

# RIPON FORUM

APRIL, 1971

VOL VII, No. 4

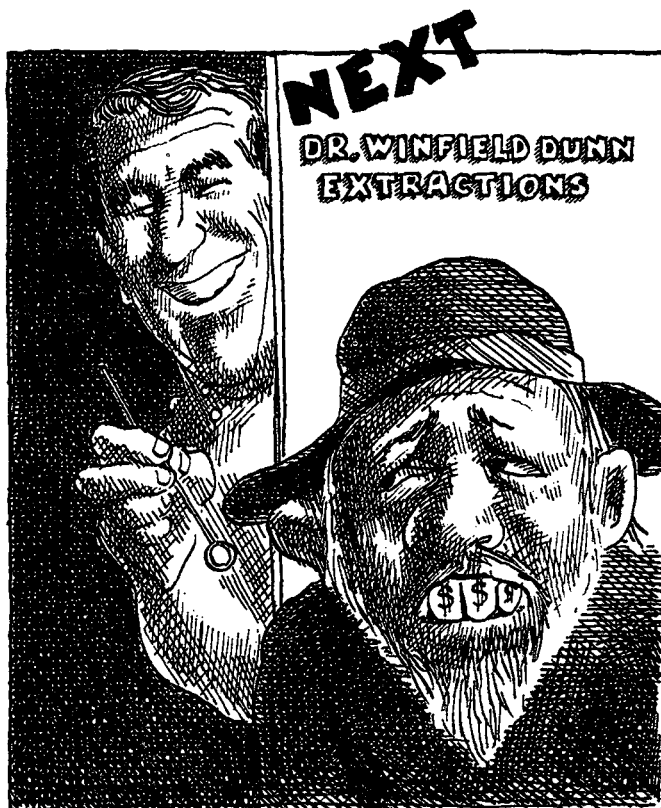
ONE DOLLAR

## Why Revenue Sharing?

*by Murray L. Weidenbaum*



- Abolish the Independent Regulatory Commissions
- Paul N. McCloskey on Ending the War
- An Ex-DIA Agent Writes to Henry Kissinger



## Governor Dunn of Tennessee

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### QUOTE OF THE MONTH

*"Accepting the American Legion's Distinguished Service Medal last week, President Nixon called for support of the President of the United States, regardless of party, on important matters of national defense..."*

Monday, publication of the Republican National Committee, February 22, 1971.

**THE RIPON SOCIETY, INC.** is a Republican research and policy organization whose members are young business, academic and professional men and women. It has national headquarters in Cambridge, Massachusetts, chapters in 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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**THE RIPON FORUM** is published monthly by the Ripon Society, Inc., 14a Eliot Street, Cambridge, Massachusetts 02138. Second class postage rates paid at Boston Massachusetts. Contents are copyrighted © 1971 by the Ripon Society, Inc. Correspondence addressed to the Editor is welcomed.

In publishing this magazine the Ripon Society seeks to provide a forum for fresh ideas, well-researched proposals and for a spirit of criticism, innovation, and independent thinking within the Republican Party. Articles do not necessarily represent the opinion of the National Governing Board or the Editorial Board of the Ripon Society, unless they are explicitly so labelled.

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# EDITORIAL POINTS

## THOMAS E. DEWEY

When Thomas Edmund Dewey first announced for President in 1940, the New York *Herald Tribune* prophetically remarked, "Whatever the resolve of the convention may ultimately be, the vigor, the integrity, the candid mind of Thomas E. Dewey are certain to count as a constructive influence upon the party's future and a powerful force for its good."

Grandson of a founder of the party, Governor Dewey always fought for a Republican Party that would be equipped to meet the challenges of our century. In 1950, he derided "impractical theorists with a 'passion for neatness'" who wanted to put all conservatives into the GOP and make all liberals Democrats: "The results would be neatly arranged, too. The Republicans would lose every election and the Democrats would win every election."

Using New York State as a base, he built a national political network that, though it did not elevate him to the Presidency, has had a lasting impact on American politics. It was Dewey men who nominated Eisenhower and staffed his administration. It was Dewey men who chose Richard Nixon and then helped him win nominations in 1956 and 1960. And paradoxically, it was disillusioned Dewey men who helped lead the conservative movement that in 1964 overthrew what Dewey had built nationally and who in 1970 dealt a severe blow to what he had built in New York State.

After his third term as governor, Mr. Dewey left a revitalized state party and retired to private life. He had won his battles against crime in the courtroom, not on the podium. And when he lost the election that everyone except Harry Truman knew he would win, he was a model of graciousness. His parting words to the press were, "It has been grand fun, boys and girls. I enjoyed it immensely."

## THE SST

When the existing elements of the political spectrum were forged during the New Deal era, "conservatives" were defined as those who resisted new government spending and opposed governmental involvement in areas previously left to private enterprise. "Liberals" on the other hand advocated an expanded role for government.

In this context, the current debate over whether the federal government should fund development of a supersonic transport for commercial use is enlightening. Milton Friedman summed up the traditional conservative position:

If the SST is worth building, the market will make it in Boeing's interest to build it

without a subsidy; if a subsidy is needed, the SST should not be built.

A leader in the business and labor coalition supporting the SST, George Meany exemplified the New Deal, liberal view citing the number of jobs that the project would provide for America's workers.

The Republicans in Congress for and against federal support of the SST as recorded in the House of Representatives vote on March 18 and the Senate vote on March 24 are listed below.

Obviously, the traditional definitions of conservative and liberal have been strained by the development of new industries — aero-space is only one example — which are highly dependent upon taxpayer support. Thus the pejorative phrase "social engineering" can be used not only to describe Medicare and legal assistance for the poor; it is equally valid for farm supports, defense industries and other governmental subsidies of private industry. Republicans who would purge the party of those who are not sufficiently "conservative" might best reexamine their own positions first.

## "TRADITIONAL CONSERVATIVES" VOTING AGAINST THE SST

### THE HOUSE

Andrews (N. Dak.)	McCollister (Neb.)
Brotzman (Colo.)	McDonald (Mich.)
Brown (Mich.)	McKevitt (Colo.)
Broyhill (N.C.)	McKinney (Conn.)
Broyhill (Va.)	Mayne (Iowa)
Burke (Fla.)	Michel (Ill.)
Byrnes (Wis.)	Miller (Ohio)
Cleveland (N.H.)	Minshall (Ohio)
Collier (Ill.)	Morse (Mass.)
Conable (N.Y.)	Mosher (Ohio)
Conte (Mass.)	Myers (Ind.)
Corbett (Pa.)	Poff (Va.)
Coughlin (Pa.)	Quie (Minn.)
Davis (Wis.)	Railsback (Ill.)
Dellenback (Ore.)	Reid (N.Y.)
Dennis (Ind.)	Rhodes (Ariz.)
Duncan (Tenn.)	Riegle (Mich.)
Du Pont (Del.)	Robison (N.Y.)
Dwyer (N.J.)	Ruppe (Mich.)
Esch (Mich.)	Ruth (N.C.)
Eshleman (Pa.)	Saylor (Po.)
Findley (Ill.)	Scherle (Iowa)
Fish (N.Y.)	Schneebeli (Pa.)
Forsythe (N.J.)	Schwengel (Iowa)
Frelinghuysen (N.J.)	Shoup (Mont.)
Frenzel (Minn.)	Smith (Calif.)
Goodling (Pa.)	Smith (N.Y.)
Gross (Iowa)	Stafford (Vt.)
Gude (Md.)	Stanton (Ohio)
Halpern (N.Y.)	Steele (Conn.)
Hammerschmidt (Ark.)	Steiger (Ariz.)
Harvey (Mich.)	Steiger (Wis.)
Hastings (N.Y.)	Talcott (Calif.)
Heckler (Mass.)	Thomson (Wis.)
Horton (N.Y.)	Thone (Neb.)
Hunt (N.J.)	Vander Jagt (Mich.)
Hutchinson (Mich.)	Wampler (Va.)
King (N.Y.)	Widnall (N.J.)
Lent (N.Y.)	Wylder (N.Y.)
Lujan (N.M.)	Wylie (Ohio)
McCloskey (Calif.)	Zwach (Minn.)

Recorded for: Latta (Ohio), Kyl (Iowa)

**THE SENATE**

Aiken (Vt.)  
 Brooke (Mass.)  
 Case (N.J.)  
 Cooper (Ky.)  
 Griffin (Mich.)  
 Hansen (Wyo.)  
 Hatfield (Ore.)  
 Javits (N.Y.)  
 Absent and not voting: Mundt (S.D.)

Jordan (Idaho)  
 Miller (Iowa)  
 Packwood (Ore.)  
 Percy (Ill.)  
 Prouty (Vt.)  
 Roth (Del.)  
 Schweiker (Pa.)  
 Smith (Me.)  
 Weicker (Conn.)

