

June
1979

RIPON FORUM

Volume XV
Number 5
Price \$1.50



On the Cover —
The Battle To Bring
Back The Draft

Commentary
The Spirit Of Philadelphia

View From
Lawkins Gore
Governor Brown
Visits Africker

Fact And Fiction
On The
Volunteer
Military

Education
Voucher And
School
Desegregation

The Herbert
Controversy:
Two Views

Governor
Thornburgh's
Speech To
Ripon Annual
Meeting

Political
Potpourri
The New Politics Of
Petrodemonology

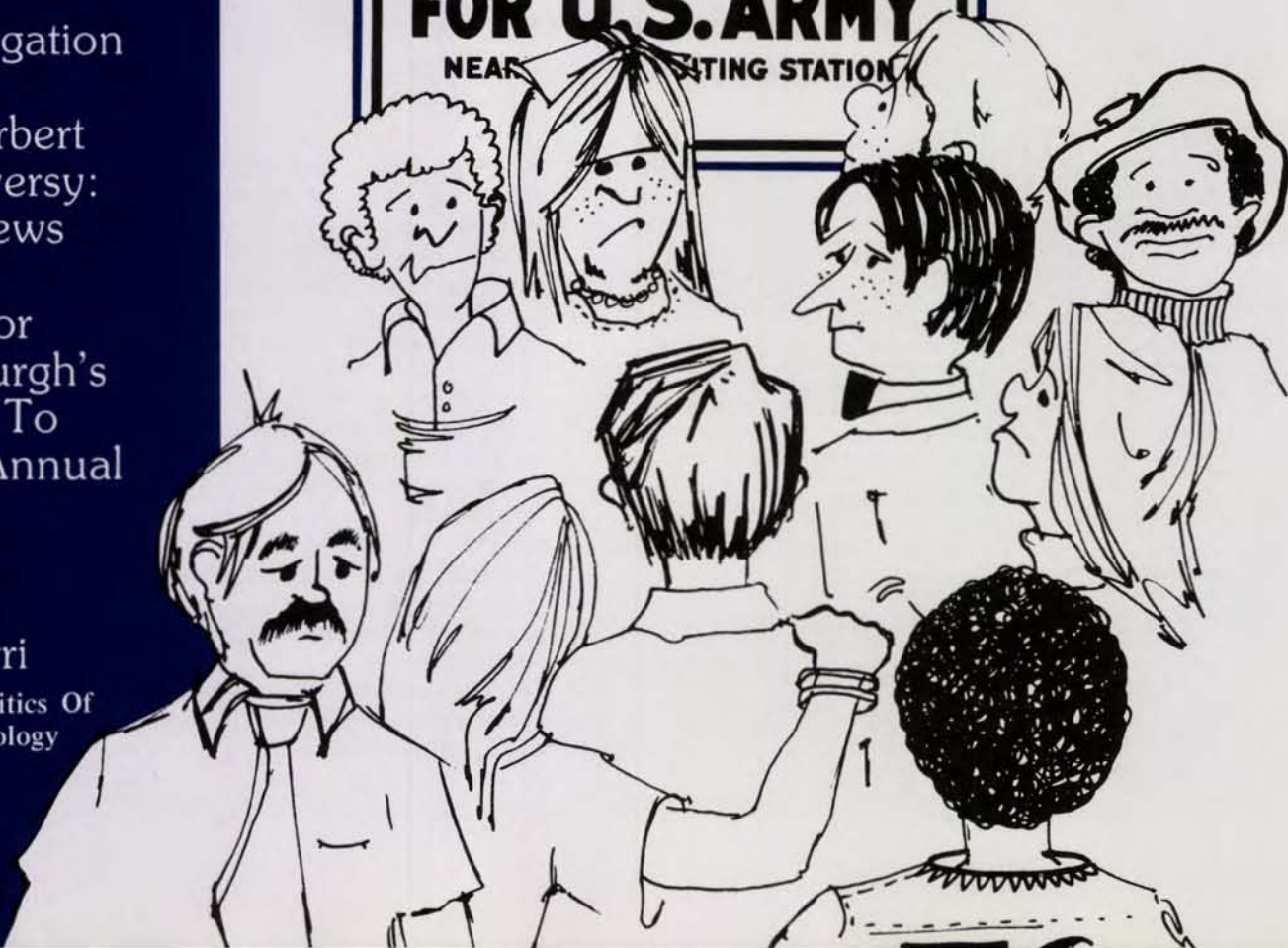


Table of Contents

RIPON FORUM

COMMENTARY	
The Spirit of Philadelphia	2
ADDENDA AND ERRATA	3
VIEW FROM HAWKINS GORE	
Governor Brown Visits Africker	4
Surveying The Herbert Decision:	
Two Views	5
Fact And Fiction On The	
Volunteer Military	8
The Tuition Voucher: A Means	
To Secure Both Desegregation	
And Parental Choice	10
Address of Governor Dick	
Thornburgh of Pennsylvania To	
Ripon Society Annual Meeting	13
POLITICAL POTPOURRI	
Fallout From The New	
Politics Of Petrodemonology	16

RIPON FORUM

Editor: Arthur M. Hill II

Executive Editor: Steven D. Livengood

Art Director: Elizabeth Lee (The Graphic Tuna)

THE RIPON FORUM (ISSN 0035-5526) is published monthly (except for the March/April and July/August combined issues) by the Ripon Society, Inc.

In the publication, the Society hopes to provide a forum for fresh ideas, well researched proposals, and a spirit of creative criticism and innovation in the Republican Party. Manuscripts and photographs are solicited, but do not represent the views of the Society unless so stated.

Contents are copyrighted © 1979 by the Ripon Society, Inc., 800 18th Street, N.W., Washington, D.C. 20006.

Second class postage and fees paid at Washington, D.C. and additional mailing offices.

Subscription rates: \$15 per year, \$7.50 for students, servicemen, Peace Corps, Vista and other volunteers. Overseas, add \$6. Please allow five weeks for address changes.

The Ripon Society, Inc., John C. Topping, Jr., President, is a Republican research and policy organization whose members are business, academic, and professional men and women. It is headquartered in Washington, D.C., with fifteen chapters, several affiliated subchapters, and National Associate members throughout the United States. The Society is supported by chapter dues, individual contributions, and revenues from its publications and contract work.

COMMENTARY

The Spirit Of Philadelphia

It would be only mild hyperbole to report that the Ripon Society was reborn on April 28 in Philadelphia. The Seventeenth Annual Meeting of Ripon was filled with a feeling of self confidence and political momentum greater than at any meeting of Republican moderates in the past decade. Most striking was the transfusion of talent, political savvy and imagination to the Society's National Governing Board.

Among the additions to Ripon's leadership were Robert Bass, Republican National Committeeman for New Hampshire, Paul Hays, Republican Chairman for the District of Columbia, Dan McNamara of Toledo, Ohio, Lucas County Auditor, Stuart Hall, Public Utility Commissioner for Alaska, Tom Kelly, the Arkansas Republican Party's 1978 U.S. Senate nominee, and Sid Gardner, City Councilman from Hartford, Connecticut.

The Society elected as its Vice President Richard Salvatierra, a very successful Hispanic American businessman and former head of the largest minority business development organization in the United States. The Co-Chairman of the nominating committee was Daniel Hall, who heads the nation's first black owned book wholesaler. Also joining the National Governing Board was Floyd McKissick, civil rights leader and North Carolina attorney who is battling to build a new town in rural North Carolina.

Too often moderate Republican gatherings have emanated a heavy smell of WASP establishmentarianism. Calls for an open party have had a hollow ring when issued by a roomful of hereditary Republicans. Yet Ripon's National Governing Board members, gathered in Philadelphia, could hardly be

blanketed under a single stereotype, other than creative and committed. They included Temple Law Professor Michael Libonati, one of the nation's leading scholars of local government law, Dr. Bogdan Maglich, a Yugoslavian born nuclear physicist who discovered the mu meson and has become the leading researcher in the world in advanced fuel fusion, Stanley Sienkiewicz, a noted defense strategist and staff member of the Senate Foreign Relations Committee, Tanya Melich, Director of Civic Affairs of CBS, Armando Chapelli, international relations and environmental law specialist, Dr. Seymour C. Yuter, a patent lawyer and scholar of international law, Henri Pell Junod, a historian and Republican activist, and Patricia Lines, a University of Washington at Seattle professor and a leading legal scholar in such areas as educational vouchers and women's and children's rights.

