of any instrument to inflict punishment is forbidden.

C. Every use of physical restraint must be recorded in a designated book; the entry must include the time as well as the persons and circumstances involved.

D. If a juvenile ends up segregated from others in the institution as a result of being restrained, a hearing must be held within 24 hours to determine the validity of the restraint.

E. No form of disciplinary action which causes public humiliation or disgrace is allowed (*e.g.*, verbal abuse and humiliating work punishment).

"The use of rules and regulations can force an institution to allow community involvement in the rehabilitation of a youth, but they may also have the effect of further institutionalizing a juvenile."

Comment. The Eighth Amendment prohibition against the infliction of cruel and unusual punishment has been traditionally interpreted to draw its meaning "from the evolving standards of decency that mark the progress of a maturing society." Justice William Brennan in his concurrence in *Furman v. Georgia*, the case declaring the death penalty cruel and unusual, defined the term as follows:

The primary principle is that a punishment must not be so severe as to be degrading to the dignity of human beings.

Other courts have found that beatings and whippings are cruel and unusual. And, as discussed earlier, courts

have been willing to find cruel and unusual punishment on the basis of solitary confinement and unsuitable living conditions.

XII. Segregation/Solitary/Lock-up Facilities.

A. All juveniles placed in a facility which is separate from the general population must be examined by a physician and a psychologist as soon as possible, but in no case shall a juvenile reside in the facility for more than twenty-four hours without such examinations.

B. No one may be kept in the isolation facility for more than twenty-four hours unless he has access to the individualized treatment, equal in scope to that enjoyed by others in the program. The individualized treatment referred to above shall include, at a minimum, visits by a counselor and by a teacher every day. No one may remain in the facility for more than three days unless the treatment staff is in agreement that it is necessary for the safety of the individual or of others. His status will be evaluated by the treatment staff every three days thereafter.

E. Under no conditions may a youth be transferred to a facility to which he could not have been sent originally by the juvenile court.

Comment. This rule is intended to serve the dual purpose of:

1. Forcing an institution's staff to deal with disciplinary problems in some depth. It is all too easy for the staff to put a youth away for a few days or weeks and forget about him and his particular problem. This rule places an affirmative duty on the staff to at least confront the problem and make some decisions as to the severity of it and solutions to it.

2. Preventing the "institutionalizing" of a juvenile. If appropriate the juvenile should be transferred to a mental hospital. This must be done in accordance with the commitment laws of the state.

This rule does not go as far instructing the procedure whereby a youth may be disciplined, as does the Illinois court in *In re Owens*. In that case the court ordered that a juvenile be given clear written notice of violating a rule, an adjudicatory hearing on the issue, and a reasoned decision.

The use of rules and regulations can force an institution to allow community involvement in the rehabilitation of a youth, but they may also have the effect of further institutionalizing a juvenile. If one builds an elaborate bureaucracy under which a child must live, he may be stifled from taking part in activities that would lead to strong community ties.

A juvenile who strives to follow the rules of the institution may become an ideal "institution boy," while unable to function in the outside community. In the American Assembly's recent book, *Prisoners in America*, University of Southern California Professor LaMar T. Empey contended, "The crux of any treatment program has ultimately to do with its ability to reintegrate the offender in the community, not to help him adjust to the atypical and stabilizing routine of a reformatory."

A sensible "bill of rights" is only a small part of the answer to the problems of juvenile corrections. There is no panacea. But failing to find one does not excuse the juvenile justice system from an obligation to be humane. ■

BOOK REVIEW

Bugs, Bars, and Berrigans

POLITICAL PRISONERS IN AMERICA

by Charles Goodell

Random House, 1973, 400 pages, \$8.95

by James H. Manaban

Sen. Sam Ervin (D-N.C.) has called President Nixon the "most repressive President in our history." Former Sen. Charles Goodell's (R-N.Y.) new book provides an excellent opportunity to test this claim by reviewing the history of political repression in America.

The very notion of political prisoners seems alien to our country, and Goodell acknowledges that the phrase was difficult for him. But he recalls, in succinct and fascinating details, the following facts:

- * The Sedition Act of 1798 outlawed any "false, scandalous and malicious" statements about the President or Congress, made with the intent to bring them "into contempt or disrepute" or to stir up opposition to any law or presidential act. Opposition to the Sedition Act itself was therefore criminal. Republicans were easily convicted by Federalist judges and juries, and and were sent to jail for their political beliefs.
- * The struggle to abolish slavery stirred many states to enact repressive criminal laws. In Louisiana, a conversation "having a tendency to promote discontent among free colored people, or insubordination among slaves" could lead to a sentence ranging from 21 years at hard labor to the death penalty. In 1832, Georgia made death the penalty for printing or disseminating any literature tending to incite slave insurrections. In 1835 Virginia forbade any member of an Abolition Society to enter the state, and in 1849 made it a crime to say "Owners have no right to property in slaves."
- * During World War I, Socialists and others criticized America's entry into the conflict. Congress then passed the Sedition Act of 1918, making it a crime to say anything — true or not — intended to obstruct the

sale of U. S. Bonds; to say or publish anything intended to bring the United States form of government, constitution, flag, or uniform into contempt or disrepute; to say or print anything intended to incite resistance to the United States or to promote the cause of its enemies; to urge curtailment of the production of anything necessary to the war effort; and to support, defend, or favor any such acts or the enemy's cause. In effect, the law made it a crime to express opposition to the war, the draft, and the *status quo*.

- * In 1918 E. V. Starr was jailed in Montana when he refused to be compelled by an angry bum to kiss the U. S. flag. "What is this thing anyway?" he was accused of saying, "Nothing but a piece of cotton with a little paint on it It might be covered with microbes." He was sentenced to the penitentiary for not less than 10 nor more than 20 years at hard labor.
- * Goodell's discussion of the International Workers of the World is particularly instructive. The Wobblies, as they were called, were the victims of lawless raids by federal agents who "forcibly entered, broke, and destroyed property, searched persons, effects, and papers, arrested persons, seized papers and documents, cursed, insulted, beat, dispersed, and bayoneted union members by order of the commanding officer." Today's narcs could learn a lot.

