

RIPON FORUM

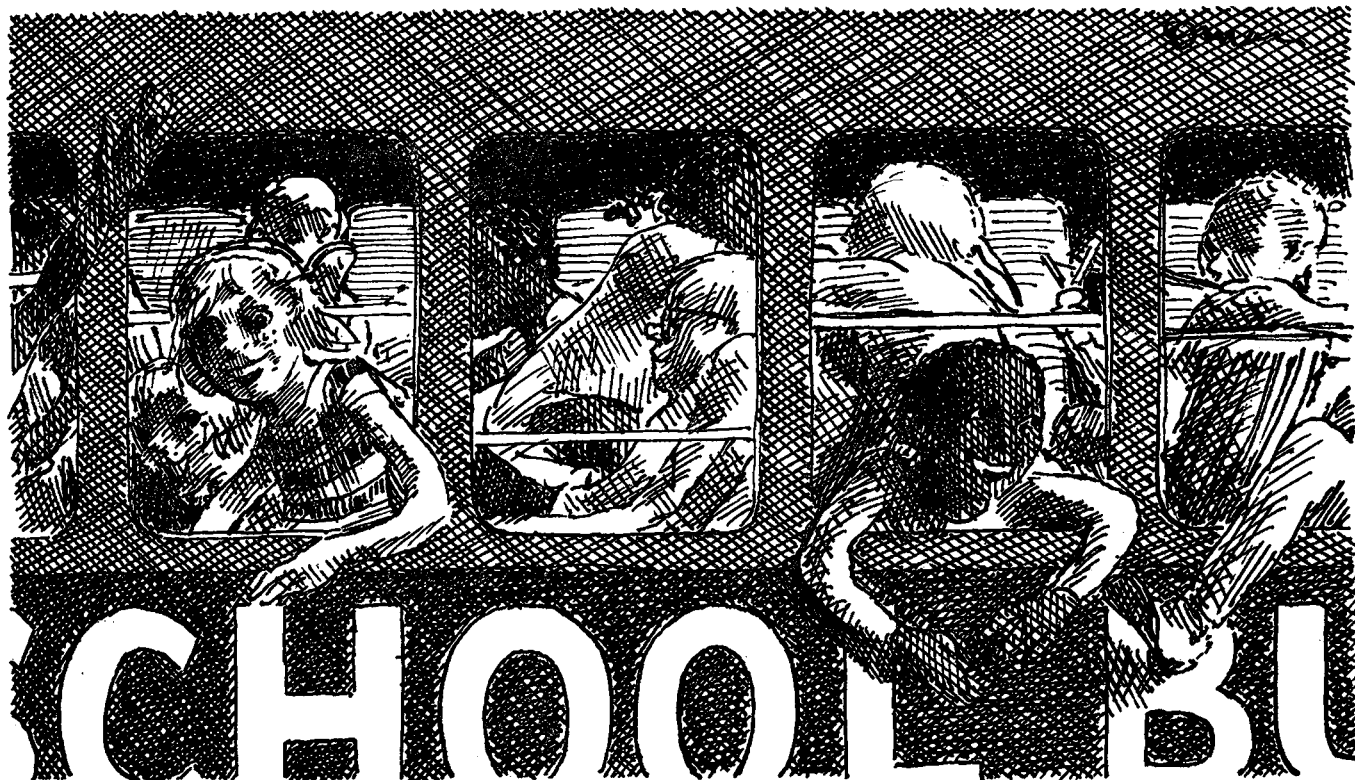
OCTOBER, 1970

VOL. VI No. 10

ONE DOLLAR

MICHAEL S. LOTTMAN

School Desegregation -- HEW Guidelines and the Courts



ALSO THIS MONTH

The U.S. Army in Europe

Edward L. King

Political Parties: A Dose of Self-Reform

D. Tony Stewart

Combating Housing Abandonment

Charles E. Goodell

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THE RIPON SOCIETY, INC. is a Republican research and policy organization whose mem-

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

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Managing Editor: Evelyn F. Ellis

Consulting Editor: Michael S. Lottman

Technical Editor: John Woodman

Contributors: Christopher W. Beal, Duncan K. Foley, Phillip C. Johnson, Douglas Matthews, William D. Phelan, Jr., David Omar White.

Circulation Dept.: Hope Fellows

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EDITORIAL

Ever since the Supreme Court made school integration a major national issue in 1954, one of the most intractable problems for civil rights advocates has been to devise a program that is both morally satisfying and politically effective. Sixteen years of trying to implement *Brown vs. Board of Education* have made this all too clear. Neither executive action nor legislative mandates have succeeded in eliminating segregation in Southern schools.

The most recent device to integrate the schools has been part of the Civil Rights Act of 1964. In that Act, Congress authorized the Department of Health, Education and Welfare to establish "guidelines" to measure a school district's progress toward integration. If the district fails to desegregate with appropriate diligence, HEW may cut off Federal funds.

In this issue, we present a well-documented study by Michael S. Lottman which concludes that the guidelines technique has been a failure and that the Federal courts must now become the main vehicle for integrating Southern schools. If this proposal, to drop the executive branch's chief desegregating device, had come from another source, we might doubt the sincerity of the author. But Mr. Lottman has unquestionable credentials as a civil rights activist and attorney. He was editor of the newspaper *The Southern Courier* and the author of our recent Southern report which raised the hackles on quite a few conservative Republicans in Dixie and elsewhere. Above all, Mr. Lottman's arguments are strong and convincing:

— Historically, the guidelines have been handled so inconsistently, so ambiguously, and so weakly as to discredit them completely, in the eyes of Southern school officials, as an effective weapon of the Federal government.

— Consequently, the guidelines themselves have become an emotional issue in the South, generating united opposition and providing George Wallace with one of his major themes in the 1968 and 1970 campaigns.

— As with nearly all other bureaucratic regulations, the interpretation of how well school districts are complying with the guidelines is prey to political meddling, which reduces both their effectiveness and their legitimacy.

— And the ultimate weapon, termination of Federal aid, does nothing to promote further desegregation.

And so Mr. Lottman concludes that we must now rely on the judiciary to eliminate segregation throughout the South. The experiences of this last month have illustrated the effectiveness of this approach, as a significant number of school districts have instituted court-ordered desegregation plans. And in Mobile, Alabama, where the school board attempted to circumvent a Federal court order, the Justice Department has taken the school board into court. The advantages of a judicial approach include:

— In most districts, school cases on appeal receive expedited treatment.

— The courts are no longer staying desegregation orders pending appeal by defendant school boards.

— Federal judges, appointed for life, are freer of political pressures than Washington bureaucrats dealing with Congress and local officials.

— Judicial proceedings are part of the public record.

— Southern officials, who are forced by judicial action to desegregate, can tell their constituents that they had no choice. Guidelines make them appear to desegregate voluntarily, which is often politically dangerous in the South.

— Though there are unquestionably Federal judges who favor segregation, the weight of precedent is now firmly against their legislating their personal feelings. Personal preferences have, after all, less weight in the judicial process than in the political one.

In endorsing Mr. Lottman's approach, the Ripon Society considers his conclusions a serious indictment of the Nixon Administration's lack of commitment to equal rights and justice for all Americans. In its shameful vacillation, the Administration has tarnished its name and the name of the Republican Party with black Americans and with civil rights advocates of all races. It is a sad commentary on this Administration that we advocate a judicial approach because the executive branch apparently lacks the motivation to use the guidelines approach with consistency and determination.

But since this vacillation and inconsistency has been a feature of the guidelines under the Johnson administration, there is a lesson to be learned here that transcends the sorry record of any particular President or Administration: it is the morass that is produced by using bureaucratic approaches to at-

tempt to solve society's ills. The most penetrating treatment of the trouble with bureaucracy is Theodore J. Lowi's *The End of Liberalism* (Norton, 1969), which documents in many policy areas how regulatory bureaucracies are likely not only to become captives of their supposed regulatees, but how the administrative process, by its very nature, involves the kind of haggling, compromises, and disrespect for the rule of law that have made the HEW guidelines so ineffective. Progressive Republicans, who share both a healthy skepticism of bureaucracy and a commitment to civil rights, must inevitably agree with Lowi's appraisal.

Despite the political assaults on the judiciary, desegregation plans written by the courts are being followed. And once the spotlight is on, the Justice Department will find it difficult not to back up the courts. Those who truly desire an end to the blight of school segregation will see that end by the route of judicial decree, and not bureaucratic subterfuge.

The Ripon Society has remarked in the past on the failure of bureaucratic techniques to cope with important social problems. As this failure becomes more apparent in wide areas of public policy, more reliance will have to be put on market systems, private and voluntary enterprise, and guilds like the legal profession. Though we believe that the legal-judicial process is prepared to deal with school integration over the short-term, long-term reforms are necessary to deal with the full weight of social decisions that will be referred to adversary procedures as more and more bureaucratic devices fail. Mr. Lottman's proposal on school integration thus suggests a broader need: a program for reform of the legal profession, the court system and the law enforcement process.

* * *

"It almost has got to be the party of the extremists insofar as these so-called liberals or new lefts, or whatever you want to call them, have taken over the Democratic Party." From the pages of *Human Events*? No, this was a recent assessment by the AFL-CIO's crusty old president, George Meany.

According to Meany, the Democratic Party is "disintegrating" as working men move into the middle class and become conservative. Meany also had predictably kind words for the Nixon Administration's Southeast Asia policy, declaiming, "We are completely opposed to the idea of bugging out" — more right-wing rhetoric. And his comments on young people were a kind of verbal equivalent of the hardhat attacks.

We might note in passing that Meany could only get away with this kind of rightist diatribe because of the lack of any figure of equivalent stature in the labor movement since Walter Reuther's

tragic death. Until the labor movement produces another genuine liberal leader who can stand up to Meany, the unions will move farther and farther behind the vanguard of social progress in America.

But Meany's words were not wholly encouraging to Administration strategists. Singling out Vice President Agnew and Attorney General Mitchell for criticism, Meany took vehement exception to the President's policies on education and civil rights. In his most significant statement, the union leader said, "I still think that the biggest issue with our people is the economic issue . . . On the economic issue, as of now, [President Nixon] would get bad marks."

Meany's comments only ratify what has been obvious for several years — the union man is more independent than ever in politics. But only by appealing to his economic interests, not merely to his patriotism or his racial fears, can the Republican Party win his lasting allegiance.

* * *

Last August 25, the Senate voted on an amendment to the Military Procurement Authorization Act that would have raised military salaries and created, in effect, an all-volunteer military. As advocates of such a step since 1966, we at Ripon were disheartened when the proposal was decisively rejected by a vote of 52 to 35. The lopsided nature of the vote was due to the almost unanimous opposition of the Southern Democrats. The vote produced some strange alliances; here is how Republicans voted.

FOR THE VOLUNTEER MILITARY

Baker	Hatfield
Boggs	Jordan (Idaho)
Brooke	Packwood
Cook	Pearson
Dole	Percy
Fannin	Prouty
Fong	Schweiker
Goldwater	Scott
Goodell	Smith (Illinois)
Gurney	Williams (Delaware)

AGAINST THE VOLUNTEER MILITARY

Aiken	Griffin
Allott	Hansen
Bellmon	Hruska
Bennett	Javits
Case	Miller
Cooper	Smith (Maine)
Cotton	Thurmond
Curtis	Tower
Dominick	Young (North Dakota)

In addition, Murphy and Stevens were paired in favor, and Mundt and Saxbe against, the amendment. Praise is due the amendment's sponsors, Senators Goldwater and Hatfield, for fighting for an idea whose time has still not quite arrived.

Praise is also due those Republicans who courageously supported the Amendment to End the War on September 1. They were Senators Hatfield, Goodell, Javits, Schweiker, Case, Brooke and Mathias.

STATE SPOTLIGHT

NEW JERSEY: Gross seeks a middle way, while Shue shapes an urban strategy

New Jersey Senatorial nominee Nelson Gross, 38, a Saddle River attorney, Republican State Chairman, and former Chairman of the powerful Bergen County organization, is known as the man who is in the right place at the right time. He supported President Nixon for the nomination in 1968 while Senator Case and other Republican leaders were trying to hold the line for Rockefeller. In the 1969 primary he was a vigorous supporter of William Cahill, a little-known Congressman from South Jersey. Cahill was subsequently elected Governor with 60 percent of the vote. Thus he can claim the support of both the nation's and the state's chief executives.

The only serious obstacle to Gross' June primary victory was cleared when U.S. Attorney Frederick Lacey, a protege of Senator Case, dropped a probe into possible links between the Gross law firm and a mob-influenced labor union, Teamsters Local 97 in Newark. It was rumored that Lacey had himself hoped to be the nominee, but if so, he could not have planned a more ill-timed fiasco. He never produced any concrete evidence that the Justice Department in Washington was conducting such an investigation. The only charges appeared in the *Washington Post*, which reported that it had information that Gross had intervened on behalf of William L. Vieser, a Newark attorney facing charges of income tax evasion. Vieser's brother is GOP state finance chairman Milford A. Vieser.

SLIM PRIMARY OPPOSITION

Gross' only serious opponent was New York attorney and former Ridgefield Village Commissioner, James Queremba, a 32-year-old bachelor. Queremba became the most interesting phenomenon in an otherwise lackluster race. Though he came across as a pious Boy Scout of the New Politics, Queremba raised troublesome issues that no one else would touch. He announced that he would accept no campaign contributions over \$50 and spent his time talking about participatory democracy to local Republican committees. As the campaign developed, he came forth with constructive proposals to end the oil import quota system and replace it with a tariff system, for the creation of a Cabinet-level Department of Environment and Pollution Control, and for greater awareness of the relationship between wasteful defense spending and student unrest. All this, combined

with his support of truly open state and local primaries, gave to his campaign echoes of Mark Hatfield and Eugene McCarthy. Ironically (given his general position on defense spending) it was Queremba's support of Nixon's Cambodian venture that probably won him the most votes, primarily from disgruntled Republicans who did not like Gross' opposition to the President. Though Queremba voiced his hope that the troops would be withdrawn as soon as possible, the distinction was enough.