Members of the Ripon NGB also include individuals with such diverse backgrounds as Lee W. Huebner, the newly chosen publisher of the *International Herald Tribune*, Theodore Jacqueney, who heads the international human rights organization, Democracy International, George F. Gilder, the well known author, and Constantine Sidamon-Eristoff, an attorney and former transportation chief for New York City.

Throughout the meeting one could sense that the Ripon Society had finally achieved critical mass. For a number of years Ripon has enjoyed a dual status. As the progenitor of such ideas as revenue sharing, an opening to the Peoples Republic of China, the volunteer military, and minority entrepreneurial development the Ripon Society has stood out as the leading idea brokering group in the Republican Party. At the same time, as a variety of other moderate Republican groups have shriveled, Ripon has become the leading membership organization for moderate Republicans across the country.

This duality of roles has over the years generated interminable discussions of "Whither Ripon?" Often this internal debate on whether Ripon is primarily an idea generating organization or a movement political organization has substituted for action on either front. In fact, the two functions are inextricably intertwined. The political strength of any largely volunteer political group is to a large extent a function of the intellectual ferment and the excitement which it generates. At the same time, the group's ability to attract innovative and workable policy proposals is directly linked to the prospect that that organization can translate the proposal into reality. As a result of its remarkable success in seeing its proposals of the mid to late sixties translated into reality in the early seventies, the Ripon Society could justifiably claim to have altered fundamentally the thrust of American public policy.

Yet the Society's peak of policy success coincided with a period of profound political malaise. The same Nixon Administration which was pursuing an imaginative policy agenda of Tory radicalism was simultaneously promoting a short-sighted polarization of American politics and self-defeating assault on institutions. The sharp edge of anti-intellectualism inherent in the Silent Majority strategy hardly encouraged people of ideas to flock to a Republican banner of any stripe.

Traumatic as the Watergate era and early Silent Majority politics proved to a Republican intellectual advance, they only masked the growing intellectual decay of the liberal Democratic orthodoxy that had held sway since the thirties. In fact the events that unfolded following the Watergate break-in may have accelerated the loss of faith in the liberal Democratic creed by revealing dramatically the risks of over-centralized Federal government power. Finally, the removal of Nixon from our political scene may have further weakened liberal Democrats who had substituted anti-Nixonism for intellectual substance just as the American right has long offered anti-communism rather than appealing policy alternatives to the Megastate.

The increasingly evident intellectual bankruptcy of the liberal Democratic orthodoxy has provided Republicans an opportunity unmatched since their party's earliest years to shape the destiny of the nation. The same thrust of individual liberty, entrepreneurial opportunity and grass roots citizen concern which gave birth 125 years ago to the Republican Party can lead our escape from the suffocating embrace of over meddlesome government.

This will not be accomplished by substituting a Garrison State for a Welfare State as some on the New Right would propose or by obscuring policy bankruptcy by a heavy dose of political petrodemonology administered by many liberal Democrats.

The political future belongs to those who can restore the ability of the American people to shape their own destinies. A politics of empowerment will reinforce the ability of private individuals and families, neighborhood groups, inventors, and entrepreneurs to better themselves and the surrounding community. Decentralization of governmental authority, encouragement of minority and other new entrepreneurship, fostering of neighborhood self help activity and championship of consumer control over the quality of public service delivery are all specific manifestations of this political thrust. A recognition that the political and intellectual high ground belongs to those who can increase a sense of citizen empowerment underlay the enthusiasm of the participants in Philadelphia. The Ripon Society is determined to provide a vehicle for this enhancement of individual self mastery. ■

Addenda and Errata

Some *Forum* editors must eat crow for a little historical revisionism in the copy submitted by Hollis Colby for his column entitled *The National Service Debate* in the May 1979 *Forum*. Seems that Hollis quoted his cousin Ebenezer as remembering the "great days of 18 and 63" when a Republican Congress passed the Thirteenth Amendment. Through a miscorrection by an editor, grandson of a Copperhead perhaps, this was changed to "18 and 65". Congress passed the Thirteenth Amendment in 1863; it was not ratified by the states until 1865.



View From Hawkins Gore

Governor Brown Visits Africker

by Hollis Colby

Once a year the Hawkins Gore Historical, Literary and Athletic Wagering Society holds a Skit Night at our favorite and only meeting place, Blodgett's General Store. Perley Farnham was in charge of this year's event, and him 'n Luther Leach spent a lot of time talking secret about the program. When finally the big night come, Perley handed me a card and says "Hollis, you are the announcer for this year's show, and me 'n Luther are the only actors. All you have to do is read whats on this here card".

Lias the storekeeper had pushed things back to make a little room in front of the stove, and maybe a dozen locals and a few visitors spread themselves around the premises. Clearin' my throat, I stepped forward to a modest round of applause and read what was on the card.

"Ladies and gennlemen, tonight's performance stars Perley Farnham and Luther Leach, and bears the title "Governor Brown Visits Africker." Whereupon I retired from view as the two aforementioned stars walked in hand and hand from the woodshed out back.

And I'll tell you they was a sight. Perley was wearin a three piece suit—actually pieces of three different suits—which showed signs of prolonged stay at the Congo Church's rummage corner. Luther was decked out in a silly lookin dress, a bunch of bracelets, padding as needed, and a floppy brunette wig which we later found was left over from when Pop Lester's dog was hit by the milk truck.

After a moment of uncontrolled mirth occasioned by the appearance of these two worthies, the assembly lapsed into silence to hear the first words of what was promisin' to be one of our champion skits.

"Linder," said Govinor Perley Brown, "It's time we was buildin' for the future, 'cuz if we don't build for the future we are stealin' from it."

"A-yup" agreed Ms. Luther Ronstadt enthusiastically.

"This here's an era of limits and as such is bound to be limited," continued the Govinor. "If we ain't part of the solution we're part of the problem, and that's a fact. Time and tide don't wait for nobody, and therefore I think it's time you'n me took a well-publicized vacation somewheres."

"Oh goody," giggled Luther. "Let's go to Mexico or New Hampshire or somewhere."

"Now Linder," chided the Guv'nor, "them's two pore suggestions. American dignitaries like me'n you ain't welcome in Mexico since President Jimmy Carter went down there and lectured the head Mexican on the problems of loose bowels. And we ain't goin' back to New Hampshire until the Dimmycrats up there get more respectful about my ideas on balancin' the budgit."

"Wall then," cooed Luther, "where are we a-gooin'?"

"I should think we would go to Black Africker," replied the Guv'nor. "They ain't no competition from other celebrities, unless you count Andrew Young runnin' around tryin' to help President Jimmy Carter prop up them terrorists and such in Rhodesia."

"But Cuddles," replied the ersatz Ms. Ronstadt, "think of the energy consumption in us flyin' all the way to darkest Africker."

"No problem, we'll go tourist class. Makes a better picture, too. Naow let's throw some duds together and get off."

"But Snookums," lisped Luther, "I simply don't know what to wear to Africker."

"Just the same thing you'd wear to Watts, love—your tangerine jump suit, a bunch of bracelets, that sort of thing. And I'll wear my dignified presidential-looking, statesmanlike three piece suit here," added the distinguished chief executive.

"Whatever will we do when we get there, honeybun? Will there be a place to have my nails done? They must have a disco, and you won't forget to pack the Perrier for drinks, will you?"

"I don't think you understand exactly, Miss Linder," replied the statesman, "we ain't goin' there for that sort of thing. We are goin' there to wander around in the jungle, chat amiably with the distant cousins of a number of American voters, and provide photo opportunities for the hardworking members of the press corps who might be lucky enough to locate us. I'd sure expect to top the headlines Tip O'Neill grabbed with his li'l ole junket to Ireland."

"Oooohh it sounds so phenomenally astoundingly exciting," burbled Luther, the left side of his costume sagging dangerously. "But where can we possibly go next year to top this?"