- * The anti-Communist hysteria which gripped America during the Truman and Eisenhower presidencies resulted in another shameful period of repressing dissent. Goodell states that from 1948 to 1957 "one hundred forty-one Americans were indicted and twenty-nine served prison terms for the political views they or their party advocated. They were political prisoners."

- * During the 1960's and 1970's, civil rights and anti-war protesters have incurred the wrath of society, leading to the jailing of Dr. Martin Luther King, Jr., the Berrigans, and Daniel Ellsberg on trumped-up charges of "obstructing business," "smuggling letters out of jail," "espionage," or similar "crimes."

Since Goodell was one of Ellsberg's lawyers, his discussions of that case provide fascinating information not previously disclosed. The question of illegal wiretapping pervaded the entire trial, and Goodell's account of the Supreme Court appeal after the trial had started is fascinating, particularly in view of the ultimate disposition of the case.

In analyzing both the history and present state of political repression, Goodell speaks from a wealth of experience. He is a graduate of Williams College and Yale Law School, with a Master's Degree in government from Yale. In 1954 and 1955 he was an assistant to William P. Rogers, who was then deputy attorney general in the Justice Department. He was elected to the U. S. House of Representatives in a special election in 1959, and in 1968 was appointed to the Senate to succeed Robert F. Kennedy. As a senator he championed many civil liberties causes and was the first to propose legislation that would cut off all funds for the war in Vietnam by a fixed date in the future. In 1970 he was renominated by the Republicans, but was defeated in the general election by Conservative Party candidate James Buckley.

If the book has one flaw, it is Goodell's failure to differentiate between political prisoners and civil disobedients. They are not interchangeable. The analysis of civil disobedience and its proper role in our democracy is nonetheless extremely valuable, particularly in view of the recent effort by some Watergate participants to compare their lawbreaking with the civil disobedience of war protestors. The patriots at the Boston Tea Party, the abolitionists who refused to comply with the Fugitive Slave Law, Mrs. Rosa Parks, Fr. Daniel Berrigan and other civil disobedients broke laws which were considered immoral. In contrast, the Watergate team, including Jeb Stuart Magruder, John Dean, and the highest officials in our government, were *secretly* breaking laws which they considered merely *inconvenient*. Goodell points out that "the civil disobedient acknowledges his ordinary duty to obey law. He disobeys because he believes that the particular law or a particular political policy contradicts in a fundamental way the ethical basis of his citizenship obligations. His violation of law is conscientious, motivated by the obligations imposed on him by his conscience to pursue right and avoid wrong."

The author dedicates his book "to my friend, Richard Nixon — may he do more than listen." Goodell convincingly describes the increasing political repression which has occurred under Nixon, and includes the following opinions about his friend:

- Nixon's Justice Department is "obsessed with conspiratorial nightmares of communist subversion."
- "While people who cared about peace marched, a President who cared about football, watched."
- The Pentagon Papers make it "perfectly clear" that Nixon "was deceiving us about Vietnam in the same ways that Johnson had deceived us."
- Nixon has pursued a "strategy for the control of dissent," using the grand jury system as "an instrument of repression." Goodell charges that "in the hands of the Nixon Administration (the grand jury's) powers have been loaned out to the FBI. The FBI has no authority to force citizens to disclose the details of their personal lives, their political beliefs or associations, their sources of information, their travels, or their conversations with others. The FBI, which got almost anything J. Edgar Hoover asked of Congress, was denied the subpoena power he requested to assist his men in gathering just such information. Now this important safeguard has been circumvented. By coupling the unique powers of the 'people's panel' to the FBI's continuing surveillance of political dissenters, an institution designed to protect us from the dangers of a police state has been used to bring us still closer to one."

Goodell concludes that "there is no doubt that the Nixon Administration has taken a harsh and hardened approach to the principles of an open society, creating an atmosphere stifling to civil liberties." All this was written before we learned about the "enemy list" and the other incredible evidence disclosed to the Ervin Committee. The facts and opinions so expertly presented by Sen. Goodell go a long way toward convincing the reader that our friend Richard Nixon may indeed be "the most repressive President in our history."

BOOK REVIEW

In Search of Intelligence

GENETICS AND EDUCATION

by Arthur R. Jensen

Harper & Row, 1972, 378 pages, \$10.00

GENETIC DIVERSITY AND HUMAN EQUALITY

by Theodosius Dobzhansky

Basic Books, 1973, 125 pages, \$5.95

by Jonathan Brown

Genetics and Education and *Genetic Diversity and Human Equality* are two recent contributions to the continuing debate between those in education who put more or less stress on the genetic factors of educability in races. The two works do not strike a happy medium. Dobzhansky's work was created for a John Dewey lecture series and is a bit too general to answer many of the questions raised in depth. Jensen's work, which is also a compilation of previously published material, may be too deeply imbedded in genetic theory for it to be useful to the reader interested in finding out more about the broad guidelines of the debate between the geneticists and the environmentalists.

In recent years, the debate over the heritability of intelligence has attracted attention more because of the heat of the debate than the light generated by it. Jensen's book is most interesting in this respect in that a rather extended preface discusses the length to which some members of the academic community are willing to suppress academic freedom when a researcher's conclusions do not seem to fit into their brand of philosophy. In 1969, Professor Jensen published "How Much Can We Boost I.Q. and Scholastic Achievement?" in the *Harvard Educational Review*. The article, which was carefully researched and yet obviously controversial, brought a range of response from investigators in the social science community not dissimilar to the Salem witch trials.

Jensen's detractors (or most of them) seem to think that because he believes that there may be a genetic link in intelligence which correlates at .80, that he then must be a racist who generated a theory to justify his views. Dobzhansky criticizes the environmentalists for confusing questions of science and philosophy: "Equality is confused with identity and diversity with inequality. This confusion can be found even in the writings of some outstanding scientists who could have been expected to know better."

Jensen differentiates two kinds of intelligence; level one intelligence is associative ability and level two is

cognitive ability. He shows that in several groups the way these types of intelligence develop is significantly different. A second conclusion is if the heritability of intelligence correlates at a factor of .80 that certain groups will have a propensity toward learning centered on either level one or level two skills.

His arguments for the heritability of intelligence are in many ways very convincing. He cites a high correlation between the IQ of twins reared in different environments showing that it must be related to genetic factors rather than environmental ones. He also cites the high correlation of IQ between spouses to show that there is, in essence, "selective breeding" based on intelligence factors.