McClure (Idaho)  
 McDade (Pa.)  
 McEwen (N.Y.)  
 Mailliard (Calif.)  
 Martin (Nebr.)  
 Mathias (Calif.)  
 Mizell (N.C.)  
 Nelsen (Minn.)  
 O'Konski (Wis.)  
 Pelly (Wash.)  
 Peyser (N.Y.)  
 Pettis (Calif.)  
 Pirnie (N.Y.)  
 Powell (Ohio)  
 Price (Tex.)  
 Quillen (Tenn.)  
 Reid (Ill.)  
 Robinson (Va.)  
 Sandman (N.J.)  
 Schmitz (Calif.)  
 Scott (Va.)

Sebelius (Kan.)  
 Shriver (Kan.)  
 Skubitz (Kan.)  
 Snyder (Ky.)  
 Spence (S.C.)  
 Springer (Ill.)  
 Teague (Calif.)  
 Terry (N.Y.)  
 Thompson (Ga.)  
 Veysey (Calif.)  
 Ware (Pa.)  
 Whalen (Ohio)  
 Whalley (Pa.)  
 Whitehurst (Va.)  
 Wiggins (Calif.)  
 Williams (Pa.)  
 Wilson (Calif.)  
 Winn (Kan.)  
 Wyatt (Ore.)  
 Wyman (N.H.)  
 Young (Fla.)  
 Zion (Ind.)

**"NEW DEAL LIBERALS"  
VOTING FOR THE SST****THE HOUSE**

Anderson (Ill.)  
 Archer (Tex.)  
 Arends (Ill.)  
 Ashbrook (Ohio)  
 Baker (Tenn.)  
 Belcher (Okla.)  
 Bell (Calif.)  
 Betts (Ohio)  
 Blackburn (Ga.)  
 Bow (Ohio)  
 Bray (Ind.)  
 Brown (Ohio)  
 Buchanan (Ala.)  
 Camp (Okla.)  
 Carter (Ky.)  
 Cederberg (Mich.)  
 Chamberlain (Mich.)  
 Clancy (Ohio)  
 Clausen (Calif.)  
 Clawson (Calif.)  
 Collins (Tex.)  
 Derwinski (Ill.)  
 Devine (Ohio)

Dickinson (Ala.)  
 Edwards (Ala.)  
 Erlenborn (Ill.)  
 Ford (Mich.)  
 Frey (Fla.)  
 Fulton (Pa.)  
 Goldwater (Calif.)  
 Grover (N.Y.)  
 Gubser (Calif.)  
 Hall (Mo.)  
 Hansen (Idaho)  
 Harsha (Ohio)  
 Hillis (Ind.)  
 Hogan (Md.)  
 Hosmer (Calif.)  
 Johnson (Pa.)  
 Jonas (N.C.)  
 Keating (Ohio)  
 Keith (Mass.)  
 Kemp. (N.Y.)  
 Kuykendall (Tenn.)  
 Landgrebe (Ind.)  
 Lloyd (Utah)  
 McClory (Ill.)

Recorded against: Roussellot (Calif.)

**THE SENATE**

Allott (Colo.)  
 Baker (Tenn.)  
 Beall (Md.)  
 Bellmon (Okla.)  
 Bennett (Utah)  
 Boggs (Del.)  
 Brock (Tenn.)  
 Buckley (N.Y.)  
 Cook (Ky.)  
 Cotton (N.H.)  
 Curtis (Neb.)  
 Dole (Kan.)  
 Dominick (Colo.)

Fannin (Ariz.)  
 Fong (Hawaii)  
 Goldwater (Ariz.)  
 Gurney (Fla.)  
 Hruska (Neb.)  
 Mathias (Md.)  
 Pearson (Kan.)  
 Saxbe (Ohio)  
 Scott (Pa.)  
 Stevens (Alaska)  
 Taft (Ohio)  
 Thurmond (S.C.)  
 Tower (Tex.)  
 Young (N.D.)

**PARTING WORDS**

This editorial note I am going to sign, since it will be my last as President of the Ripon Society. In April Ripon's National Governing Board will meet to elect a new slate of officers. I have asked that I not be assigned any role more than is necessary to assure an orderly transition. It is time for the group to make way for fresher faces and time for me to return to long-postponed academic work at Harvard.

For me this will conclude more than four years of intense activity in the Ripon Society — two years as editor of the FORUM, two as President and a few months at the White House as rapporteur for the President's Advisory Council on Executive Organization. All this has been an extraordinarily valuable personal experience and I find myself taking satisfaction in the friendships I have formed, the battles I have fought and the growing up I have done.

Since the Ripon Society will be in good hands and on a sound budgetary footing over the coming years, I also take some vicarious pleasure in knowing that it will afford similar opportunities to others. There are already many young men and women, at all levels of the political process, who would not be there were it not for activity in the Ripon Society. And there are many others to whom the Society's presence gives reassurance and dignity. I think we can expect the number of such people to increase as the group spreads its influence around the country. It is networks of talented individuals acting under Ripon's um-

brella that have constituted the group's strength.

Ripon as a whole can take pride in knowing that almost every major substantive proposal it advanced before 1968 has been adopted in some form by the Nixon administration — revenue sharing, multilateral foreign aid, more contact with Red China, minority business enterprise, a negative income tax, a volunteer army.

Other progressive Nixon programs — in such areas as consumer affairs, housing, Indian affairs, the environment, government reorganization, and school desegregation have been drafted with the active participation of Ripon members within and outside government. It now appears likely that many proposals in the Society's report on youth will also bear fruit in policy.

Our great disappointment, of course, has been in politics. Instead of putting his prestige behind his progressive programs, the President and his spokesmen have chosen to emphasize themes designed to build a rigid Republican Party. But even here we may hope for change as the political realities of 1972 dictate a more open approach.

In all its proposals and commentary the Ripon Society has tried to emphasize a bolder, longer-term and more disinterested perspective than is possible for any given office-holder. Continuing on this course, it will find that its endorsement in 1972, whether it is given or withheld, will carry weight with the independent, progressive voters who will decide the election.

—JOSIAH LEE AUSPITZ

# Political Notes

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## WASHINGTON D. C.: an outsider at LTS

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There was a shadow of dissent at the 1971 Young Republican Leadership Training School in Washington, D.C., held February 18 through 20. Sponsored by the Young Republican Federation, the annual school featured such speakers as Senators James Buckley, Strom Thurmond and Bill Brock. On the afternoon of the last day of the school, President Nixon sent his White House aide, John Ehrlichman, to brief the Young Republican delegates on the Revenue Sharing Plan.

While Ehrlichman was speaking upstairs, a crowd, small by comparison to the total enrollment of the school, gathered outside in the parking lot of the Marriott Twin Bridges Motel where the Training School was being held. The attraction was a man dressed in a short-sleeved sport shirt, slacks and tennis shoes, whose name was Paul McCloskey. A third-term Republican congressman from California, McCloskey had originally been on the program of the LTS to talk about how Republicans could get the new 18-to-21-year-old vote.

A day or two before his speech was scheduled, McCloskey's Administrative Assistant received a telephone call from the office of Iowa Congressman Bill Scherle. Scherle's aides, Mike Feld and Pat Breheny, had charge of press relations for the LTS. "There has been a change in the program," McCloskey's A.A. was told. "Would the Congressman take a raincheck on his speech?"

On February 19, a column appeared in the Washington EVENING STAR which said that Feld and Breheny had threatened to resign if McCloskey were allowed to speak at the LTS. Questioned by this reporter, Feld and Breheny didn't confirm that, but they did say they thought McCloskey had made extremely irresponsible statements concerning impeachment of President Nixon. "Julie and David Eisenhower are co-chairmen of this LTS," they said. "How can our program include someone making the kind of statements McCloskey has made?" Neither Julie nor David attended any event during the LTS.

McCloskey did show up, however, in the parking lot. He was introduced with the observation that "it's kind of a sad thing when the Republican Party has to have insiders and outsiders," referring to the fact no room was made available for his speech.

The California Congressman reaffirmed his dedication the Republican Party several times as he spoke. He said he believed, however, that to become a majority party Republicans "will have to embrace people of different political philosophies. He quoted Abraham Lincoln in cautioning that the Party must "not be a Party of ideology but . . . a Party of constructive answers to problems which face this nation."

McCloskey suggested three great issues on which the Republican Party must re-examine its stand, particularly if it wants to attract young people. "What,"

he asked, "has the Republican Party done thus far to give the black man the concept that we are sensitive to the problems of equal opportunity?"

Then he talked about another "great issue in America today," that of trying "to achieve some balance between the question of conservation of our environment and the development and the progress which has made this country the most affluent and successful business country in the world." He suggested that the goal of conservation is something "the Republican Party can lead in."

By far the major proportion of the time McCloskey spent talking to the young Republicans was devoted to the question of whether President Nixon actually has the power to wage the Vietnam war. Quoting the Constitution, Alexander Hamilton and Abraham Lincoln, McCloskey pointed out that only the Congress is granted the power to declare and continue a war.

