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RIPON FORUM

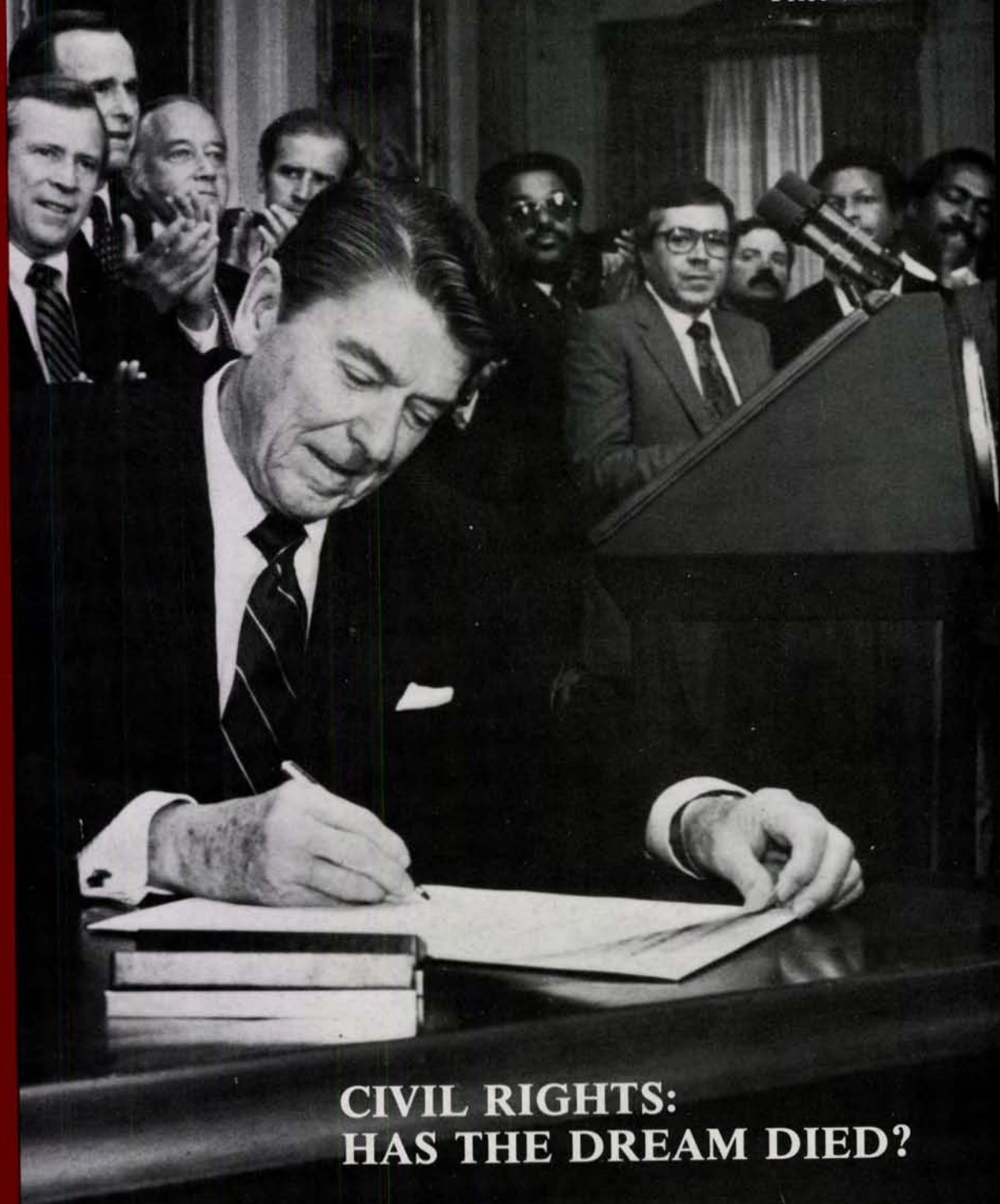
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Turning the Clock
Back: Regression in
Civil Rights

A Libertarian
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Civil Rights

A Ripon Critique:
The Reagan Rights
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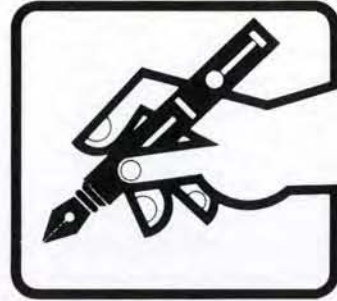


**CIVIL RIGHTS:
HAS THE DREAM DIED?**

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In signing the extension of the Voting Rights Act this summer, Ronald Reagan relieved the apprehension felt by some about his administration's commitment to civil rights. Yet many remain concerned that this administration, marked by a handful of extremist voices, does not fully grasp the vision given birth to by the Republican Party over a century ago, namely that of a society guarded by equal justice and advanced by equal opportunity.

The present status of this movement is the focal point of the September RIPON FORUM, as is the future of the Equal Rights Amendment. Arthur Flemming, former chairman of the U.S. Commission on Civil Rights, argues that a regressive attitude now dominates the implementation of civil rights, while Jim Leach outlines reasons Republicans should support a new ERA. The administration's rights record is also reviewed by a number of Ripon National Executive Committee members, whose presence marks the continuation of a new generation for the Ripon Society. It is their contention that nothing short of a strong, visible commitment by the Reagan administration to civil rights is needed to insure that this Republican dream does not die.

—Bill McKenzie

RIPON FORUM

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TURNING THE CLOCK BACK: Regression in Civil Rights

by Arthur S. Flemming

There is a regressive movement in the field of civil rights — a movement which has picked up considerable momentum. The *London Economist* refers to it as a counter-revolution in civil rights. Both the executive and legislative branches of the federal government are contributing to the successes which the movement is now enjoying.

One objective of this movement is to eliminate or weaken methods which must be used if federal civil rights laws and court decisions are to be implemented. Specifically, for example, the movement wants to block the process of breaking up segregated school systems by making it impossible to transport students beyond their immediate neighborhoods. It likewise wants to bring the drive for equal employment to a grinding halt by making it difficult, if not impossible, to implement effective affirmative action plans.

Another objective of the regressive movement is to drastically curtail or eliminate federal participation in social and economic programs designed to overcome the present effects of the legacies of slavery, segregation and discrimination. The attainment of this objective will seriously undermine the constitutional promise of equality embodied in the 13th, 14th, and 15th Amendments to the Constitution.

The Regressive Movement

The regressive movement has met with some successes in the Congress over a span of the last four years. The executive branch, up until January 20, 1981 opposed their objectives. The Reagan administration, however, supports those objectives. As a result, a nation which has been moving forward in the field of civil rights could, within a short period of time, find itself moving in the opposite direction.

Repeatedly this question is being posed: Is what is happening today the forerunner of developments in the field of civil rights similar to the nation's experiences during the post-Reconstruction Period?

This is a relevant question. The passage of the 13th, 14th, and 15th Amendments to the Constitution was followed by the passage of the Civil Rights Acts of 1866, 1870, 1871 and 1875. The federal government's responsibility for protecting the rights of minorities had been clearly established. Then the federal government abdicated. The states took over and proceeded to pass Jim Crow laws designed to segregate blacks and to keep them out of the social and economic mainstream. The Supreme Court in *Plessy v. Ferguson* upheld the policy of "equal but separate." The hopes aroused by the addition of the Civil War amendments to the Constitution were replaced by despair.

Once again despair was replaced by hope when the Supreme Court in *Brown v. Board of Education* declared that "separate educational facilities are inherently unequal." This was followed by the passage of the Civil Rights Acts of 1957 and 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968 and the Equal Credit Opportunity Act of 1974. Substantial progress has been made in the direction of enforcing these laws. Federally sponsored social and economic programs designed to overcome the barriers to

equal opportunity left behind by slavery, segregation and discrimination also have been enacted into law. Substantial progress has likewise been made in implementing these laws.

The package of civil rights laws and social and economic programs that emerged following *Brown v. Board of Education* constitutes a development comparable in its significance to the passage of the Civil Rights amendments.

But once again there is now strong support for the federal government abdicating some of the significant roles assigned to it by this package and turning responsibility back to the states. Once again there is strong support for watering down rather than strengthening the enforcement of federal civil rights laws. Once again there is even talk about the Department of Justice initiating court actions designed to force local school districts to provide minority schools with added resources rather than desegregating their schools. Shades of "separate but equal!"