Jensen can be criticized most easily for his definition of race. If his detractors are guilty of failing to make a distinction between genetic diversity and moral and legal equality, he may be accused of not working with factors which other scientists feel can be brought into clear enough focus for exacting definitions. That is, it may be fairly simple to establish a legal definition of a racial group, but we may not yet have the scientific capability to establish clear-cut guidelines of the biological factors which establish a racial group beyond broad guidelines.

To bolster his theory, Jensen also discusses the range of ability groups on the IQ curve, showing that all except ones classified as severely retarded have potential for developing level one skills. He concludes his *Harvard* article by saying:

I am reasonably convinced that all of the basic scholastic skills can be learned by children with normal level one learning abilities provided the instructional techniques do not make (level two abilities) the *sine qua non* of being able to learn. Educational researchers must discover and devise teaching methods that capitalize on existing abilities for the acquisition of those basic skills which students will need in order to get good jobs when they leave school. I believe there will be greater rewards for all concerned if we fully explore different types of abilities and modes of learning and seek to discover how these various abilities can serve the aims of education. This seems more promising than acting as though only one pattern of abilities (emphasizing level two abilities) can succeed educationally and therefore trying to inculcate this ability pattern in all children.

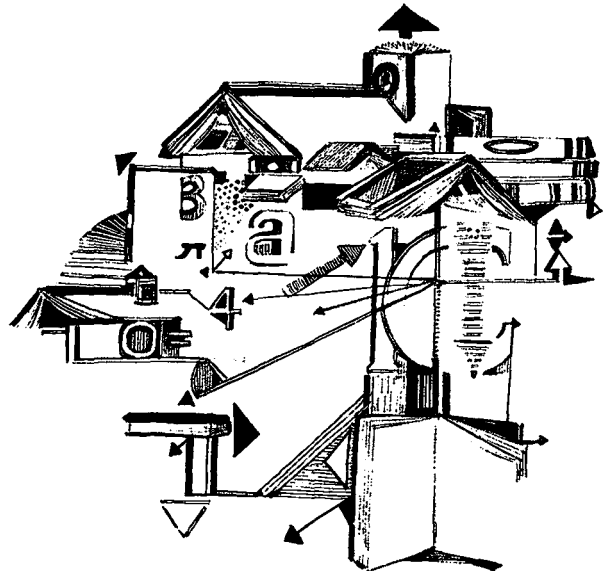
Throughout his articles, Jensen is the first to comment that his work needs further substantiation. He is interested, as a scholar should be, in expanding the realms of human knowledge.

Both Jensen and Dobzhansky are careful to point out that intelligence characteristics of large groups will not necessarily always follow for individuals. Dobzhansky includes a rather lengthy discussion of the complex nature of genetics with the caveat that although there are some preliminary indications on genetic interaction that the genetic makeup of intelligence factors is far from being completely understood by scientists.

He questions his fellow researchers' care in separating philosophy from research, "the idea that intelligence and other socially significant human traits may be hereditary

is repugnant to many people largely because the confusion of heredity with fate or predestination." Many of these authors' detractors have taken time to set up "straw men" whose relationships to the genetic theories of Jensen and Dobzhansky is remote.

Dobzhansky sees the limits of his conclusions. He questions whether scores which have a high correlation with certain factors in this culture will correlate well in other societies. He seems to say that IQ scores are self-improving definitions which may yield a great deal less in information than some are willing to claim. He criticizes the data Jensen uses on twins who are reared apart, commenting that the range of environments in which these twins were raised has never been wide enough to test the theory adequately.



If you've read Jencks and Coleman, you may want to read one or both of these books as yet another contribution in the debate on the impact of schools in our society. There are really two messages in these books. First are the strongly stated questions of the interrelationship of genetics and education. The theories raised here, like all theories, are certainly open to question until conclusive evidence is presented either for or against them. The limits of basic knowledge at this time on intelligence and genetics is indeed great.

The second message presented (especially in the Jensen book) relates to the question of academic freedom. Jensen has been a forceful proponent of his theories on the genetic relationship of educational outcomes. While his conclusions should be questioned and discussed thoroughly, his background and expertise demand that his critics take care to consider the issues raised by his theories carefully with the systematic inquiry that should be utilized in any research. Since Jensen's theory was published in the *Harvard Educational Review*, this kind of scholastic care has not been taken by most of those who are unwilling to agree with his idea. The deeper question raised by Jensen's work is: "Can a scientist in American academia raise a controversial question and expect thoughtful, scholarly criticism of his opinions and research from fellow academicians?" The answer, in this instance, has been a resounding, "no." ■

DULY NOTED: BOOKS

● **Criminal Sentences: Law Without Order**, by Marvin E. Frankel. (Hill and Wang, 1973, 124 pages, \$5.95) Federal District Judge Marvin E. Frankel contends, in this lawyer-like but readable legal argument, that in our government of laws and not of men, criminal sentences are regularly imposed in a lawless and arbitrary manner. The lack of sentencing guidelines and resulting unfettered judicial discretion are the prime culprits for the situation. Judge Frankel carefully builds a forceful indictment of the wide discrepancies in sentences, the perfunctory sentencing process, the absence of articulated rationales for sentences, the irrationality of the indeterminate sentence, the lack of judicial training in sentencing, judicial ignorance of the correctional process, etc. In addition to specific suggestions for resolving the foregoing abuses, he then recommends establishment of a sentencing commission with power to enact sentencing rules. The book is based on the crucial assumption that our system of criminal justice is a continuum in which the component parts, from arrest through release, are interdependent. The goals of our correctional process cannot be fulfilled if the initial sentence is fatally flawed. Laymen may criticize the absence of objective evidence for the author's conclusions. He regards them as beyond dispute and many lawyers would agree with him. This book should be read, (1) because it is rare that members of our judicial establishment engage in enlightened self-criticism and (2) because our illogical lack of concern for the critical sentencing process deters effective resolution of the problems confronting the administration of justice. Reviewed by Malcolm Farmer III.