"Space," replied the Guv'nor with great dignity. "We're taking a vacation on the great frontier of mankind, our doorway to the stars!"

"But Passionate One," said Luther, "they ain't no voters or even no photographers out there in space. Why are we a'goin out there?"

"You don't understand, Light of My Life," replied the all-knowing ex-Jesuit. "All my clairvoyants tell me that in mid-1980 the earth will be threatened by an invasion from outer space. When that happens, Americans are gonna want a President who can promise some real experience in dealing with such problems. They're gonna want someone who's been there and developed some good vibes with their leaders. That's gonna be me, and my slogan's gonna be, "He Can Keep Us Out of Inter-galactic Wars!" How d'ya like them apples?"

"Mighty fine," said Linder. "But ther's one thing I have been meanin' to ask you about this here trip. Is it true you asked me only after Dolly Parton turned you down?"

A scowl momentarily crossed the otherwise serene face of the young mystic turned Governor, but then he brightened up. "Does the quick brown fox jump over the lazy dawg?"

"Oh Jerrykins," gushed Luther, "you really do love me!" And throwing hisself upon the young world leader, Luther more or less drug Perley off'n the makeshift stage as the cheers of the audience rung in their ears.

The final excitement come at the curtain call, when a dignified looking tourist announced to Luther that he had all the makings of an outstanding Thespian. When last seen he was runnin' down the road toward Damon's Crossing, followed closely by Luther and an axe handle. ■

Surveying The Herbert Decision:

Two Views

*Fifteen years ago the U.S. Supreme Court in the landmark case of **The New York Times v. Sullivan** held that for a public figure to sustain a claim for libel he would have to show actual malice on the part of the defendant. Widely hailed by the press, this decision has been sharply criticized by many public figures who claim that this standard amounts to "a license to libel". This April, the Supreme Court issued one of the most significant libel decisions since **Times v. Sullivan** in the case of **Herbert v. Lando**.*

Former army Lieutenant Colonel Anthony Herbert, who had been the subject of an expose on "60 Minutes" filed a \$44 million suit against CBS and 60 Minutes producer Barry Lando, who had also written a magazine article on the subject. Herbert, who had attracted notoriety for his charges alleging an army coverup of many MyLai-like massacres was clearly a public figure and thus would need to show that the program by CBS and article by Lando, both of which portrayed him as a liar, were not only false, but were prepared with "actual malice". Pursuant to the Federal Rules of Civil Procedure Herbert sought extensive discovery from producer Lando. Although the CBS producer gave nearly 3000 pages of depositions, he refused to answer a number of questions that he claimed concerned his beliefs, opinions, intent and conclusions. These questions were held to be proper by a trial court whose decision was later overturned by a U.S. Court of Appeals. By a 6-3 vote the U.S. Supreme Court upheld Colonel Herbert's claim for discovery. This decision

was promptly denounced by much of the media as a further indication of the Burger Court's bias against the press.

Two attorneys, both members of Ripon's National Governing Board, present below differing critiques of the *Herbert* decision. Frederic R. Kellogg, a Washington, D.C. attorney, drafted the *Ripon Forum* editorial on the *Stanford Daily* decision. Michael E. Libonati is a Professor of Law at Temple University.

"A Significant Extension Of The Legal Process"

by Frederic R. Kellogg

Although I joined the Court's opinion in *New York Times*, I have come greatly to regret the use in that opinion of the phrase "actual malice." For the fact of the matter is that "malice" as used in the *New York Times* opinion simply does not mean malice as that word is commonly understood. In common understanding malice means ill will or hostility, and the most relevant question in determining whether a person's action was motivated by actual malice is to ask "why". As part of the constitutional standard enunciated in the *New York Times* case, however, "actual malice" has nothing to do with hostility or ill will, and the question "why" is totally irrelevant.

So wrote Justice Potter Stewart in his brief dissent in *Herbert v. Lando*, the Supreme Court's most controversial decision since the *Stanford Daily* case (criticized in a *Forum* editorial in July/August, 1978). The *Herbert* decision permits a plaintiff in a defamation case to extract from the defendant discovery concerning the latter's state of mind—including material baring editorial discussion and decisions made in the course of preparing for publication.

To those concerned with our intellectual history it should cause some distress that no one on our highest Court, not even Justice Stewart, mentioned Oliver Wendell Holmes, Jr.'s analysis of the question a century ago in *The Common Law* (1881). The central subject of that work was the theory of legal liability. It was written to refute the very mis-

apprehension identified anew by Justice Stewart. "Actual malice" in ordinary speech, Holmes demonstrated, means something fundamentally different from the concept as used in the law. On precisely the same issue involved in *Herbert v. Lando*, the standard of proof for defamation in a case where a defense of privilege is raised, Holmes wrote:

It is said that the plaintiff may meet a case of privilege thus made out on the part of the defendant, by proving actual malice, that is, actual intent to cause the damage complained of. But how is this actual malice made out? It is by showing that the defendant knew the statement which he made was false, or that his untrue statements were grossly in excess of what the occasion required. Now is it not very evident that the law is looking to a wholly different matter from the defendant's intent? The fact that the defendant foresaw and foresaw with pleasure the damage to the plaintiff, is of no more importance in this case than it would be where the communication was privileged. The question again is wholly a question of knowledge, or other external standard.

Knowledge in the law, according to Holmes, must by the law's inherent nature be judged according to an external standard. This is because the law is fundamentally concerned not with thought but with the consequences of conduct, and in order to treat all defendants alike the element of intent is judged according to a general standard of foreseeability: what any reasonable man foresaw or should have foreseen. This is even true of the degrees of culpability in criminal law:

For instance, if a workman on a house-top at mid-day knows that the space below him is a street in a great city, he knows facts from which a man of common understanding would infer that there were people passing below. He is therefore bound to draw that inference, or, in other words, is chargeable with knowledge of that fact also, whether he draws the inference or not. If then, he throws down a heavy beam into the street, he does an act which a person of ordinary prudence would foresee is likely to cause death, or grievous bodily harm, and he is dealt with as if he foresaw it, whether he does so in fact or not. If a death is caused by the act, he is guilty of murder. But if the workman has reasonable cause to believe that the space below is a private yard from which everyone is excluded, and which is used as a rubbish-heap, his act is not blameworthy, and the homicide is a mere misadventure.

It may be answered that because this view implies a choice between proving the surrounding circumstances and the subjective state of mind itself, discovery of the latter would be permissible. The problem is, however, that the Court in *Herbert* treats the second as *essential*. The case concerns enforcement of an order for discovery in a libel suit. Not only is the actual state of mind irrelevant if an external standard is applied, the decision would seem to extend the sticky fingers of the judicial system into a domain heretofore protec-

ted, and to do so in any claim hereafter made by a public figure or official aggrieved by a news story.

Holmes went on in his analysis of libel law to observe:

And what makes even knowledge important? It is that the reason for which a man is allowed in the other instances to make false charges against his neighbors is wanting. It is for the public interest that people should be free to give the best information they can under certain circumstances without fear, but there is no public benefit in having lies told at any time; and when a charge is known to be false, or is in excess of what is required by the occasion, it is not necessary to make that charge in order to speak freely, and therefore it falls under the ordinary rule, that certain charges are made at the party's peril in case they turn out to be false, whether evil consequences were intended or not. The defendant is liable, not because his intent was evil, but because he made false charges without excuse.

Nevertheless, an important caveat is in order. It is not at all clear that questions which Lando refused to answer are necessarily irrelevant under an external standard: For example, "Do you have any recollection of discussing with anybody at CBS whether that sequence should be excluded from the program as broadcast?" Surely, an injured party can not be refused discovery into the writer's path of inquiry, irrespective of the emotive state that accompanied it. What the writer saw and learned, and especially what was later removed from the story and perhaps concealed, lie at the essence of the case.

The Court has missed this obvious point and the reason lies in the very misapprehension identified by Holmes. The *Herbert* case may well follow many controversial decisions into oblivion, applying only in its particular circumstances. If, on the other hand, it should occasion an extension of the legal process into the domain of the mind, it will be from confusion over legal language exposed nearly one hundred years ago.