McCloskey said Congress abdicated its power in 1964 when it passed the Gulf of Tonkin Resolution, giving the President the right to wage war in Southeast Asia. However, the Congress now has repealed that Resolution, saying to the President, McCloskey states: "We withdraw your power to conduct war in Southeast Asia."

McCloskey called the fact that "everybody . . . in the Communist world" knew about "the U.S. incursion into Laos" before members of Congress learned about it a "constitutional confrontation between the Congress and the President."

Commenting on the widely discussed suggestion to impeach the President which has been attributed to him, McCloskey said he did not really suggest that. "I have suggested that we initiate a dialogue on the impeachment of the President but only to show him the depth of despair that those of us feel that we have not been able to reach him. I have written him four letters on the subject of Vietnam — I have never gotten a reply."

He said he wanted to talk about impeachment in order to stimulate the Congress to recognize that it is not necessary to always acquiesce in what a Chief Executive does. He said of the Congress: "We are allowing the Chief Executive now to make decisions which Congress should make. We after all have to raise the money, we have to tax the people to finance these wars, we have to face the electorate every two years."

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## THE NATION: abolish CRNC and YRNF?

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In the past, most Republican officials have simply ignored the internal warfare practiced by the factions within the Young Republican National Federation and the College Republican National Committee. Both organizations are dismissed as small, exclusive, and generally useless training grounds for ambitious young men on the make, and of no use to the GOP as a whole.

Recently, however, the antics within the YRNF and CRNC have degenerated into such wholesale bloodletting that senior GOP officials are having a second look at the usefulness of both organizations. Many Republicans, of all philosophical stripes, are coming to the awareness

that the YRNF and CRNC are not just useless to the GOP, but rather are damaging their own party.

For instance, at last month's Kentucky CR state convention, a resolution was passed calling for U.S. victory in Indochina and supporting invasion of North Vietnam. Both Republican Governor Louie Nunn and gubernatorial hopeful Tom Emberton, who spoke to the convention, were heartily embarrassed by the resolution, which was so obviously at variance with the Nixon administration's policy, and not apt to appeal to more than a small minority of young people.

At a time when the importance of the newly enfranchised 18-to-21-year-old voters is uppermost in the minds of both Republicans and Democrats, the YRNF and CRNC are doing nothing effective to attract more young people into the GOP. As a matter of fact, the internal warfare inside both organizations is responsible for turning away large numbers of interested students.

Usually, the YRNF and CRNC battles are between conservatives who simply fight over which faction gets the goodies. The 1971 CRNC convention in June at Phoenix, however, finds an interesting division previously unknown to CRNC conventions; a candidate is actually talking about making the CRNC effective for the GOP as a whole, and not for a small, particular group.

The personalities of the conflict find incumbent CRNC chairman Joseph Abate, a New Jersey law student, challenged by Stephen Driesler, a University of Kentucky law student from Lexington. Abate is supported by the so-called "Illinois Crowd" of ambitious young professional CR's who surround the political future of Illinois Governor Richard Ogilvie. Driesler, on the other hand, is assembling a unique alliance of CR conservatives, moderates, and liberals, to oust the Abate administration and install an ideologically neutral CR organization dedicated to bringing more students and young people into the GOP, regardless of their views and allegiances.

Driesler's entry into the race may be the only way for the CRNC to escape abolition by the Republican National Committee. While both President Nixon and RNC Chairman Robert Dole have called for an "open door policy" to welcome new voters, CRNC leaders have ignored their requests and continued their personal efforts for control of the CRNC. Most political observers expect Dole to recommend creation of a new "youth division" in the Republican National Committee and the complete end of the present YRNF and CRNC if things continue.

Driesler entered the race as a decided underdog, but recently has shown surprising strength. Coupled with the ham-handed tactics of Abate supporters at recent CRNC meetings, the Driesler phenomenon has cancelled all previous bets at Phoenix. Should Driesler pull off his victory at the CRNC convention, it is expected that he would reform and reorient the CRNC along a less ideological and more technical basis, mutually friendly with Nixon and Dole. Abate, on the other hand, would continue the policies which would probably bring about a confrontation with Dole.

Political observers will also be watching the Phoenix results to see if the Republicans will be working to gain a majority among the new voters who could well be a deciding factor in the 1972 Presidential elections. It can safely be said that both the White House and the Republican National Committee chairman's office will be watching the CRNC convention with interest.

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## TENNESSEE: it's a right smart of money

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Even the Nashville BANNER, his loyal supporter, says the honeymoon is over for Republican Governor Winfield Dunn and the 87th General Assembly of the Tennessee legislature. On March 1, the Governor of seven weeks delivered his budget message to a Joint Convention of the House and Senate. He called for a \$95 million increase in revenue for the state of Tennessee. To raise the new revenue, the Governor asked the legislature for a 5-6 percent increase in corporate excise tax; an increase in the state sales tax by one-half of one percent; and an extension of the base of the sales tax to include gasoline, certain business services, private sales of motor vehicles, boats and airplanes, and commercial, industrial and professional leases.

The major objection of the legislature is to the increase in the sales tax since it taxes most those least able to pay. The Governor himself calls it a "regressive tax." At present there is no overall state income tax in Tennessee (the Hall Income Tax includes only unearned income like dividends) and only the legislature could enact one through an amendment to the Constitution.

The mood of the legislature on receiving the budget is that "it's a right smart of money." Democrat John Wilder, Speaker of the Senate and Lt. Governor of Tennessee examined the budget and announced \$3.3 million had been left out. This, he said, must be included to represent the administrative cost by the State Department of Revenue to collect the \$95 million asked. That means the budget would really be closer to \$99 million.

There is a lot of talk about voting a continuation budget, then waiting to see the result of Governor Dunn's Jarman Commission findings, due to be published this fall. The Jarman Commission, which has been much publicized in the state, is a group of, at last count, 309 businessmen throughout the state of Tennessee. It is headed by Maxey Jarman, retired Chairman of the Board of the Nashville-based GENESCO Company, one of the largest in the United States. The idea is to raise \$100,000 from tax-deductible contributions from businessmen to pay the fee of Warren King, a management consultant firm which specializes in efficiency studies for state governments.

The Democrats, who are in the majority in the legislature, have never been pleased about Warren King, since it will essentially be checking up on the housekeeping of previous Democratic administrations. At one time they attempted a move to set up their own legislative study of efficiency, but that never materialized.

The legislature did make some attempt, in its Legislative Council Committee meetings prior to the opening of the regular session of the Assembly, to increase efficiency in state government by doing away with most of the numerous commissions now in existence. These often have overlapping or nebulous duties and spend a great deal of money on separate secretarial and clerical staffing. While nothing can actually be done until the question comes up on the Floor, the Commit-

tee did recommend abolishing many of the commissions.

From some widely publicized findings of the Dunn administration, Warren King should find a lot of areas for study. An investigation of Eastern State Mental Hospital, located at Knoxville, found it overrun with rats. Several hundred dollars a month was being paid to a Nashville exterminator (located some 200 miles from Knoxville), to keep the hospital free of rats. Then there was the "Soy Sauce Scandal." Enough soy sauce for several years' use was found in the pantry at one of Tennessee's state prisons. There were plenty of jokes around about the "world's greatest soy sauce salesman." More recently, such gourmet foods as pimentos, canned blackberries and maraschino cherries were found stored by the case at Cloverbottom, an institution for the mentally retarded. There was enough for two years, and five more cases of the cherries on order.

While the Democratic administration bought soy sauce, apparently they cut corners on state employee salaries. The new Commissioner of Personnel found some state employees on such low salaries that they were eligible for and using food stamps. A more widely publicized salary deficiency was that of the state prison guards. Under the direction of a union organizer, they picketed the two-week organizational session of the legislature prior to Dunn's Inauguration. Then they picketed the Governor during his first week in office. Dunn made it clear that any who went out on strike would be in grave danger of losing their jobs. None did. However the Governor mentioned in his budget message that raising their salaries by \$75 to \$100 per month was of the first priority. They make, at present, little more than \$300 per month.

Tennessee has no union organization for state employees. Only a few of them come under civil service and those work for programs which get Federal money. There is a move afoot in the legislature to vote in civil service for most state employees, motivated largely by Federal money guidelines. It is hoped by the Dunn administration that a civil service enactment (which they didn't promote but feel is inevitable) and attention to employee salaries in the new budget will head off any union organization of the state employees.

Besides salaries for state employees, the Governor especially emphasized money for education, concentrating on establishing a kindergarten program for the state, and funds for mental health and correctional programs.

The Governor's Director of Information, Ralph Griffith, said that the Governor's budget was designed to leave a \$13 million surplus. This is so that taxes won't have to be raised again in 1972, when Republican Senator Howard Baker will be running for reelection, or in 1974 when the Republicans will want to put a new governor in office.