● **Business and the Consumer: The Creative Interface**, Volume 4 of the Series, edited by Jimmy D. Johnson. (The American University, 1972, 57 pages, \$4.95) **Business and the Consumer** groups three lectures on the problems, needs and evolving trends in business-government relations given at The American University. In keeping with the tradition of the lecture series, the leading educator or journalist was Peter Weaver, a nationally syndicated consumer columnist; the high-level government policymaker was Miles W. Kirkpatrick, former chairman of the Federal Trade Commission; and the chief executive officer of a major business firm was H. Bruce Palmer, president of the Council of Better Business Bureaus. In the introduction, Dr. Jimmy D. Johnson, director of the Center for the Study of Private Enterprise at The American University, gives a very brief history of consumerism and asserts that while the consumer movement is not new, it has entered a new phase which he attributes to three factors: rapid communications, better-educated consumers, and consumers with more time to participate in social movements. Weaver's lecture is the best of the three. One of his points is that the seller and buyer do not deal on equal terms; the advantage is with the seller. Weaver cites specific instances in which government can help the consumer by passing laws or regulatory action if the industry does not act. Weaver also states that a consumer has responsibilities, and he defines what he believes these responsibilities to be. Kirkpatrick spends most of his time extolling the virtues of the FTC and refuting the Ash Commission recommendation for abolition of the FTC and creation of two separate agencies to perform its present duties. Palmer's remarks are typical of an "organization" spokesman whose primary purpose is to pour oil on troubled waters. One gets the impression that Palmer feels if we could just educate young people about the ways of business and make them a part of the system that it would not be necessary for business to worry about rising consumerism. Reviewed by Frederick G. Yeager.

● **Public Housing: And Economic Evaluation**, by Richard F. Muth. (American Enterprise Institute for Public Policy Research, 1972, 61 pages, \$3.00) Professor Muth of Stanford University takes what seems to be a fresh look at the basic assumption underlying the public housing program and suggests that these are perhaps not well-founded. Rather than accepting the widely held opinion that public housing is "a good idea poorly turned out," he presents persuasive reasons for holding that the en-

tire program is based upon incorrect assumptions. He contends that the common practice of erecting public housing units on cleared slum land is "about 55 percent more expensive than building on other sites," and that at the same time this practice reduces housing opportunities for the poor through demolition of slum dwellings. Further, Muth contends that since the federal subsidy to public housing is largely a subsidy of capital expenditures but not of current expenditures, the inefficiency is increased and the economic aspects of the program are distorted. Muth likewise seeks to refute the contention that public housing produces beneficial effects for the community at large. Citing the small amount of empirical research which he says is available, he concludes that public housing projects do not increase the value of surrounding properties and do not reduce the size of the pre-existing slum area, but merely change the locations where such conditions exist. Professor Muth contends that the public housing program is somewhat comparable to offering the eligible lower income family a lottery ticket. This is because, he states, only about seven percent of the families whose income make them eligible for public housing have been able to gain admission. The family who gains admission increases its housing consumption by roughly \$130 per month, but the family who does not gain admission receives nothing. As an alternative to seeking ways to improve governmental housing programs, Muth argues that there should be no housing program at all, and the same amount of money should be devoted to an income maintenance program. He says that a general income subsidy might not be politically feasible; he proposes that if this in fact is the case, the traditional public housing program should be converted to a rent certificate program which would equally benefit all lower income families. Under this plan, each eligible family would be given a certificate worth a fixed dollar amount for the purchase of housing which could be used for rental payments made to any public or private produced housing. Notwithstanding his intentional non-consideration of the political factors involved, Professor Muth has prepared a very interesting short study of the shortcomings of the basic assumptions upon which public housing is based and has carefully presented an interesting proposal for an alternative approach to housing assistance to low-income citizens. Reviewed by Robert B. Langworthy.

● **Urban Renewal: National Programs for Local Problems**, by John C. Weicher. (American Enterprise Institute for Public Policy Research, 1971, 96 pages, \$3.00) Urban renewal is one of those seemingly endless federal programs which many people agree do not work as well as they should, but for which he can offer a better substitute. John Weicher, an assistant professor of economics at Ohio State, is one of these many. He suggests that the federal government abandon urban renewal to private enterprise; local governments would then aid in land acquisition through the power of eminent domain. Weicher tries to rationalize this takeover by assuming that if a renewal project is profitable, businessmen will undertake it; if the project is not profitable, it constitutes a waste of resources and should not be attempted. However, the author does admit "... there are probably few remaining undeveloped neighborhoods which would be profitable ..." Through the author's interpretation and selection of evidence, the reader receives the impression that he attempted to defend this preconceived conclusion rather than to evaluate the efficiency and results of the urban renewal program. The book slights the social returns to the community of improved housing, thus lessening the actual profit potential of the renewal and lending an overly negative slant to the urban renewal program. While urban renewal leaves much to be desired in the areas of efficiency and objective achievement, it is hard to visualize local private enterprise possessing either the financial or human capital resources to sink into a project of questionable profitability. Weicher admits that recent attempts by private enterprise to rehabilitate New York slums have met with heavy financial losses. His book offers a readable study on urban renewal; however, he fails to offer a practical solution to its failures. Reviewed by Bill Watkins.

● **Matching Needs and Resources: Reforming the Federal Budget**, by Murray Weidenbaum, Dan Larkins and Philip Marcus. (American Enterprise Institute For Public Policy Research, 1973, 114 pages, \$3.00) This rather

short volume is divided into two parts: a review of the new budget and its impact upon the economy and a discussion of three topics of current debate — tax reform, wage-price controls, and congressional budget reform. The first section is a very concise and dispassionate summary of the fiscal '74 budget. Its real value is the perspective that is all too often lacking in the debate now raging over that document. The author makes no attempt to pass judgement on the priorities presented in the budget. Rather he discusses what can realistically be achieved given current tax resources, and reminds us that whatever the merit of individual budget items, the document as a whole is a tool of fiscal policy and as such, "accords with the current needs of the American economy." Throughout the study he emphasizes how precariously balanced this "fiscal tool" is. Indeed, as each budget category is reviewed, questions are posed as to the ability of the Administration to bring about projected savings. Their examples run the gamut from the Administration's excessive optimism concerning its ability to bring about quick and substantial improvements in the efficiency of government operations, to the current environment of legislative-executive tensions which may preclude the special legislation the President needs to cut HEW and Veterans Administration programs. Having finished this review the authors seem justified in asking where in this budget the Administration plans on finding the funds for Vietnam reconstruction or for its stated goal of relieving the burden of property taxes and providing fair and adequate financing of education. The book's best chapter concerns wage-price control. Although the mathematics may be somewhat confusing for the layman, AEI analyzes the effectiveness of the stabilization program on inflation — by comparing precontrol inflation with inflation under controls, by comparing predicted inflation with actual inflation, and by considering the effect of controls on inflationary expectations. The last chapter on congressional budgetary reform emphasizes that Congress has no hope of winning the "battle of the budget" unless it restructures the whole approach to the authorization-appropriation process. The study lists ten specific reforms that Congress should undertake if it is to regain control over the budget. Many of these have been suggested by individual congressmen, and it appears that some may even be adopted. Reviewed by Keith Hartwell.