"Sauce For The Gander"

by Michael E. Libonati

The business of selling newspapers has no more to do with maximizing the values embodied in the First Amendment than the practice of law has to do with Justice or the maunderings for hire of the average crackpot professor with Enlightenment. It was the great merit of *Front Page* to exhibit the carcass of modern journalism as she is, warts and all. But that play was written during the thirties when Americans even of the professional classes, could look disagreeable things in the eye without either blinking or soaring into the airy empyrean of abstraction, fourth of July rhetoric, and camel slobber with which practitioners of law, medicine, the divine sciences, and piano moving are now accustomed to sanctify the particular modality by which they pursue a buck. But no matter how gaudy a stream of patter emanates from the p.r. mills of the American Bar or Medical lodges, it remains that one of their number who deviates from professional standards to the injury of another is subject to accountability in a civil action for damages. As for the clergy, no one has ever had standing to bring an action for breach of express warranty of salvation.

So too, institutions which vend a product or render a service which causes injury are held liable according to the same standard which applies to individuals—negligence.

In the communications game, however, mere negligence in exercise of the profession of gathering and disseminating news is not enough to warrant the imposition of tort liability. Thus, a reporter who violates every standard of care and competence in the exercise of his Constitutionally protected calling that was inculcated in Journalism 101 has a qualified immunity to libel actions when public figures are the victim of his savaging of reputation. The aggrieved party must move

beyond negligence to show fault that is, conduct plus a state of mind amounting to "actual malice". The evidence in support of the plaintiff's claims must not merely preponderate in his favor but must be clear and convincing.

State of mind evidence is required and relevant in many areas of civil law including the torts of fraud and deceit. The self-incrimination privilege and "shield" statutes can be made use of in civil proceedings should the plaintiff's attorney in cross examination of the journalist witness on the state of mind issue trench on the witness' personal and occupational privileges not to divulge information.

Holmes' search for "objective" standards by which individual conduct is evaluable without reference to subjectivities is entitled to no more and no less deference than any similar philosophical attempt to create a unified theory of legal liability. Why Holmes' meditations on this matter should be more authoritative than those of Kant, Hegel, or the guy on the next barstool is unclear. Holmes the judge was the best critic of Holmes the legal theologian when he spoke of the law as responsive to the felt necessities of the time. The felt necessities of our time are to minimize accretions of privilege or claims of immunity to judicial accountability based on caste, class, or official position. The journalists of our country contributed mightily to the formation of a public opinion which would subject elected officials to account in a civil court for intentional abuses of their official positions. They do not like it when the sauce is served to the gander as well as to the goose. Hypocrisy and self-righteousness go hand in hand in what passes for contemporary American "liberal" thought. ■

Fact And Fiction On The Volunteer Military

by Christopher Jehn

The All-Volunteer Force (AVF) has been subjected to considerable criticism recently. Knowledgeable students of today's military manpower system are struck by how misinformed much of that criticism is. The "Commentary" in the March/April issue of the *Ripon Forum* argues persuasively against a return to conscription and suggested solutions other than the draft for the problems facing the AVF. It is also appropriate to ask how real these problems are.

The AVF is said to cost too much. This argument is clearly specious. Since careerists have always been volunteers, only the cost of recruiting, training, and paying first-term personnel is at issue. If military pay is kept comparable to civilian pay, a return to conscription would save only about \$250 million in recruiting costs. Cutting pay of first-term personnel could, of course, increase this amount—by as much as \$2.5 billion (or about 2 percent of the defense budget) if pay for junior personnel were lowered to the relative levels of the 1960s. Such a pay cut is not likely, however, even with a return to conscription.

While a return to conscription might reduce the cost of manpower to the Defense Department, it cannot reduce the cost to the nation. It would merely shift the burden of that cost to draft-age men and women and from the general population. Conscription would also impose other costs on the nation: costs associated with draft avoidance (and enforcement) and the disruption of careers and education, for example.

It is widely believed that the AVF is not attracting personnel in sufficient numbers or of sufficient quality. This argument, too, is largely groundless. Monthly recruiting shortfalls are undeniable and the source of many front-page headlines. But, for the last four years, reduced losses from the active force have offset these shortfalls so that the size of the total force has never fallen below 99 percent of the size authorized by Congress.

Quality is harder to measure than quantity—a complete quality measure would include such dimensions as mental ability, education, training, experience, and imponderables like motivation and morale. Of course we do not have this ideal measure. But in terms of dimensions we can measure, the AVF compares favorably with its counterpart during the draft years of the 1960s and early 1970s. As the figures in table 1 show, today's recruits score as well or better on entrance exams and are just as likely to be high school graduates as were recruits during the draft era. Per-

haps most important, the enlisted force today has a higher percentage of high school graduates than at any other time in history.

The preceding discussion has focused on the active force. The picture is not so rosy for the reserve forces. This fact has constituted part of the basis for another criticism of the AVF: that it cannot meet mobilization requirements in the event of a major conventional war in Europe. Reinforcements and replacements for the active force must come from the reserves (including the National Guard) and from untrained individuals. Many critics of the AVF believe conscription is necessary to man the reserves and provide a readily accessible source of untrained personnel at the start of a war.

Since the end of conscription in 1973, the selected reserve (personnel drilling regularly in reserve and National Guard units) has declined 12 percent, and the Individual Ready Reserve (the IRR, personnel serving the remainder of an initial six-year military obligation after a period of active duty) has declined almost 70 percent. On the surface, these figures seem alarming, but they are only part of the story. For example, conceivably offsetting its decline in numbers, the selected reserve has steadily grown more experienced (in 1977, 68 percent of accessions to the selected reserve came from the active force, compared to only 32 percent in 1970). Though the IRR now numbers less than 400,000, there are other sources of trained personnel: studies for the Department of Defense estimate that about 250,000 recent military retirees would be suitable for recall, as would over one million recently discharged individuals.

Of course, how serious the reserve situation is depends greatly on how sensible the requirements for reserve forces are. Reserve "requirements" are not immutable; they are a function of assumptions about likely future contingencies and how active and reserve forces will be used.

In any event, there is no necessary connection between a volunteer military and inadequate reserve forces. Only recently have the reserve forces begun to receive the management attention given the active force. (The Army Reserve and Army National Guard did not begin using full-time recruiters until fiscal years 1977 and 1978, respectively.) Manning problems in the reserve forces have also been exacerbated by institutional discouragements to enlistment and reenlistment. Chief among these are an outmoded pay system and traditional training schedules which require new enlistees to leave their primary jobs for literally months to take basic and initial skill training. The Defense Department has now recognized these defects and is studying ways to correct them. But doing so may require some new legislation. If Congress wants the AVF to fail in this area, it has the power to insure that outcome.

Advocates of conscription also argue that a functioning draft system is necessary to provide enough enlistments in the early stages of a major war as well as to fill reserve units. This argument, although it has surface appeal, assumes that we engage in a totally unpopular war and that there would be no increase in enlistments at the outbreak of war. In fact, an increase in enlistments has accompanied major

Christopher Jehn is an economist and recognized expert on military manpower issues.

TABLE 1₁
ENLISTED "QUALITY" MEASURES

Fiscal year	% of enlistees in mental categories I & II ("Above Average")	% of enlistees in mental category III ("Average")	% of enlistees in mental category IV ("Below Average")
	1965	39%	49%
1967	39	38	23
1971	35	43	21
1975	38	56	6
1978	34	61	5

Fiscal year	% of enlistees who are high school graduates	% of total enlisted force who are high school graduates
	1965	68%
1967	76	83
1971	69	86
1975	65	87
1978	77	88*

*Data for FY 1977.

¹This and all subsequent charts in this article are drawn from a U.S. Department of Defense publication entitled *America's Volunteers: A Report on the All Volunteer Armed Forces* issued December 31, 1978 by the Office of the Assistant Secretary of Defense Manpower, Reserve Affairs and Logistics.