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## CALIFORNIA: welfare and CRLA changes

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To cries that his budget allowances are too low to fund the existing welfare needs of the state, Governor Reagan has unveiled his plan to solve the welfare mess in California. The governor sought to present

his welfare message before a special joint session of the California state legislature on March 3. A few days before that date the Democratic president pro tem of the state Senate led that house in refusing to meet with the governor. The Democratic leadership in the Senate decided to deny the governor a forum since he had not yet put any of his ideas in bill form so that the Democrats could have reviewed them prior to the speech.

Angered but undaunted, the governor gave his speech in Los Angeles on the same day. His speech contained 70 points and reform suggestions. Among the highlights are the following proposals: deducting the value of food stamps and federal housing subsidies from welfare grants; requiring small payments for doctor and hospitalization fees (at present all welfare-related medical services are free); shifting all costs for the blind, aged and disabled to the state and shifting all AFDC costs to counties; developing state-wide eligibility standards for Medi-Cal (medical services available to welfare recipients); revising grants for AFDC (65-75 percent would get increases and 25-35 percent would get decreases); supplying public work projects for all those able to work; increasing financial responsibility of relatives for aid to certain classes of welfare recipients; reducing health care benefits to equal those of "average" citizens (at present welfare recipients receive more services at less or no cost than the "average" citizen); putting a ceiling on gross income that can be earned by families on welfare (under some circumstances, the governor explained, it is possible for a person to earn up to \$1500 a month and not to lose a welfare grant); and encouraging the counties to seek financial support from absent parents.

The program is supposed to save the state \$575 million or more; it is supposed to save the counties \$8 million next year and \$47 million the following year. The savings are contingent on approval of the new regulations by HEW and on an estimated reduced caseload resulting from the new standards and controls.

Due to the complexity of the plan and the prerequisites of federal approval, the governor's proposals are expected to meet stiff opposition in the state legislature.

Aside from the reform proposals, there already has been an attempt to nullify some of the emergency cuts made by the governor in the area of welfare. A hastily drawn Democratic bill to that effect failed to receive a needed two-thirds vote (even though it did receive over one-half). This vote indicated that the mood of at least one chamber of the legislature, the Assembly, is in favor of adding to the budget rather than cutting back.

Another bipartisan measure aimed at restoring some of the cuts is still alive at this writing. If it gets to the governor's desk, he will surely veto it.

In a recent press release, Assemblyman William Bagley, a well-known and respected moderate Republican, came out in support of Nixon's FAP. Bagley said Reagan's welfare approach could be only a short-run answer. The Assemblyman, who is chairman of the Welfare Committee, will get first review of Reagan's reform measures.

Bagley supported several aspects of the Governor's new welfare program — such as eliminating loopholes and legal abuses, placing maximums on income that can be earned by recipients, and reducing administrative costs. But he warned against injuring the rights

of the needy and those who are victims of a tight labor market. He pledged to avoid shifting the tax burden to local governments.

\* \* \*

Recently, President Kennedy's former press secretary Pierre Salinger said that New York Mayor John Lindsay would soon change his party registration in order to run in the California presidential primary. Secretary of State Edmund Brown Jr., the only Democratic constitutional officer in California, quickly determined that the election laws would allow Mayor Lindsay to enter the Democratic primary without changing his registration. However, a bill has been introduced in the legislature, by a Republican, that would make the presidential primary more restrictive.

Another moderate Republican has caused quite a stir by differing strongly with President Nixon's Indochina policies. Congressman Paul McCloskey has publicly warned that the President will face opposition in his bid for a second term unless he sets a definite Vietnam withdrawal date. "I would like to see Mr. Nixon as a candidate," said McCloskey. "If he sets a definite date for a Vietnam withdrawal, I will be happy to support him."

McCloskey suggested some possible presidential challengers: Senators Mark Hatfield, Charles Mathias, Charles Percy, Mayor John Lindsay, and John W. Gardner of Common Cause. McCloskey was quoted as saying that he will seek the nomination unless he can convince someone else to run.

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Early in 1971, Governor Reagan vetoed the federal refunding of the California Rural Legal Assistance Foundation. The veto was based upon the recommendation of Louis Uhler, a former member of the John Birch Society, and now head of the OEO in California. The veto was upheld by the Nixon administration. But in an apparent political compromise, OEO Director Carlucci agreed to make a "temporary" six-month grant, to be followed by a study of the criticisms issued by the governor's office.

Governor Reagan hopes that the six-month grant will be the last for the controversial legal services project. However, the Governor has not discarded the concept of legal services for the poor. His alternative is called Judicare.

Judicare would consist of private attorneys working several hours a week and getting paid \$16-20 an hour. The program would be run by local bar associations under state guidelines. This structure would probably mean a shift in emphasis from legal reform to the routine practice of divorces and bankruptcies.

This desire for a change in emphasis can be best seen in a statement attributed to the new California OEO chief. Mr. Uhler said that he doesn't want attorneys handling cases that might result in increased welfare or Medi-Cal payments. (It has been the experience of the CRLA that many of the legal problems of the poor in California concern unlawful denial of welfare payments; success in court thus often results in more welfare flowing to recipients.)

It has been estimated that cost of legal services for the poor under Judicare, assuming the same number of hours are spent, would go from the present cost of \$1.6 million to \$8 million. This estimate is based in part on the experience in the one California county with a Judicare program. (Incidentally, the administrator of that Judicare program has called it a com-

plete failure; the program is now dead.) In that county, 35 part-time attorneys handled 400-500 cases per year on an \$80,000 federal grant. The attorneys received \$20 per hour.

The CRLA has 44 staff attorneys (who work 50-60 hours a week and get paid approximately \$12,500 a year). Twenty-five law students assist and receive \$120 a week. Time spent on the caseload totaled 110,000-120,000 hours a year, plus student time and volunteers. So the \$1.6 million grant yields a cost of about \$8 per man hour. It is most probable that legal services will be severely cut back under the Judicare plan.

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## ILLINOIS: Friedman v. Daley

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On April 6 Richard J. Daley, incumbent Mayor of Chicago, will be opposed in his bid for reelection to a fifth consecutive four-year term by an informal coalition of liberals, independents and bi-partisan political groups. As the major party candidate running against Daley, Richard E. Friedman, a 41-year-old attorney, shares the familiar handicap of a member of the out party; lack of visibility. Friedman, endorsed by the regular Republican organization as well as the Ripon Society, has been aided in his campaign by the Conference on Chicago Government. The CCG, whose 13 founding members are the 13 directors of the Chicago Ripon Society, represents in ideology and background the growing activist effort to dismantle the Daley machine.

Initiated early last summer and chaired by Harold S. Russell, the CCG held a seminar-conference at the University of Illinois-Chicago Circle Campus. Among the attending panelists and speakers were Aldermen Edward Scholl, Seymour Simon and William Singer — all counted in the anti-Daley minority on the City Council. Also present were Dr. Andrew Thomas of Operation Breadbasket and Sheldon Gardner, Chairman of the Independent Voters of Illinois. Deciding to participate actively in the spring elections, the CCG invited community leaders to prepare a new civic platform for the 1970's and assemble a coalition of people who would work to elect an alternative city government. Friedman, the CCG's favorite son, was guaranteed the Republican nomination when Governor Ogilvie decided to support him.

As a former Democrat and one-time assistant to Attorney General Bill Clark (D-III.), Friedman has tried to gain the support of GOP precinct captains as well as attract disgruntled white-conservatives, students, business and professional people, disenchanting Stevenson liberals and blacks.

Considered only as a Republican challenger, Friedman's attacks on the mayor's budget, patronage policies and authoritarianism are likely to be expected and largely ignored by his opponents — and the public. However a number of dissident forces on the Democratic side have reinforced Friedman's impact. The predominantly black wards on the South Side, long counted as unassailable Democratic territory, are beginning to show encouraging tendencies to accept and vote for independent, anti-machine, candidates. Alderman William Cousins, who represents the black middle-class 8th Ward, and is an adamant critic of Mayor



Daley, summarized the philosophy behind this new attitude: "the principal issue in this campaign ... is whether the Aldermen will remain unbosomed, unbought and unbowed to the dictates of a political machine" (Chicago Sun-Times, January 14). Blacks as well as whites are rebelling against the closed, inaccessible channels of the Daley party.

If the Rev. Jesse L. Jackson's fight to place his name on the mayoral ballot as an independent had been upheld by the United States Supreme Court, Friedman would have lost many black supporters. Jackson disputed an Illinois law which requires that a non-party candidate must produce nominating signatures from independents equaling at least 5% of the total vote in the last general election. George Tagge, political editor of the Chicago Tribune, reported that Democratic leaders "made it practically impossible for Rev. Jackson to gather the minimum of 58,000 valid signatures called for by the law he is questioning." (Chicago Tribune, January 30) The Supreme Court refused to hear the Jackson case as an emergency matter and Friedman thus may receive unprecedented black support.