● **Implementation: How Great Expectations in Washington Are Dashed in Oakland; Or, Why It's Amazing that Federal Programs Work at All, This Being a Saga of the Economic Development Administration as Told by Two Sympathetic Observers Who Seek to Build Morals on a Foundation of Ruined Hopes**, by Jeffrey L. Pressman and Aaron B. Wildavsky. (University of California Press, 1973. 182 pages, \$7.50) It has quite a long title for a slim book, but in this case the size of the book is deceptive. Authors Pressman and Wildavsky recount the abortive 1966 attempt by the Economic Development Administration to implement a major program to make a substantial dent in black unemployment in Oakland, and thus "... send out a beacon light of hope to a troubled nation ..." Several years later, after the expenditure of millions in federal funds and endless snarling in administrative in-fighting and bureaucratic red tape, program implementation had slowed to a snail's pace. Few, or at best token benefits had been distributed to the intended recipients. However, Pressman and Wildavsky are concerned with a much broader issue than how this highly touted program fell so short of its goals. Their real concern is why so many social programs which are launched with great initial promise in Washington fail to be implemented at the grassroots. The Oakland experiment illustrated many of the problems common to other innovative urban social programs launched in the last decade. Program funding was no problem, since the program was never able to spend more than a fraction of the \$23,000,000 provided for use in Oakland. Most of the problems were in program structure. The Pressman-Wildavsky inquiry has three dimensions: a historical analysis of the pitfalls that befell the Oakland project, an assessment of the limitations of the political and economic theory on which the program was based, and an attempt to mathematically structure the program implementation process. Their analysis amply illustrates how the "categorical program" approach is inadequate to cope with social problems. In Oakland an agency designed for regional development in rural areas set about attempt-

ing economic development in an urban setting, using the mechanisms more attuned to a rural environment! In examining the sheer complexity involved in accomplishing joint action between city officials, community groups, and the federal program managers in far away Washington, the authors identify some 70 unique and largely independent decision points where someone's "yes," "no," or delayed response could move the program ahead, stall it, or set it back. Even if the probability of a "yes" at each clearance point were a phenomenal 95 percent, the probability of agreement by all involved after 70 clearances drops to a abysmally low 0.395 percent. In fact, the probability of success drops below 50 percent after only 14 of the 70 required clearances! Given these odds, how can any social program succeed in the face of such administrative obstacles? The Oakland program structure itself was a major contributor to the program's failure. Social program implementation has been much discussed but rarely studied. This book makes a solid contribution to remedying that deficiency. Reviewed by James A. Fletcher.

● **The Politics of Normalcy**, by Robert K. Murray. Part of the Norton Essays in American History series. (W.W. Norton & Company, Inc. 1973, 146 pages, \$6.95) The past half dozen years have seen a return to interest in both the politics and the personalities of the "Roaring Twenties." Following Russell's *The Shadow of Blooming Grove* (1968), Murray's *The Harding Era: Warren G. Harding and His Administration* (1969), and Downes' *The Rise of Warren Gamaliel Harding, 1865-1920* (1970), one might question the need for another book on the early part of this decade? But, as Robert Murray points out, there is a continuing need for re-examination of this period, and, in light of the Watergate, an insight into the policies of another Administration deeply plagued by scandal. Murray attempts to show how the "normalcy" of the 1920 election mandate was actually a call for return to sensible and prosperity after the massive inflation and unrest of the last two years of the Wilson Administration. The author revises the conventional analysis of "the smoke-filled room" convention, the Republicans' election tactics in 1920 (they were positive and not merely anti-League), and most importantly, the personality and strengths of Warren Harding himself. What is of most interest, however, is Murray's treatment of the actual policies and attitudes of the Harding Administration. Murray suggests that to the end, Harding sought to bring the "best minds" together on every issue, to use "conciliation, compromise, friendliness, and humility" as strong political weapons, and to act as adjudicator and counselor himself. In notions of a virtual figurehead President, Harding followed the lead of his Republican predecessors of the 19th century and not the Teddy Roosevelt approach of the 20th. A strong, readable, and well-reasoned revisionist argument on Harding's politics, *The Politics of Normalcy* presents a most forthright approach to a period almost obscured in American History. One can only hope that when the time comes to write the definitive book on the Nixon years, Professor Murray will still have pen in hand. Reviewed by Henri Pell Junod, Jr.

● **Patent and Anti-Trust Law**, by Ward S. Bowman, Jr. (The University of Chicago Press, 1973, 256 pages, \$10.50) The title of this book suggests that it is a legal treatise on the relations or conflict between the U.S. patent and anti-trust laws. Actually, it is a critical analysis of the restrictions that the courts, through their decisions over the last 60 years, have imposed on the rights of patent owners to license their patents to others. Bowman devotes several chapters to describing the relations of the patent and anti-trust laws and to analyzing the patent system. He takes issue with arguments of the courts that patents have been extended to monopolize matters not covered by the patent, a line of logic he calls the "monopoly-extension fallacy." The fallacy is explained by means of rather detailed economic considerations, including the use of numerous graphs. Bowman concludes that the courts ignore consumer-benefit efficiencies resulting from restrictive license agreements, such as agreements involving tie-ins with unpatented parts, involving price fixing, involving use restrictions or involving rights under a group of patents. The book is worth reading if for no other reason than that it attempts to support a viewpoint not found in the court decisions following the adoption of our anti-trust laws, particularly following the passage of the Clayton Act in 1914. Reviewed by Victor D. Behn.