TABLE 2
GEOGRAPHICAL DISTRIBUTION OF FY 1977 MILITARY RECRUITS

States	Percent of youth 17-21 years old	Percent of recruits
New England	5.3%	6.0%
Middle Atlantic	16.3	16.2
East North Central	19.0	19.1
West North Central	7.6	7.4
South Atlantic	16.2	16.7
East South Central	6.6	6.3
West South Central	9.9	9.3
Mountain	5.0	4.9
Pacific	12.6	13.2
Other	1.5	0.9

crises (like Berlin in 1961) and the beginning of every war this country has entered (even Vietnam). Indeed, conscription in World War I was justified on the ground that valuable civilian laborers might otherwise volunteer, and during both world wars voluntary enlistments were eventually banned.

Also, a draft, by itself, does not guarantee "quick response." Draftees, after all, take just as long to train as volunteers. In any case, the Congress has responded quickly when it perceived the necessity for a draft law. For example, in 1917, President Wilson requested a draft law on April 7 and signed one on May 8. In 1940, President Roosevelt announced his support for conscription on August 2 and the Congress passed a conscription bill September 14. In short, even the desire for quick response does not appear to justify resumption of conscription.

TABLE 3
DISTRIBUTION OF MALE ENLISTED ENTRANTS BY AVERAGE FAMILY INCOME*

Income range (\$000s)	Enlisted Entrants		16-21 year old male population
	Draft	AVF	
\$24.5+	0.4%	0.3%	1.1%
17.0-24.5	2.8	2.7	5.1
14.7-17.0	5.1	4.9	7.4
12.2-14.7	19.3	19.0	20.8
10.3-12.2	29.9	29.7	28.6
8.4-10.3	25.2	25.2	22.6
6.3- 8.4	13.2	14.0	12.1
1.3- 6.3	2.9	3.0	2.1
.0- 1.3	1.2	1.2	0.2

*Income data is by geographical area from the 1970 Census. Entrants are from January 1971 through December 1972 for "draft" period and from January 1973 through June 1975 for "AVF" period.

TABLE 4
BLACKS IN THE ENLISTED FORCE

Fiscal year	% of enlisted entrants who are black		% of total enlisted force who are black	
	Army	All services	Army	All services
1965	15%	12%	14%	11%
1967	12	11	12	10
1971	14	13	14	12
1975	23	18	22	16
1978	34	23	29	17

There are other alleged problems with the AVF. These include a "high" rate of turnover among first-term personnel (though turnover in the military is less than among similarly aged people in the civilian sector), a "shortage" of physicians (though there are relatively more physicians in the services today than during the draft years, despite military physicians' pay considerably lower than pay in the civilian sector), and a lack of representativeness. The last criticism is most pernicious because it is largely untrue, and a "representative" force seems intuitively desirable to many.

Contrary to popular belief, the AVF is at least as representative of the total population as was its draft-era counterpart. In terms of both geography and family income, today's enlisted recruit population faithfully mirrors the general population from which it is drawn. (See tables 2 and 3.) The highest income brackets are underrepresented, but that was true of the drafted forces, and for essentially the same reasons: the wealthy do not serve because they face opportunities which are more attractive than the military (or because they are able to evade conscription).

Blacks are, of course, overrepresented in the enlisted force, as they were during the last years of the draft (see table 4). The difference now is that blacks are volunteers paid a competitive wage. Blacks find the military attractive (compared to whites, they *reenlist* at an even higher rate than they enlist) because racial discrimination is virtually nonexistent in the military. If this leads to a racially "unrepresentative" force, then the blame rests with the civilian sector, not with the AVF. It is hard to see how society (or blacks) would be better off if black access to the military were reduced. Moreover, much of the recent increase in black entrants to the armed services is due to two factors—a growing proportion of blacks among the total teenage population and the increasing ability of young blacks to pass military entrance exams. Even in the absence of a volunteer military, these factors would have produced a growing black percentage among entrants to the military.

The charge of lack of representativeness is still more irksome since it is never accompanied by a description of the consequences of underrepresentation. Will a more representative force fight better? Critics of the AVF do not address that question.

Of course, the military has never been representative of the general population. The very young, the old, the illiterates, the highly educated, the very wealthy, the women, and, until recently, the blacks in society have always been underrepresented. Those arguing for "better" representation do so in a very selective fashion. They first define the (Unrepresentative) group they think should serve, and then complain if that group is not serving.

Most criticisms of the AVF, then, simply do not hold up under close scrutiny. That is not to say there are no problems. There are, but they are more accurately termed problems of the military. As such, they can be solved with means other than conscription. It would be especially tragic if an institution as alien to this country's history and principles as conscription is were adopted on the basis of erroneous premises. ■

The Tuition Voucher: A Means To Secure Both Desegregation And Parental Choice

by Patricia M. Lines

EDITOR'S NOTE: In recent years the public schools have become a prime focus for political controversy in the United States. This controversy has centered most strongly on two issues: 1) "school busing" and 2) the general deterioration in the quality of public education which has occurred nationwide in the past decade irrespective of any desegregation controversy. What is popularly referred to as school busing has normally involved mandatory assignment of pupils by race to public schools in order to secure some greater degree of racial balance.

Considerable disagreement exists among scholars as to the educational benefits resulting from such racially oriented pupil assignments, but there is no doubt that busing has provoked strong public resentment. Public opinion polls in recent years have consistently shown that busing is opposed by an overwhelming majority of white parents and by a plurality of black parents. Besides generating considerable racial conflict, this remedy has often been fairly ineffective in producing desegregation. The flight of white families to jurisdictions beyond the scope of busing orders and the movement of many remaining middle class children of both races to private schools has often made the prospect of a racially balanced public school system a mirage. Perhaps the supreme irony in the desegregation field can be found in Washington, D.C. where there is a higher degree of racial and class integration in most of the private schools than in the District's public school system.

The educational voucher has been viewed largely as a means of coping with the growing deterioration in the quality of public education. By empowering parents with the resources as well as the right to choose their children's schooling, the voucher would, its proponents state, arrest the flight of middle class urban families to the suburbs and through increased competition force radical reforms on lethargic urban public school systems. Voucher opponents, mostly public service provider interests, have sought to discredit the voucher concept by equating it with white resistance to school desegregation. Yet, as Patricia Lines points out in this article, the tuition voucher may be not only a means of enhancing parental control over the educational process but also a more effective and far less intrusive means of fostering desegregation than the existing approaches.

National Secretary and Research Co-Chairman of the Ripon Society, Pat Lines is on leave from the Graduate School of

Public Affairs, University of Washington, and is currently legislative aide to Congressman Jim Leach of Iowa. She has been an attorney in the United States Department of Justice, Civil Rights Division, an attorney for the Law and Education Center at Harvard University (a sponsor of the Boston desegregation suit), and has also worked with Christopher Jencks at the Center for the Study of Public Policy in Cambridge, Massachusetts, where she helped develop some ground rules for a regulated tuition voucher plan. Professor Lines' legal analysis of the choice plan which she describes in this paper appeared in the Texas Law Review in August 1978.

One problem with most school desegregation plans is their seeming arbitrariness. While nearly everyone agrees that race should not really be relevant to any kind of public decision, it nonetheless becomes the key factor in assigning children to school, while educational, social and economic factors take second place. Moreover, many people who can afford to select the location of their residence consciously select a neighborhood served by the school of their choice. Of course, they are going to resent it if the courts, school officials or anyone else attempts to interfere with that carefully made decision.

In short, conventional plans for school desegregation pit two strong American traditions against each other: the tradition of individual self determination against the tradition of the melting pot (with melting generally to be achieved through the good services of the schools). As a result, we experience continual and good-intentioned pressure to desegregate the schools, while resistance to school desegregation is equally strong, if not stronger. Sometimes violent reactions occur; sometimes there is a nonviolent flight to the suburbs to escape to a new regime.

Legal and moral considerations require us to desegregate schools wherever official school policy has produced or exacerbated racial imbalance in the schools. School policies—manipulation of attendance lines, blindness to false addresses of white students exercising their own “free choice” to escape the central area, closure of naturally racially balanced schools—all of these are subtle ways of keeping schools segregated without a blatant Jim Crow law. All of these are nonetheless unconstitutional policies, and the Supreme Court has said that all vestiges of such policies must be eliminated. Most often, the courts have turned to a quota system to correct such illegal policies. This is really unfortunate, as the race quota is a conscious race classification and seems to imply that there is something wrong with 50 percent black schools, while there is nothing wrong with 50 percent white schools.