Additionally, other normally bi-partisan or liberal-oriented groups and individuals are joining in the anti-Daley barrage. Daniel Walker has "mortgaged his political life" in an attempt to win the Democratic nomination for governor in an attempt to "puncture the Daley machine" (Chicago Sun-Times, January 20). The Independent Voters of Illinois, a moderate non-partisan association, has also endorsed Friedman.

The CCG has published a thorough indictment of Daley's regime and a thoughtful platform, Chicago Tomorrow. Exceptionally critical of the fact that for the past 16 years Chicago's relatively decentralized authority structure has been overwhelmed by the extreme centralization of power in one man, the CCG has provided excellent research material for Friedman. Focusing on three primary areas, the city council, the budget, and patronage politics, the CCG has detailed and outlined what Friedman has taken as his own approach to city problems.

The city council potentially could act as a formidable check to the will of the mayor but has served as a rubber stamp, failing to supervise budgeted programs or to sponsor imaginative legislation. The CCG demands, as does Friedman, that the city council should be re-established as an independent legislative body and city hall as a responsive institution. In speaking for "the forgotten Chicagoans in our forgotten neighborhoods" Friedman has proposed a system of neighborhood town halls whose elected representatives would control parks, inspections of housing and business, zoning, CATV and other public duties. These local governments would have access to the staff facilities of the mayor's office which could translate ideas and desires into constructive programs. Assailing Daley's aldermen and precinct captains who "close and lock the backroom doors on the public" Friedman charged that the machine enabled land speculators and well-connected developers to shatter neighborhoods with irrational and unplanned building schemes. Such disruptions drove whites to sell their homes "forced by fear ... for far less than their worth" and blacks to buy shelter from "panic peddlers" at twice the value.

Less vociferous in his critique of the patronage system, Friedman's strategy will probably be to eliminate only those city employees whose primary obliga-

tions are to the party and not the taxpayer. The CCG favors the adoption of laws which would prohibit pressuring non-elected municipal employees to donate part of their salaries to the party that got them employment. An estimated 40% of all city workers are hired to represent the machine in the precincts. The present civil service structure puts these employees on a "temporary" list so they can be demoted at any time for political reasons; their dereliction costs the city treasury millions of dollars. Between 1950 and 1970 the percentage of the city budget allocated for wages and salaries for city employees increased from 28% to 53% of the total. Friedman has ordered as his "first priority" an austerity budget which will require a "day's work for a day's pay." However, while it is good politics to attack the patronage system on which Daley thrives, Friedman must also give a sense of security to Republican precinct leaders who don't want to fear for their jobs. His success in achieving a rapprochement with key GOP ward personnel may be a good indicator of his ability to negotiate practical compromises.

Daley's budget is also vulnerable; it is certain that Friedman will, as the CCG recommends, bombard the mayor for the inauditable and unorganized manner in which it was handled. The Better Government Association, during Friedman's tenure as its president, disclosed incredible instances of waste and corruption in city departments. The BGA uncovered payroll padding in the Bureau of Forestry accounting for 60% of its \$5 million annual budget and revealed that garbage collectors were making illegal pickups adding 13% to the department's overtime expenses. The fact that it is impossible to determine how the city proposes to spend state and federal funds channeled to certain programs lost the city a \$1 million federal beautification grant. Friedman calculates that 20% of the city budget — more than \$150,000,000 — is misused, misplaced or stolen. Friedman's budgetary reforms are likely to ask for limitations of the mayor's veto power, specification of itemized projects, detailed accounts of budgeted state and federal funds and city-state revenue sharing plans.

Chicago's voters have rejected most anti-Daley candidates for city office and all of the mayor's personal opponents by overwhelming pluralities. One black militant spoke for many of his more conservative colleagues when he said, "We're loyal to the organization because it works ... while it can't give everyone everything he wants, it can give most groups enough to keep them happy" (New Republic, Dec. 12, 1970). Daley is not an intellectual, he does not articulate a political philosophy or project well on TV, but he is an acknowledged master of accommodating the various power elements in the city. The mayor is an extremely capable pragmatist, flexible enough to shift with social change, knowing that typical residents are not impressed by ideology but by concrete acts which affect them directly. To win, Friedman must prove himself to be more than the champion of a progressive minority. He must exploit Daley's misinterpretation of the explosive potential of the black-power radicals, his rough "shoot-to-kill" image and his neglect of the man at or near the bottom. The machine age will someday come to an end in Chicago and whether or not Friedman is elected, the CCG and other liberal community organizations will be ready with an alternative when it does.

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## LOUISIANA: perhaps beyond conservatism

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In spite of various Republican victories in the South, Louisiana has stood firm in resisting any inroads by the GOP. Some of the causes of this failure relate to the party's continual striving for a monolithic conservative organization. However, state Representative James R. Sutterfield, New Orleans' only Republican legislator, recently focused his attention upon some of the defects in the present Republican structure. His public comments show he is aware of the obstacles facing the development of a strong GOP in Louisiana.

Elected last year by an unusual series of events (his Democratic opponent was black because of an unexpected split in the primary), Representative Sutterfield has attacked both the ideological emphasis and the personnel guiding the state Republican Organization.

"Sometime I think the party looks at itself more as the Conservative party than the Republican party," asserted Sutterfield in a newspaper interview. As evidence of the fact that local GOP organizations are ignoring all non-conservative voters, Sutterfield pointed to the shunning of the mayor of New Orleans during the visits of the President and the Vice President "not because he (the mayor) is a Democrat, but because he is a liberal-moderate." Sutterfield correctly perceives the fact that the Louisiana GOP has acted as "an arm of the Democratic party." U.S. Attorney Gerald Gallinghouse, for example, assisted the Democratic mayoral candidate Jimmy Fitzmorris last year, though the Republicans put up Ben C. Toledano.

Sutterfield had unkind words about high Democratic officials attending Republican functions. He pointed with pride that at a testimonial dinner held in his honor, the head tables were filled with his campaign volunteers and not "former Democratic governors and 'fatcats'" who had no connection with the GOP. (This is a reference to an Agnew fundraising dinner attended by former governor Sam Jones and former New Orleans mayor Victor Schiro.)

Sutterfield observed that "All the people in charge are just not oriented to winning elections." He feels, for example, that David Treen and Ben C. Toledano could easily be elected to the state senate and house of representatives. However, each has run only for Congress and mayor, respectively. Sometimes those seeking instant success via the GOP label have neither the patience nor desire to expend the necessary time and energy to establish any grass roots organization — which, of course, is a prerequisite for winning the more important elected positions.

Most surprising about Sutterfield's recent comments is his open warfare with the state chairman Charles C. de Gravelles of Lafayette. Feeling that a new chairman is needed, Sutterfield chided de Gravelles for the latter's "idea that there's something wrong with raising money to elect public officials."

The split between the two men apparently began in December 1969 when Sutterfield helped organize a fund raising dinner for William Brock of Tennessee.

De Gravelles tried to dissuade Sutterfield from making the event an official Republican function because of internal problems within the Tennessee GOP; he was refused a list of previous contributors. And last August, both George Bush and Brock were scheduled to speak at a testimonial dinner for Sutterfield, but backed out, according to the Representative, because of pressure from de Gravelles.

The ultimate impact of the Sutterfield insurgency remains to be seen. The ability to capture the state party machinery will be a difficult task indeed (On February 14, de Gravelles, in a test vote by the Louisiana Republican State Central Committee, held onto the chairmanship by a 60-49 vote. Perhaps Sutterfield's major contribution to the GOP lies in his serving as an effective legislator and presenting programs on which the party can build. The presence of an elected official displaying a genuine interest in the Republican party is, itself, a noteworthy event.

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On Tuesday, February 16, there was a special election in a New Orleans district to fill a vacancy for the state legislature. Both candidates were black. James Dixon, a thirty-eight-year-old radio-television man was the Republican candidate; Mrs. Dorothy Mae Taylor, an employee of the civil district court clerk and a board member of the Urban League, was the Democratic nominee.

Mrs. Taylor won by a margin of 2,276 to 231 (out of 6,400 registered voters). The election results are just one more example of the immense reluctance of black voters to vote a Republican into office.

On election day, Ben C. Toledano, chairman of the GOP's Orleans Parish Political Action Council, charged that a state law was violated by not having a policeman on duty at each polling place. He said he made a tour of various polling places, and had filed a complaint with the state attorney general's office. The only relevance of this episode (which was front page news) is in Toledano's publicly associating himself (and the GOP) with a black candidate.

De Toledano had, however, served as campaign manager for Dixon and worked very hard to break the long-time habit in the black community (the district is 70 percent black) to "pull the Rooster," the Democratic lever.