LETTERS

Pullet Prize

i always hold my breath when i read "margin release" because i never know if i'm going to be able to figure out what the hell you're talking about, but this time you outdid yourself. now, i know a little about the primary colors — red, blue, yellow — but no green. green is a combination of blue and yellow, so if you had talked about yellow and blue, i still wouldn't have known what you were talking about, but at least i would have recognized the primary colors, and i have a record of supporting open primaries. however, open primaries are not to be taken for primary beneficiaries, and primary beneficiaries are not the same as beneficent despots, although we have a railroad despot in the center of town. the center of town is known as despot square, by the way. in case you are wondering why i am typing sans upper case, i got tired of depressing the shift key — anyhow,archie the cockroach — as opposed toarchie the prosecutor, a bug of a different color — never used upper case, but he had a reason, but he still won a pullet prize, which is better than laying an egg. fred allen never used upper case in his letters, some of which are printed in the groucho letters, a moderately funny book edited by some friend of groucho's, which i have, along with my ambrose bierce collection and my poster of groucho, harpo and chico sitting around a water pipe — which is different from a water gate, but pardon the expression — anyway bierce was very funny until he disappeared into mexico during one of their periodic upheavals and presumably did not amuse pancho villa who then had him shot, or so the story goes, just as colis p. huntington of the union pacific would have done in the eighties and nineties if he could have managed, or he may have died of a scorpion bite. bierce, the marx brothers and ogden nash are my heroes. i would walk across cold coals to see a marx brothers film festival, which is more than i can say for jane fonda, whom i have never seen, and hoping not to see. i have lent the devil's dictionary to my minister or i would lay some quotes on you, but i remember "republican" — "someone who takes for granted everything that grant did." how does that do it to you? he also said that the presidency was "the greased pig in the field game of american politics." hmmm. n'est ce pas?

RICHARD CLEVELAND
Northfield, Vermont

Naughty

Whoever contributed the Summer 1973 FORUM report on Vermont's capability and development plan apparently knows nothing more than what is told him by the Rutland Herald, which along with the Summit (Miss.) Sun has to be one of America's least reliable papers.

In 1970 the Vermont legislature, of which I was a member, adopted Act 250, the environmental protection act. The act established an environmental board and required permits for "developments" and "subdivisions," etc. To obtain a permit, a developer had to show that he was not going to do a lot of naughty things, like mooring a dirigible so as to shadow his neighbor's garden.

In addition, Act 250 promised a "capability and development plan" showing what various parts of the state were capable of sustaining in the way of development, and where development should therefore be allowed. The ensuing "land use plan" would "determine in broad categories the proper use" of the lands of the state. This latter plan was correctly termed "statewide zoning" by then-Gov. Deane C. Davis.

In October, 1972, the Environmental Board composed largely of people to whom keeping Vermont a bucolic museum overrode any affinity for the ideas of individual liberty or private property, adopted a resolution asking the legislature to reduce the definition of "development" in Act 250 to include even the surveying of lines for a one acre lot. Shortly thereafter, the board published a land use plan which contained five zones, two or three of them highly restrictive in allowed uses.

This combination would have given the centralized Environmental Board virtually complete control over all non-urban land in Vermont, which, of course, was their

objective. This naturally produced strong opposition. As a result, their land use plan was scrapped entirely. Their capability and development plan was scrapped in favor of numerous amendments to the permit criteria contained in Act 250 — most of them noncontroversial — and a rather vague statement of policies with no binding effect. This bill continued to bear the name "capability and development" plan, although following its passage the director of the State Planning Office (an ardent supporter of all these plans) ruefully admitted that the bill that passed was not, in fact, anything resembling a "capability and development plan."

Your reporter cites "high pressure" radio ads by opponents to these plans from "land speculators and real estate developers." These ads did attempt to rouse public opinion against the plans, but the worst epithet opponents of the plans ever used was "Montpelier bureaucrat," a statement of fact, however pejorative. By contrast, Gov. Thomas Salmon (D) inveighed against "land rapists" and "fast buck artists," not a few of whom, incidentally, he had served as counsel before eschewing lucre for glory. And his Secretary of Environmental Protection launched a verbal assault on opponents of these plans as "far out types [who] regardless of what they are pushing — crime, drugs, prostitution, Communism, Fascism or land speculation — use the same techniques and then try to hide behind our Constitution." This McCarthyesque outburst was accompanied by the announcement from one of the state's leading environmental groups that it was bringing a law suit to suppress opinion contrary to the land use plans — not a libel action, but merely a suit to suppress contrary opinion. (Their counsel presumably reminded them that there is no such action under the law of these United States, as the suit did not materialize.)

The upshot of all this ruckus was that each successive draft of the eight mentioned by your reporter was, with one exception, watered down from the demands of the previous one. This dilution of the farcically named "capability and development plan," along with the scrapping of the land use plan for 1973, permitted legislative passage by the 121-26 House vote.

What the real debate is about in Vermont is not the right of a "fast buck artist" to "rape" some supine rural town. It is whether the ancient concept of freehold property, so laboriously extracted from the feudal system, shall now give way to a "modern" concept of "social property" where all land use is controlled by the state. I invite FORUM readers to ponder the implications on, individual liberty and our republican form of government, where the state controls all use, and hence exchange, of real private property.

JOHN McCLAUGHRY
Kirby, Vermont

Unsatisfied Needs

Aristotle would turn over in his grave if he were to read Rahn's "Going on Four" in Summer 1973 July FORUM. Rahn's syllogism takes the following form:

A. Full employment generally exists only under inflationary conditions;

B. Excessive inflation is economically destructive; therefore

C. Curb monopolies

At least that seemed to be one of the many conflicting directions in which the article moved, which included as causes of inflation: full employment; excessive cost of labor in relation to production; insufficient production to meet demands; excessive government spending (which siphons off goods and increases demand and price), and monopolistic business practices (whatever that means).

If simple logic were employed a solution might be found. Looking at the following "Medowar" syllogism.

A. Full employment increases supply of goods;

B. Price of goods determined by supply; therefore

C. Full employment results in lower prices.

It is cruel and inhuman to try to fight inflation by putting people out of work, and to intentionally create a recession. The way to prevent inflation is to get an abundance of goods on the market. Although economists might say you can overproduce, I believe this is nonsense. We are no where near satisfying the needs of America or for that matter any other part of the world.