The Status Quo

The underlying cause for this regressive movement — just as it was in the post-Reconstruction period — is a desire for a variety of social, economic, and political reasons, to maintain the status quo. It is impossible to enforce civil rights laws and court decisions, it is impossible to open up doors of opportunity for those to whom they have been shut without disturbing the status quo. The laws and the court decisions are designed to break up the status quo in response to a fact of life, namely, that the status quo operates in such a manner as to discriminate against minorities and women. The status quo that denies some persons their rights also operates in such a manner as to foster the selfish interests and prejudices of others. Some of those who benefit from the status quo are fighting to maintain it even though it is in conflict with both moral and constitutional imperatives.

I am a lifelong Republican. I deeply regret that some of those now in charge of the party of Abraham Lincoln are involved in a regressive rather than a forward movement in the field of civil rights. I also regret that they have recruited followers within and outside the ranks of both of our political parties.

But this is far more than a political contest. It is, as Gunnar Myrdal once put it, a struggle for the soul of America. I believe it is a struggle that will be lost by the defenders of the status quo and will be won by those who believe we have both a constitutional and moral obligation to provide all who are a part of this nation with an equal opportunity to achieve their highest possibilities. I will use just one illustration, namely, the struggle for equal opportunity in the field of education.

School Desegregation

I believe that the nation can achieve the goal of a desegregated school system as called for by *Brown v. Board of Education*. Many of our citizens know that "separate educational facilities are inherently unequal." They also know that as long as segregated school facilities exist in any part of our nation some children and some young people are being denied an equal opportunity to achieve their highest possibilities. They will work to break up our segregated

system.

There is no question but that the leaders of the regressive movement in civil rights have launched a well organized campaign to undermine or to block completely progress for desegregating public school systems.

—Over the past four years both houses of Congress have insisted on the inclusion of an amendment to education appropriations which prohibits the use of funds to require school desegregation when the transportation of students to a school other than the school nearest the student's home would be required;

—In 1980 both houses of Congress attached a rider to the Department of Justice's appropriation bill denying to the department the right to spend funds to bring school desegregation suits in the federal courts whenever the desegregation plan necessitates transporting students to a school other than the school nearest the student's home. This bill was vetoed by President Carter on constitutional grounds.

—In this Congress the House of Representatives has attached a similar rider to the Department of Justice appropriation authorization bill and the Senate has not only passed the same rider, but has attached to it language designed to restrict the power of the federal courts to provide remedies in cases involving segregated school systems. This rider, as it passed the Senate, is supported by the Reagan administration.

The only way in which to break up a segregated school system is to reassign students. Some of these students will need some help in the area of transportation. This conclusion was agreed to unanimously by the Supreme Court in the case of *Swann v. Mecklenburg*. The opinion was written by Chief Justice Burger who stated that "desegregation plans cannot be limited to the one-room school." The Court in this case said that valid objection can be made to the reassignment plan when it calls for a time or distance for travel that is so great as to interfere with the health or education of the child.

When in spite of the safeguards incorporated in Chief Justice Burger's opinion the leaders of the regressive movement, in and out of government, argue that the long arm of the executive and legislative branches must reach down to the local area and say that there can be no transportation "beyond the school nearest to the student's home" it is clear that their primary interest is to throw a roadblock in the way of desegregation. The Supreme Court in *Swann* has made it clear that busing vs. anti-busing is not the issue confronting the nation. The issue is segregation vs. desegregation.

The leaders of the regressive movement oppose desegregation because they do not approve the way in which it has disturbed the status quo. They would rather have children attend segregated schools than disturb the status quo. They allege that they have no objection to desegregated schools if they are achieved by voluntary methods. They know there are very few examples of successful voluntary plans and that even where there has been some success most of the movement has been from all-minority to all-white schools.

As the nation listens to the complaints of those who would turn the clock back in the civil rights field they sometimes forget that desegregation has been and is underway in hundreds of communities and that it is getting results. There are tens of thousands of citizens in those communities who like the way in which the status quo has been disturbed. They

support not only the enforcement of civil rights laws but programs such as those incorporated in Title I of the Elementary and Secondary Education Act, and the Emergency School Aid Act which are designed to make desegregation work. They resent the undermining of those programs through block grants and reduced appropriations.

"I am a lifelong Republican. I deeply regret that some now in charge of the party are involved in a regressive rather than a forward movement in civil rights."

Civil Rights Implementation

In addition, it is clear that the implementation of school desegregation can help to strengthen the communities in which it has taken place. The direct beneficiaries of school desegregation are of course the students. But, when local communities approach the desegregation process with the determination to make it effective and successful, both students and other community members benefit.

I believe that in the communities of the nation where desegregation is underway there are tens of thousands of citizens who believe in it because of what they have experienced and observed. A Coalition for Quality Integrated Education, made up of many civil rights organizations, of which I am serving as director, is about to provide them with the opportunity of becoming members of a National Citizens Committee for Desegregation. They will be asked to consider requests to write to their congressman or senator to oppose anti-busing riders or to write in behalf of legislation designed to strengthen the nation's desegregation program.

Also, along with fifteen former high federal officials, I am now chairing a bi-partisan, independent Citizens Commission on Civil Rights to monitor the federal government's enforcement of laws barring discrimination on the basis of race, sex, religion, ethnic background, age or handicap. The formation of the group was prompted by the regressive actions taken by both the Congress and the Reagan administration. They will issue reports to the public containing their findings and recommendations with supporting reasons and data.

"... where desegregation is underway there are tens of thousands of citizens who believe in it because of what they have experienced and observed."

The Citizens Commission on Civil Rights will provide the ammunition which can be used by those persons at the grass roots, including the members of civil rights organizations, who are engaged in the day-to-day struggle for the "soul of America." I believe it will be used effectively. I believe that bi-partisan coalitions of citizens and political leaders will overcome the efforts of the regressive movement to turn the clock back in the field of civil rights. ■

Arthur Flemming is director of the National Coalition for Quality Integrated Education and was a former president of Macalester College, University of Oregon and Ohio Wesleyan University. A lifelong Republican, Mr. Flemming was chairman of the U.S. Commission on Civil Rights from 1974 to 1982.

A LIBERTARIAN PERSPECTIVE: The Reagan Civil Rights Record

by Doug Bandow

Ronald Reagan has aroused a storm of protest for many of his actions — reducing income tax rates and the rate of growth of federal spending, greatly increasing military spending, and most recently, supporting the largest tax increase in peacetime history — but nowhere has the hostility been as intense as in the field of civil rights. Not surprisingly, much of the criticism has come from the civil rights establishment, which has lost its ready access to political power. But the administration has also been attacked by its nominal allies, including the Heritage Foundation, *Human Events* and *Commentary* magazines, and conservative activists.

Angering both extremes might be seen by some as walking the moderate "narrow line." But, as Chester Finn pointed out in *Commentary* recently, civil rights "is not a policy domain that takes well to pragmatism, compromise, or vacillation. It demands firm ideas, constancy, and high principles." Unfortunately, the Reagan administration has failed to provide these values.

The Reagan Task

This is not to imply that the administration's task is an easy one, for it is not. The Reagan administration followed the Nixon, Ford, and Carter administrations, all of which greatly expanded the definition of civil rights to include coercive redistribution of resources and opportunities to impose grouped equality of results, as well as the more traditional elimination of government discrimination and suppression of private discrimination. Thus, President Reagan was left in the unenviable position of having to redefine the very concept of civil rights, as well as dismantle firmly entrenched programs.

Dismantling programs is no easy chore either, since they are protected by the civil rights establishment, one of the most powerful interest groups in Washington with ready access to the uncritical establishment media. But meaningful change was unnecessarily made more difficult by the appointment of Nixon-Ford retreads and perennial Republican camp followers throughout the administration, many of whom helped create or implement existing policies.

Still, the administration has had, and needlessly lost or mishandled, a number of opportunities to change American civil rights policy. For example, it failed to articulate a more limited, and proper, definition of civil rights at the start of the administration, when it could have contested the agreement reached by the Carter administration to eliminate use of the PACE civil service exam. Letting the test fall for having an "adverse impact" on minorities implicitly rejected the principle that the government's duty is to strive to merit selection and equal opportunities, not racial selection and equal guarantees.

The administration reinforced this mistake through its personnel process, equating a commitment to equal rights with a large number of minority appointments. As Finn said, Reagan amassed "a pretty good record, and many of the

individuals appeared to be excellent, but merit seemed less important than their role as pawns on an affirmative-action chessboard." Again, the administration gave legitimacy to the numbers game that seeks equality of result.

Poor Implementation

Even where the administration has challenged the conventional civil rights wisdom, poor implementation has marred the results. Perhaps its most egregious blunder was revoking the 12 year-old policy of denying tax exemptions to racially segregated private schools, and then, four days later, asking Congress to pass legislation to deny the tax exemptions. (Not surprisingly, in view of that political disaster, the administration's tuition tax credit legislation specifically disallows use of the credits at schools that discriminate.)