On June 2, Gross won by only two-to-one over the combined votes of his opponents. Queremba received 42,804 votes and trailed Gross by only four-to-three in their home county of Bergen. Joseph M. Gavin, a conservative, received 31,975 votes and carried two of the rural counties of the state, Cumberland and Hunterdon, and came close to carrying several others. He appeared to be the clear recipient of protest votes against Gross' stand on Nixon's war policies, though Queremba also benefitted to some extent in the suburban northern counties where he was better known. The size of the anti-Gross vote probably indicates that Gross will have to take a more measured stand of the Southeast Asia issue; in fact, he has already begun to do so. While favoring a cutback of troops, he has promised not to hamstring the President with a specific timetable.

GROSS ON THE ISSUES

Gross has had a problem in establishing himself as a political personality. As a masterful organizer he has no peer, but as a candidate he has tended to be cold and somewhat inconclusive on issues, appearing clearer in print than on the stump. So far he has come out decisively on the side of civil liberties, opposing both wiretapping and the D.C. no-knock law. He opposes the deployment of MIRV but supports the Safeguard ABM. As the first Jew to seek a Senate seat from the state, he has taken a strong stand on the need to support Israel. On the issue of drugs he supports a stiffened penalty on LSD and a lessening of the penalty on the possession of marijuana. Gross has been able to maintain a position somewhat independent of President Nixon, probably a necessity in an urban state with a rising rate of unemployment.

But in an effort to win back the Queremba and Gavin votes Gross has gone back to the right. The Bergen *Sunday Record* of August 30 quotes Gross

as saying, "I want to assure you I am a Nixon man all the way. I am first and foremost a Republican — a Republican who can plan dramatically and effectively, but most of all one who backs President Nixon and Republican policies right up to the hilt."

This latest shift in position is also a reaction to the independent candidacy of Joseph F. Job, the Republican Sheriff of Bergen County. Job bills himself as a silent majority candidate and tells voters that Gross and Williams are both far too liberal for the good of the nation. Gross fears Job is making inroads into the normally heavy Bergen GOP vote. Gross strategists regarded Job so seriously that they arranged a law suit to block his candidacy. Job's nominating petitions were initially ruled invalid by the Secretary of State, a Cahill appointee, but in July the State Superior Court, Appellate Division, restored Job to the ballot. Job's candidacy is very much the product of 15 years of warfare among Essex County Republicans, split into two hostile camps since early last year. The Essex County organization is headed by a close ally of Cahill, George M. Wallhauser, Jr. But quite a few Essex Republicans (including two County Freeholders) support Joseph A. Intile, Jr., whose falling out with Cahill in 1969 made statewide headlines. It's no secret that Intile engineered Job's candidacy as a means of regaining power in Essex. If Job withdraws from the race it will only mean that Cahill and Intile have patched up their quarrel, at least temporarily. If Job remains on the ballot, Gross will be in deep trouble.

THE LESSONS OF CAHILL

Despite Kevin Phillips' analysis of the Cahill victory in 1969 as due mainly to Nixon's campaign swing through the state and Cahill's hawkish stand on Vietnam and campus unrest, the final outcome probably rested more on state issues, particularly the state sales tax, the forced busing of students, unemployment compensation for striking workers and sixteen years of uninterrupted Democratic control of the State House, combined with the failure of the Democratic candidate, former two-term Governor Robert Meyner, to project himself as a new or lively political figure. The fact that Cahill was a Catholic also helped attract some traditionally Democratic voters in Hudson County.

In 1970, Gross' greatest asset will be the lack-luster quality of Senator Harrison Williams, who has strong AFL-CIO support but whose legislative efforts have been largely confined to working for better conditions for migrant workers and for more effective mass transportation. Yet Williams has handled adroitly the issue of his former drinking problem, and his vote for the Hatfield-McGovern bill has already gained him support from students and former Mc-

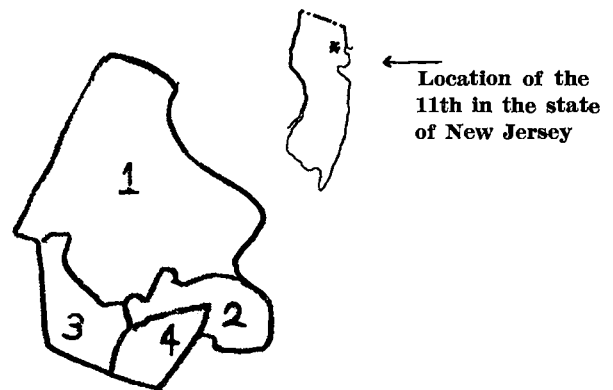
Carthy groups. Williams will base his campaign on President Nixon's economic policies. The decision in November may well rest not on ideological but on pocketbook issues.

SHUE FOR CONGRESS

The other interesting race in the state this year is in the 11th Congressional District, which includes the black Central Ward of Newark and the suburban areas of Maplewood, South Orange and West Orange. The Central Ward of Newark is one of the poorest and most debilitated areas of urban America, while the tree-lined streets and large houses of South Orange constitute the sixteenth-richest community in the United States.

Since the accession of Hugh Addonizio to the mayorship of Newark in 1962, this district has been represented by Joseph Minish, a former union leader and Secretary-Treasurer of the Essex-West Hudson Labor Council of the AFL-CIO. Minish depends on the unions for much of his electoral and financial support. He has built ever-increasing pluralities by providing service to voters of the district on individual problems and sending congratulatory or condolence notes to constituents for events such as a graduation or a death in the family. Also his "liberal" voting record (80 percent ADA rating, second highest in the state) and the traditional Democratic voting habits of blacks have helped him sweep every election.

The voting habits of the district are clearly Democratic. The Central and West Wards of Newark have constantly provided huge pluralities to Democrats. The inner suburb of East Orange, which is more than 50 percent black and has a black Mayor, usually adds to the Democratic plurality, as has Orange which is about 1/3 black. The predominantly Italian and Irish blue-collar and elderly voters which make up the rest of these towns are split between the Republican and Democratic Parties. The further out suburbs tend to vote Republican, although not overwhelmingly because of pockets of educated liberal strength and because of a large Italian vote in Minish's home town,



The 11th Congressional District
 1 — The Oranges 3 — Maplewood
 2 — Newark Wards 4 — Irvington

West Orange. Minish has been deliberately evasive about just where his ethnic roots do lie. Many Italians consider him Italian, many Poles consider him Polish and many Jews consider him Jewish. He isn't about to make it definite. No reason he should. The district is approximately 20 percent Italian, 15 percent Jewish, 10 percent Irish, 30 percent black, and the rest scattered.

This year the Republicans are making their first strong challenge for this seat. The GOP candidate is James Shue, a 34-year-old attorney and graduate of Columbia Law School, who has served for three years as head of the New Jersey State Model Cities Program within the New Jersey Department of Community Affairs. Shue hopes to build a coalition based on the black votes of the inner city and the traditionally Republican suburban votes. His program emphasizes aid to local communities to solve problems such as drug addiction and pollution. This emphasis on neighborhood control is combined with a call for cutbacks on spending at the national level, primarily for defense and space programs. Shue has called for the withdrawal of all U.S. troops from Vietnam by next June 30 and agrees with Gross on opposition to preventive detention and the no-knock bill.

WILL GIBSON RECIPROCATATE?

The key to this election is the support for Shue of Mayor Kenneth Gibson of Newark and Mayor William Hart of East Orange, both black. Since Minish received 66 percent of the vote in the district in 1968, such endorsement is essential (Cahill got only 47 percent of the vote a year later). However, despite Shue's support for Gibson in his race against Addonizio, a

race in which Minish remained silent, such strong endorsement is unlikely. Though both Senatorial candidate Gross and Governor Cahill have been in discussions with Gibson in recent weeks, Gibson can probably not afford to eschew the Democratic label and risk the emergence of a strong black competitor for mayor in 1974.

The Essex County Republicans are suffering a bitter split over county patronage, a split even the newly-elected Governor's patronage could not heal. This adds to the problems of an aged party machine, which has almost no organization in the one-third of the district which is black. Neither faction has any inclination to try and correct this lack; both are more interested in consolidating support within the party than expanding the base of the party. In addition, Shue's endorsement of Gibson came in spite of Republican objections. So Shue can't expect very much help from this quarter either.

Despite all this, Shue *may* do creditably. The bitter remembrance of Italian racism during the mayoralty campaign, Minish's politics-as-usual attitude, Minish's failure to speak out on the mayoralty race, and Shue's attractiveness because of his involvement with the Newark and East Orange Model Cities Programs may all add up to a sizeable number of black votes.

If he does do well, Shue could help establish the viability of a Republican strategy for the inner cities based upon the traditional Republican principles of local control and a decreased role for the federal government.

RHODE ISLAND: McLaughlin's miracle from on high

After six weeks of campaigning, the Senatorial candidacy of John McLaughlin, S.J. seemed to need a miracle from on high to establish its credibility. McLaughlin, the first Catholic clergyman to win major party nomination for the Senate, was running a one-man campaign. He answered his own phone, made his own fundraising calls, wrote his own press releases and budgeted an additional eight hours a day for handshaking, speaking and press conferences. He had no full-time campaign manager. A bunch of students, and one or two pros were the sum total of his campaign organization.

His first poll, conducted by 1970 census workers on a volunteer basis in Providence in mid-August showed that this effort had at least paid off in getting his name known. Of those polled in the Democratic stronghold, 74 percent had heard of Pastore, and a surprising 64 percent had heard of McLaughlin. (In

neighboring Massachusetts, Kennedy's name is recognized by 81 percent, Brooke's by 71 percent and Governor Sargent's by 67 percent of the electorate.) This represents the kind of name recognition that normally takes thousands of dollars to buy, but McLaughlin had purchased it by being good newspaper copy (a Jesuit in politics) and by keeping up a steady fire on the issues that assured him regular exposure in the media. Among his stands:

McLAUGHLIN ON THE ISSUES

- opposition to no-knock and preventive detention legislation on constitutional grounds
- opposition to the ABM
- support for the women's rights amendment and government provision of birth control information
- support for initiatives to help the young blue-

collar worker

- criticism of the "unbeatable" incumbent, John O. Pastore for subservience to big out-of-state financial interests in the defense and communications industries
- support of the Nixon administration on 14 of its underpublicized progressive programs

McLaughlin's volunteer poll also showed Pastore with only 52 percent of the vote, despite his showing of over 82 percent in 1964. McLaughlin, at 19 percent, with 29 percent undecided, was still very much an underdog.

The big issue for McLaughlin was his roman collar, and it was hurting him principally with Catholics. Protestants and Jews were three times as likely to vote for McLaughlin as for Pastore. But among the Catholic voters (who comprise 65 percent of Rhode Island's electorate and from whom Pastore draws 93 percent of his support) the big question was should a priest be in politics. Fifty-four percent of Pastore's supporters cited the priest issue as their major objection to McLaughlin, as did 25% of the undecideds. If McLaughlin could only persuade one in three Catholic Democrats to vote for him, he would have the election. But without the money even for billboards, it seemed doubtful that he could get his message across.

John Pastore is an institution in Rhode Island politics. He has been a member of the Senate for 20 years. His career has been marked by bombastic oratory (he would have been brilliant beside William Jennings Bryan, but it's no longer 1900), liberal rhetoric, and a voting record which can be called, at best, highly erratic. Very curiously, or perhaps not so curiously, Senator Pastore's ADA ratings have been consistently higher in those years preceding his reelection.

PASTORE'S STRADDLING ACT

In 1967 Pastore advocated bombing Hanoi. As late as early 1970, he publicly opposed a time-table for troop withdrawals from Vietnam. Yet this August, Senator Pastore called for that time-table which he has so long opposed. Through 1969 Senator Pastore supported the SST unquestioningly. Now he is advocating production of the proto-type only, while studying the polluting effects of the SST. Finally, from 1967-1969, John Pastore was one of the Senate's leading proponents of the ABM. In 1967, for example, he advocated spending as much as 24 billion dollars per year on an ABM system. This year Senator Pastore is again looking for a course that will not offend. He is supporting continuing, but not expanding, the ABM system.

In Mid-August word reached the FORUM that Pastore was bragging to intimates that "the Church" would soon finish McLaughlin for good. So it was not

a total surprise when the August 21 issue of the Providence *Visitor*, the official diocesan newspaper carried a statement from Bishop Russell J. McVinney pointing out that he had not given McLaughlin permission to run in the race and indicating that McLaughlin's candidacy was in violation of Canon Law 139. Alongside the statement, the newspaper ran an editorial reminding its readers that McLaughlin was a Jesuit and that "imprudent meddling of the Society of Jesus in too many secular concerns once contributed to its suppression."

McLaughlin, a former associate editor of *AMERICA*, replied that as a Jesuit he was not a parish priest and did not need the bishop's permission to run. He noted that Canon Law 139 was an out of date "blue law" that also prohibited priests from consorting with freemasons. He listed other priests (and nuns) in politics this year, and also released a list of 88 Protestant ministers who have served in Congress. He announced that on September 12, the 10th anniversary of John F. Kennedy's Houston speech, he, like Kennedy, would meet with clergymen who were hostile to his candidacy. And he asked, finally, why McVinney had waited four months before denying McLaughlin permission.