JEROME S. MEDOWAR
Merrick, N.Y.

Electric Company

Prepare yourself for a time when "The Electric Company" will replace the Rand Corporation as a governmental think-tank. Conjure up an era when Presidential advisors will be recruited from the cast of "Zoom." Such prospects are not unlikely if a group of political scientists get their way.

In the wake of Watergate, government experts working at the Malomar Institute For Democratic Research propose lowering the voting age to three. Pessimistic about the current political atmosphere, they see no other cure for the apathy and cynicism prevailing among voters than an injection of childish enthusiasm and honesty into the system. "With kiddies participating in the process," said a Malomar spokesman, "a Watergate affair would be rare. Nevertheless, one might expect an occasional cookie jar scandal."

If this proposal became law, one could anticipate major changes in the Cabinet. The Pentagon might shed its sinister image if the President appointed someone like Captain Kangaroo as Secretary of Defense. Small farmers

14a ELIOT STREET

● Boston-Cambridge member **Michael W. Christian** has been appointed to the Massachusetts Port Authority by Massachusetts Gov. **Francis Sargent**. Christian was formerly counsel to the East Africa Federation of Kenya, Uganda, and Tanzania, representing the three countries' airway and railway system.

● The New York Chapter has elected **Lewis B. Stone** to succeed **Werner Kuhn** as chapter president. The new executive vice presidents are **Marianne Magocsi**, issues; **Glenn S. Gerstell**, public action; **Edward D. Goldberg**, development; **Susan Srader** will become the chapter secretary and **Martha M. Ferry** continues as treasurer. The vice presidents include **Joanne D. Medoff**, governmental affairs; **Thea Modugno**, research; **Thomas O. Jones**, program; **Ann Heavner**, public information; **Guy G. Rutherford, Jr.**; **Robert K. Wechsler**, membership. New York's NGB representatives will be Stone, Ferry and Goldberg.

● NGB member **John A. Cairns** has announced that he will not seek re-election as a Minneapolis alderman. Cairns, a former city council president, said he would devote his energies to other candidates and the completion of important city projects. Cairns has been succeeded as Minnesota Ripon president by **Ann O'Loughlin**, coordinator of Project DeNovo, a pre-trial diversionary program. The new vice presidents are **Mark Olson**, a former administrative aide to U.S. Rep. **Bill Frenzel**, and **Tom Veblen**, personnel director for the Cargill Company and chairman of the chapter's 1973 issues conference. The new secretary is **Jackie Hines**, co-chairwoman of the 1972 Minnesota Republican Platform Committee. Joining O'Loughlin and **James Manahan** on the NGB is **Elayne Hansen**, who coordinated both of the chapter's issues conferences.

● National Associate Member **F. Allan Weinstein** has been elected to the California San Mateo County Republican Central Committee. **Beverly C. Weinstein**, his wife, is a member of the Republican State Central Committee.

● Boston-Cambridge Chapter member **James Fletcher** has been named a White House Fellow. Fletcher will be working in the Office of Management and Budget on inter-agency committees on welfare reforms and national health insurance.

● Former New Haven Chapter president **Peter Baugher** has been named to a committee of Cook County Republicans seeking to recruit "top-notch" candidates for next year's elections in the Chicago area. The SEARCH committee will be headed by **Joseph A. Tecson**, an attorney and chairman of the executive article committee of the 1970 Illinois Constitutional Convention.

● As a sop to maudlin sentimentality, "14a Eliot Street" will remain "14a Eliot Street."

● Ripon President **Ron Speed** has appointed three new at-large members to the NGB: **Peter Berger**, **Clifford W. Brown** and **Larry Finkelstein**.

would gain a friend if Mr. Green Jeans became Secretary of Agriculture, while endangered species like the Bald Eagle could breathe easier if the irrepressible Big Bird took over as Secretary of the Interior.

Anyone who knows how to get to "Sesame Street" realizes that if Oscar headed the Environmental Protection Agency, he would work zealously to curb America's throw-away-mania. Mr. Rogers looks like a tennis shoe-in to fill the top post at HEW, and nobody can dispute the fact that newscaster Kermit the Frog would make a more colorful presidential press secretary than Ron Ziegler. Certainly a natural as an advisor on consumer affairs would be the Cookie Monster.

Some readers will question the relevance of the Malomar proposal. A few may be scandalized by the prospect of turning the Ship of State into "The Good Ship Lollipop." One might add, however, that in light of recent revelations, this reform suggestion seems on a par with Mr. Nixon's advocacy of a six-year presidential term.

W. K. WOODS
Wilmington, Ohio

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DULY NOTED: POLITICS

● **"South Carolina Politics Beginning to Heat Up,"** by William Rone. The (Raleigh) News and Observer, August 5, 1973. State Sen. Thomas F. Hartnett, who changed his affiliation from Democratic to Republican last year, has announced his candidacy for the lieutenant governorship by criticizing the incumbent, Earl E. Morris (D), who is seeking the governorship. "The lieutenant governor is always so busy running for governor, he's afraid to interpret the rules of the Senate," said Hartnett, who is a self-described middle-of-the-roader. Meanwhile, the name of former U.S. Attorney N. Welch Morrisett, now a Richland County councilman, is the topic of Republican gubernatorial speculation. Other possible Republican aspirants for the statehouse are James Henderson, who ran for the "number two" spot in 1970, and William D. Workman, Jr., a journalist who provided a strong Republican challenge to the late Sen. Olin D. Johnston in 1962.

● **The Rus Walton Report**, August 1, 1973. This new conservative Sacramento-based newsletter reports that California Lieutenant Gov. Ed Reinecke's gubernatorial ambitions have taken a swift downturn. "For months Republican bigwigs had been trying to get Ed Reinecke to abort his gubernatorial plans. Earlier, they suggested all top GOP incumbents run in place in '74, with a 'new face' heading the ticket. Reinecke, among others, said 'no.' Then, ambassadorship was dangled if Reinecke would resign and let Gov. Reagan appoint new Lt. Gov. and successor to throne. Again, Reinecke said 'no.'" Now, Reinecke's state chairman, Dr. Arnold O. Beckman, has resigned to lead a new unity campaign for the state GOP; a top fundraiser has also left the Reinecke campaign. While former Deputy Defense Secretary David Packard denies interest in the governorship, he is reportedly backing HEW Secretary Caspar Weinberger. Weinberger began his political career as a progressive Republican assemblyman in California. Walton also suggests that former U.S. Rep. John Schmitz (R) may seek the GOP nomination for secretary of state.