In contrast with majority opinion, I believe that the administration's original decision was correct, though the explanation was inadequate. Racial discrimination is, of course, reprehensible, but that was not the issue, nor was it one of government subsidies. Rather, the issue was to what extent the government should intrude in private affairs to prevent discrimination by people who voluntarily associate together. The only subsidy involved is the public school system; tax exemptions and tuition tax credits simply allow taxpayers to get back a little of their money, which otherwise would be spent subsidizing schools and beliefs which they disagree with.

Another embarrassing episode for the Reagan administration was its handling of the Voting Rights Act. Guaranteeing political rights for minorities is one of the most fundamental duties of the federal government, and the administration should have moved with alacrity to embrace extension of the bill. Instead, it vacillated, and then stood by while the House changed the focus of the bill from combatting discriminatory intent to eliminating disproportionate impact of electoral systems. Only reluctantly, and after significant political losses, did Reagan finally sign the bill.

"President Reagan was left in the unenviable position of having to redefine the very concept of civil rights, as well as dismantle firmly entrenched programs."

The administration has also not followed through in its attack on quotas, which mandate discrimination against disfavored groups. Throughout the campaign Reagan clearly and consistently stated his opposition to quotas, and rhetorically administration officials have followed his lead. But the actual regulatory changes proposed last year by the Labor Department, which enforces affirmative action compliance by government contractors, did not fulfill the rhetoric.

Instead of attacking the concept of "goals" and timetables, the department simply treated the problem, again in Finn's words, as one "of excessive paperwork, reducing the regulatory burden on business, and loosening the standard of statistical parity." Even these limited proposals were withdrawn in early August by White House officials, who believed that their political cost was too great. Many observers now believe future changes in the regulations are unlikely. If no changes are made, the administration will have ducked perhaps the most critical and fundamental civil rights question: should the government take opportunities from one race and give them to another, in the name of statistical group equality?

Finally, the administration stumbled in making long-needed personnel changes even though it exhibited a refreshing willingness to choose adversaries of the civil rights establishment, people not trapped by the common wisdom (opposing, for example, busing). Two nominees, one for the U.S. Civil Rights Commission and the other for the Equal Employment Opportunity Commission, were woefully unqualified in other ways, and their names were withdrawn after substantial criticism and damage to Reagan's perceived commitment to civil rights. Thankfully, the replacement appointee for EEOC chairman, Clarence Thomas, is well qualified, and also is willing to question the expansive definition of civil rights, opposing quotas, for example.

The administration has moved with more sureness in restricting the Justice Department's support for busing, using "goals" to pressure private employers, and filing large, new social-activist type court cases. Unfortunately, it did block efforts by the Education Department to reduce the compliance burden on colleges.

Redirecting Civil Rights Laws

The administration has erred in a more subtle manner as well. With the end of government discrimination against minorities, the civil rights debate should be redirected at laws, now ignored by traditional civil rights groups, which violate everyone's rights, while impacting particularly perniciously on minorities. These laws, which close off opportunities for minorities to advance, are more effective than racial prejudice in creating a permanent underclass.

Of particular importance are laws barring entry to the economic marketplace. The minimum wage, for instance, prohibits the hiring of people who produce less than the minimum level. This hurts those with the least education, experience, and skills — particularly minorities and minority youth. The Davis-Bacon Act mandates the payment of artificially high union-scale wages for federally-funded construction projects, excluding many blacks from construction work, since minority workers are concentrated in non-union firms. Indeed, the law originally was supported by Southern white legislators to eliminate competition from cheap black labor. Further, occupational licensure for barbers, TV repairmen, lawyers, cab drivers, and some 600 other occupations across the U.S. has raised entry costs for jobs through fees, educational requirements, and permit costs, helping to freeze out minorities.

Despite the enormous impact of these restrictions, the Reagan administration virtually has done nothing. Though candidate Reagan backed elimination of the minimum wage, or at least implementation of a youth subminimum wage, administration officials have given even the latter proposal only lackluster support. Reagan also backed away from his

campaign pledge to support elimination of the Davis-Bacon Act, and has ignored anti-competitive state licensing laws.

Government barriers also exist to home and apartment construction, hindering the ability of minorities to find affordable and decent housing. Zoning limits the available supply of land, and government regulations, fees, and taxes increase housing prices by thousands of dollars. Rent control and other government programs consistently have reduced the supply and quality of apartments, particularly in the larger cities. The result of these policies — often intended — is to ensure white, upper-income suburbs and crowded, deteriorating black inner-cities.

"Until the civil rights battle refocuses its efforts, economic equality will remain a dream."

Similar problems exist in education, with schools run by upper-middle class whites that are unresponsive to black families and which incarcerate, rather than teach black children. In this and other areas the greatest limitation on the advance of minorities is one of artificially constrained opportunities, not discrimination. Until the civil rights battle refocuses its efforts, economic equality will remain a dream.

In judging the Reagan record on the core civil rights values that most Americans share — as opposed to those held by the civil rights establishment — I believe there is an improvement over that of his recent predecessors, who pandered to special interest pressure and supported the coercive redistribution of opportunities. But the Reagan record will not likely live up to its potential. Indeed, it may very well get worse in the future; the administration's willingness to forge new philosophical ground has apparently died with its retreat to Carterism in attempting to balance the budget by increasing taxes, and likely electoral losses in November will only make it more pragmatic and cautious.

If this is so, it will be one of the great, and unnecessary, tragedies of the Reagan presidency. Personally, President Reagan is remarkably unprejudiced, decent, and "nice;" that, combined with his communication skills, make him the best person to demonstrate that one need not be a liberal Democrat to have compassion, and to move the civil rights debate away from the notion, inconsistent with traditional civil liberties thought, that the government is to guarantee group equality of outcome by confiscating and redistributing wealth, and by discriminating against groups not defined as minorities. It also makes him the best hope to help the nation begin to question the prevailing orthodoxy of forcibly stamping out prejudice, whatever the cost to individual choice and freedom.

Unfortunately, the opportunity appears to be lost. In fact, to the extent that people believe his policies represent the real alternative to the standard affirmative action/redistribution policies of his predecessors, and that Reagan's have failed, we may have received a long-term setback in the fight for true civil rights. And that would be the greatest loss of all. ■

Doug Bandow is editor of Inquiry Magazine and previously served in the Reagan administration as special assistant to the president for policy development. He is also a senior policy consultant to the Cato Institute.

THE POLITICS OF ECONOMICS PART II: The Governors' Races

The March 1982 *Ripon Forum* detailed the political effects visited upon GOP senatorial candidates by a worsening economy. In this issue, a similar look is taken at eight key gubernatorial races. Illinois, for example, has the nation's third highest unemployment rate, making Republican incumbent James Thompson keenly aware of its political ramifications. In Oregon, GOP Governor Victor Atiyeh is faced with an ailing timber industry which has left an unemployment rate as high as 27 percent in some counties. Even in Texas a sluggish economy may hurt incumbent Bill Clements.

What ultimate effects these factors, plus others, will have upon GOP incumbents and challengers remains to be seen. However, one thing is clear: the politics of economics is making itself known.

California

The California gubernatorial race between Democrat Tom Bradley and Republican George Deukmejian will be close, hard fought, and expensive. It represents, though, one of the best opportunities the Republican Party will have this year to take a governorship away from the Democrats.

Three-term Los Angeles Mayor Tom Bradley easily won the Democratic nomination to succeed Governor Jerry Brown, who is the Democratic U.S. Senate nominee. Bradley, if elected, would be the nation's first black governor since Reconstruction. A moderate-liberal with a low-key campaign style, his relatively powerless yet highly visible position as mayor of Los Angeles has allowed him to build a record of not taking stands on controversial issues, such as Los Angeles' bitter school desegregation battle, and of trying to alienate as few interest groups as possible. He also used his close political relations with the Carter administration to attract large amounts of federal money for rapid transit projects, funds the Reagan administration has cut drastically.

California Attorney General George Deukmejian, a moderate-conservative, won the Republican nomination in a bitter primary battle with Lieutenant Governor Mike Curb. Deukmejian, who spent 16 years in the state Legislature before being elected attorney general, moved quickly to heal wounds with Curb, who was generally supported by more conservative elements within the party. Deukmejian has built a reputation for quiet competence combined with a special interest in "law and order" issues. In his race with Curb he also developed a more aggressive campaign style which should help him against the mild-mannered Bradley.