Recognizing this, many commentators on the national scene have recommended school desegregation plans with some element of free choice. But the trouble with most free choice plans is their utter failure to change racial patterns within a school system, or more specifically, their failure to eliminate the all-black school and to meet the Supreme Court's mandate that any effect of official segregationist policies be eliminated “root and branch”.

There is, however, a well-developed but yet untested idea which might offer a compromise between the divergent goals

of individual self-determination and desegregation requirements under the Constitution. Ironically it has been the bane of school integrationists. I refer to a tuition voucher scheme. It has been advocated as a vehicle for educational reform by such diverse thinkers as Milton Friedman, a conservative economist, and Christopher Jencks, a liberal sociologist-journalist. Care must be taken, however, to distinguish Friedman's free market voucher plan (where parents may add cash to the voucher and buy into very expensive schools) and Jencks regulated voucher (where the voucher must be payment in full). The regulated plan might work to help balance racially imbalanced schools. Although it was not designed for this purpose at all, its main goal of equality for the poor incidentally helps minorities—who are often poor—achieve equality in the school system too.

Under the tuition voucher plan as developed by Jencks and approved by OEO, the funding agency, families with school-aged children would receive an entitlement, or voucher, valued at a designated amount—generally assumed to be the amount that would be spent in a year on the eligible child in the public school system. The voucher would be good for the purchase of schooling anywhere—including acceptable private schools and public suburban schools, if any desired to participate. The regulated voucher system could also be converted into a “public schools-only” system if the idea of private school participation proved politically or legally too difficult. Under the OEO-approved plan, there would be safeguards to assure that the voucher would not be used to support religious education, and that it would not be used to discriminate against children either racially or economically.

This scheme was devised as a method of reforming education by making schools more directly accountable to families. With a few modifications, the plan incidentally could have a profound effect on racial balance in the schools. Under this plan, the minority parent has an equal choice to bid for entry to *any* eligible school. Minority families seeking integrated schools (and the polls tell us that the greatest numbers of them prefer this) would have an equal chance to bid for the same schools as white families. Where a popular school is oversubscribed, a lottery would decide which pupils could attend. All others (of all races) would have to go to their second choice schools—and this group would include both minority and majority children. It is important that all families choose among all schools. All participating schools must admit all applicants, up to capacity, and if over-applied, to admit applicants on a random, non-racial basis. To work well, there must be preestablished capacity figures for each school.

These rules alone should produce considerable racial balance so long as there is a substantial number of families who desire racial balance. Many majority and minority families will find themselves selecting the same school, and if the school is too popular, many majority and minority families will find themselves in a second- or third-choice school—still together. If this doesn't work, and the school officials are required by Court order to guarantee some minimum racial balance, then it is also possible to build in an automatic guarantee of success—a mandatory back-up. School officials can establish a quota for each school, which, together with the family choice, will be made part of the assignment procedure.

A choice system can work together with a race quota if families rank all the schools available to the child. The choice of the family, along with the quota and capacity requirements for each school are fed into a computer. The computer, through a readily available "canned" program seeks to maximize the choice within the quota and capacity limits established. Some computer simulations of this model have been conducted at Harvard, with a surprisingly large number of families finding children in their first or second choice schools. (The simulations used a range for its quota, e.g., the number of minorities was permitted to range from 5 to 25 percent in each school, in a district of 15 percent minorities.) Of course, more simulations would be desired before field testing this model as a desegregation device, and it would be most useful to test it by using actual choice patterns based on a survey in the district which was considering it.

It is not a question of whether the system will work. The built-in quota would guarantee this. The real question is whether there should be a quota at all, and if there is one, how it should be established.

The Supreme Court has given qualified approval to race quotas as part of a remedy in a desegregation suit. In the Charlotte, North Carolina case, the Court approved a race quota, but carefully noted that such a race-conscious device could be allowed only if it was *temporary* and only if it operated as a *guide* rather than a rigid requirement. In the Pasadena, California case the Court proved that it meant what it said. In Pasadena, a trial court judge had refused to change his order which had required that no school have a majority of any minority race in it, within his "lifetime". This the Supreme Court observed, was hardly a temporary guide, and a majority of the Justices remanded the case with instructions to relieve Pasadena of its quota requirement.

Only the hard-core desegregationist will lament these legal limits on the use of quotas. A quota system is a singularly unimaginative plan. Quotas fail to take into account the dynamics of control over school policy. They often place different racial groups in an antagonistic position. Usually they imply that there's something wrong with minorities. (Students at Garfield are quite rightly asking what is wrong with a 60 percent black school, when a 60 percent white school is "o.k.")

Without a quota system, a voucher plan may lead to some one-race schools. The imbalance should not pose a major legal or moral problem. The gist of the wrong in official school segregation has not been the racial isolation itself, but the fact that it was officially imposed upon minorities—*against their will*. It would seem to be the same kind of wrong to require these minorities to integrate with a white society if this is also against their will. The thought of a school filled with only black children, for example, where it is clear that the children are there by family choice, and where other races are not excluded by economic or political circumstances, should not offend one's sense of justice—no more than it should be considered outrageous to have schools filled only with children of Irish, Chinese, or Scandinavian origin. Voluntary parochialism does not raise serious ethical problems. To the extent that there is evidence

that one-race schools retard the educational achievement levels of children, full parent information programs would be a better solution than the denial of an opportunity to be parochial

The experience in Alum Rock, the one district which has tried a "public schools only" voucher system using the OEO rules is somewhat encouraging. *No quotas were used in this experiment*. Families preferred neighborhood schools (only about 5 percent of the children went to more distant schools). The children become more mobile, however, as experience with the system grew; 8 percent of the children in the second year went to more distant buildings. It should be noted that there were separate schools within buildings, with differing emphasis, and interschool movement within a building also took place.

In Alum Rock, the racial balance has remained constant, or has improved for blacks. For Spanish-surnamed children, the results were more mixed, but still show no serious backsliding. From Fall 1972 to Fall 1975, the blacks in the system increased slightly from 11.5 to 11.9 percent of the total school population. The school which had the heaviest concentration of blacks in 1972 (Slonaker with 27.4 percent black enrollment) remained nearly stable (increasing to 29.9 percent black enrollment in 1975). The school with the next most blacks, Arbuckle (25.7 percent in 1972) lost blacks (dropping to 20.6 percent in 1975), a marked improvement by racially balancing standards. The percentages of American Indians (about 1 percent) and Asian Americans (1.4 percent) were too small to permit any school to be identified as dominated by these groups, and they were spread throughout the system, at all times during the project. The concentration of Spanish-surnamed children grew in the district from 51.3 percent in 1972 to 55.1 percent in 1975, and also grew in some schools. For example, the school with the largest percentage of Spanish-surnamed in 1972, Coniff (70.2 percent), increased to 75.9 percent in 1975. The school with the next largest percentage was San Antonio, (66.9 percent) which increased to 73.4 percent in 1974. Overall, however, ratios at each school were fairly stable, and in 1975-76 the minority population in 15 out of 25 schools was within ten percentage points of the district-wide total.

Considering that this degree of racial balance was *entirely voluntary*, and that those schools which were imbalanced were chosen by the families of the students who filled them, the data from Alum Rock should be considered most hopeful for those hoping for a voluntary system of racial balancing without quotas. Further, Alum Rock was not a badly imbalanced district at the start. For districts which are worse off, there is naturally much room for improvement.