● **"4th Poll, Ella Wins Another,"** by Bob Conrad. Hartford (Connecticut) Times, August 12, 1973. Republican Gov. Thomas Meskill was again on the losing side of the most recent of four major polls taken this year in anticipation of next year's gubernatorial election. This time, Meskill was shown trailing U.S. Rep. Ella Grasso (D) by 46-39 percent. The popular Mrs. Grasso is a former state secretary of state. In another trial heat, Meskill trailed former Gov. John Dempsey (D), 44-39 percent; Dempsey however is considered a highly improbable candidate. The latest poll was taken by the Committee on Political Education of the national AFL-CIO. Another state tax cut next year may help save Meskill's political throat.

● **"Governor Evan's 'Presidential' Staff,"** by Clayton Fox. Seattle Argus, August 3, 1973. "For several months the office of Gov. Dan Evans has been undergoing a steady change, and those who sniff out political footprints say the changes are leading toward a path to the White House," writes Fox. "The footprints are clear enough — Evans is freeing himself from detail, leaving himself more time for national affairs. It also frees his chief of staff, Jim Dolliver, from a bottomless bag of paperwork. But the footprints still do not mean that Evans is running for national office, Dolliver says. That is, beyond the national office he now holds as chairman of the National Governors' Conference." According to Dolliver, "He is always been uninterested in the U.S. Senate and hates to go back to Washington, D.C. But the governor is one who keeps his own counsel. I do not know his plans."

● **"Real effort to unseat Wes Bolin likely in next year's race,"** by Bernie Wynn. Arizona Republic, July 29, 1973. Conservative Democrat Wes Bolin may have a difficult time next year retaining his job as Arizona secretary of state, a post he has held for 26 years. Among the names Republicans mentioned for the office are State Rep. Mike Goodwin, an architect; State Treasurer Ernest Garfield, who unsuccessfully sought a congressional nomination last year, and controversial Maricopa County

Recorder Paul Marston. Among those currently being mentioned for next year's Republican gubernatorial nomination according to Wynn, are Phoenix Mayor John Driggs, Corporation Commissioner Russ Williams and former Phoenix Mayor Milton Graham.

● **"Who against whom in '74; Political speculation centers around Docking,"** by Lew Ferguson. Hutchinson (Kansas) News, August 12, 1973. If the expected race between Gov. Robert Docking (D) and Sen. Bob Dole materializes for the U.S. Senate next year, Republicans are expected to slate Lieutenant Gov. Dave Owen (R) against Attorney General Vern Miller (D) for the governorship. However, some Republicans are worried that such a race would result in still another Republican gubernatorial defeat and are therefore considering other candidates. These possibilities include former GOP State Chairman Don Concannon; the Rev. Forrest J. Robinson, a minister active in last year's Republican gubernatorial campaign; State Insurance Commissioner Fletcher Bell; and Senate President Robert F. Bennett. Ferguson writes that Bennett, a Johnson County attorney, appears to have the best chance to make a successful race against Miller. Bennett's performance in the Senate this year won considerable praise. Although U.S. Rep. Bill Roy appears likely to stay put, former Kansas Attorney General Kent Frizzell (R) might run for the seat if Roy abandons it for the Senate. State Treasurer Tom Van Sickle, a former power in the national Young Republicans, is reportedly interested in running for attorney general if Miller tries to step up to governor. The apparent key to all these musical chairs is what office Gov. Docking decides to seek.

● **"Danforth Considering Race for U.S. Senate,"** by Fred W. Lindecke. St. Louis Post-Dispatch, July 26, 1973. Popular Missouri Attorney General John C. Danforth (R) has not yet made up his mind whether to challenge Sen. Thomas F. Eagleton (D) for re-election next year. Even with Danforth's demonstrated popularity—two strong races for attorney general and a narrow loss to Sen. Stuart Symington in 1970, a race against Eagleton is rated "tough." With the possibility of retirement by the aging Symington in 1976, possibly to make room for his son, U.S. Rep. James W. Symington, Danforth may be tempted to wait. But many Democrats are hoping that by waiting, Danforth would run into the senatorial ambitions of fellow Republican Christopher "Kit" Bond, the incumbent governor with whom Danforth shares responsibility for the rejuvenation of the Missouri GOP. If Danforth decides against risking a Senate bid in 1974, Republicans prospects for victory fade quickly. Lieutenant Gov. William C. Phelps would be a likely stand-in candidate, according to Lindecke. Danforth is not expected to make any decisions about the Senate until after Christmas.

● **"Weicker digs away like coal miner,"** by Mary McGrory. Boston Globe, August 6, 1973. "Sen. Lowell P. Weicker (R-Conn.), who is sometimes accused of being the Senate Watergate committee's grandstander, is actually its grind," writes McGrory. "He has taken upon himself the task of providing that the 'unconstitutional, illegal and gross acts' committed by the Nixon men, and which he says 'continue to this day,' are unworthy and uncharacteristic of Republicans." As Weicker said earlier in the hearings, "Republicans don't cover up, don't reject their fellow Americans as enemies to be harassed, but as human beings to be loved and wanted." Concludes McGrory, "His party may not be ready to accept him as its conscience, but they have to admit he does his homework."

● **"Thompson moves toward '75 race,"** by Bob Wiedrich. Chicago Tribune, July 24, 1973. "James R. Thompson, the long, lean and lanky United States attorney, is changed his image as a carefree bachelor to something more befitting a man who wants to run for mayor of Chicago, writes Tribune columnist Bob Wiedrich. "So come fall, Thompson is moving his mod suits into a three-story, two-bedroom Victorian townhouse in the 500 block of Fullerton Parkway to consummate the most substantial investment of his 37-year-old life." Thompson is expected to forego a race for Cook County Board president next year in hopes of capitalizing on the misfortunes of Mayor Richard Daley (D) in 1975. Despite the scandals which have beset his political cronies, Daley, now 71, is expected to seek a sixth term.

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