Issues and strategies for the general election are coalescing rapidly. Bradley will stress his "stewardship" as mayor and his ability to get along with different racial, ethnic, and interest groups. At the same time he will pepper Deukmejian on economic issues, such as aid to the housing industry, and labor issues like the GOP's proposed prison work program.

Deukmejian will take the initiative on a number of other concerns, such as law and order. He actively promotes the "victim rights" omnibus criminal law initiative that passed in June, and worked as attorney general to see that the California Supreme Court did not declare all or part of it unconstitutional. He has offered a proposal for a prison work program whereby prisoners could reduce their sentences through voluntary labor. He has also supported a gun control initiative that will be on the November ballot. Bradley has

been on the other side of all these issues. Already the state's most prominent law enforcement organizations have endorsed Deukmejian over Bradley, a former policeman.

This race is tough to predict. Polls show Bradley with a slight edge, but it is in large part due to the name recognition he enjoys as mayor of the state's largest city. Bradley will carry the city of Los Angeles and the Bay Area (his stand on gun control will help him there), while Deukmejian will carry most suburban and rural areas. It is the extent of these margins that will decide the election. Although Deukmejian's chances are improving, Bradley must still be regarded as the favorite.

Ohio

After a career of nearly two decades, Republican Governor James Rhodes is stepping down in 1982. The battle to succeed him has been costly with the eventual primary victors Republican Clarence Brown and Democrat Richard Celeste spending \$1 million and \$2 million respectively. The general election shows no sign of let up.

Brown, a congressman from Ohio's Seventh District, is a capable campaigner with a competent campaign staff. In fact, the Brown staff pulled off a minor miracle during the primary: Brown defeated Seth Taft by 31 percent after trailing by as much as 21 percent.

Name recognition, though, may be one of his biggest problems. One recent poll showed Celeste, a former Ohio lieutenant governor and director of the Peace Corps during the Carter administration, with a 94 percent name recognition while Brown registered only 64 percent. But once the congressman's name recognition improves, many Ohioans may be inclined to vote for him. His free-market, anti-deregulation positions are right in line with Buckeye traditions.

Celeste is an erudite politician who ran against Gov. Rhodes in 1978. He hopes to raise nearly \$3 million to keep his name recognition high and his current lead over Brown comfortable. His running mate is Myrl Shoemaker, a Ohio state representative and close friend of Ohio General Assembly Speaker Vern Riffe.

Celeste, of course, will concentrate on the economy, especially if Ohio's industrial areas worsen. However, that may not be the campaign's only issue. Recently, Celeste has encountered a barrage of criticism from both left and right after his refusal to participate in a three-way debate with Brown and Libertarian candidate Phyllis Goetz. Brown originally stated that while he would prefer a head-to-head debate, he would participate with Goetz included. The League of Women Voters finally acquiesced to Celeste's request, and a one-on-one debate was scheduled. Brown has since refused to participate unless Goetz is included. Several Ohio newspapers and a collection of women's groups and liberal supporters applauded Brown's move and roundly criticized Celeste. Where those disenfranchised voters will head, no one knows. But it appears Celeste's blunder will cost him. Coupled with money promised from the Republican National Committee and support from the White House, Brown and his organization should not be counted out. It is too important a race, especially as eyes turn toward 1984 and the pivotal role Ohio plays in presidential contests.

(continued on page 10)

A RIPON CRITIQUE: The Reagan Rights Record

During recent press conferences Ronald Reagan has stated that he has been "on the side of opposition to bigotry and discrimination" all his life and that he was "raised in a household where the only intolerance taught was the intolerance of bigotry." In the area of civil rights, however, one must realize that the issue is not the president's personal beliefs, but rather the public policies of his administration. While personal opposition to racism and discrimination may be enough to expect from citizen Reagan, more should be expected from President Reagan. A president is responsible not only for his personal conduct, but also for the conduct of his administration. In particular, he is responsible for the government's conduct toward minority groups. Given the generally negative signals that already have been received by the public about these policies, the Reagan administration's record on civil rights continues to warrant scrutiny.

Thus far the actions of the administration have been widely perceived as being unsympathetic to minorities and women. Its much debated and fairly lukewarm endorsement of the Voting Rights Act extension is a clear example. Despite the president's eventual embracing of the 25 year extension, civil rights leaders remain skeptical about the administration's commitment to their cause. The White House evidenced a definitive lack of enthusiasm for the bill throughout its term, refusing to publicly state its position as well as refusing invitations to testify in front of the House Judiciary Committee. The administration's tenuous support for such a highly visible major civil rights issue did not give the impression that it was moving to close the credibility gap with the civil rights community. While it was gratifying to see the act signed into law, the weakness of administration support did little to quell the image of a government insensitive to civil rights.

Moreover, the administration has shown a consistent desire to cut back and dismantle federal civil rights agencies. For example, it has advocated substantial cuts of the U.S. Civil Rights Commission's \$13 million authorization. These cuts are in addition to administration proposals to reduce the Commission's 234 member staff by 33 positions.

President Reagan has also made known his desire to abolish the Legal Services Corporation, saying that it would be better to provide legal aid to the poor through social service block grants. Certainly, concern is warranted about the politicization of LSC, but to close out existing cases and to shut down its operations is to deny the only access many have to affordable legal aid.

By far the most controversial administration decision was its announcement that it would overrule the Internal Revenue Service and attempt to grant tax-exempt status to schools which discriminate. This decision also demonstrated the administration's lack of close attention to and proper review of civil rights issues. The vehement opposition to the January 8 announcement prompted a commendable reversal four days later when the administration announced it was proposing legislation to give the IRS power to deny tax-exempt status. But it is disconcerting to think that an administration was not

aware that its announcement would indicate a willingness to tolerate overt racial discrimination from institutions that, while private, do seek favorable tax treatment from the government.

These incidents, and others, have led to the general perception that this White House is not willing to actively promote civil rights. Particularly troublesome are the administration's personnel decisions. Unfortunately, the Reagan administration has had a poor civil rights appointment record, despite the highly visible and laudable appointment of Sandra Day O'Connor to the U.S. Supreme Court.

"In the area of civil rights, one must realize that the issue is not the president's personal beliefs, but rather the public policies of his administration."

As an example, it has been very lax in its choices for seats on the U.S. Civil Rights Commission and Equal Employment Opportunity Commission. Although Mary Louise Smith, a venerable Republican leader, is a welcome addition to the Civil Rights Commission, the original choice for chairman — black radio evangelist B. Sam Hart from Philadelphia — was quite perplexing. It was discovered that Hart owed \$4,000 in back taxes and had not registered to vote until Congress was notified he was being considered for the position. Ensuing opposition quickly erupted and forced the White House to withdraw his name.

The president's original nominee to head the EEOC, black Detroit businessman William M. Bell, also was adamantly opposed by civil rights groups. A congressional hearing revealed that he had little experience in government, had never managed more than four employees and ran a job placement firm that had not found anyone a job in over a year. Understandably, this dubious record was of great concern to those worried that Bell would be in charge of an agency with 3,000 employees and a \$100 million budget.

Women also are miffed at the reception they have received from the White House. Recent polls consistently show that more males than females support the president's programs. At stake is not only the administration's opposition to the Equal Rights Amendment and abortion rights, but the administration's appointment record as well. Although the president has appointed over 875 women to non-career positions, many protest that these are primarily cloutless, cosmetic appointments. With the exception of Supreme Court Justice O'Connor, U.N. Ambassador Jeane Kirkpatrick, White House public liaison Elizabeth Dole, and the questionable selection of Dee Jepsen to serve as liaison to women's groups, the administration is somewhat lacking in appointing women to key leadership posts.

Moves to improve its minority appointment record, such as elevating White House aide Melvin Bradley to serve as special assistant and liaison to the black community, are a sign of progress. But it does not make up for a disturbing sign that seems to continue: inflammatory statements made by

administration officials. Although they are not from leading Cabinet members, they are from individuals who represent the nation's highest office. For example:

—J. Peter Grace, head of the President's Private Sector Cost Control Committee, said in a speech to the American Feed and Grain Manufacturers Association that "900,000 Puerto Ricans live in New York and they're all on food stamps, so this food stamp program is basically a Puerto Rican program. I've got nothing against Puerto Ricans, but this is a little much." Despite widespread calls for his resignation (even from over 120 members of Congress), Grace was exonerated by the administration after a letter of apology and a visit to Governor Romero-Barcelo of Puerto Rico.

—George Paras, one of President Reagan's nominees to the board of directors of the Legal Services Corporation, criticized a Hispanic judge of trying to be a "professional Mexican rather than a lawyer." He provoked further controversy in his attempt to clarify the statement, by stating, "There are such things as professional blacks, professional Greeks, professional dagos, professional Jews, people who put their ethnic origin ahead of everything else."