INTERPRETED AS INTERFERENCE

There were other arguments to be made, but as it turned out Father McLaughlin did not have to make them. The week that followed there was an outpouring of pro-McLaughlin feeling from Catholics in Rhode Island. Newspaper stories noted Bishop McVinney's longstanding friendship with John Pastore. Lay Catholic groups endorsed the principle of his candidacy. A local Catholic newspaper deplored the McVinney statements as "an implicit attempt to instruct Catholics on how to vote." The President of the Rhode Island Catholic Youth Organization issued an outright endorsement of McLaughlin. Letters and calls of support flooded the two-room McLaughlin headquarters in the Biltmore Hotel. And on the talk shows, the feeling was extraordinary. "I am a Catholic and a Democrat, and I have always voted for John Pastore. But nobody's going to tell me how to vote," said one old lady whose response was typical. "If it is McLaughlin vs. McVinney, I'm for McLaughlin, even if he is a Republican," said another. A full week after the McVinney statement, the newspapers in Rhode Island were still running banner headlines about the incident. The conclusion was summarized in a four column headline in the Providence *Evening Bulletin*: "Boost for McLaughlin is Seen from Bishop's Criticism." And David Broder reported in the *Boston Globe* that Pastore was complaining that McLaughlin was now "driving (him) batty."

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Washington Viewpoint

Party for Peace

Several weeks ago the Edward Burlings hosted a benefit cocktail party for peace in the garden of their fashionable Georgetown home. A prominent Washington lawyer who served as a Scranton delegate to the 1964 Republican National Convention, Burling had never engaged in anti-war activity before the American ground intervention into Cambodia. Now, as an organizer of Washington lawyers against the war and a co-chairman of the national citizens' committee to support the McGovern-Hatfield Amendment, he had thrown himself into the peace movement.

The party effused a kind of euphoria felt throughout the peace movement this summer. Friends and associates of Mr. Burling talked politics with Jesse Jackson, founder of the Bread and Peace Committee, and his followers in the Washington black community. Moratorium leaders David Mixner and Sam Brown mingled on the patio with Ripon officers Mike Brewer and Frank Samuel. Ramsey Clark, Burling's co-chairman and a Presidential darkhorse, insisted George McGovern, who reportedly has Presidential ambitions himself, take the floor to speak on behalf of the Amendment to End the War. Indeed, after a hard winter of factionalism, critics of government war policy appeared to find this summer conducive to cooperation.

After a period of confusion following the Cambodian invasion when many more new anti-war groups were formed than functions could be found, the moderate peace movement seems to have coalesced. Five main university-oriented groups have formed the National Coalition for a Responsible Congress, with real hopes they can muster up to 100,000 student volunteers and \$2,000,000 for the fall elections. Their leaders predict that union members will canvass jointly with students this fall. A new citizens' lobby, Common Concern, formed by National Urban Coalition director John Gardner, promises to generate continuing pressure in the next Congress for new priorities.

Despite causes for optimism among the moderate peace organizations, many uncertainties cloud the future hopes for building a "New Congress."

Despite the efforts for coalition, peace groups continually compete among themselves for scarce resources, with new organizations entering the field all the time. Leaders of the National Coalition for a Responsible Congress have no idea whether the mood on campus this fall will favor electoral activity. Too often peace groups are partisan to the point of ridiculousness. The Bipartisan Congressional Clearinghouse, for instance, recently released profiles on

some 80 candidates they favored for election, all but two of whom were Democrats. The American Friends Service Committee, in rating candidates on new priorities found Pete McCloskey of California and Edward Biester of Pennsylvania below the standards of their opponents. Hogwash.

In a much publicized article in the *Washington Monthly* for August, Sam Brown came to the none-too-startling conclusion that "it is not possible to build a successful peace movement simply on a student base." Brown urged the peace movement to direct itself toward Middle America. "In addition to establishing a tone acceptable to Middle America," he wrote, "the peace leadership should use the media to make becoming a dove more psychologically attractive to Middle Americans."

Many good ideas came out of the summer experiments to gain support for new priorities. The Movement for a New Congress at Princeton has combined idealism with political action. The Continued Presence in Washington, formed by Dartmouth students, suggested the use of computers to track new constituencies as they coalesced around issues. Jesse Jackson's Bread and Peace Committee showed the value of a continual watchdog in Washington to protect and promote poor people's interests in the Congress, including an end to the war. Now these ideas need a new political strategy.

If the Burlings, the Clarks, the Jacksons, Gardeners, student groups and anti-war members of the Congress are to work together for new priorities they will have to unite their efforts behind priorities hashed out through serious bargaining.

During the fall elections the various peace groups will have to educate and be educated to the needs of Middle America as they seek votes, so that the new priorities groups which survive will operate from an expanding constituency. These groups need not be all anti-Nixon either. They may find that the economy is the biggest issue in Middle America. Despite the war's continued contribution to our economic problems, the President can hardly be blamed for all the faults compounded by eight years of Democratic administration. Because many anti-war people also support the President, the approach to new understanding of priorities should build on the best of the President's instincts, while pointing out specific areas for improvement. Unless all these elements come together on a basis which stretches beyond traditional party and class lines, the peace movement may well face the violent storms this winter it was spared during the summer.

HOWARD F. GILLETTE, JR.

The U.S. Army in Europe

In a recent article I touched on a few of the strategic and tactical implications of the organization and purpose of U.S. Army forces in West Germany. Let's now more closely examine these implications and expand on the questions they raise in regard to U.S. conventional war force levels in Europe.

Organization

Is the U.S. Army overstuffed in West Germany? One way to figure whether there is fat in our European command and force structure is to compare it to Army doctrine and World War II experience factors.

In West Germany the Army has stationed a total force of approximately 195,000 soldiers. Congress and the public were told that these soldiers are all required to fight the enemy in a conventional war. This force is under the overall command of the unified (i.e. tri-service) U.S. European Command with headquarters in Stuttgart, Germany. This headquarters, heavily staffed with generals and admirals, also has an element in NATO headquarters in Belgium. In time of peace this unified command serves as the senior command for all U.S. armed forces in Europe, but in time of war it performs NATO duties. U.S. European Command exercises its command supervision by passing Joint Chiefs of Staff (in Washington, D.C.) directives to U.S. Army Europe/Seventh Army headquarters located 38 miles away in Heidelberg, Germany. In peacetime this headquarters commands all Army forces in West Germany. In wartime this combined Army headquarters performs both NATO and U.S. command functions.

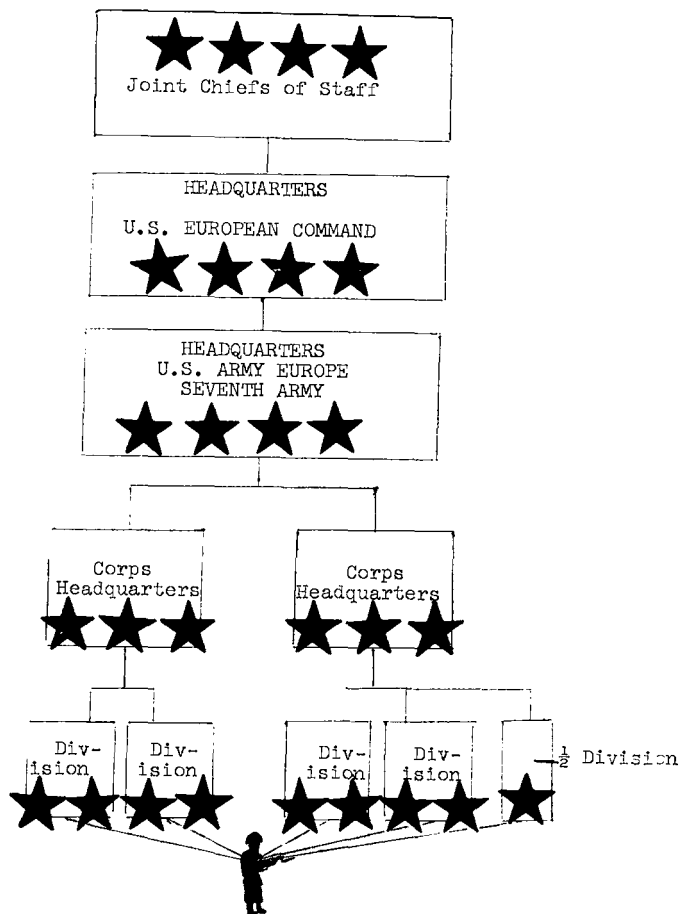
The next command level is the corps headquarters. (A corps headquarters exercises tactical command over military operations; it is not normally concerned with administrative support.) In West Germany there are two U.S. corps headquarters. Additionally, there is another command element approximately equal to a corps headquarters which provides logistical support. These three command levels (U.S. European Command, U.S. Army/Seventh Army, V & VII Corps headquarters) pass directives down to the combat divisions. There are the equivalent of five divisions in West Germany. And once we pass the division headquarters of these divisions, we will have finally found the Army units (the brigades and battalions) that actually engage

in combat.

All of these command and supply headquarters require numerous generals (over 30 in Stuttgart alone), field grade officers and senior NCO's to command and staff them. This is in addition to the large number of troops required to man them. How many men are engaged in these noncombatant jobs?

The best way to answer is to consider how many men are in the five combat divisions. Each division at full strength contains around 16,000 men. If our combat divisions in Europe were at full strength (and they seldom have been during Vietnam) there would be a total of about 80,000 men assigned to them. We can then reasonably speculate that the remaining 115,000 men (of the 195,000 total force) are serving in other than the combat divisions. In other words roughly 115,000 men serve in administrative and logistic situations.

These 115,000 men are not the only ones serving in these situations. Each division of about 16,000 men includes only roughly 7,000 soldiers who are assigned the mission of firing at the enemy. The remaining 9,000 or so are assigned to administrative command and logistic support positions *within the division!* This



THE AUTHOR

Edward L. King is a former Lieutenant Colonel in the United States Army. King wrote in last month's FORUM on reform in the Army and in December will analyze recent plans for Pentagon reorganization and belt-tightening.

means that in terms of combat manpower for conventional combat the U.S. Army in West Germany has only about 40,000 soldiers in its combat divisions who are assigned to place killing fire on the enemy.

There is no valid military reason why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers (of which less than half fire at the enemy). For example, Army doctrine indicates that a corps headquarters "normally" commands two or more divisions. In World War II, each combat corps normally commanded an *average* of four divisions. Moreover the U.S. Seventh Army commanded no less than three corps during World War II combat.

So why then does it require two corps headquarters and a field army headquarters to command the equivalent of 5 under-strength divisions *in peacetime*? Because the U.S. Army in West Germany has grown top-heavy through (a) bureaucratic inertia, (b) military preference for soft career living in Europe rather than extended periods of living in such places as Fort Leonard Wood, Missouri or Fort Polk, Louisiana and (c) civilian abdication of control over military policy. At least 50,000 men could be brought home from West Germany without reducing the conventional combat capability of the existing U.S. Army presence if those forces were streamlined and efficiently organized, commanded and supplied. Or, if present troop levels have to be maintained, this much manpower could be converted from fat to combat muscle.

None of these reasons justifies the huge costs incurred to support the existing system of organization and command. It cost 2.2 billion in fiscal 1970, to maintain our forces in West Germany. This figure does not include the additional costs involved in moving, storage and shipment of household goods and automobiles of the military personnel and their dependents who were

automatically rotated back and forth during fiscal 1970. Much of this rotation is unnecessary and is done only for career improvements. It is also one of the reasons that nearly all Army personnel in Germany are either learning their job or "coasting," waiting to rotate back to the U.S.

In any event there is no acceptable justification for obvious military paunch even in times of national budgetary surplus, much less when inflation munches on tax-dollars and domestic programs are forced to exist on subsistence levels.

Purpose

The organization of U.S. Army forces in Europe is unsatisfactory in terms of costs and manpower utilization. Even worse are the problems which are created by their mission.

The U.S. combat units — in consort with other NATO forces — are supposed to be able to fight a conventional war against Soviet and satellite troops. Let us assume that our 195,000 men were organized and commanded efficiently. Would there be a reasonable prospect that they could do what they are supposed to do successfully? The answer is probably not.

Part of this answer is prompted by the location and sheer numerical advantage enjoyed by their adversary: nearly 200 Soviet and East European divisions (about 2 million men) could be thrown into battle against 18 or 20 NATO divisions (about 350,000 men). There are other disadvantages.

ILL POSITIONED

— Relative positioning of forward units. Within sight of many of the autobahns leading westward through East Germany, forward Soviet divisions are positioned in austere, mobile tank and truck parks. The distance from a soldier's tent or hut, to his tank, truck or armored vehicle is a matter of minutes. Contrast this with the positioning of U.S. Army forward units: the troops live in barrack compounds often removed a half-mile or more from their tanks and vehicles. The truck parks themselves are not always immediately accessible to major roads. The time needed to get our troops on the road is more than minutes.

— U.S. divisions are still comfortably positioned in the World War II occupation-zone positions that they took up when they arrived in Southern Germany in 1950-51 during the dark days of the Korean War. But strategic considerations would most likely motivate the Soviet armored forces to strike boldly across the flat North German plains along the historic invasion route to the Ruhr and the English Channel ports. U.S. Army forces would undoubtedly be needed to help defend not only the industrial heart of Europe but also to protect their own supply lifelines which during war run back to the channel ports. To accomplish this,



they would have to move considerable distances to the north to reach viable battle positions. If a sudden attack occurred, they would have to make this movement over roads jammed with other NATO troops, overrun with millions of refugees (many of whom would be their own wives and children attempting to flee) and constantly attacked by low-flying enemy aircraft. Time would be critical in such a northward movement; only hours would be available to attempt to intercept and stem the Soviet advance. Yet during the Berlin Crisis of 1961 when such a movement was considered, *days* not hours were estimated as being required. And this movement would have been conducted under peacetime conditions!

— Even assuming that U.S. Army combat elements have reached improved maximums of mobility and flexibility since 1961, exhibiting these qualities would require absolute tactical air superiority. I know of no military planner who honestly assumes that the U.S. Air Force will attain such absolute superiority (which it enjoyed over Western Europe in 1945) until a considerable period after the opening of hostilities. And there are some who doubt if it could ever attain such a degree of superiority.