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## MAINE: surmounting Muskie's coattails

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With the strong possibility that Edmund Muskie's name will be on the ballot as the Democratic Presidential candidate in 1972, it is increasingly apparent that Maine Republicans will have to attract excellent candidates at all levels to prevent renewed electoral disaster. A shift of a mere three seats in the state Senate and only five seats in the state House of Representatives will put the Democrats in control for the first time since the Goldwater fiasco of 1964.

Maine Republicans are still trying to recover from the setbacks suffered at the polls last fall. The Democrats easily returned Congressmen Kyros and Hathaway to Washington, Senator Muskie retained his seat, receiving 63 percent of the vote, and Jim Erwin fail-

ed by 500 votes to unseat Democratic Governor Kenneth Curtis.

The Republican State Committee met on February 15 to elect a part-time unpaid chairman. The Committee's screening committee recommended Charles Morsehead, a thirty-one-year-old Augusta attorney and County Commissioner. Morsehead, though known to be very conservative, seemed a wise choice because he had no desire to seek higher elective office, and would thus avoid embarrassing conflict-of-interest charges. Additional nominations from the floor were placed on behalf of Ted Curtis, and another Republican who later managed to get only one vote. Curtis, a former Ripon board member and recently-elected state representative, was the obvious underdog. And with 48 of the 49 committee members present, Morsehead won the chairmanship, topping Curtis by three votes. Morsehead succeeds Cyril Joly, Barry Goldwater's 1964 Maine Campaign Coordinator, who resigned early this year after serving nearly four years as chairman.

A motion to support fully President Nixon's Indochina policy was introduced at the meeting. The resolution passed easily, but the College Republican, Young Republican and Teen-age Republican members opposed the motion while several other members abstained.

Several battles are in the making between the Republican-controlled legislature and Governor Curtis. A showdown is inevitable concerning James K. Keefe, a Curtis appointee, who is the Commissioner of the Department of Economic Development. Keefe is promoting an oil refinery at Searsport which has been subject to bipartisan attack. Some legislators who are concerned with the environment claim that DED now stands for Department of Environmental Destruction. Senator Muskie recently announced his strong opposition to the Searsport project. Both Houses passed by overwhelming margins a resolution introduced by Republican Joe Sewall seeking to halt DED's development of the oil industry until the Supreme Court has reached a decision on existing laws. Republican Senate Whip Richard Berry has introduced a bill which would put a moratorium on all coastal oil development until the high court has ruled. Despite these bipartisan attacks, Governor Curtis is vacillating. A bill to cut off DED funds is in the works; this might force Keefe's resignation and nudge the Governor into opposing the Searsport project.

Another difference of opinion between the Governor and the legislature is ballot reform. A bipartisan committee has recently presented the legislature petitions with over 35,000 signatures requesting the removal of the Big Box — which permits straight ticket voting. Governor Curtis is expected to veto any bill abolishing the big box (as he has done in the past two legislative sessions). The Democrats could lose a considerable number of votes if the big box were abolished because of the "coattail effect" created by Muskie, Hathaway and Kyros.

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## **SOUTH CAROLINA: for Rivers seat**

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The February 23 Democratic primary to choose a nominee for the seat of the late Representative L. Mendel Rivers proved an enormous upset. A combination of "big money" and distrust of city politics de-

feated Charleston Mayor J. Palmer Guillard, the pre-election favorite, and nominated Mendel Davis, River's godson, for the post. The voters gave Davis a 54 percent majority; the candidate won every county in the District.

The most important element in this election probably can be called the "Mendel Mystique." Mendel Davis is not only River's godson, but he was publicly endorsed by the Congressman's widow. He had worked for Rivers since his graduation from high school less time for college and law school. The 28-year-old Davis let the mystique work for him. His campaign was that of a phantom. When he did make appearances, he stressed his youth and his association with Rivers — who was literally worshipped in the First District. He is not expected to abandon this strategy for the April 27 special election against Republican Dr. James Edwards and United Citizens Party candidate Mrs. Victoria DeLee.

Edwards, a Mt. Pleasant dentist won the February 20 GOP primary. He polled 65 percent of the vote in a light turnout. Edwards, a member of the 1970 "Draft Watson" committee, campaigned on a platform of conservatism and his close relationship with Senator Strom Thurmond and presidential aide Harry Dent. His victory again points out the fact that the South Carolina GOP is very tightly controlled by the Thurmond forces. Close association with President Nixon seems a less important factor, since Harry Limehouse, former campaign director for the RNC and a close associate of the President, finished third in the race.

Charleston realtor Arthur Ravenel, the only moderate in the race, finished a poor second. This all but destroys Ravenel's chances for any statewide office in the near future.

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When Harry Dent and other administrative aides found out that Senator Ernest F. Hollings (D.-S.C.) was looking for a qualified black assistant to add to his Washington office, they got together and beat the Democratic legislator to the punch. Senator Thurmond announced the appointment of Tom Moss as a field representative in South Carolina. The 43-year-old Moss was head of the Voter Education Project and a founder of the black-oriented United Citizens Party.

The move is viewed from here as an attempt to enlist black support for the April 27 congressional election (Charleston is Holling's hometown) and for Thurmond's 1972 campaign for reelection. One factor in this move may be the fact that there is a United Citizens Party candidate in the First District race. Of the 104,614 voters in that District, over 50 percent are black.

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R. Cooper White, the popular first-term Republican mayor of Greenville (South Carolina's third largest city) has announced that he will not seek reelection next year. White is considered a moderate and is known for his proven vote-getting ability with black voters. White has explained his early retirement by saying he wants to devote more time to family and business, but other considerations are evident. White has been at odds with the party since the 1970 elections when he publicly branded Albert Watson a racist and refused to meet Spiro Agnew when he visited Greenville. This feud coupled with the party's intolerance of any internal criticism of its ultra-conservatism probably contributed to Mayor White's decision.



## Washington Viewpoint

### On Edmund Muskie

As Senator Edmund Muskie continues to strengthen his position as the most likely candidate for the 1972 Democratic nomination, the press is beginning to put him through the tortuous test it has devised for front runners.

Questions are raised about Muskie's issue purity (translation: why hasn't he been more out-front on the war?); his acceptability to the South (translation: what is he telling them that he isn't telling us?); his organizational ability (translation: after 1968 you'd think he would know about a national campaign); and his personality (translation: is his temper that bad?).

There are Democrats, at least in Washington, who are wondering aloud if Muskie is a "Democratic Nixon." They think he came strongly to the "correct" anti-war position only when it was safe. His late endorsement of the Hatfield-McGovern Resolution is given as evidence. Many are not convinced of his depth of interest in the environmental crisis, again citing a late-blooming public involvement.

These two examples, however are consistent with the way Muskie has operated during his 13 years in the Senate, but few of his Democratic critics seem to note that. He has rarely been out-front on any issue, generally preferring to look before leaping. Yet, he was one of the first two Democratic Senators to publicly support John Kennedy in 1960, before it was fashionable and while Lyndon Johnson was still running the Senate. It is difficult to tell whether he holds off on decisions until he sees the way the wind is blowing, or whether he is a slow decisionmaker. It seems that the latter is more accurate.

Muskie is the most acceptable of the current candidates to Southern Democrats. He is acceptable because he has not been vocal about the war and civil rights. His votes have been as consistently liberal as the other candidates', but he hasn't been offensive about it. From the Southern viewpoint, the McGoverns, Kennedys and Bayhs have been. Southern acceptability, then, is because of his style, and seemingly in spite of his substance.

The Muskie campaign organization, somewhat haphazard in the past, should become smoother under the new campaign manager. The occasional sloppiness in the past could well be due more to Muskie's reluctance to professionalize his staff too

soon, rather than being unaware of the problems. But, because of his position, he discovered that 18 months before the convention his Senate office staff was not adequate to meet the organizational demands of the campaign.

With his reputation as a taciturn New Englander, the newly publicized Muskie temper has surprised some and amused others. The temper is not new. The public display is, perhaps reflecting the pressure he is under.

Ed Muskie was not that sharp at the lectern, or that persuasive on the issues in 1968, but in a field of two men everyone had heard, and another many wish they had never heard, he became the star.

In retrospect, his reputation is more illusory than real, more than adequate for a nation-wide campaign viewed mostly in 45-second clips on the 6:30 news, but not quite measuring up for many as they looked closely at the real Ed Muskie during 1969.

But he is the front-runner because his civilized 1968 performance generated that reputation, a reputation, on which he is building well, to the dismay of many Democrats who find him too pragmatic. Muskie wants the nomination, has given evidence he knows how to get it, and is well on his way.

If he can avoid a Romney-like stumble, and a Ted Kennedy candidacy, he should make it, because he is more acceptable to more elements of the Democratic Party than his opponents. Which is what nominations are mostly all about.

Whether that is what Presidents are made of is a different question.