—Robert J. D'Agostino, deputy assistant attorney general in the Justice Department civil rights division, in a memo to division chief William Bradford Reynolds disputed a government claim that blacks had been improperly classified as emotionally disturbed. In the memo, he said, "Why improperly? Blacks, because of their cultural and economic background, are more disruptive in the classroom on the average. It seems they would benefit from programs for the emotionally disturbed." Reynolds termed the incident unfortunate, but even with an outcry from over 100 Justice Department lawyers, nothing more was done.

In the cases of Paras and D'Agostino, public outcry prompted little in the way of explanation or apology from the administration and minimal reprimanding, if any, of the offending government official.

The reasons behind these problems can only be guessed, although apparently a large part of the problem stems from the "back-burner" priority the administration has given to civil rights in general. Despite the president's personal visits to black schools and black homes, perceptions exist that his administration may be willing, to some degree, to overlook discriminatory acts. This, of course, sends the signal to minorities and women as well as potential discriminators that this White House will be more lenient and less willing to investigate and prosecute civil rights violators.

The importance of a strong governmental commitment to civil rights is underscored further by recent cases of racial discrimination. They show that while racial progress has been made during the last 25 years, segregation and discrimination continue to exist:

—A housing discrimination case prosecuted and lost by the Justice Department (the first time Justice had lost a

"... apparently a large part of the problem stems from the 'back-burner' priority the administration has given to civil rights."

housing discrimination case against a municipality under the Fair Housing Act of 1968) in which citizens of Manchester, Connecticut took the town out of a HUD funding program that required they promote residential integration and build housing for the poor. It had been considered a test of the willingness of the Reagan administration's Justice Department to pursue discrimination cases, being the first fair housing prosecuted since the end of the Carter presidency.

—A Chicago fair housing discrimination case in which an all-white subdivision in suburban Chicago attempted to block a black family's move into the town. The 95 member homeowners association suddenly declared "right of first refusal" (after receiving a down payment from the black family) and decided to sell the house to a white woman willing to pay a higher price. This case, however, was prosecuted successfully by the Justice Department.

—As recently as last November, Justice's civil rights division was investigating 25 involuntary servitude cases in 11 states. Most of these involve migrant labor camps, where workers claim threats of violence keep them enslaved. The fact that these have not been actively pursued during previous administrations indicates that the difficulties with civil rights enforcement are not solely problems had by the Reagan administration. Nevertheless, they are longstanding and should have been resolved by Democratic and Republican administrations alike.

That the president is becoming more personally sensitive to the negative perception held by the civil rights community is encouraging. His steps in recent weeks to attend fund-raising dinners on behalf of black universities and black Republican groups are welcomed. It is doubtful, however, that they will be enough to overcome the signals already sent by those within his administration who appear to give civil rights a low priority.

The recent Gallup poll showing that blacks and women believe the Democratic Party is the party most attuned to their interests should alert the administration that it must act now to avoid alienating a large constituency devoted to the pursuit of these goals. To do otherwise would not only mean political disaster, but would also violate the true heritage of the Republican Party. ■

This article was authored by Judy Chen, a senior at Wellesley University, Ripon National Executive Committee members Sandra Thompson, Roland Watkins, Ken Ruberg, Bryan Anderson, Richard Kessler, Ripon acting director Gregory Knopp, and Forum editor Bill McKenzie.

Governors' Races

Continued from page 7

New York

New York's governor's race features a replay of New York City's 1977 mayoral race between Democrats Ed Koch and Mario Cuomo, with the emergence of newcomer Lewis Lehrman as the probable Republican nominee. Although Koch was ahead in the Democratic campaign at press time, both Cuomo, already the Liberal Party nominee, and Lehrman are within striking distance in the general election with an electorate which has generally rewarded the underdog in recent gubernatorial races.

Lehrman has spent heavily from his sizeable personal fortune to run a well-executed campaign, first for Conservative Party support, and then for the Republican endorsement. Only former U.S. Attorney Paul Curran remained to contest Lehrman in the September primary of the many other one-time actual and possible Republican candidates. Lehrman's campaign has assumed a reassuring tone, emphasizing his anti-crime and pro-tax cut positions, as well as his hostility to the seamier practices of New York politics. His more conservative and controversial views are not mentioned, such as his advocacy of a return to the gold standard which had won him notoriety prior to his candidacy.

After the decision of Gov. Hugh Carey not to seek a third term, Mayor Ed Koch surprised most observers by deciding to run. Lt. Gov. Mario Cuomo, who was believed to have been preparing a primary challenge to Carey, also decided to run. Koch beat Cuomo both in the 1977 mayoral primary and again in the November election when Cuomo made an exceptionally strong showing on the Liberal Party line. As mayor, Koch has become very popular among the city's white middle class. Cuomo, however, benefits from the hostility to Koch from minorities, unions and traditional liberals.

The candidacy of a New York City mayor for governor exposes one of the historic cleavages of the state's politics: upstate vs. downstate, just as Lehrman's candidacy marks the movement of the state's GOP to the right. Upstate political preferences for lower government services and resistance to higher taxes have more in common with adjacent states, than with downstate attitudes. For example, solidly Republican Nassau County on Long Island has more services and higher taxes than does Democratic Albany upstate. For 28 of 32 years the progressive wing of the state's Republicans successfully controlled the governor's mansion by catering to downstate service demands, while thwarting statewide primaries in the party. More conservative voters were left with little alternative but to vote Republican. The spending policies resulted in nearly the highest tax burden in the country; while the frustrations of rank and file Republicans led to the formation of the Conservative Party. The growing influence that party now enjoys on the Republican nomination process, coupled with the end of the Rockefeller organization and the introduction in 1976 of the first statewide Republican primary in decades, has resulted in the increasing conservatism of the state GOP, once the center of "liberal Republicanism."

Although Koch leads both candidates, Lehrman's remarkable campaign may catch the Democratic nominee in late October. It may prove too difficult a task for his first political

outing, but Lehrman is making an impressive effort. It remains to be seen, though, whether he will be New York's new Mr. October.

Texas

The governor's race in Texas is shaping up to be an interesting one, and should display whether or not the Texas Republican Party can sustain its growth of the late seventies and early eighties, as Bill Clements, the first GOP governor since Reconstruction, seeks reelection.

Clements is facing a fall battle against Democratic nominee Mark White, the Texas attorney general. White, generally regarded as a conservative, defeated moderate Buddy Temple and liberal Bob Armstrong to win the nomination of his party. Although White fell short of a majority in the May primary, his would-be run-off challenger (Temple) withdrew rather than face an expensive, divisive contest. The Democrats seem determined to show a united front, and appear confident in facing the November election.

Clements won election in 1978 after a hard fought battle against former Texas Attorney General John Hill. Although Clements faced an overwhelming Democratic majority in both state houses, he has established a relatively successful legislative record. Among his most notable successes has been the passage of a comprehensive anti-drug program, which established stronger sentences for sales of illegal drugs, particularly sales to minors. It also gave law enforcement officials greater latitude to conduct surveillance activities against suspected dealers. The bill was quite controversial with progressive and civil liberties groups, who objected to the potentials for abuse they saw in many of the new powers. While on the subject of "social" issues, the Legislature also changed the legal drinking age in Texas from 18 to 19 because of the large number of 18 year olds in the high schools.

One of Clements' biggest defeats has been the rejection by Texas voters of a plan to create a state fund to finance new water projects. Another problem for the governor could be his sometimes abrasive style. He speaks his mind in a direct, straight-from-the-hip manner which sometimes comes across poorly both in print and on television. However, this style could be a plus with some voters, as it is not unlike that of a long line of Texas governors (most notably John Connally). Texans tend to like straight talking "good old boys" — like the governor. But Clements has also taken steps toward softening his manner for the fall campaign. His spring ads showed him speaking informally with small groups of voters about his accomplishments.

White seems to be making inroads with traditionally Democratic Mexican-American and educator groups. White should also do well in rural areas where the Democrats are stronger. He is popular with many South Texas ranchers and hard-pressed farmers and his success or failure may depend a lot on how well incumbent Democratic Senator Lloyd Bentsen does in November. U.S. Rep. Jim Collins has launched a strong effort against Bentsen, seeking to portray the senator as a liberal out-of-touch-with Texas.

Clements' strengths are many. Despite energy-related layoffs, he has much strength in the Texas business community, and appears to be generally in tune with the views of state voters. Although the gap has closed between White and Clements, the governor should win reelection after a hard fought, expensive campaign.