— But if we assume that U.S. forces *will* have absolute air superiority, could our 80,000 combat troops (i.e. 40,000 who fire on the enemy) plus approximately 260,000 NATO combat troops, reasonably be expected to stop the advance of Communist Bloc troops? (Before answering we must remember that if we fight a conventional war in Europe it will be with the forces already there. The Czechoslovakian invasion showed that we can no longer count on a comfortable mobilization period during which, in the best traditions of World Wars I and II, more combat troops can be flown or shipped to Europe from the U.S.) Most military professionals privately agree that the answer is no. However, the Army several years ago devised a very simple solution to this problem for Congress and the public. They can give an affirmative answer because they allocate "tactical" (i.e. low-yield) nuclear weapons to the conventional forces in Europe.

Simple. Now our conventional forces can offset the Soviet and satellite manpower advantage and delay their advance westward by exploding large numbers of nuclear devices against them from the very first moments of battle.

MOST UNCONVENTIONAL

The Army been training for years in Europe on the basis of such plans. Simulated use of nuclear weapons is written into the scenario of most major unit training exercises. In one NATO field training maneuver, the *Stars and Stripes* newspaper reported that large numbers of simulated nuclear weapons were used. What was not reported was that while nuclear devices

turned a losing conventional effort into a winning one, it also would have turned a conventional war into a nuclear one. And at the same time it was estimated by West German press sources that about 65 percent of West Germany would have been destroyed. In discussing low-yield "tactical" nuclear weapons we should remember that the average "tactical" nuclear weapon has the explosive force of roughly one-quarter to one-half the destructive power of the Hiroshima A-bomb. Strictly in terms of physical damage and indiscriminate loss of civilian and military lives, the one-sided use of such weapons can scarcely be called conventional.

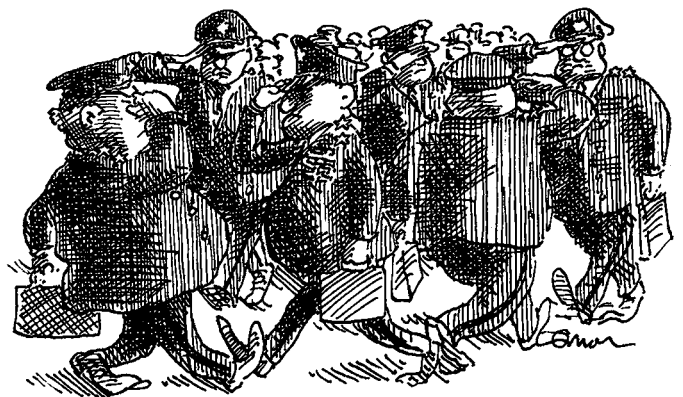
And can we be sure that the Soviets would not use at least equivalent nuclear weapons in retaliation? One cannot believe that the Soviets will fight with their rifles and conventional artillery while we destroy whole divisions with tactical nuclear weapons.

THE PLIGHT OF DEPENDENTS

— In the event of hostilities the *necessity* of using nuclear weapons first could present the United States with a grave national dilemma. The President would be faced with the choice of authorizing the military commander in Europe to use nuclear weapons (and thereby open a nuclear war) or deny their use and risk the loss of a field army and the lives of nearly 250,000 U.S. servicemen and their families. The choice between initiating nuclear escalation or failing to protect the lives of American fighting men would not be an attractive one for any President. Yet every President for the past fifteen years has been faced with this possibility as a result of our effort to maintain the fiction of a conventional war capacity in Europe.

The choice is complicated by the fact that wives and children of U.S. servicemen would be the almost inevitable victims of *our* tactical nuclear weapons. If there is a warning period before hostilities begin some of the 225,000 dependents could be evacuated by air and private automobile to "Safehavens." If hostilities begin suddenly — and there is no reason to believe the Soviets intend to provide convenient advance

— *continued on page 25*



September Song for Dual Schools

September, 1970, has been widely advertised as the date that school integration is finally coming to the South. So, however, has every September since 1965, and total integration has not yet been achieved, or in most areas, even approached. Whether 1970 will see the promised epoch must therefore remain open to doubt.

It has become increasingly difficult over the years, in any case, to determine the actual degree of desegregation in Southern schools, because of the constant juggling, and finally concealment, of the relevant statistics.

After *Brown v. Board of Education* was decided in 1954, a number of Negro parents brought desegregation suits against Southern school districts, amid the ear-splitting howls of doom-saying politicians. But by the fall of 1964, before the Civil Rights Act of 1964 could affect the situation, less than 2 percent of the 2,896,100 school-age Negro children in the 11 Southern states were going to school with whites. The Civil Rights Act offered the possibility that this situation would change drastically. It "authorized and directed" departments administering federal funds to issue rules and regulations regarding continued eligibility for those funds; and from this directive the hated guidelines emerged. Furthermore, the Civil Rights Act gave the Justice Department the power to initiate desegregation suits (upon receipt of a complaint from parents who were unable to maintain an action on their own), and to intervene in cases of general public importance. Previously, the Department had no statutory authority to participate directly in school cases, though it had been filing briefs as a friend of the court.

GOOD-FAITH GUIDELINES

The first set of HEW school desegregation guidelines, issued for the 1965-66 school year, required very little on the part of local school boards wishing to keep their federal money. The guidelines were vague and general, mentioning no percentage figure for pupil integration and suggesting integrated staff meetings as a beginning of faculty integration; a "substantial good faith start on desegregation" was all that was required.

THE AUTHOR

Michael S. Lottman, author of Ripon's recent report on the GOP in the South, is about to leave Montgomery, Alabama, (the two events are not necessarily connected) where he has lived and practiced law for several years. Lottman was also Editor of the Southern Courier and served as the first Ripon Fellow.

Generally, school districts could satisfy the guidelines by instituting a freedom of choice plan for just four grades in a 12-grade system, and in "exceptional" cases, two grades would be sufficient. HEW-watchers concluded that the Government didn't want to embark upon enforcement of the Civil Rights Act with a policy that would mean wholesale cut-offs of federal funds; a stronger reason for the guidelines' vagueness, they said, was that specific requirements, however slight, would be taken as a ceiling by districts that could do better. In actual practice, however, since the guidelines specified little or nothing, most Southern school systems did little or nothing; the percentage of Southern Negro children in formerly-white schools in the first year of the guidelines was just 6 percent.

BECLOUD THE ISSUE

The uproar over HEW enforcement policies multiplied with the issuance of the guidelines for the 1966-67 school years. Whereas the first guidelines had alluded only to integrated staff meetings, the new rules said school districts "must either assign staff in such a way as to produce some faculty integration in every school, or use some other pattern of staff assignment which will make comparable progress in bringing about staff desegregation successfully." The 1966-67 guidelines also hinted for the first time that the goal of HEW policy was more than mere establishment of freedom of choice plans in every school district. The "basic criterion" for gauging the success of any desegregation plan, said HEW, would be "measurable evidence of progress and good faith effort to eliminate the dual school system as quickly as possible." In other words, the point was not to allow Negro children who insisted upon it to go to white schools, but rather to produce a system in which schools were neither Negro nor white. How should progress toward such a millennium be measured? The guidelines suggested a way, and in doing so gave the politicians their great smokescreen issue for the next year or more. "The single most substantial indication as to whether a free choice plan is actually working to eliminate the dual school structure is the extent to which Negroes and other minority group students have in fact transferred from segregated schools," the guidelines said, and then gave examples: in a district where 8 or 9 percent of the Negro students were in white schools in 1965-66, the percentage should double; in districts where the figure was 4 or 5 percent, it should triple; where the percentage was lower still, the rate of increase should be pro-

portionately greater; and where no desegregation had taken place in 1965–66, a “very substantial start” would be expected. These percentages were not requirements, but administrative guides, to be used merely for selection of which districts should come under review. But Southern congressmen and school officials persisted — not always out of ignorance — in misinterpreting the guideline percentages, and thus managed to becloud the entire discussion of the schools issue. Some politicians took the percentages to mean the percentage of students in white schools who were black; other referred to the percentage increase of black students in white schools. So a South Carolina schools superintendent could say with satisfaction, “Well, we’ve doubled our Negro enrollment this year,” while 96 to 98 percent of the Negro children in his district were still attending inferior all-Negro schools. HEW Secretary John W. Gardner and Education Commissioner Harold Howe II tried a number of times to set the record straight, without much success; and though HEW abandoned any attempt to apply the percentages in a systematic manner, the politicians made sure nobody forgot them.

SUCCESSFUL EVASION

For all the excitement, the 1966–67 school year still saw 2,598,842 Negro children — 88 percent of the total — attending segregated black schools in the South. There was virtually no change in the guidelines for 1967–68, and virtually no change in the percentage of black children in segregated schools; the figure for 1967–68 was 86 percent, thanks largely to Alabama (94.6), Georgia (90.1), Louisiana (93.3), Mississippi (96.1), and South Carolina (93.6). For 1968–69, there was a discernibly tougher attitude in both HEW and the courts, and an equally discernible slackening of resistance on the part of many Southern school officials. But even so, the percentage of Negro children in segregated schools remained at just under 80. In the fall of 1968, the Southern Regional Council — hardly a militant group by anybody’s standards — voiced eloquent and profound despair over the schools situation: “We teach children, all children, that the United States of America is dedicated to law and order. We lie. . . . After a generation has beheld successful evasion, rationalized vacillation, outright flaunting of the law, only a country absolutely wedded to the totalitarian concept of order without law could turn on the victims of lawlessness and accuse them of destroying the fabric of society.”

The most accurate measures of the progress of integration during these pre-Nixon years was the percentage of blacks going (or not going) to school with whites, but even this was susceptible to tinkering. For example, if one or two white children showed up at a traditionally black school, was the rest of the student body then “going to school with whites”? Or should a

school be at least five percent white before it could be called integrated? Or more? It made a difference, and the resulting sets of figures could be made to prove almost anything about integration or the lack of it. In 1969–70, the first year of desegregation under the Nixon administration, attempts to arrive at a percentage of integration were frustrated by a new problem — the government’s refusal, or inability, to release the results of its annual school census. As of the fall of 1970, these figures had still not been made public. And as the 1970–71 school year approached, Administration spokesman began using a new measure entirely — the percentage of black children who were enrolled in “unitary” school districts, that is, districts complying with court orders or terminal HEW desegregation plans. Employing this standard, the Administration was able to predict an integration figure of 90 percent — which terrified apprehensive Southern whites, mortified certain Southern Republican politicians, and provided no real picture at all of the true percentage of black children actually attending public school in integrated situations.

RHETORIC VS. RESULTS

The Nixon administration’s problem all along has been an at-times deliberate failure to coordinate its rhetoric and its results. At the beginning, though the President and then HEW Secretary Robert H. Finch, in particular, spoke softly on the schools issue, it was conceivable that the Administration still intended to keep up the pressure on desegregation — if possible, without appearing to do so. Even after such developments as the decision in January, 1969, to delay scheduled HEW fund cut-offs to five Southern districts, and Finch’s March 10, 1969 interview in *U.S. News and World Report* (“I’m convinced that we just can’t work with raw percentages and say, ‘You’ve got to have the same percentages of blacks and whites in every school.’”), HEW’s Director of the Office for Civil Rights, Leon E. Panetta, could confidently predict in the spring of 1969 that school integration would be a dead issue by September, 1970. But the Administration neglected the importance of symbolism in the formation of Southern attitudes on school integration and race in general. Southerners bought the Nixon rhetoric to an extent that rendered Panetta’s hoped-for result impossible and in fact threatened what had already been accomplished.

Ominously, some districts in Texas, Arkansas, South Carolina, and elsewhere, actually sought to withdraw desegregation plans they had filed earlier. GOP chairmen in South Carolina and Texas reassured their constituents that what compliance effort had taken place was the work of Democrats who would soon be replaced. “I hope the people of South Carolina will realize that all the cases brought against schools in the South thus far have been the work of the Democrats,”

said Palmetto State Chairman Ray Harris. Added Peter O'Donnell Jr. of Texas: "I am confident that Secretary Finch will issue new guidelines in a reasonable period of time and appoint new Republican HEW officials at every level to be sure the emphasis on schools is placed where it should be — education first."

And in a truly frightening editorial entitled "Our Schools Can be Rescued," the *Richmond News Leader* noted Nixon's and Finch's more conciliatory statements on school integration, and then observed:

This new word from on high robed itself with substance recently. In Martin County, North Carolina, for example, the Nixon Administration reversed previous rulings and restored a cutoff of \$700,000 a year in Federal funds. This was done without substantial alteration of the county's "freedom-of-choice" plan (previously disapproved at every level of administrative review). What is fair for the North Carolina goose is fair for the Virginia gander. . . . The die has not been cast. City and county school authorities should forthwith rescind all arrangements to close schools and redraw boundaries, made under discredited and superseded Great Society guidelines. Each school district should advise the U.S. Office of Education that it is returning to the "freedom-of-choice" plan. . . .

The Nixon Administration should be given an opportunity either to make good on its school pledge, which the American people voted for, or else be exposed for its duplicity.

SUDDENLY THIS SUMMER

This summer the Administration had apparently altered its rhetoric, in the wake of George Wallace's victory in Alabama, to appeal to moderates, if not blacks, in the North and South. The two most pronounced instances of this shift, judging by Strom Thurmond's blood pressure, were the decision to withhold tax exemption from private schools that bar Negro students and the announcement of a federal task force to oversee Southern desegregation in September. Presumably, the Administration was not contemplating a social upheaval in the South; neither of these steps, in and of itself, seemed capable of causing one. But once again, the Administration miscalculated, and large portions of the white South bought the rhetoric, without waiting (as Attorney General John N. Mitchell once advised) to see the results. With parts of the South having gone from the jubilation of a year ago to panic, the President was forced to waffle again, especially on the task force question.