As for other effects of the experiment there, data is not all in. Generally, however, teachers felt overwhelmed and overworked, while parents were more satisfied than ever before with the schools. To the extent that both teachers and parents are likely to feel overwhelmed whenever a major change such as this is attempted in a school system, the experiment should probably be pronounced at least partially successful, and one worth exploring further. All in all, it is clear that the full range of strategies for achieving school integration has not been tapped, and it is conceivable that experimentation might uncover some relatively attractive new methods. ■

Address of Governor Dick Thornburgh of Pennsylvania To Ripon Society Annual Meeting

Saturday, April 28, 1979

Philadelphia, Pennsylvania

I welcome the opportunity to appear before you today in a familiar Republican setting:

- We are the party out of power, again
- We are said to be narrowing our base, once again
- There are those who would mark us for political extinction, once again

Yet, as one of the wave of new Republican Governors installed in state houses throughout the country this past January, I am essentially optimistic. I see a new and perhaps unprecedented opportunity for a revitalized Republicanism to spring from the grassroots level. We have a wide diversity of talents, backgrounds, and interests among our new Governors. With the proven records of incumbent Republican Governors, we can provide the type of leadership to help rebuild and strengthen our Republican Party. And I suggest that the thrusts of these Governors, new and old, should be carefully examined and considered by presidential candidates who would frame platforms and policies to attract the aggregate American electorate next year.

At one time in our history states were considered to be true "laboratories of democracy" and many noteworthy innovations were fostered by progressive Governors in states such as New York, California, Wisconsin, Minnesota and Pennsylvania. In recent years, however, states and their Governors have too often represented too much of the old and not enough of the new. It is my firm conclusion that we now have a fresh opportunity to rebuild our party—from the Statehouses and not just from the Congressional Chambers. Why do I say this? For a number of reasons.

First, I believe the Republican Governors now in office overall are more

interested in attempting to make government work better. We are not simply standpatters; resisting change and looking *only* at balanced budgets, however important they may be. We are looking at the critical details of how government does or does not operate. We are going behind the scenes—probing in-depth the bureaucracy in all its ramifications.

What is so new about this? Ever since the New Deal, federal and state programs have grown astronomically. Most Republicans tended to oppose, then accept, but seldom changed the course of these programs while in office. In those rare cases of change the public perception was a negative one—for the Republican answer appeared to be to simply dismantle the program, ignoring legitimate needs being served and problems going unmet. The result was to further discredit our party as being distant, unresponsive, and, it was charged, irresponsible.

Republican Governors today represent a different approach—one which I term a "compassionate pragmatism". This philosophy represents a significant blend of neoconservative principles designed to promote noble economic, environmental and occupational objectives. But it also recognizes that government does, and will continue to, have a responsibility to meet the genuine needs of the poor, the infirm, the handicapped, and other segments of our society that simply cannot go unaided.

Consequently, the "compassionate pragmatists'" concern is to better deliver services and programs in differing and unique ways, by, for example, more involvement of the private sector in providing human services and by more appropriate packaging of related but now separate programs for children, youth, aged, and the other ranges of social groups. In this

process, it is vital that incentives, more often than regulations, should be considered and applied as the spur to accomplishment.

I do not believe you will find such approaches being successfully adopted in Washington—because of the iron triangle of interest groups, bureaucracy, and congressional committees familiar with the old ways and resistant to new ways of doing governmental business. The states under Republican governors thus represent the *real* opportunity to implement and act out the principles of the "compassionate pragmatist". Those Republican presidential candidates who understand and can deal with these principles at the national level can make our Party that much more attractive in the coming quadrennial debate as well.

II

A second reason why states represent a future potential for the Republican Party is that the general populace has become more and more convinced that the New Deal approach is losing its relevance.

Public opinion poll after poll shows that citizens feel that they pay too much in taxes to every level of government. But they also favor more public expenditures for numerous services. Their most frequent answer to this inconsistency is that waste, inefficiency and mismanagement in government must be eliminated. And we can all agree. How does this translate into a Republican issue?

Republican Governors represent, I think, a wave of elected officials concerned about the management of government, not simply the resistance *to*, or support *of*, various programs and services. Like it or not, we are entering a period of governmental retrenchment rather than growth. Those

governors who properly assess their role as managers will be able to better deal with retrenchment than either the standpatters or the program expansionists. We will be able to respond better to the citizen demand for more services and the elimination of waste.

Of course, taxes are not going to go away. And those who talk as if they were are doing a disservice to the confidence of citizenry in government as well as to their Party.

But we *can* take steps—more easily and more quickly at the state level—to question fundamental assumptions as to why and how government operates. And we *can* begin to show positive results.

We can implement productivity improvement programs.

We can make greater use of management tools such as cost accounting.

We can ask the private sector to compete in providing services with the traditional state agencies.

We can build partnerships with local governments and the voluntary sector.

III

The new wave of governors represents yet a third trend that should be considered and emulated by those running for President. Many of the newly elected governors have been able to build strong coalitions with blacks, labor, and traditional interest groups in the past antagonistic to and apart from the Republican Party. During my own campaign last fall, we received, according to post election polls, an unprecedented 58% of the black vote, nearly half the vote of labor union members, and overcame a registration edge of more than 900,000 in favor of my Democrat opponent.

But such a victory represents only the beginning of the task. The real challenge is to ensure that it is not a "one shot" triumph, but contributes to broadening the permanent base of the Party.

A "compassionate pragmatism" approach to dealing with public prob-

lems and issues, I believe, can solidify election support from such groups, by providing a more effective delivery of governmental services.

Much of the press and other coverage of the prospective candidates for 1980 focuses on personality traits, broad policy statements, and other surface impressions and judgments. But I suggest that the future of the Republican Party lies with national and state candidates and elected officeholders who are understanding of and can demonstrate their ability to deal with the governmental complexity of these late 1970's and the critical hard choices issues of retrenchment and redirection of the 1980's.

Complexity *must* be understood and *must* be dealt with in government—not simply ignored. In the past, Republican candidates and officeholders have too often done just this. I believe they do so in the future, especially at the level of Presidential candidates, at the peril of electoral rejection.

Let me summarize, if I can, my concerns.

As a new Republican Governor, I believe we can become, in fact, "compassionate pragmatists" in managing our public trust—standing apart from the clamors of the right and the pleadings of the left.

We must recognize, and help others to recognize, that all the *liberal* rhetoric in the world won't feed a starving child, if the money collected to buy that child's breakfast has been siphoned away by welfare fraud.

We must recognize, and help others to recognize, that all the *conservative* reasoning in the world can't justify the loss of that child's life or health to a taxpayer revolt, however unbalanced the public checkbook may become.

We must recognize, and help others to recognize, that the black, the Hispanic, and every other hyphenated or disadvantaged American in this country today, deserves *this* party's help in overcoming bigotry and ignorance and fear.

While this is the right thing for us to do politically, it also happens to be the moral imperative of any party that would lead a people who first inscribed the words "all men are created equal" on the public conscience.

We have great resources in this incredible country of ours. They're not as plentiful as they once were, and certainly not as boundless as we once thought.

But they are there—either to be squandered away in a decade of aimless and wandering self-indulgence, or to be tapped carefully and managed conservatively—so that they sustain us as an independent society for generations to come.

This is why the search for good managers of the future has also become the search for a government that responds with wisdom and compassion to all of its people.

Perhaps management has, indeed, become the proper watchword of tomorrow for liberals and conservatives alike.

Perhaps the age of the overnight hero has passed us by, and perhaps it's true that there will be "no easy victories" ever again.

It well may be that the most important job a leader can do for his people now is to act as a stabilizing force in the swirl of events, to see that the weak are physically comforted, the strong are morally guided, and the most discouraged among us are inspired anew with a dream of things as they might be in a context of things that can still be done.