Oregon

Oregon's gubernatorial race was a dead-heat on filing day in March 1982. One month before the election, it still is in a dead heat. The electorate remains fixed on two issues: the economy and the distinct differences between the two candidates. Incumbent Republican Governor Victor Atiyeh and Democratic challenger State Senator Ted Kulongoski offer styles and philosophies that sharply contrast.

Atiyeh earned a conservative Chamber of Commerce reputation during his state Legislature days, but as governor he has moved toward center stage. Likable and dignified, he is a good technician who has performed a delicate dance removing himself from Reagan policies without offending party regulars.

His integrity is indisputable but he will be criticized for what some perceive as a lack of leadership. He is not known for color or inspiration and has had to rely on the Democratic leadership of both legislative houses with little support from respective Republican caucuses.

The incumbent will also remind voters that as a business person he is an experienced manager. In fact, Oregon has 3000 fewer state employees than when he became governor. And despite the economy, fewer people are now on the state's welfare rolls. So however bland he may be, he is a known quantity.

Kulongoski, on the other hand, is a liberal Democrat in what may or may not be a conservative era. A lawyer and a state senator, he is closely associated with organized labor and is the aggressive scrapper Atiyeh is not. However, he does not have business experience and is unproven in a leadership role.

Kulongoski has a state wide base developed from his race two years ago against Senator Bob Packwood. Then he had \$250,000 compared to Packwood's million plus. Yet he came within eight percentage points of winning.

The Democratic National Committee has also targeted Oregon's gubernatorial race, making more money available to the challenger. An outside campaign organizer is in charge and that fact alone could make a difference as Democratic statewide candidates traditionally have been less organized than their GOP counterparts.

But as in most other states, the economy may be the most pivotal issue. Independent feisty Oregonians have been brought to their knees by an anemic economy. Already high interest rates have emasculated the state's largest, almost lone, industry — timber and housing.

Unemployment in timber counties is running as high as 27%. And for the first time in history, Oregon's unemployment rate ranks in the top five or six of all 50 states.

In concert with that is the state's progressive tax system. Personal income tax supplies 75% of the General Fund so when the economy drags, so do the state coffers. The Legislature has met in special session three times in the last year to deal with revenue projections, leaving some skeptical about Oregon's economic outlook.

This means the dead heat will continue to the end, but Atiyeh, being a proven quantity, should retain the governorship.

Illinois

In a state that suffers from 11 percent unemployment — the nation's third highest rate — and with big employers like

Caterpillar and International Harvester bleeding profusely, one may expect a statewide race to center around the economy. Illinois' governor's race is certainly no exception.

In what will be a key race for the GOP, Republican incumbent Jim Thompson presently leads Democratic challenger Adlai Stevenson III by a slight margin. However, the affable Thompson should expect a close fight to the finish.

A good campaigner and quite straightforward, Thompson, however, is sometimes perceived as saying the right things and then throwing up his hands at the recalcitrant Legislature, rather than working to achieve his goals.

This was witnessed in the recent fight over two issues, the RTA and ERA. For the survival of the Chicago Regional Transportation Authority, the governor suggested a gas tax which House Speaker George Ryan, now Thompson's candidate for lieutenant governor, opposed. When the Legislature agreed with Ryan, the governor appeared to give up in disgust and, after many months, the Legislature applied a feeble band-aid to the critically wounded system to allow it to limp until the next session.

The governor has always supported the Equal Rights Amendment, an issue that has been most difficult for Illinois. The amendment passed by a majority every time it was voted on by the state Legislature. But an Illinois constitutional provision which demands a three-fifths vote for constitutional amendments has provided the vehicle for an anxious, prolonged and highly publicized battle over ERA. Its demise in Illinois this summer, however, found Thompson saying it was up to the Legislature, not him, to change the rule. And at his side was a running mate who infuriated ERA supporters by his overtly hostile opposition to the amendment. Almost immediately thereafter, the *Chicago Sun Times* and the Better Government Association attacked Ryan for using his influence in the Legislature to seek help for a nursing home operator who, in turn, gave business to Ryan's Kankakee pharmacy.

But, in spite of his opponent's well-known name, hardly anyone is really excited about Adlai Stevenson — a poor speaker and an indifferent campaigner. Stevenson was state treasurer in 1966, and subsequently a respected but low-profile and relatively conservative U.S. senator who has never made liberals' hearts beat fast.

Stevenson has chosen a woman, Grace Mary Stern, as his running mate and will highlight her record as an ERA supporter and a local government official.

He has also raised about a million dollars to Thompson's four million. Labor has endorsed him despite the fact that Thompson has traditionally enjoyed support from that sector. He is also allied with Jane Byrne's enemy, Rich Daley, and the mayor may well give only lip service support to Stevenson.

Taxation has become an issue, as is usually the case, at the behest of the challenger. Thompson has appeared over the years as a fiscal conservative and social moderate, determined and direct about finances, pointing proudly to Illinois' retention of its triple A bond rating but fighting the problems of recession-limited revenues and rising expenses. Stevenson has now accused Thompson of manipulating the state property tax multiplier — a factor so little understood that its potential to sway confused voters becomes enormous. Thompson, however, points out that the responsibility for local taxes belongs with the village councils and school boards who make their budgets.

It's still anybody's guess who will win between the likable

incumbent with a questionable choice for lieutenant governor and the decent but lackluster candidate with a well known name and a sharp running mate. But those unemployment rates may have more bearing on the race than RTA, ERA, running mates, or that arcane creature, the multiplier. Too close to call.

Iowa

Iowa's thermometers and political climate were stuck at "simmer" this summer. County Prosecutor Roxanne Conlin came off a resounding winner in the June Democratic primary but within weeks was in trouble. In accepting the Democratic nomination she declared that Republicans were "the party of the privileged" who took undue advantage of tax shelters. However, she failed to mention, until a few weeks later, that she and her husband had a combined net worth of \$2.2 million and had paid no state income taxes in 1981 and only little federal income tax.

Republican Terry Branstad, her opponent, responded to this announcement with obvious glee, showing that he had used tax shelters over the last three years but had paid state and federal taxes. Mild-mannered Gov. Robert Ray, who has maintained astounding bi-partisan support in his 14-year gubernatorial career, assumed the role of the heavy, deriding Conlin for her "hypocrisy." *The Des Moines Register*, Iowa's only state-wide daily, took up the critical cry, too, although the paper has a long tradition of being "too liberal" for Iowa.

Branstad, the current lieutenant governor, is a conservative Republican, but has been working on moderating this tag. He has already criticized the New Right and has picked up some support from old line Democrats incensed at Conlin's snafu. Moderate Republicans, including some influential party leaders, however, are still smarting from Branstad-engineered coups over the past 18 months and from ideological clashes over the past decade. In spite of Bob Ray's efforts, moderate support remains cautious.

But his liberal Democrat opponent has failed to focus successfully on his conservative voting record. Instead she has presented little substance in her program and was judged lackluster in substance during the first of her five encounters with Branstad. This may stem from the candidate's earlier announcement that shocked both supporters and opponents: she would not veto legislation abolishing the right to work in a state dedicated to that principle. This may have caused her to be trepid in launching other ideas.

Two non-party sources may affect the election substantially. The high-tech, conservative right undoubtedly will support Branstad, pouring dollars into his campaign coffers and turning out the coalition vote. But because of his voting record and a tight congressional race in Iowa's Third District, the state has been targeted by a national women's coalition. This could greatly assist Conlin in raising funds, something she has not been too successful in doing.

Iowa's longstanding tradition of political pragmatism may ultimately decide this election. Moderates will play an increasingly critical role as Branstad recognizes their importance and they could provide the difference. Not to mention that Conlin's blunder may have already sealed her fate. It is Branstad's to lose.

Maryland

Democrats outnumber Republicans in Maryland by more than three to one. Out of 57 elected governors of the state, only five have been Republicans. No Republican since Spiro Agnew's 1966 victory has garnered more than 36 percent of the vote. Yet Robert Pascal, the 1982 GOP nominee, has taken on the uphill fight against incumbent Democrat Harry Hughes.

Pascal is currently the county executive of Anne Arundel County (Annapolis) and has won there convincingly despite being badly out-registered. The main thrust of his present campaign has been to attack the leadership, or lack of it, by Hughes. Citing a rising crime rate, serious unemployment and the poor condition of the state's road system, the challenger is trying to dispel Hughes' image as a competent manager. He is able to underscore his charges by pointing to his own record in Anne Arundel County, where crime and unemployment rates are lower than the statewide figures and county roads have been well maintained.

Rather than respond to Pascal's attacks, Hughes has run what would be called in a presidential election a Rose Garden campaign. At the same time he has worked hard to shore up the state's Democratic machine by appointing potentially important allies to key judicial and executive posts.