A brief outline of the important developments in school desegregation since 1968 will perhaps serve to illustrate the Administration's erratic course:

May 27, 1968 — In *Green v. County School Board* and related cases, the U.S. Supreme Court rules that a school board cannot meet its constitutional obligation to bring

about "a unitary, nonracial system of public education" merely by adopting a freedom of choice plan. Rather, the Court says, "the burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*," the goal in every case being "a system without a 'white' school and a 'Negro' school, but just schools."

A LEGAL TWIST

September, 1968 — Presidential candidate Richard M. Nixon, making a TV show in Charlotte, North Carolina, for Southern consumption, begins by firmly supporting the proposition that school segregation is illegal and unconstitutional, as was held in *Brown v. Board of Education*. But then he adds: "On the other hand, while that decision dealt with segregation and said we would not have segregation, when you go beyond that and say that it is the responsibility of the federal government and the federal courts to, in effect, act as local districts in determining how we carry that out, . . . then I think we are going too far."

January, 1969 — Secretary Finch holds up termination of federal funds to five non-complying Southern districts for 60 days, pending further negotiations.

July 3, 1969 — The long-awaited Mitchell-Finch statement on school integration, a confusing and equivocal document, sets the "terminal date" for total desegregation as September, 1969, but then raises the hopes of recalcitrant Southern districts — while embarrassing those planning to comply — by offering the possibility, under certain circumstances, of "limited delay" or "additional time."

August, 1969 — The Justice Department files its first statewide desegregation suit against Georgia state officials.

August 19, 1969 — Secretary Finch writes a letter to the federal judges sitting in cases involving 33 Mississippi districts, requesting a delay in desegregation plans submitted to the court by his own Department a week earlier. The delay is granted.

October 29, 1969 — The Supreme Court rules that further delays in desegregation will not be tolerated, in Mississippi or elsewhere. "The obligation of every school district," the Court holds in *Alexander v. Holmes County Board of Education*, "is to terminate dual school systems at once and to operate now and hereafter only unitary schools."

February 5, 1970 — U.S. District Judge James B. McMillan, in an extensive but otherwise unremarkable decision (except for the fact that it was to take effect in Charlotte, scene of the Nixon statement of September, 1968, and a prime target area for the Southern strategy) finds that the Charlotte-Mecklenburg County school district is not making sufficient progress toward a unitary system, and orders total desegregation by April 1, 1970, including substantial busing of elementary

students. As a result of this ruling in *Swann v. Charlotte-Mecklenburg Board of Education*, busing and its corollary, neighborhood schools, take their place beside such great false issues of the past as guidelines and percentages.

February 17, 1970 — Leon Panetta resigns his HEW post under pressure from the Administration.

March 24, 1970 — In an 8,000-word statement on school desegregation, President Nixon takes the position that "*de facto*" school segregation, even in Southern cities, is immune from legal attack:

There is a constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility — a "rule of reason" exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities. *De facto* segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution.

MADE MUDDY BY NIXON

The President gives his sanction to the neighborhood school concept, and pledges that "transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required." He also impliedly overrules several lower-court school desegregation rulings, in advance of Supreme Court or appellate review.

May, 1970 — HEW terminates federal aid to the two-school Pewitt, Texas, district, its first such action since July, 1969.

May 27, 1970 — Adopting a standard of "reasonableness," the U.S. Court of Appeals for the Fourth Circuit strikes down the portion of Judge McMillan's Charlotte-Mecklenburg order that would require busing to integrate the city's all-black and all-white elementary schools. The Justice Department's advisory brief called the judge's order "an abuse of discretion," while attorneys for the black plaintiff pointed out in vain that Charlotte, with a population of 270,000, was not so huge that residential patterns could not be overcome, and that neither the amount or distance of busing required was excessive. (More litigation followed the May 27th ruling and the Supreme Court agreed to hear the Charlotte case, among others, at the opening of its October term.)

July 9, 1970 — The Justice Department brings the first wave of suits against an eventual total of more than 70 holdout school districts.

July 10, 1970 — The Internal Revenue Service announces its new policy on tax exemptions for private schools.

July 16, 1970 — Plans for the federal task force are disclosed, later to be qualified, modified, and all but cancelled.

July 18, 1970 — IRS grants tax exemption to six small-town private schools, on the basis of declaration of non-discriminatory admissions policies. So far as is known, none of the six schools has a Negro student.

August 6, 1970 — Elliot L. Richardson, Finch's successor at HEW, announces that his Department will no longer cut off funds to force stubborn school districts to desegregate.

Where does all that leave us? For one thing, the Administration has clearly decided to turn to the courts for the (hopefully) final stages of school integration, bringing suits covering entire districts or states where feasible, with HEW providing expert assistance in drawing and implementing desegregation plans. Despite the objections of some, this approach makes a great deal of sense.

POLITICS AND GUIDELINES

The problem with the guidelines all along has been that they are an open invitation to political meddling. The administrative decisions as to which desegregation plans to accept, which districts should be pressured and which investigated, all involve subjective judgments that are susceptible to outside influences.

Nowhere has this been more evident than in the case of Martin County, North Carolina, one of the five districts given a 60-day reprieve by Secretary Finch in January 1969. The decision to cut off \$700,000 in federal funds to Martin County had been made under the Johnson Administration, on what certainly seemed to be solid grounds. In the 1968-69 school year, only 7 percent of the county's Negro students were attending predominantly white schools, and no white students were in Negro schools. Furthermore, just 12 or 14 teachers had been assigned to school predominantly of the opposite race. And the plan submitted by the Martin County school board gave little promise of abolishing the dual system by the target date of fall, 1970. By every standard — guidelines, court decisions, or whatever — the county was not making minimum acceptable progress toward full desegregation. But no decision under the guidelines need ever be final, as North Carolina politicians — especially Republican — set out to prove. Reportedly, State Senator Edgar Gurganus, a Martin County Democrat, sought the help of State Representative Jim Holshouser, who also happens to be the state GOP chairman. Holshouser, the story goes, then went to the Republican Congressman Charles Raper Jonas, who urged Administration officials not to begin their term in office by announcing North Carolina's first Title VI fund cut-off.

After much internal debate, the Administration terminated Martin County and four other school districts — but not really. For one month later, to no one's very great surprise, HEW announced its ap-

proval of Martin County's desegregation plan with "serious reservations." Reservations were in order. The approved plan required little or no immediate change in pupil or teacher assignments, and allowed the county to continue under freedom of choice in 1969-70. The plan did call for fifty teachers to be assigned to schools of the opposite race in 1969-70; but when asked if this meant assigning white teachers to black schools as well as black teachers to white schools, county officials said it could be "either way at the discretion of the board." Under this interpretation, Martin County was being held to a faculty integration standard far below the minimum that would have been accepted in a court of law. But nonetheless, Martin County got its money.

AT FIRST BLUSH

The political pressures have, if anything, been more intense in Columbia, South Carolina, where for half a decade the constitutional rights of black children have been subject to negotiation by school officials, HEW, and political intermeddlers up to and including the White House. This fall, Richland County school district number one implemented a terminal desegregation plan that had much to recommend it, at least at first blush. The district's secondary schools, fairly close mirrored the 53-47 white-black make-up of the school population, although some were left largely black; community leaders and newspapers paved the way for peaceful acceptance of large-scale integration; and black teachers and principals kept their jobs. But the district's plan, approved by HEW under pressure, failed to employ busing or any other means to desegregate Columbia's elementary schools. Four elementary schools, therefore, were still all black under the plan; eight were 95 to 99 percent black, three were 80 to 95 percent black, and four were 50 to 80 percent black. On the other hand, one school was all white, and eight were more than 90 percent white. It appeared likely that most of the white students in the predominately black schools would eventually desert them for private schools. As a *New York Times* article predicted, "almost 40 percent of the district's 39,000 students are in schools where desegregation is nonexistent, token or likely to be temporary." Certainly, the neighborhood school doctrine, as embraced by President Nixon on March 24, should have little force in Columbia, which, with its 112,000 population, is hardly an unmanageable or fragmented metropolis. The courts would have brought more meaningful desegregation to Columbia this fall, as in fact they did to such larger southern cities as Charlotte, and Richmond and Norfolk, Virginia, to name a few. Columbia's HEW-approved plan, veteran civil rights figure M. Hayes Mitzell told the Senate select committee on equal education opportunity

earlier this year,

preserves, almost intact, the white and black enclaves of Columbia, and though its advocates purport that it will meet legal requirements while preventing white flight, in reality it falls short of the standards now accepted by our courts and it will almost certainly promote resegregation.

Its acceptance by HEW poses the added danger that it will become a model for other metropolitan areas of the South seeking to avoid the knotty educational problems posed by racial isolation. To put it bluntly, this is a white man's plan; more specifically, it is President Nixon's plan.

A more basic objection to the guidelines is the nature of the remedy they provide — termination of federal assistance. Cessation of Government funds provides no assurance that the school district will desegregate; most terminated districts simply go on operating without the money — which, after all, was generally being spent on Negro students and schools. The situation in Unadilla, Georgia, is instructive: for years, only one Negro family had the courage to brave the constant threats and send its children to the white school. Finally, in 1968, the district's \$200,000 in federal aid — all but \$25,000 of which was spent on the Negro school, mostly for hot lunches — was cut off. The district promptly raised taxes to recover the \$25,000, and announced that since federal assistance had been terminated, the Negro students were no longer welcome at the white school.

Progress through the courts can be slow, but lately, this has not been much of a problem. Desegregating Southern school districts, as a legal proposition, is hardly more debatable now than desegregating the local Dairy Queen. Even the worst Southern judges have accepted the idea in principle, and what the best judges can accomplish has been demonstrated in the landmark Alabama case of *Lee v. Macon*.

LEE V. MACON

The first order entered in the case, in August of 1963, simply required the schools of Macon County, Ala., to desegregate. A year later, the Justice Department had joined the black plaintiffs, and Governor George C. Wallace and other state officials had been added as defendants. The state officials were enjoined from using the Alabama tuition-grant law to frustrate desegregation, and from failing to exercise control and supervision over their school systems in a manner consistent with constitutional requirements. Finally, the big breakthrough came in March of 1967. For 2½ years, the court found, state officials had used the power of their offices in "relentless opposition" to orderly school desegregation, by putting pressure on local officials, encouraging support of private schools, and gen-

erating obstructionist legislation. Therefore, the court made the officials responsible for bringing about desegregation in the 99 school districts in the state that were not already covered by court orders. If an individual school district balked, it could be brought directly into the case as a defendant and ordered to comply with the law. With this versatile procedure, the court was able to oversee state-wide desegregation, order the integration of high school athletics, and halt construction of new schools and additions designed to perpetuate the dual system. This year, Judges Frank M. Johnson, Jr., Richard T. Rives, and H. H. Grooms entered terminal desegregation orders for all school systems, and dismantled *Lee v. Macon*, sending individual cases back to their own judicial districts for policing.

Even if a desegregation case should run afoul of a recalcitrant District Judge, the Courts of Appeals and the Supreme Court have made clear their determination to dismantle dual school systems without further ado. And in most southern districts, school cases on appeal now receive expedited treatment, taking precedent even over criminal matters. Also, the courts are no longer staying desegregation orders pending appeal by defendant school boards.

Of course, even the judicial process is not entirely free of political pressures. But federal judges at all levels, being appointed for life, can exert considerably more independence than the average HEW bureaucrat. And external influences are further minimized by the fact that in a court case, unlike an HEW negotiation, nearly everything that is done becomes a part of the public record sooner or later. So, for example, Secretary Finch's attempt to gain a delay in the Mississippi cases by sending a private letter to the judges became a nationwide *cause celebre* in a matter of days, and the extension of time was struck down by the Supreme Court within a few months.

The courts, it would seem, have a more adequate set of tools with which to secure compliance than has HEW. For one thing, many southern school administrators are perfectly willing to desegregate, if they don't appear to be doing so voluntarily, as they do under a HEW plan. Once these officials have a court order to shield them from public (and political) criticism, they can be expected to carry out their constitutional duties. If not, the courts can resort to their contempt power, though this has rarely been necessary in the past. So far, no court has been rash enough to jail a protesting governor or lesser politician; but a stiff fine, or threat of one can do wonders. Going to jail for a few days may mean glorious martyrdom, but paying a fine is somewhat less glamorous and considerably more painful. When Florida Governor Claude R. Kirk, Jr. went on his anti-integration crusade last spring, U.S. District Judge M.R. Krentzman was finally able to quiet him with the threat of

a fine of \$10,000 a day. And this fall, when a group of white terrorists in Talladega, Alabama decided to take over part of a public school and run it as they saw fit, a threatened fine of \$100 a day convinced them to reconsider. In any case, white southerners understandably have been more respectful toward the courts than toward the often blatantly political HEW process.

SEGREGATION ACADEMIES

As a result of the courts' stern no-delay policy for public schools, private schools will be present in record number this fall, despite the IRS ruling. Few of the schools, particularly the newer ones, will make any profit, so to that extent, the granting or denial of a tax exemption means little. Of course, the real benefit of an exemption is that a donor may deduct contributions to exempt institutions from his taxable income. But again, most of the schools that have sprung up this year are not getting that kind of contribution; a study in Alabama shows that the state's private schools received just 8 percent of their income from donations, while tuition payments accounted for fully 85 percent of operating expenses. In any case, IRS is apparently neither prepared nor equipped to require more than paper assurances of non-discriminatory admissions; to do more, it will have to contemplate an effort on the scale of HEW's, which may well not be worth the effort. For one thing, the private school phenomenon has always been vastly overrated: in Alabama, with an anticipated 100 percent increase, the total attendance at the "segregation academies" this fall is expected to be only 20,500. Many of the private schools will collapse of their own weight in a relatively short time, as the students and their parents realize that integration does not, after all, mean the end of the world, as the financial burden becomes intolerable, as the weaknesses and deficiencies of the new institutions become apparent, and as the schools' lack of accreditation keeps the students from going to college. In the meantime, the private schools may provide an effective safety valve for this fall's desegregation tensions, by allowing nervous whites to believe, at least for the time being, that they have an alternative.