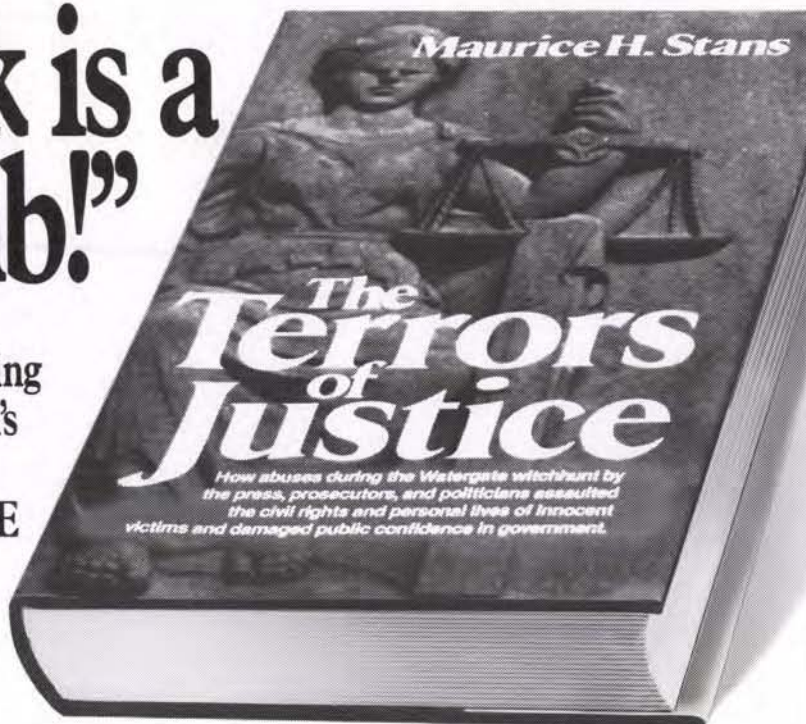
If we recognize, accept and implement these principles of "compassionate pragmatism" *our* Grand Old Party can indeed become a great *new* party of the multitudes.

This is the challenge I leave with you today. It is, I believe, consistent with the task this Society set itself in the words of your Annual Report "to develop and implement creative alternatives to the anachronistic ways of governing that have too long held sway."

Thank you. ■

"This book is a time bomb!"

To find out why, read the following excerpts from William F. Gavin's review of Maurice Stans' **THE TERRORS OF JUSTICE in Human Events**....



"Someday, perhaps five or ten years from now, a brilliant, iconoclastic graduate student in American history is going to come across Maurice Stans' *The Terrors of Justice* in the library stacks. Curious, since his professors have never mentioned the book, he will take it out of the library and return to his room. There, throughout the night, he will read it, fascinated, appalled by what he is reading, incredulous.

"As dawn approaches, he will put the book aside and think: If this book is correct or even anywhere near correct, then the official version of Watergate we have been taught in high school and college is not only incorrect and incomplete—it is a monstrous, unconscionable distortion of the truth...

"Until now all we have had as source material for Watergate have been polemics, diatribes, confessions, self-congratulatory memoirs of those who prosecuted the Watergate figures, Hollywood good-guy vs. bad-guy extravaganzas in the movies and on television, and born-again reflections on former Nixon aides...

"Stans has written a different kind of book...No hysteria, no

demagoguery, no poetry, no refuge in spirituality—just the steady, plodding, relentless drumbeat of fact after fact, document after document...

"His story reads as if *Les Misérables*, with its tale of prosecutorial zeal gone berserk, was retold by Kafka. It is a modern horror story, all the more gripping because it could happen to anyone, any time the media and the liberals decide that the usual rules of fair play should no longer apply...

"Stans attempts to give, in specific and at times excruciating detail the 'other side' of the Watergate story...and the sordid and all but incredible perversions of our system of justice by public officials.

"This is a book to buy and keep and when the time is right, to give to one's children...[It] may or may not say anything new about Richard Nixon or the other Watergate figures we know so much about. But it will tell of a *reign of media and government terror unparalleled in American history*, shamefully ignored by those who are self-proclaimed lovers and defenders of civil liberties...

"The liberal press can ignore this book if it so chooses. Its truth is irrefutable."

"This book is a time bomb."
—Reprinted with permission from the February 24, 1979 issue of *Human Events*

THE TERRORS OF JUSTICE
A book to read and heed



Everest House 

\$10.95 before May 15, \$12.95 thereafter; at bookstores, or mail coupon:

EVEREST HOUSE, Dept. WA
1133 Avenue of the Americas
New York City 10036

Please send me _____ copy(ies) of Maurice Stans' **THE TERRORS OF JUSTICE** at \$10.95 per copy, if ordered by May 15, 1979, thereafter \$12.95 per copy. I understand that if I am not completely satisfied, I may return the book(s) within 10 days and my money will be refunded. Publisher will pay all postage and handling charges.

Name _____

Address _____

City _____

State _____ Zip _____

RF



Fallout From The New Politics Of Petrodemonology

Long gas lines in California, pump prices nudging toward a dollar a gallon, diesel fuel shortages in the Mountain States, and an outlook for New England heating oil prices this winter ranging from ninety cents to a dollar ten per gallon mean a radical rescrambling of the political landscape. In this new climate oil companies are about as popular with the American voters as hog cholera is in Iowa. The new atmosphere introduces even further volatility into the 1980 Presidential and Congressional outlook. Just as OPEC price rises have contributed to "windfall profits" for domestic energy producers so has the new petrophobic climate produced its own political windfall effects. Some of these effects are undoubtedly unfair, but as our Chief Executive has pointed out, "Life is unfair".

The biggest loser is Jimmy Carter. If the current projections of close to a dollar per gallon for New England heating oil are borne out, Carter might be lucky to finish third in the Democratic primaries behind Ted Kennedy write-ins and Jerry Brown. His attempt to carry water on both shoulders by mixing decontrol policies with demagogic rhetoric about oil profiteers has only diminished his own credibility. Carter's failure in two and a half years in office to get any kind of coherent energy program through a Congress controlled overwhelmingly by his own party underscores this bankruptcy of leadership. Unlike Harry Truman in 1948, Jimmy Carter can not campaign against a "do nothing" Republican Congress.

The second biggest loser from the new climate of petrophobia appears to be John Connally. Connally's strong suit is his undoubted capacity for leadership and his ability to stand up to foreign pressures. In the vacuum of leadership so evident today a person with those qualities could well be propelled toward the White House. Yet the same John Connally is per-

haps more identified with Big Oil than anyone else in American politics. His political and personal fortune has been built around the servicing of Southwestern oil and natural gas interests. In recent years this has been complemented by close and presumably lucrative business associations with Saudi petrodollar investors. Connally's speeches on energy differ little in content from statements of the American Petroleum Institute.

A possible, though less likely, victim of public anger at the domestic oil industry is George Bush. Through brilliant entrepreneurial activity, the already well-to-do Connecticut native made his fortune in Texas through his oil drilling firm. For nearly two decades he has been fairly well removed from Big Oil. Moreover, unlike Connally he has never been regarded as a public champion of major oil company interests. Conceivably Bush could turn his potential liability into an asset by positioning himself as a successful energy entrepreneur who will introduce competition into an oligopolistic energy industry.

A potential loser from the new public mood is the Republican Party which only a few months ago saw all the issues moving in its direction. Proposition 13 sentiment, public distaste with high taxes, and rampant inflation seemed sure to take a heavy toll of Congressional Democrats. The new public mood seemed ready-made for striking gains in 1980, including perhaps Republican control of the Senate. Yet the new "kick the oil companies" fever is a wild card that can shoot apart this scenario. This becomes particularly true if the Democrats dump Carter in favor of a skilled petrodemagogue such as Ted Kennedy.

The big potential gainer from the anti-oil fever is Ted Kennedy. No politician has more skillfully identified himself with opposition to Big Oil. His promotion of divestiture legislation and his rhetorical sallies against U.S. oil companies have made Kennedy the champion oil-baiter. Well to the left of the U.S. political spectrum on many issues, Kennedy may well hold the popular, albeit demagogic, position on energy. Should the Democratic Presidential nomination gravitate toward Kennedy, there is little doubt what issue he would emphasize most.

The next biggest potential gainers from the new political climate are liberal Democratic petrodemagogues such as Senator John Durkin of New Hampshire and Congressman Toby Moffett of Connecticut. On other issues these politicians are swimming upstream, but oil baiting, like its earlier southern counterpart, can be marvelously effective in distracting the voters' attention from the harder issues.

The same climate in which demagogues may flourish may also provide an opening for energy statesmanship. The energy related speeches of most of the declared and undeclared Presidential candidates and most Congressional press releases seem to smell of sloganeering and finger-pointing. Against this Lilliputian backdrop one wonders what would happen if a candidate presented with clarity a credible long range energy program. In the current environment such a candidate might well be swept into office. There may well be a kind of Gresham's law in reverse operating on political rhetoric in a time of crisis. Grand demagoguery beats petty demagoguery, but neither can stand up to candor. ■