This is undoubtedly the safest strategy for the incumbent for two reasons. First, his record as governor is unexciting. Elected in the aftermath of the Agnew and Mandel scandals, Hughes won more for his reputation as a political Mr. Clean than for anything he had to say about the issues. He has been able to maintain that image since taking office, and has avoided any major political disasters.

Second, Hughes' strategy helps deny Pascal the credibility as a candidate that he badly needs. With a low state wide name recognition and the recent history of Republican candidates for governor, Pascal is having difficulty attracting workers and money to what looks like a losing effort. But should Pascal begin to generate voter interest, Hughes may have to enter the fray. For now he can afford to stay home and tend to his roses.

Another factor that could make a mess of Hughes' "quiet statesman" strategy is Baltimore Mayor William Donald Schaefer. A very popular politician in the Baltimore area, Schaefer has been at war with Hughes over issues since the latter took office. Clearly dissatisfied with the job Hughes has done for his city, Schaefer has flirted publicly with both Pascal and Hughes' former challenger, Harry McGuirk.

But Schaefer's machinations are somewhat a sidelight; the real race is Pascal against Hughes. To win, Pascal will have to demonstrate both his own fitness for the job and Hughes' lack of it. If he can accomplish this difficult task, the Maryland gubernatorial race may be a toss-up; if he cannot, Hughes will win easily in November. ■

This analysis was edited by Forum editorial board member Daniel Swillinger. Contributing reports to the article were Greg Knopp, Sue Mullins, Jeanne Braedner, David Vandermeulen, Michael Hayes, Marc Uncapher, Michael Marinelli, and Mary McCauley Burrows.

GOVERNORS' SCORECARD



California

"This race is tough to predict. Bradley will carry the city of Los Angeles and the Bay Area, while Deukmejian will carry most suburban and rural areas. The extent of these margins will decide the election . . . Deukmejian's chances are improving, but Bradley must still be regarded as the front runner."

Ohio

"Celeste, of course, will concentrate on the economy . . . But Brown is a capable campaigner with a competent campaign staff . . . He and his organization should not be counted out. It is too important a race, especially as eyes turn toward 1984 and the pivotal role Ohio plays in presidential contests."



New York

". . . Lehrman's remarkable campaign could catch the Democratic nominee in late October. Although it may prove too difficult a task for his first political outing, Lehrman is making an impressive effort. It remains to be seen whether he will be New York's new Mr. October."

Texas

"Clements' strengths are many. Despite energy-related layoffs, he has much support in the Texas business community and appears to be generally in tune with the views of state voters . . . He should win reelection after a hard fought, expensive campaign."



Oregon

"One month before the election, Oregon's gubernatorial race is in a dead heat . . . Since the economy is the pivotal issue, the race will remain a dead heat. But Atiyeh, being a proven quantity, should retain the governorship."

Illinois

"It's still anybody's guess who will win between the likable incumbent with a questionable choice for lieutenant governor and the decent but lackluster candidate with a well known name and a sharp running mate . . . Too close to call."



Iowa

"Iowa's longstanding tradition of political pragmatism may ultimately decide this election. Moderates will play an increasingly critical role and could provide the difference . . . It is Branstad's to lose."

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"To win, Pascal will have to demonstrate both his own fitness for the job and Hughes' lack of it. If he can accomplish this difficult task, the race may be a toss-up. If he cannot, Hughes will win easily in November."





THE CHAIRMAN'S CORNER: Republicans and the ERA

by Jim Leach

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Seldom have so few words of the English language proved to be so controversial. Constituting the text of the Equal Rights Amendment, these 24 words have pitted generation against generation, lifestyle against lifestyle, and not incidentally dramatically affected the shape of American politics.

At first glance the intent of the ERA appears self-evident and reasonable. Respondents, for instance, to a 1980 poll in Utah — a state dominated by conservative political and religious philosophy — supported the exact wording of the proposed constitutional amendment by nearly a 2-to-1 margin. Yet, when asked whether they favored the ERA, many of the same respondents decisively answered "no."

To fathom what has made the issue so explosive it is necessary to capsulize the history of the ERA movement and look at the amendment's current status.

First introduced in Congress in 1923, passed in 1972, and extended in 1978, the ERA failed by June 30, 1982 to achieve the approval of the 38 states required to make it the 27th amendment to the Constitution.

In mid-July, the ERA was resubmitted to Congress with 200 House members and 51 Senators cosponsoring its reintroduction. It is an issue that will not die, nor pass easily from public prominence.

Behind the effort to make this simple declarative sentence a part of this nation's most basic legal instrument is the struggle for economic and social justice.

Women make up over 50 percent of our population and represent 42 percent of the nation's total work force. Yet according to Department of Labor statistics, women get paid 59 cents for every \$1 men earn, often doing identical work. Moreover, work opportunity for women is often limited. In 1960, 12 percent of the nation's professional and technical workers were women. Two decades later, the figure has risen to only 16 percent. In 1960, 5 percent of the nation's managerial posts were held by women. In 1980, women held 6 percent of these positions.

Of the top 500 corporations in America not a single one has a female chief executive officer. Seventy percent of the largest 1,300 companies don't even have a woman on their boards. The median income for college graduate women is \$12,300 as compared with \$20,324 for college graduate men. And in many parts of the country, women are systematically denied access to credit and adequate pension protection. The result is that 70 percent of Americans currently living below the poverty line are women. Poverty, it would appear, has become feminized.

While the need to remedy these economic injustices is clear, and while equality before the law is a quintessentially American ideal, the ERA has become fogged with misconceptions and misapprehensions. Opponents have charged it would result in the drafting of women, in unisex restrooms, in the sanctioning of homosexual marriages, in the weakening of rape law. However, none of the above are intended nor likely to result. Legislative history is clear on this subject. Women will not be forced to do what they do not want to. All that

is intended is for women to have the right to do and become whatever their interests and talents lead them to pursue. Equality of rights doesn't imply failure to recognize differences in ability. But it does imply protection against prejudice and arbitrary restrictions of freedom.

There is no doubt, however, that tactics and styles that are appealing to some are less so to others, and that to many Americans, the ERA has become identified with extremism of political tactic as well as of lifestyle. It has also increasingly become viewed in a partisan political context.

In fact, from a Republican perspective there is real danger of one of the two great American political parties forgetting and forswearing its roots.

Historically, in this country and in similar Western democracies, one political party emphasizes rights and one opportunities. The former stresses individual initiative based on restraining government and the latter government intervention to assist the disadvantaged. This is the historical contrast between the party of Lincoln and the party of Roosevelt.

The Republican Party was born and teathed in the antislavery movement and was the first to endorse the principle of equal rights for women at a national convention.

"It is time for the Republican Party to come home, not only to its principles, but to its heritage."

Today, the Republican Party does not have the luxury of ducking the issue. A party without principle is a party without a future.

Failure of the Republican Party today to adhere to its heritage jeopardizes its rationalization for existence. The Democratic Party is in the extraordinary position of usurping the rights issue from Republicans and becoming the party of both rights and opportunities. It is time for the Republican Party to come home, not only to its principles, but to its heritage. The linchpin of conservatism is the advancement of the integrity of the individual against the infringements of the state. Underscoring rights for any single group is protecting rights for all.

Speaking before the Constitutional Congress, Alexander Hamilton observed:

"There can be no truer principle than this — that every individual of community at large has an equal right to the protection of government."

Equality before the law is the cornerstone on which all that we value rests. The Equal Rights Amendment is more than an idea whose time has come. It is more than a partisan issue. The ERA is an expression of the fundamental principle on which this nation is founded. ■

Jim Leach, a member of Congress from Iowa, is chairman of the Ripon Society.

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Gubernatorial Races

In addition to the gubernatorial races covered in this month's *Forum* feature, several other state leadership races will figure prominently in the GOP's attempt to hold onto its 23 governorships.

Minnesota, for example, will be a challenging race for the Republican nominee given the economic problems inherited from the Quie administration. The state's lieutenant governor, Lou Wangberg, received the Independent Republican Party endorsement in June, but was challenged and defeated by investment banker and Ripon supporter Wheelock Whitney in the September 14 primary. **Minnesota's** unique primary system allows candidates to challenge endorsed party candidates in their respective primaries. In fact, this system underwent an unprecedented test this year as nearly 30 unendorsed candidates challenged party candidates for the 67 state Senate seats. Since some unendorsed candidates emerged victorious, *Forum* correspondent Tom Bredeson reports, the sanctity of party endorsements will be lessened, thus opening the field for a wider variety of future candidates.