NEEDED: PRESIDENTIAL LEADERSHIP

But problems remain, and new ones are on the horizon: "white flight," intensified residential segregation, in-school segregation, black resistance to their schools' assimilation, and the uncertain status of black teachers and administrators. Above all is the problem of a lack of convincing moral leadership from the President and the Administration. The President at least seems to have stopped saying, "It seems to me there are two extreme groups. There are those who want instant integration and those who want segregation forever." (Or, as civil rights advocates have paraphrased him, "There are two extreme groups — those who want segregation forever, and those who want to follow the

orders of the Supreme Court.") But his August pilgrimage to New Orleans, and his statement there, still left his commitment to integration unclear. ("This is one country, one people, and we are going to carry out the law in that way, not in a punitive way, treating the South as basically a second-class part of the nation, but treating this part of the country with the respect it deserves, asking its leaders to cooperate with us and we with them.")

The President, on his Southern visit also gave his blessing to the leaders of the seven-state advisory committees that have been set up by the White House to aid, somehow, in this fall's integration process. But these committees, as much as anything else, illustrate what is lacking in the Administration's approach, and how little the White House understands the Southern dilemma. As has been noted from virtually every Southern capital, the committees were appointed from on high, and they have no real power or authority. In most cases, the tradition in such matters of appointing a white chairman and a black vice-chairman has been scrupulously observed. New York *Times* reporter Roy Reed recently wrote of other flaws in the advisory committee set-up, above and beyond the basic fact that, aside from the South Carolina group, the committees simply "have not done much." Two members of the committee established to promote support for public education in Mississippi, it developed, headed banks that participated in a \$600,000 loan to five private, segregated schools in the Jackson area. And the Mississippi committee chairman, Warren Hood, was on a safari in Africa during August, and was not expected back until just before the school year began. In Georgia, meanwhile, after Governor Lester G. Maddox urged white parents to send their children back to the segregated schools they attended last year, advisory committee chairman William P. Simmons, a white Macon banker, said his group was taking no position on the Governor's recommendation. In sum, many of the committee chairmen and members appeared to lack a clear understanding of what they were supposed to be doing and a very urgent commitment to their task. It might even be, as Governor Albert P. Brewer of Alabama charged, that "some very fine citizens [were] being used."

SOUTHERN STRATEGY

Moreover, the committee members, particularly the whites, tended to be the Administration's, and the GOP's, favorite people — bankers, executives, and professionals. But these are not the people who have a personal stake in what happens this fall; by and large, their children go (or went) to school in mostly-white suburban districts or private schools, and will not soon have to contend with blacks for a job at a plant or on a truck. Why should a poor white, or redneck, care what some banker has to say about school integration? The same groups who are ignored by the Southern strategy and unrepresented in most of today's political dia-

logue — poor whites, poor blacks, and youth — are largely missing from the state advisory committees.

It will not be such gimmicks, anyway, that determine whether integration becomes a peaceful reality this fall in the South. It will be the genuine humanity of most Southerners, white as well as black, and the willingness of most Southerners to obey the law. The real believers in "law and order" in this country are people like the small-town Mississippi mayor who said last spring, "I'll send my three children to public schools as long as I'm able. . . . This town's either going to have to move ahead or go backwards, and now's the time to make that decision"; the white students in Greenville, South Carolina, Judge Clement F. Haynsworth's home town, who put up banners welcoming 300 black students to their high school after Haynsworth himself, indirectly, ordered the large-scale integration; the more than 100 white parents who registered their children to attend elementary classes along with 350 blacks in a previously all black school in hard-core, rural Demopolis, Alabama; and the determined citizens of both races in tiny Yazoo City, Mississippi, who survived the sudden immersion into total integration last spring, ending the school year with a joyous, integrated commencement that was described as "the best graduating ceremony the town ever had."

GRIDIRON MELTING POT

I remember one of the first interracial football games ever held in Alabama, a 1968 state championship semi-final between all-black St. Jude of Montgomery and mostly-white Clay County High from rural Ashland, Alabama. A federal court had ordered the state championships desegregated after hearing dire warnings of race war from school board attorneys; and all season long the more hysterical white Montgomerians speculated about the likelihood of a riot. I remember the culture shock when the two worlds met, the gleeful, half-mocking cheers with which the St. Jude fans greeted the squared-corners performance of the precise little Clay County band, and the open-mouthed astonishment with which the white spectators viewed the black band's uninhibited, soul-rock renditions. I remember the clean, hard-fought football game, won by the black St. Jude eleven on a dazzling "flea-flicker" play after both sides had played beyond their capabilities. And I remember a noisy, white kid trying to attract the attention of St. Jude's star Melvin Jones after the tense contest had dashed Clay County's season-long hopes. "Hey, Melvin! Hey, Melvin!" he kept yelling, in a not-too-friendly tone of voice. Finally Jones, with nothing else left to do, looked around apprehensively. And the kid said only this: "Nice game." I remember thinking then that these people were going to make it. And despite everything that has happened since then, I still think so.

MICHAEL S. LOTTMAN

A Reply to Ripon's Southern Report

Building the Alabama GOP

There is an air of restrained optimism among Alabama Republicans. Memories of state election debacles in 1966 and 1968 are still quite fresh, and Alabama remains Wallace country for the majority of the state's voters. Even so, Alabama's GOP senses a brighter future — one much closer than many observers seem to realize.

Previous high hopes raised by the 1964 Goldwater-led Republican sweep of Dixie were dashed by the Wallace bandwagon triumph two years later. Straight-ticket voting swept in almost all of the Wallace "team." The Republican candidate for Governor was beaten more than two-to-one by the late Mrs. Wallace, two GOP Congressional seats were lost, and only one Republican won election to the 141 member Alabama legislature.

Further consternation resulted from the 1968 election, with Nixon drawing only 14.1 percent of the state's Presidential vote and the Republican candidate for the U.S. Senate (running against a lackluster, non-incumbent Democrat) receiving only 22 percent. The Alabama Republican situation was so bleak that the then lone GOP state legislator defected to the Democrats.

OBSTACLES TO GROWTH The Wallace phenomenon is obviously the greatest thorn in Alabama's Republican growth. In addition, there is a low voter identification with the GOP (only slightly more than 10 percent of Alabama voters profess to be Republicans) and a strong tendency to pull the straight ticket lever under the Democratic rooster at the top of the ballot. Furthermore, there are no "safe" Republican districts in Alabama. For example, state legislators must run at-large throughout their county or multi-county districts.

Normal Republican strength in white-collar suburbs is thus greatly diluted through the inclusion of blue-collar and black areas.

Faced with these multitudinous problems, Alabama Republicans decided to concentrate this year upon establishing a solid base in the Legislature. Candidates were recruited and nominated for 30 percent of the legislative seats, with the greatest emphasis being on those seats in the lower chamber where the chances of success are thought to be greater.

The Alabama State Republican Convention in July

THE AUTHOR

Bert Nettles, 34, from Mobile, is the only Republican member of the Alabama State Legislature.

greatly aided its nominees by adopting a most responsible platform. It includes a strong anti-pollution plank and urges that 18-year-olds be allowed to vote in all elections. Concern for the consumer is shown by the platform's call for a Department of Consumer Protection and for the abolishment of the Milk Control Board, a state agency through which the price of milk is set by politics and special interest groups.

HONEST WORDS AND ACTION An honest approach is made to civil rights, with the platform stating as follows:

Every citizen should have equal rights and equal opportunity under the law. Each of us has a responsibility to uphold the laws which protect us all. Our emphasis must be on doing things with — rather than for — one another.

We believe in equal and impartial law enforcement and equal application of justice to everyone, regardless of race, creed or color.

(Realizing that actions speak louder than words, the Convention also nominated H. L. Hill of Birmingham for the Legislature, the first Negro in any of the larger of Alabama's counties to obtain in modern times a major party's nomination for public office.)

Perhaps the best summation of what Republicans offer the State of Alabama is the following platform extract:

The need for the competitive and constructive thrust of a two-party system in Alabama is readily apparent. The scandal and failure of the current Legislature is an indictment of the present "clubhouse" system of government. Republicans in State government would provide a much needed "watchdog" and offer constructive alternative programs.

Another solid building stone was erected in August when the Alabama Republican State Executive Committee further broadened the GOP image and base by voting 10 to 1 in favor of a state-wide Republican primary in 1972.

Hopefully a sizeable number of Republicans will be elected to the Alabama Legislature this November. Hopefully they will enunciate the programs and policies envisioned by the 1970 Republican Platform. Being at the grass-roots level, these Republican legislators (along with other local and district Republican public officials) would be in excellent position to help build the Republican image in Alabama. This would set the stage for future major statewide Republican races, first for a U. S. Senate seat in 1972 and then for the Governor's chair and the other U.S. Senate seat in 1974.

Yes, there is an air of restrained optimism among Alabama Republicans — deservedly so.

American Political Parties: Self-Reform or Oblivion

In 1968, unprecedented numbers of young activists, laboring under the banners of McCarthy, Kennedy, and Rockefeller, were exposed for the first time to the harsh realities of party politics in America. They learned that our parties are oligarchic, and that they have built-in processes and institutions to maintain their ruling elites. The phenomena were not new, but they flew in the face of the participatory-democratic rhetoric of the late Sixties, and after the election, both parties set out to reform archaic structures.

These reform efforts range from modest attempts at urging state party leaders to open their portals to fresh blood, all the way to the proposal for a nationwide Presidential primary. It is our purpose here to set out a few principles and possible approaches, and then discuss what the parties — and especially the GOP — are doing to set their houses in order. The author makes equalitarianism his major goal; readers who differ with this assumption are invited to submit alternative proposals equally well-argued and researched.

Perhaps the most fundamental principle that must guide all reform efforts is equal participatory power for each voter identifying with the party. Procedures must be made available to insure inclusion of all voting groups, and this means the expansion of party structures (such as committees) to accommodate presently under-represented groups such as young people, women, and blacks.

Today's political party system operates to veto implementation of this principle; the delegate convention, almost always controlled by the party elite, is a familiar example. Another is the fact that Georgia's Democratic Party grants two individuals, the Governor and state chairman, the tremendous power of selecting the state's delegation to the Democratic national convention. A third, cited by Richard S. Childs, executive chairman of the National Municipal League, was the holding of a county convention in a dentist's anteroom!

Such pre-convention tactics would not seem quite so unjust if the delegations that are produced were somehow representative of state populations. But they are not. The classic study of delegations, in *The Politics of National Party Conventions* by David, Goldman, and Bain, documented the fact that men, whites, the wealthier and better-educated, and businessmen and professionals are grossly over-represented

THE AUTHOR

D. Tony Stewart is an instructor of political science at Washington State University.

at both parties' conventions. A glance at Ripon's own "Who's Who" of the 1968 Republican convention shows that the situation has not changed since David et al. wrote their book in 1960. *Congressional Quarterly* computed that only 2 percent of GOP delegates in 1968 were black, as opposed to 7 percent of the Democrats. And a study by McClosky, Hoffman, and O'Hara in the June 1960 *American Political Science Review* showed that delegates to the 1956 GOP convention were more conservative than the Republican rank and file, and Democratic delegates were more liberal than the Democratic rank and file. There is even geographical distortion: both parties give small states more than their fair share of delegates.

Clearly, delegations can be more reflective of state populations. But are meaningful steps being taken to bring about party reform in this area? Proposals abound, but many fail to make the crucial distinction between procedures for the selection of party officials, and Presidential nominee selection procedures. Consequently, we shall make this distinction and consider each category in turn.

CHOOSING PARTY OFFICIALS

As long as political parties continue to perform significant functions in our political system, such as fund raising, research, mobilization of campaign workers, and so on, the methods of selecting party officials and committeemen will be important. Unfortunately, most state party organizations seem to operate under the principle that a party is governed

best when it is governed by the fewest members. We propose that Republican party processes across the nation be opened up in ways like these:

— One way is suggested by the National Municipal League's Richard S. Childs in his "Key Man Theorem." This is to dramatize local party politics by making the local party leader — usually the county chairman — popularly elected and more powerful. New powers can include the appointment of all precinct committeemen, and ex-officio membership on the state committee. Then put him on the ballot whenever opposition develops, and let the registered voters of the party decide his fate. As Childs says, "Make him shine with sufficient power and importance to attract widespread well-illuminated discriminating scrutiny by a substantial proportion of party voters!"

— Another way is the tack of the North Carolina Democrats, who recently adopted a new organizational structure providing for three vice-chairmen at every level. One must be female, one under thirty years of age, and one of the minority (i.e., black) community if such a community comprises at least twenty percent of the election district's population.

— In 1969, the Republican Party of Washington State, under the leadership of State Chairman C. Montgomery Johnson, approved a change in party rules permitting participation by those between the ages of 18 and 21 at all precinct, county, district, and state conventions. In addition, college and university students have been granted a 25-member full-fledged voting delegation to the state convention. College and university student bodies are granted delegate representation through the use of a quota system.

— Change has occurred even without the activity of party leaders. One example occurred earlier this year when Participation '70, a coalition of university students in Utah, infiltrated the structures of both major parties, serving as state convention delegates and helping to write both platforms.

These proposals provide easier access for all citizens to party positions and thereby create a more representative party leadership. The Republican Party should seriously consider the adoption of reform proposals like these in order to produce a more representative, responsive, and democratic party structure.

The basic issue to be resolved here is, who will be the decision-makers in determining the party's nominees for elected public office? For most Congressional, state, and local elections, the answer is the electorate, because nearly all states have laws providing for direct primaries or at least a combination of the convention and challenge-primary system. But the procedure for selecting national nominees remains under attack, and we are now in a period of reassessment.