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It was the essence of irresponsibility for GOP National Chairman Bob Dole to call Ramsey Clark "irresponsible" for agreeing to act as one of the lawyers defending those charged with conspiring to kidnap Henry Kissinger.

Tagging Clark as a "left-leaning marshmallow" may well be within the bounds of partisan political diatribe — tasteless but to be expected. But as a lawyer himself, Dole should be sensitive to such concepts as the right to counsel.

The Dole statement runs contrary to the spirit of the President's desire for an open Republican Party, and caused the White House to issue a reassuring statement that the President believes that everyone is entitled to proper representation.

DAN SWILLINGER

## **An Open Letter to Henry Kissinger**

Dear Mr. Kissinger:

One's instincts resist mightily accepting that the product of thousands of man-hours (someone's own) and millions of dollars has a negative value, if any. But my recent experience as an intelligence officer in Saigon turns that presumption on its head. Our intelligence reports from that part of the world detract from our understanding. And certain military events of the last year or so — such fiascoes as the Cambodian invasion with its search for the elusive COSVN headquarters, the Son Tay POW raid, and now the invasion of Laos — give me the uneasy feeling that you are actually bringing the product of our intelligence operations into your deliberations on the war.

### **FROM THE COLLECTION END**

So, I write from my experiences at the collection end of the bureaucracy suggesting you totally disregard — not merely "discount" — any of what's brought to you as "intelligence" based on human agent reports. (If I knew more about the art of aerial photo interpretation, perhaps I would urge you not to rely on that too much either.)

Since you draw upon the European experience, I presume you expect to be able to rely on intelligence as much as we could there. Certainly my intelligence training course was developed out of the European experience and still uses only cases from Europe — a classic case of preparing to fight the last war. Then I was sent to Vietnam to hire Asians and any others who could go where the information we wanted was to be had. My training did not apply.

And because one kind is bad, you have to throw out all intelligence information. As I will try to explain in a moment, our bureaucracy, during its formal process of analysis, strips from the information any context which really indicates its reliability. Our agents work for that least reliable of motives: money. And even when honest relationships develop between employer and agent, the necessity for making their observations correspond to our bureaucratic imperatives and our ignorance of what they understand us to mean blocks the

nuance which conveys the real value of an item of information.

An example: I received a long report on drug traffic in a village near an important part of the Cambodia-Vietnam border. It was not what we were interested in, and I was afraid that the agent did not grasp the fact. (We wanted more specific information on the services the village provided the Vietcong and North Vietnamese in the area.) I told him so, and after that, the reports always dealt with matters of interest, but the information might be out of newspapers or trivial.

Looking back, I think that these useless and irrelevant reports were his polite way of saying that he had no results. Polite, because he did not force me to admit failure to my superiors in so many words. He then misunderstood my insistence that he report only on relevant subjects to mean that I wanted admission of failure to be a little less obvious. It became harder and harder to tell a solid piece of information from bad, and I never realized why.

In itself, this might seem like a trivial incident, but it is only one example of the misunderstanding possible between Westerner and Oriental when the Westerner is not accustomed to looking for the meaning hidden, as the Chinese say, "behind the curtain."

### **"I WENT ALONG"**

At this point in the collection process, I had reports of dubious value out of which to construct my own report. If mine then mildly denigrated the reliability of the information, I would be told to revise it to sound better. This was, without apology, to help justify the organization's existence. Evaluating reliability is an impressionistic process, so at each of two or more levels within the unit alone, the color of reliability given the report would be reworded to put a better face on things. Since I was at the bottom, and in the Army, I could see that I would be transferred to the infantry for my pains if I discredited either my agents, myself, or my superiors. I went along.

The next phase makes the self-deceit ir retrievable — *please turn to page 25*

# Why Revenue Sharing?

The financial crisis now confronting so many of our cities and other state and local governments is very real. One has only to read the recent statements of some of the mayors of our largest cities to realize the depth and dimension of the almost overwhelming economic, financial, social, and political problems that threaten the vitality if not the very existence of major portions of the Federal system.

Mayor Kenneth Gibson has provided such a straightforward but inherently dramatic account of Newark's financial condition:

Upon taking office in July 1970, I found an estimated deficit for 1971 of over 70 million dollars, or over 40 percent of the budget. The budget crisis was brought on by a 10 percent decrease in city revenues and an increase of \$50 million in expenditures . . . largely the result of mandated appropriations for essential municipal services. To fill this gap through increased property taxes, we would have had to raise the present rate, already one of the highest in the nation, by 50 percent . . . After months of study and consultation, we finally opted for a series of taxes on Newark's business and consumers . . . We are aware that these are highly discriminatory and regressive taxes . . . but we had no alternative.

Of course, there is a real and effective alternative and this article will be presenting it. However, we must realize the inadequacy and often the perversity of the many prior attempts by the Federal Government to solve or even ameliorate the kinds of problems faced by Newark and other state and local governments.

### OVER-CENTRALIZED CONTROL

This is not an after-the-fact rationalization of a specific recommendation. On the contrary, that was the conclusion of many years of prior study and experience on the part of those who have been most active in designing the revenue sharing approach.

In my own case, I arrived at such findings in the research that I did while still in the private sector: The question arises inevitably as to the extent the grant-in-aid system is converting the states into veritable agents of the Federal Government. Is there the possibility that the states may become the civilian counterparts to the arsenal-

like, government-oriented corporations in the military sphere? The actual extent to which Federal control and influence are exercised varies substantially both by program and region, but the cumulative effect is quite substantial.\*

That conclusion was hardly unique and is generally shared by those who have worked with or studied grant-in-aid programs. The real challenge, of course, is to come up with alternatives superior to the status quo. Most of the alternatives to revenue sharing that have been suggested recently are not new; in fact, they are precisely the ones that had been considered and, after careful examination, rejected.

### FEDERAL FUTILITY

It is clear that further direct Federal assumption of local program responsibility or greater expansion of the categorical grant-in-aid system would fundamentally be futile in dealing with the underlying problems facing our state and local governments. To pump substantially more Federal dollars into the proliferating maze of narrow programs represents merely a reecho of that tired and ineffective response.

Furthermore, this extremely expensive suggestion is now being made by those who have questioned where the nation will get the money for revenue sharing; the inconsistency in their argument is striking, even though perhaps unintentional.

Similarly, Federal tax credits for state and local income tax payments may seem like an easy response to this difficult question, but they do not hold up under examination as an effective device for bolster-

\* M. L. Weidenbaum, *The Modern Public Sector*, New York, Basic Books, Inc., 1969, p. 15.



### THE AUTHOR

*Murray L. Weidenbaum is Assistant Secretary of the Treasury for Economic Affairs.*

ing the financial resources of state and local government. Although no Federal funds would go directly to state or local governments, Federal revenues would be reduced immediately.

There seems to be great ignorance as to how a tax credit works. Nobody is suggesting a 100 percent credit for state and local income taxes against a person's Federal tax liability — for that would almost amount to a blank check on the Treasury. On the other hand, those who suggest a credit as low as 10 percent apparently do not understand the Federal tax system. Many taxpayers would be better off by merely taking the existing deduction for state and local taxes.

### TAX CREDITS?

In any event, hard-pressed states and localities would only benefit to the extent that a credit toward the Federal income tax softens taxpayer resistance and thus enables state and local governments to institute or raise income taxes above the levels otherwise politically acceptable. Dollar for dollar, revenue sharing will be more effective in channeling financial resources to states, cities, and counties. Clearly, a Federal credit for state and local income taxes will do little to help local governments who derive the bulk of their revenues from the property tax. At best, the benefits would be distributed in an uneven, hit-and-miss fashion.

The revenue sharing proposal was very painstakingly developed. Many man-months of time and effort went into its design. The details were carefully worked out with knowledgeable representatives of Federal, state and local governments, with private citizens, and with Democrats, Republicans, and Independents. In both concept and detail it is a thoughtful and nonpartisan plan offered in good faith.

Hence, the overall favorable response has been heartening. Yet, I confess a sense of dismay at the nature of some of the specific reactions. I am concerned over the kind of intellectual environment in which there is a ready desire to believe the worst and a strong reluctance to accept facts demonstrating the contrary. The case in point is the role of the central cities in revenue sharing.

It has repeatedly been shown that the central city tends to get a larger share — not just a larger total share but a larger per capita share — than suburban communities. That is true in each of the 25 largest metropolitan areas in this nation. Yet, we still see or hear the inaccurate charge that the Administration's revenue sharing proposal funnels the bulk of the money away from the central cities. There seems almost to be a Gresham's law operating here — bad information drives out good.

The factor determining the allocation of general revenue sharing among the cities and counties of a

state is the respective jurisdiction's share of the revenues raised by all cities and counties in the state. As it turns out, time and again, the larger the city, the larger the per capita revenues it raises, and hence, the larger the per capita share of revenue sharing that it will receive.