Whitney is representative of the new challengers and, according to some, is more characteristic of **Minnesota** Republicans. He will now face Democrat-Farm-Labor nominee Warren Spannaus. A lieutenant for the Humphrey-Mondale machine, Spannaus has been the loyal steward of the DFL for 25 years. One of the state's top votegetters, he defeated former Governor Rudy Perpich who also tested the DFL's party endorsement process . . .

The **Wisconsin** race looks somewhat uphill as well, although it still is an unanswered question. GOP nominee Terry Kohler will face Democratic nominee Anthony Earl in a race where the economy, primarily jobs, may prove too much for Kohler to overcome. However, Kohler's name recognition is high (both his father and grandfather were **Wisconsin** governors) and with a low voter turnout, he could reverse the current outlook . . .

Michigan's gubernatorial contest looks like what Charles Caleb Norton once labelled the human race: "a bundle of contradictions." Retiring Republican Governor William Milliken has been the state's most popular political figure during the last 14 years. But his handpicked replacement, Lieutenant Governor James Brickley, was stunningly upset in the August GOP primary in what one observer called "an anti-Milliken backlash." No real reason can be found for the

anti-Brinkley, pro-Milliken split, however. Unemployment has been very high in this heavily industrialized state, but most figured Brinkley's moderate appeal would counter that adequately. Instead, the party nominated conservative businessman Richard Headlee to run against the Democratic nominee, Representative James Blanchard. Current polls show Headlee behind by as much as 20 percent, leaving many concerned with the future of the **Michigan** Republican Party.

If Headlee loses by the predicted margin, then the **Michigan** GOP will undergo a major realignment during their February 1982 meeting. This would leave moderates with ample evidence that pragmatic centrism, not ideological conservatism, is needed to rebuild the party's base . . .

U.S. Senate Races

A quick review of some Senate races forecasted in the March *Forum* shows that David Durenberger still holds a slight lead over Democratic challenger Mark Dayton in **Minnesota**. Pete Wilson is locked in a too-close-to-call battle with Jerry Brown in **California**, and Millicent Fenwick continues to run ahead of Frank Lautenberg in **New Jersey** . . .

But **Maine's** David Emery has watched his once commanding lead over Democratic incumbent George Mitchell disappear as he now trails Mitchell by nearly 10 points. Emery, once a virtual shoo-in, has gone through \$650,000 in direct mailings, television advertisements, and computer assistance in watching his lead vanish. Through a series of campaign blunders, including misrepresenting his voting record, the GOP congressman has alienated many of the voters who have given him solid support since his first House victory in 1974. Emery has brought on, however, a new campaign staff headed by Thomas Daffron, the competent manager who ran **Maine's** popular GOP Senator William Cohen's 1978 campaign. Daffron is now directing Emery's use of the airwaves to counter the candidate's negative image and is trying to return the campaign to a discussion of issues . . .

In **Michigan**, incumbent Democratic Senator Donald Riegle continues to lead former Republican Congressman and Ripon supporter Philip Ruppe. But the media team of Doug Bailey and John Deardorff have begun their television

blitz, planning to use nearly half of the campaign budget on advertising to improve Ruppe's standing. This will be enhanced by White House support, increased attention from the Republican Senatorial Campaign Committee, and renewed interest by Capitol Hill Republicans. In other words, Riegle's lead is not insurmountable, even in a state where reminders come daily that the economy has not "turned the corner." . . .

Vermont's progressive Republican Senator and Ripon Congressional Advisory Board member Robert Stafford staged off an attack from two GOP challengers, Stewart Ledbetter and John McClaughry, in that state's September primary to get the Republican nomination to face Democrat James Guest. Although he should easily defeat Guest, the challenge he faced from his Republican opponents was what *The Washington Post's* David Broder termed "a classic incumbent versus anti-incumbent strategy." . . .

Congressional Races

Several Republican moderates look in good shape to capture congressional seats this fall. One of the most promising is San Francisco's Milton Marks. A veteran state senator, Marks is providing liberal Democrat Philip Burton with his first real challenge since 1964. The public outrage over Burton's controversial redistricting plan has made him vulnerable, leaving Marks with a likely shot at upsetting him. Some polls have Marks running ahead and indicate he has an opportunity to pick up a number of Democratic voters disenfranchised with Burton. This should not be too surprising as Marks has a record of collecting crossover votes, causing some to be quite optimistic that he can unseat Burton . . .

Another promising moderate is Republican Cathy Bertini. She is in the middle of a congressional fight in **Illinois'** Ninth District which could provide the GOP with a major upset. Running against veteran Democrat Sidney Yates, the 32-year-old Bertini has an added advantage of facing Yates in a district where he must confront, she says, a "major new suburban constituency, one that does not like Chicago politics." In fact, 43 percent of the respondents to one district poll said Yates could be defeated by a GOP challenger and only 34 percent said they would support his reelection. Bertini's social liberalism and fiscal conservatism not only has attracted attention from the national press, but also from women's groups and the Chamber of Commerce of the United States. If the plurality of the district's moderate-to-liberal, college educated residents vote according to previous patterns, then Bertini could very well win this election . . .

Moderate Republican Resurgence

A number of press reports have recently chronicled the resurgence of moderate Republicans. In an article entitled "GOP's 'Old Center' Holds, Despite New Right Senators," *The Washington Post's* Helen Dewar claimed that, "As the 97th Congress nears an end, it is not the New Right of the Republican Party but rather its Old Center, guided more by pragmatism than ideology, that calls the shots in the Senate." Included in this list were Howard Baker, Mark Hatfield, and Robert Dole, who were credited with having the experience and the ability to compromise that their New Right colleagues lacked . . .

Moderate leaders Richard Thornburgh of **Pennsylvania**, Slade Gorton of **Washington**, Jim Leach of **Iowa**, and Pete Wilson of **California** were listed in a recent article by

political observers Jack Germond and Jules Witcover as among those considered "rising stars" who will be the presidential contenders and congressional leaders of the future. Another prospect mentioned was **Pennsylvania's** young Lieutenant Governor Bill Scranton. If the name sounds familiar, it should — he is the son of former moderate GOP presidential hopeful William Scranton. "In handicapping the stars of the future," the columnists wrote, consider "a lieutenant governor of special appeal who might be running for president ten or twelve years from now. Have you heard about young Bill Scranton of **Pennsylvania**? Everyone says the same thing: Hot property. Can't miss." . . .

Minnesota's David Durenberger joins this list of notable Republicans receiving considerable attention. The subject of an in-depth profile by *The Washington Post's* Bill Peterson, Durenberger was referred to as a "GOP progressive in the land of Reaganomics." Peterson called Durenberger a "highly regarded moderate," saying that he has taken the lead in the intricacies of federalism, health care, and the defense budget. Durenberger, by the way, has been a stalwart supporter of the president's economic plans and has received more reelection help from the administration than almost any Republican . . .

In a recent *Des Moines Register* feature, *Village Voice* columnist James Ridgeway said that the "moderate wing of the Republican Party is enjoying a surprising political renaissance." Citing the primary victories of Lowell Weicker in **Connecticut**, Millicent Fenwick in **New Jersey**, and Wilson in **California**, along with the prominence of Majority Leader Baker, Robert Stafford, and Charles Percy in the Senate, Ridgeway said that "moderate Republicans have brought a more temperate sense to politics and shown themselves to be just as sharp at campaign fights as the New Right." He also cited the resurgence of the Ripon Society, "around which moderate Republicans cluster," making note of "beefed-up fundraising operations" and the 20 members of the Society's Congressional Advisory Board . . .

The Demise of the New Right??

Perhaps this attention on moderates indicates the initial signs of slippage by the New Right. What seems to be evident, as Michael Barone put in his article, "Whatever Happened to the New Right," is that ". . . some Republicans in Congress are trying to win victories on the Hill for key New Right causes that were ignored in the first year of the [Reagan] administration. But their chances are problematic, and their tactics may well have demoralized the true believers . . . whose enthusiasm has been central to New Right success." Whether they will retire to "cultivate their gardens," as Barone predicts, remains to be seen. But it is apparent that as the political victories of a number of moderates, the focus of the media, and the growing political concern over the economy sharpen attention on the GOP center, the shrill voices of the New Right will diminish . . .

These voices have even awakened the ire of the Right's most articulate spokesman, William F. Buckley Jr. Shortly after John Lofton and *Conservative Digest* attacked the president for deserting the right, Buckley chided Lofton for going to "hardball extremes." Instead, he said, "conservatives, of all people, should recognize that a president isn't omnipotent," and that "conservative tablet keepers [should] measure the difference not between what is ideal and what is being done, but between what might be done and what is being done." As usual with Buckley, well said. ■