The most prominent efforts to reform the Pre-

sidential nominating system have been those of the McGovern Commission, empowered by the 1968 Democratic National Convention to aid the state Democratic parties in improving their processes. While no one can doubt the need for such a commission in both parties (more about the Republican commission below), or the good intentions of Senator McGovern and his colleagues, their efforts underscore the basic problem of Presidential nominating reform — the need for clear and consistent guidelines.

Because the McGovern group never devoted itself to developing a basic philosophy of what kind of candidate should be produced by the system, their proposals often contradict each other. Granted, their mandate did not include such introspection; but developing proposals in a philosophic vacuum is the shortest path to chaos.

For example, the Commission calls for an end to discrimination on the basis of race, color, creed, and national origin in delegate selection, and then advocates the kind of quota system used by the North Carolinians as cited above. Do they want color-blindness, or quotas? These two approaches are contradictory.

PHILOSOPHIC APPROACH

The kind of philosophic approach that is required for both parties hinges on the simple question, what kind of candidate do we want? For example:

— Is the candidate to be the choice of the party faithful? This would seem to suggest a nationwide primary. But then we encounter the problem of a plurality victory: with more than two candidates in the running, a nominee could be chosen by a minority of the party's voters. And this could result in the choice of an unpopular nominee. To illustrate: let us say that there are three candidates in the running, Candidates A, B, and C. Candidate A wins 35 percent of the vote, B gets 33 percent, and C gets 32 percent. But while B would be an acceptable nominee to the followers of A and C, A is unacceptable to the B and C factions. So in a sense, B is the most popular (or least unpopular) candidate, and for the sake of the party, would be the preferable nominee. If we wish to insure that B-type candidates will always be nominated, what is required is a convention system that provides for primaries selecting all delegates (who will be pledged to their favorite candidates on the first ballot) but flexibility at the convention to enable the least unacceptable candidate to be nominated. Another alternative would be a nationwide primary with a run-off between the top two choices.

— But what if the party's favorite is less likely to be elected in November than one of his rivals? Polls in 1968 show that while Humphrey was most popular among Democrats, McCarthy would have run better in November; and while Nixon was most

popular among Republicans, Rockefeller did better in the electorate at large. There is little point in nominating Mr. Republican or Mr. Democrat if he cannot become Mr. President.

In this case, what may be required is a system which will reflect the winner of the Gallup Poll — and this suggests an oligarchic approach, as long as the oligarchs place victory above all other considerations.

FULL DEMOCRATIZATION!

These kinds of questions directly affect the extent to which one chooses to democratize the Presidential nominating process, an issue which the McGovern Commission ignores. It is the contention of this writer that the fundamental principle of providing equal participatory power for each voter identifying with the party should apply to Presidential nominating procedures, and the palliatives suggested today do not go far enough in this direction.

— Some state laws and party rules have been revised so that the new procedures carefully specify the time, place, and manner of voting in precinct, county, and state delegate conventions; criminal penalties for violations are included. But closer investigation shows this reform to be inadequate. Let us assume that irregularities occur at a number of precincts within a state and the new state election law classifies the actions as gross misdemeanors. Who is responsible then for initiating judicial proceedings? This writer discovered that the power usually resides with the district attorney of the area. Since he is usually partisan and elected through the party system, it may be that he is a member of the accused political faction; therefore, prosecution may be unlikely to ensue. Even if judicial action occurs, the abusive political faction may be so politically powerful as to find itself in the comfortable position of being both judge and jury in the decision.

— Furthermore, let us assume that all obstacles to a completely fair and open delegate convention system have been removed. Even then, enormous problems remain. If each member of the party electorate is to be equally effective in determining the convention nominee for President, he or she still must participate actively in the party's organizational process from the time of the precinct meetings until the national convention. Since this means devoting six or seven months to active politics, the convention will continue to be comprised of those voters with the greatest financial independence and leisure time. In short, the delegate convention system is discriminatory, undemocratic, and therefore unrepresentative of the populace.

We therefore conclude that the only way to maximize equal voter participation in the Presidential nominating process is to institute a nationwide

primary.

WHAT HAS THE GOP DONE?

Conventions that renominate incumbent Presidents provide excellent opportunities for party reform, since there are seldom any contests for the nomination to cloud the issue. The classic case was the Democratic National Convention in 1936, which, besides renominating FDR and John Nance Garner, dropped its requirement that Presidential nominees receive two-thirds of the vote. Therefore, the Republicans may have the best potential of either party for self-reform in 1972. Will they use this potential?

Unbeknownst to almost everyone, the Republican National Committee has its own equivalent of the McGovern Commission, the National Republican Delegates and Organization Committee, headed by Mrs. M. Stanley Ginn, national committeewoman from Missouri. The main reason why the Committee is unbeknownst to almost everyone is that they plan no public meetings or reports before 1972. Indeed, their major activity to date seems to be to send representatives to the meetings of the McGovern Commission — a tacit admission of where the action is on party reform.

At the very least, the Commission should hold public meetings to solicit the views of all concerned Republicans; at the most, it should seize upon the opportunity offered by the 1972 National Convention and submit a detailed list of proposals there.

Another vivid contrast between the McGovern Committee and the Republican DO Committee is their different attitudes toward youth. In a time of flux, both parties ought to be sparing no effort to draw in the young, uncommitted voter. Senator McGovern knows this; he has held public meetings on the subject, and his Commission has called for proportional representation of 18-to-30-year olds in Democratic convention delegations. The attitude of the Republican DO Committee seems to be that if young people want to come, let them, but we are not going to go out of our way to lure them in.

The Republican DO Committee can be a lifeline for the GOP, providing bold new proposals for making the Republican National Convention a better vehicle for expanding the base of the party. Instead, it is lying dormant and letting the Democrats capture the mantle of innovation by default. For a party that is still very much in the minority, this is suicidal.

It is time for both political parties to face up to their responsibility for making our political system responsive and democratic. And it is time for the Republican National Committee, here at midpoint between 1968 and 1972, to put some life into its own heretofore feeble efforts to reform that system.

D. TONY STEWART.

ONE PERCENT CLUB

(PAID POLITICAL ADVERTISEMENT)

A recent FORUM included an appeal to readers to join the One Percent Club, an organization recently formed by Republicans sympathetic to Ripon Society ideals in order to raise campaign money for young, progressive GOP candidates, many of whom face right-wing primary opposition heavily financed from afar. Members of the Club donate one percent of their annual income or \$1,000 and may earmark their contribution for particular candidates. Non-earmarked contributions go into a revolving loan fund that will grow from year to year. To date, nearly 60 people have signed up and contributed.

As the Club states, "Right wingers in the Republican Party have exerted control disproportionate to their number because they have been willing to make a commitment to action and follow through. We should have learned their lesson by now It is time to separate the talkers from the doers."

Those who are interested in contributing more than verbal support to progressive Republicanism can use the form below to join. We would also like your comments and suggested changes on the by-laws below.

ARTICLE I. PURPOSE.

The purpose of the One Percent Club shall be to encourage young men of calibre and progressive views to seek public office as Republicans.

ARTICLE II. OFFICES.

The principal offices of the club shall be located in the City of Fond du Lac, County of Fond du Lac, State of Wisconsin. The club may have such other offices, either within or without the State of Wisconsin, as the Board of Directors of the club may establish.

ARTICLE III. MEMBERSHIP.

Section 1. Membership. Any person selected by the Board of Directors who contributes to the club within any calendar year the lesser of \$1,00 or one (1) per cent of his annual income for the year shall be a member for the year.

Section 2. Voting Rights. Each member who has made a contribution as provided in Section 1 of this Article shall be entitled to one (1) vote on each matter which by these By-Laws or otherwise is required to be voted upon by the membership. The vote of any member may be cast in person, by proxy solicited by or given to any other member, or by mail to all members on such issues as are stipulated within the By-Laws and on such other matters as the Board of Directors deems a mail ballot necessary.

Section 3. Resignation. Any member may resign by filing a written resignation with the Secretary. No contribution by a member shall be refunded upon resignation unless a resolution authorizing such refund is approved by the Board of Directors.

ARTICLE IV. MEETINGS OF MEMBERS.

Section 1. General Meetings. General meetings of the club may be called by either (a) the Board of Directors, or (b) a petition subscribed to by twenty-five (25) per cent of the members.

Section 2. Place of Meetings. The Board of Directors may designate any place, either within or without the State of Wisconsin, as the place of meeting.

Section 3. Notice of Meetings. The Secretary shall cause a written or printed notice stating the place, day and hour of any meeting of members to be delivered or mailed not less than ten (10) nor more than fifty (50) days prior to the date of such meeting to each member. In the case of a special meeting or when required by statute or these By-Laws, the purpose or purposes for which the meeting is called shall be stated in the notice.

Section 4. Quorum. Members holding one-tenth (1/10) of the votes entitled to be cast, present in person or represented by proxy, shall constitute a quorum at a meeting of members. A majority of the votes entitled to be cast by the members present in person or represented by proxy at a meeting at which a quorum is present shall be necessary for the adoption of any matter voted upon by the members.

ARTICLE V. BOARD OF DIRECTORS.

Section 1. Board of Directors. The affairs of the club shall be managed by a Board of Directors. The Board may hire such staff personnel as it shall from time to time deem desirable, and it shall have the power to set compensation for such positions. The Board shall be responsible for soliciting funds, gathering information about prospective young candidates around the country and making loans on such terms and conditions as the Board in each case shall determine. Members of the Board must be members of the club but need not be residents of the State of Wisconsin.

Section 2. Number, Tenure and Qualifications. The number of members of the Board shall be nine. The Directors shall be elected from the membership at large. There shall be three equal classes of Directors. The term of office of directors of the first class shall expire at the first annual meeting of members after their election, that of the second class shall expire at the second annual meeting after this election, and that of the third class shall expire at the third annual meeting after this election. At each annual meeting after such classification, the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the third succeeding annual meeting.

Section 3. Nomination. The Board of Directors or a committee thereof shall nominate members for election to the Board of Directors. Any member not so nominated may nominate himself by notifying the Secretary of his candidacy for the Board of Directors not less than fifty days prior to the date set for the annual meeting.

Section 4. Election. Between November 15 and December 1 of each year, the Board of Directors shall distribute to each member of the Club a ballot including the names and brief descriptions of each Board nominee and also of each self-nominee, specifying a date no later than December 31 by which such ballots are to be returned to the Secretary. The three candidates receiving the most votes shall be elected to a three year term of office.

Section 5. Meetings of the Board of Directors. Meetings of the Directors may be called by or at the request of its Chairman or any three members of the Board. The person or persons authorized to call such meetings of the Board may fix any place, either within the State of Wisconsin or without as the place for holding any meeting of the Board called by them.

Section 6. Notice. Notice of any meeting of the Directors shall be delivered to each member of the Board at least three days prior to the meeting; such notice may be delivered by telephone to either the home or the office of the member of the Board and the leaving of a message with a responsible party shall constitute delivery.

Section 7. Quorum. A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

Section 8. Manner of Acting. The act of a majority of the members of the Board present at a meeting at which a quorum is present shall be the act of the Board unless the act of a greater number is required by law or these By-Laws. The Board may act by written consent of all of its members.

Section 9. Compensation. Members of the Board as such shall not receive any stated salaries for their services but this provision shall not be construed to preclude any member of the Board from serving the corporation in any other capacity and receiving compensation therefor.

Section 10. Vacancies. Any vacancy occurring in the Board shall be filled by the Board. A member of the Board elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 11. Removal. Any member of the Board may be removed without cause by two-thirds of the members voting by a special ballot of the members whenever in their judgement the best interests of the club would be served thereby; but such removal shall be without prejudice to any contractual rights of the Board member so removed.

ARTICLE VI. OFFICERS.

Section 1. Officers. The officers of the club shall be a President, Vice President, Secretary, Treasurer, and any other officers created by a majority vote of the Board of Directors.

Section 2. Election and Term of Office. The officers of the club shall be elected annually by the Board of Directors.

Section 3. Removal. Any officer may be removed by affirmative vote of two-thirds of the members of the Board of Directors whenever in their judgment the best interests of the club would be served thereby, but such removal shall be without prejudice to any contractual rights of the officer so removed.

Section 4. Vacancies. A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. President. The President shall be the principal executive officer of the club and shall in general supervise and control all of the business and affairs of the club with the advice and consent of the Board. He shall preside at all meetings of the members and, absent a Chairman or other officer of the Board of Directors, of the Board of Directors. He may sign with authorization of the Board, any deeds, mortgages, bonds, contracts, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these By-Laws or by statute to some other agent of the club. If required by the Board, he shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board may determine. He shall have charge and custody of and be responsible for all funds and securities of the club, receive and give receipts for monies due and payable to the club from any source whatsoever, and deposit all such monies in the name of the club in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VIII of these By-Laws; and in general he shall perform all duties as may be prescribed by the Board from time to time. He shall also present an Annual Report on behalf of the Board of Directors to the membership.

Section 6. Vice President. In the absence of the President, the Vice President shall act in his stead.

Section 7. Secretary. He shall keep the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are fully given in accordance with the provisions of these By-Laws or as required by law; be custodian of the club records; and keep a register of the post office address of each member which shall be furnished to the Secretary by such member.

Section 8. Treasurer. He shall be responsible for auditing the financial records of the club and submitting a report thereon as requested by the Board of Directors.

ARTICLE VII. COMMITTEES.

Section 1. Committees. Committees not having or exercising the authority of the Board in the management of the club may be established and dissolved by a resolution adopted by a majority of the members of the Board present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall be members thereof. Any member thereof may be removed by the President whenever in his judgment the best interests of the club shall be served by such removal.

Section 2. Term of Office. Each member of a committee shall continue as such until his successor is appointed, unless the committee shall be sooner dissolved, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

Section 3. Chairman. One member of each committee shall be appointed Chairman by the President.

Section 4. Vacancies. Vacancies in the membership of any committee may be filled by the President.

ARTICLE VIII. CONTRACTS, CHECKS, DEPOSITS, AND FUNDS.

Section 1. Contracts. The Board may authorize any officer or officers, agents of the club, in addition to the President, to enter into any contract or execute or deliver any instrument in the name of and on behalf of the club, and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, etc. All checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the

name of the club shall be signed by such officer or officers, agent or agents of the club and in such manner as shall be determined by resolution of the Board. In absence of such resolution by the Board, such instrument shall be signed by the President.

Section 3. Deposits. All funds of the club shall be deposited from time to time to the credit of the club in such banks, trust companies or other depositories as the Board may select.

Section 4. Gifts. The Board may accept on behalf of the club any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the club. The Board may remit any portion of such gift or any portion of the funds available to this club to any candidate or committee whom it selects, upon such conditions as it stipulates.

ARTICLE IX. BOOKS AND RECORDS.

The club shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members and Board

of Directors; and shall keep at the principal office a record giving the names and addresses of the members entitled to vote. Books and records of the club may be inspected by any member of the Board for any proper purpose at any reasonable time.

ARTICLE X. FISCAL YEAR.

The fiscal year of the club shall begin on the first day of January and end on the last day of December in each year.

ARTICLE XI. AMENDMENTS TO THE BY-LAWS.

These By-Laws may be amended by a two-thirds vote of the members of the club present at a duly held meeting at which a quorum is present, subject to the approval of a majority of the total membership by mail ballot, or by unanimous vote of the Board of Directors. No change in these By-Laws shall become effective unless notice of the proposed change shall have been submitted in writing to the members of the club as part of the notice of the meeting at which the amendment is to be considered.

MAIL THIS FORM TO THE ONE PERCENT CLUB, BOX 135, RIPON, WI. 54971

I will join the One Percent Club in this and subsequent years. I have met my obligation for 1970 in one of the following ways:

- Contribution to general revolving loan fund enclosed.
- Please forward the enclosed check(s) to the stated candidates in behalf of the Club.
- I have contributed to the following candidates as part of my One Percent commitment:

Candidate

Amount

.....

.....

.....

- A check for \$1,000 or more is enclosed. Please enroll me as a Patron.
- A check for \$3,000 or more is enclosed. Please enroll me as a Founder.
- Though not a member of the One Percent Club, I have enclosed a contribution to the revolving fund.

NAME

ADDRESS

CITY & STATE ZIP

COMMENTS:

U. S. Army — from page 12

notice of their attack — most officials are convinced that the majority of the military dependents would have to "standfast" where they are living. These dependents would be left to fend for themselves, as would their less fortunate civilian countrymen who are working or traveling privately in Europe and who are not considered for assistance by U.S. armed forces. The soldier-husbands of the military dependents would have to fall back toward the Rhine River while covering their delaying action with "tactical" nuclear weapons. In short, firing nuclear shells and rockets on the Soviet units, hundreds of thousands of West German civilians and on their own families. (In spite of this potential disaster, the military opposed President Eisenhower's courageous and militarily sound decision in late 1960 to stop further movement of dependents to Europe. This decision was rescinded by President Kennedy in late 1961 in response to opposition from the armed services, even though no effective dependent evacuation plan had been devised.)

We have permitted the continuation of our conventional structure to placate the West German

government, not to fight a conventional war. Our military leaders have advocated retaining these forces because they have provided increased promotions and pleasant duty stations. These military leaders have been comfortable in the knowledge that they would not really be expected to fight a conventional war against the formidable Red Army, because they could quickly change such a war into a nuclear one in which the U.S., until recently, held a vast advantage. In other words political expediency and parochial service interests have been allowed to supercede national best interests.

The presence of our over 200,000-man conventional force in Europe is fraught with potentially dangerous risks to our national security and immense problems of organization and mission. It is long past time for concerned civilians and military officers to begin the very difficult task of streamlining our force structures and more responsibly rationalizing their purpose in Europe. Perhaps the recent signing of the West German-Soviet nonaggression pact marks the historical juncture for our work to begin in earnest.

EDWARD L. KING

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14a ELIOT STREET

THE SOUTHERN REPORT

Our clipping service was overburdened with the reaction to our report on the GOP in the South — the final count revealed almost 300 articles, columns, editorials and one cartoon (see below). A sampling: the Lake Charles (La.) *American Press* called the report "waspy," but conceded it contained many "cogent reflections"; the Sarasota *Herald Tribune* said that, "... you may not agree with what the Ripons say. But they say it very elegantly"; Robert Baskin in the *Dallas News* noted a "validity in much of (Ripon's) evaluation of Republican activities in Texas." In addition, **William Buckley**, in his nationally syndicated column, wrote that Ripon had roused the indignation of many GOP leaders in Texas; Ripon was blasted by U.S. Senate candidate **William C. Cramer**; and the Republican gubernatorial candidate in South Carolina, **Albert Watson**, responded by denouncing the Ripon Society as a "wild-eyed, left wing outfit," and said that it "has about as much stature in American politics as a flea on a buffalo..." Watson concluded that, "criticism from the wildly liberal Ripon Society is the finest endorsement any conservative and patriotic congressman can have."

● **Christopher T. Bayley**, one of Ripon's founders and former Chairman of the National Governing Board, was nominated September 15th as the GOP candidate for King County (Seattle) prosecuting attorney. He beat the incumbent, **Charles O. Carroll**, by a two-to-one margin.

The Ripon Society had emerged as an issue in the race a week before election day. Carroll charged that Ripon was raising \$50,000 to elect one of its own, and denounced Ripon as an "eastern dominated" group. The next day, the GOP County Chairman, a Carroll backer, held a press conference to attack Ripon as "representing left wing views in politics." These smear tactics only resulted in a spate of favorable press for Bayley. The *Seattle Post Intelligencer* termed the attack as "a typically wild pitch, with a ball of mud." The *Seattle Argus* headlined an editorial "Dirty Desperation Politics," and said that Ripon "is composed of an outstanding group of dedicated, intelligent young Republicans whose efforts to improve government at all levels already have paid dividends. It is probably the finest political group ever put together in this country."

In fact, Bayley had received \$2,500 from the One Percent Club, and not the Ripon Society. There is no legal connection between the two organizations.

● Ripon National Governing Board member and frequent contributor to the FORUM, **William J. Kilberg**, has been

named the new general counsel of the Federal Mediation and Conciliation Service. Bill, 24, a Brooklyn-born member of last year's Harvard Law School graduating class has served since then as special assistant to the Secretary of Labor as a White House Fellow (the youngest Fellow ever chosen). The conservative weekly, *Human Events*, harumphed the appointment of one so young and relatively inexperienced calling Kilberg "Nixon's Fuzzy-Cheeked 'Labor Mediator.'"

● **Eddie Harrison** spoke to the August meeting of the District of Columbia chapter. Mr. Harrison is working on a program for pre-trial rehabilitation for first offenders. Now in preliminary stages with HEW support, the program would use the period between arrest and trial (which now may last as long as nine months) for rehabilitation, using existing community resources. A pilot project will be launched in D.C. with national application if it proves a success. Mr. Harrison spent eight and a half years in prison (including 17 months on death row) while fighting a murder conviction. His sentence was commuted by President Nixon in 1969.

Rhode Island — from page 8

McLaughlin had needed his miracle from on high, and now he had it. It would certainly polarize the Catholic community of Rhode Island, but it would also get many Democrats who had never thought about it to consider voting for McLaughlin. For the first time, it was possible to say what McLaughlin and some of his loyal supporters had felt from the start: though it looks like an impossible race to win, John McLaughlin has an outside chance to pull the major upset of the 1970 elections.

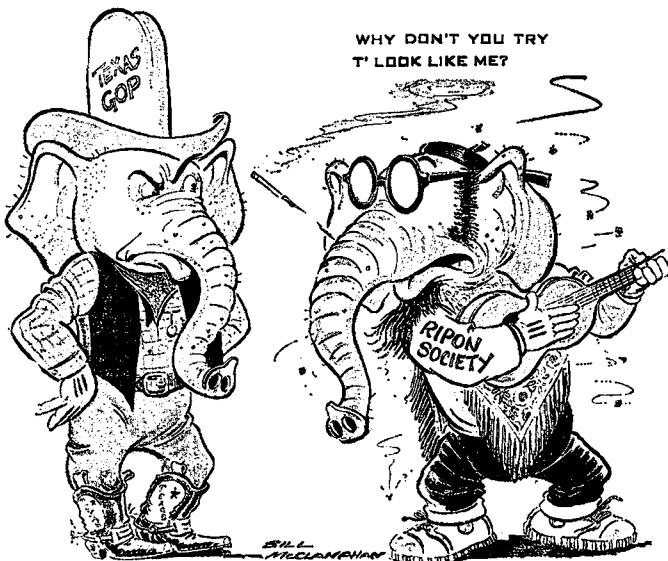
But the issue also raises an important question: Does a priest have the right to run for public office?

Father McLaughlin is a member of the Society of Jesus, a semi-autonomous order. In theory, therefore, he does not need the permission of his bishop to run for public office. It is clearly in order that a priest have his bishop's permission before administering the Sacraments. However, if a priest must have his bishop's permission to run for office, then the whole notion that a priest can run for public office is called into question. If a priest needs his bishop's permission to run for office, it follows that he can serve only at the pleasure of his bishop. While the bishop may not be able to direct overtly the priest's action in office, the priest would be obliged to operate with the constant awareness that if he displeased his bishop, he might not be granted permission to run for reelection. This denies the priest's role as an independent agent. The priest becomes, in essence, an extension of the body politic of the Roman Catholic Church. If, on the other hand, the priest is characteristically human, a free agent, albeit a human agent who has dedicated his life to the service of God through a monastic order, then he should have every right to serve God, serve his community, and serve his conscience as he sees fit in the political arena.

This is now the only issue in the race. All others have paled into insignificance. It is an issue which every Rhode Islander, particularly every Rhode Island Catholic, must face.

Self-Appointed Stylist

BY BILL MCCLANAHAN
DALLAS NEWS STAFF CARTOONIST



Housing Abandonment

The landmark of urban blight has become the abandoned tenement.

Abandonment is like a highly contagious disease. It can spread so swiftly and pervasively that whole neighborhoods become as desolate and empty as Berlin or Dresden in 1945. Anyone who doubts that should visit the Brownsville section of Brooklyn.

Over 130,000 apartments have been abandoned in New York City alone. Abandonment is so far outstripping new housing construction in New York, that the City is losing housing units at the rate of 21,000 a year.

The process of abandonment usually begins in an outdated structure in a slum neighborhood. The landlord tries to keep costs down by skimping on repairs, making it deteriorate further. Because of the deterioration, the building can be rented to none but the most indigent — and this, in turn, diminishes the prospects of an adequate and steady return. Ultimately, the costs of the building exceed the rental income. It becomes a losing proposition and it cannot be sold. The landlord abandons it.

THE TENANTS EXIT, HURRIEDLY When the landlord leaves, there is no more light and heat. The exodus of the tenants begins. Vandals and addicts come in and strip the building of fixtures, copper tubing — anything saleable. The other tenants flee.

The gutted shell remains. It clearly points the direction the neighborhood is going — downward. It becomes a hostel for heroin users and criminals. Its presence speeds the departure of tenants in adjacent buildings. These structures, in turn, become prey to abandonment.

Whole blocks eventually empty and remain vacant for years, the symbol of urban decay at its worst.

In the face of this frightening problem, the Department of Housing and Urban Development has done virtually nothing. Its only response has been to spend a few thousand dollars to "study" the problem.

This is patently inadequate. Abandonment has assumed the proportions of a national disaster. It must be energetically and effectively confronted by the Federal government on an emergency basis.

To achieve this objective, I introduced this August the "Emergency Abandonment Assistance Act" (S. 4180). This bill provides emergency urban renewal funds for the acquisition and rehabilitation of abandoned or about-to-be-abandoned buildings.

Instead of the conventional tract-clearance type of

urban renewal, the program would operate selectively — pinpointing potential abandonment sites anywhere in a municipality. The program thus can arrest the process of abandonment within neighborhoods in its *early* stages, before large areas have been affected.

The new program would also introduce an element of speed and urgency — by requiring that work undertaken be completed within two years and by eliminating the elaborate and time-consuming planning requirements of conventional urban renewal.

A second bill of mine — the "Housing Management Services Act" (S. 4181) — is designed to alleviate another problem that has been associated with abandonment and blight: the lack of skilled housing management services in low-income areas.

One reason that developers have been unwilling to invest in low-income areas is that — while they can obtain a return from building or rehabilitating properties — they do not wish to assume the risks and administrative burdens of managing the properties.

My proposal would seek to remedy this by providing Federal grants to local, non-profit management corporations, known as "housing management administrations" (HMA's).

The HMA would provide the sort of services that private management corporations provide for higher-income apartments. These would include book-keeping, collection of rents, hiring of building staff, screening of prospective tenants, and the purchase of supplies and payment of expenses on a reimbursed basis. Because of the Federal subsidy — and also because of economies of scale in providing these services in a comparatively large area — the fees for these management services could be kept at a minimum.

COORDINATED LEGISLATION This management service program could be well integrated with the emergency abandonment assistance program I have earlier described. Abandoned sites could be acquired, written down and sold to a developer for rehabilitation. Once rehabilitated, the management could be turned over to an HMA. Or the property could be conveyed to the tenants as a cooperative or condominium, and the management assigned to the HMA. This would eliminate a serious obstacle to the transfer of ownership to the tenants — their lack of experience and skill in management.

These programs represent at least a start in coping with the problem of housing abandonment. I am hopeful they will be adopted by the Congress this session.