Some have suggested that they would like to respond favorably to revenue sharing but are reluctant to breach the alleged principle of avoiding the separation of the taxing power from the spending power. Certainly, the \$30 billion of Federal grants-in-aid this year represent a massive breach of that principle.

Of course, the significant distinction between revenue sharing and the current aid system is the delegation of decision making. Given the gravity of the situation, we do not hesitate to approach what is certainly the most powerful legislative body in the world and suggest that \$5 billion out of a \$229 billion Federal budget be allocated for state and local decision making.

There are three basic points to emphasize:

1. *A modest portion of the annual growth in Federal revenues is earmarked for general aid to state and local governments.* These funds will come from the automatic expansion in budget receipts as the economy grows. Contrary to many inaccurate reports, general revenue sharing will neither require a rise in tax rates nor a reduction in any existing government programs.

2. *The revenue sharing money is distributed to each state, city and county in a fair and equitable manner.* The allocation is made according to the precise formulas contained in the Federal statute rather than subject to the discretion of any Executive Branch official. As the money is in addition to existing programs, each state, city and county benefits directly; each receives revenue sharing in addition to any benefits, services or money it is now obtaining from the Federal Government.

3. *The states, cities, and counties receiving the money will make the decision as to which purposes the funds should be directed.* The Federal Government will not second-guess the local determination of local priorities. Financial reporting to the Treasury will be required simply to assure that the money is spent for a lawful governmental purpose, and in a nondiscriminatory manner. The local voters, rather than any Federal official, will review the wisdom and effectiveness of the expenditures.

Revenue sharing is a constructive, highly desirable method for strengthening our hard-pressed state and local governments while decentralizing the public sector; it is the most appropriate mechanism available.

MURRAY L. WEIDENBAUM

# Abolishing the Independent Regulatory Commissions

"Most deficiencies and problems of the regulatory agencies stem from an inapposite wedding of form and function. The present commissions combine the passive, judicial characteristics of a court with the active policymaking responsibilities of an administrator, to the detriment of both."

Thus did the President's Advisory Council on Executive Organization, popularly known as the Ash Commission, frame its indictment of the commission form in a report to the President entitled "A New Regulatory Framework."\* As the quoted paragraph suggests, the Council did nothing less than propose the elimination of the independent commission as the principal governmental form for federal economic regulation. In its place (except in the areas of communications and anti-trust where the commission form for special reasons was retained), the Council proposed that economic regulation in the areas of transportation, power and securities be carried out henceforth by single administrators — appointed by the President to serve at his pleasure — whose determinations would be reviewed on appeal by a new judicial body called the Administrative Court of the United States.\*\*

In making the Council's report public in early February, the President indicated that reform of the regulatory process was overdue, but he carefully refrained from endorsing the Ash Commission's sweep-

ing recommendations. Instead, Mr. Nixon suggested that interested parties comment on the recommendations by April 20 so that he might have the advantage of this commentary in framing appropriate legislation.

Although this course represents a departure from past practice — in which reports of the Ash Council were confidential to the President and were only revealed publicly when embodied in a Reorganization Plan — the potential political dividends of prior public release could in this case be significant. By not committing himself publicly to the Ash Commission's proposals, the President will be able to gauge the nature and dimensions of the opposition to reform, most of which can be expected to originate with the regulated industries and their legal counsel, without directly confronting these powerful political forces. In addition, and perhaps more important, Mr. Nixon and his advisers may be able to identify and recruit substantial sources of support for this or other regulatory reform proposals.

### NEEDED: PUBLIC SUPPORT

Given the peculiarities of politics in this area, the President and his advisers can hardly be faulted for moving so cautiously. Of all the substantial reforms in governmental structure which this President has recommended or brought about, none has so directly threatened the economic interests of powerful groups as do the proposals contained in the Ash Commission study. This is in itself sufficient cause for caution, but a remarkable fact about regulatory reform is that the idea has almost no proponents which approach the political clout of its natural opposition. With the possible exception of Ralph Nader's Center for Responsive Law and a few other specialized groups, there is little continuing, or even episodic, public pressure for regulatory reform. The fact is that despite the degree to which important matters of national policy are decided within the regulatory commissions, very few non-specialized organizations have ever taken the time to penetrate and analyze the complexities of the field. As a body, the public itself is probably only hazily aware of the existence of the commissions, and few could define their functions even if their names or initials sounded familiar. Accordingly, for all practical political purposes, there is no substantial constituency upon which the Administration

\*The Council studied and reported on seven commissions: The Interstate Commerce Commission, Civil Aeronautics Board, Federal Maritime Commission, Federal Trade Commission, Securities and Exchange Commission, Federal Power Commission and Federal Communications Commission.

\*\*The agencies to be headed by single administrators would be those in the areas of transportation, power, securities and consumer protection. The Council also recommended: retaining the FCC as a commission, for special reasons relating to excessive government influence over communications media; splitting apart the FTC's anti-trust and consumer protection functions; creation of a special three-man board to handle anti-trust matters; consolidation of the functions of the three transportation agencies, the ICC, CAB and FMC, into a single agency; and the transfer of some special functions between the agencies and from the agencies to Executive Departments.

### THE AUTHOR

*Mr. Wallison, who is an attorney in New York, was a senior staff associate of the President's Advisory Council on Executive Organization, and took part in the Council's study of the independent regulatory agencies. Mr. Wallison's tenure with the Council ended with its preliminary report to the President, embodying substantially all the Council's recommendations, in July 1970, and he participated only as a consultant in the preparation of the Report for publication.*



could build a coalition for regulatory reform, and if the President had not made it a goal of his Administration to restructure and improve the government it would not even make much sense to enter this thicket. In a very real sense, then, because the opposition is known and only its ferocity conjectural, the appearance of any significant degree of public support for the Ash Commission's plan would probably be highly influential within the Administration. For this reason it is probably true that an approving word from Common Cause would have far greater impact than the blast of noxious particulates which can be expected from the American Trucking Association.

Some press reaction to the Report indicates that its release may not exactly ignite fires of support for regulatory reform. Two categories of press comment thus far have been typical, and neither promises to stir the Common Causes of this country to action. The most frequent response is an editorial which describes the proposals as far-reaching, notes that the area is very complicated but needs reform, and ends with an anticlimatic call for further study of the Report. This is not the stuff of which political pressures are made.

The other reaction is entirely typical of the press, concentrating on what the Report does not say, rather than what it says. This is particularly easy in the regulatory field because it is so much in need of reform that its ills are almost innumerable. No matter how comprehensive, no Report could deal with all complaints and inadequacies, follow out the implications of every fact, or shoot down every proposal for reform which was advanced and abandoned in the last fifty years.

### **MISSING THE POINT**

In reality, while predictable, press comments which profess shock at the Council's failure to consider questions as practical as staffing or as theoretical as the efficacy of rate regulation completely miss the point of the Report. Fundamentally, the Council has produced a systematic criticism of a governmental form — the regulatory commission — and it does not make sense in this context either to prepare an efficiency study of staff activities or to analyze the economic effects of policies the condemned form has been pursuing. The abolition, not the improvement, of the form was the Report's principal thrust, and the Ash group properly limited its analysis to describing the principal deficiencies of the commissions, suggesting a workable alternative system, and applying its conception to the separate agencies studied. Contentions in the press that the Report doesn't deal with this or that issue reflect a failure to grasp the nature of the Report, and will ultimately have the effect of limiting the public exposure it badly needs.

The decision to attack the commission system as a whole was made by the Council after it became clear that all the commissions were being criticized for substantially the same deficiencies. This was true even though the commissions displayed minor variations in structure and major variations in quality of personnel, and despite the fact that each wielded substantially different powers to administer wholly dissimilar economic universes. It was perhaps most important and impressive to the Council and its staff that the same criticism came from a wide variety of interviewees and were almost never directed at more than one commission. Thus, a railroad executive would say the same thing about the ICC that an airline executive would say about the CAB. Both would contend, for example, that the agency with which he was particularly familiar insisted on doing everything through an absolutely exasperating judicial process, including the disposition of matters that any sensible person would handle through rules and regulations. When enough of this kind of testimony accumulates — different people saying the same things about different commissions — it's a good indication that the system itself is faulty, and the Council took it as such.

From this point, preparing the Report to the President became a matter of cataloguing the deficiencies of the commissions, showing how they proceed from the commission form itself, and testing in theory alternative ways in which economic regulation might be conducted.

The deficiencies were many, and the most serious ones did not seem at first glance to be consequences of the form itself. There is no obvious reason, for example, why a collegial administrative body should excessively judicialize its administrative process. Yet interviews with commissioners and staff soon turned up the fact that the commissioners had difficulty achieving a consensus on policy and necessary action. Absent this, they found it more comfortable to react, to assume a passive role, to await the appearance of a concrete set of facts on which to make a decision — in short, to act like a court. Thus excessive judicialization of the administrative process among the regulatory commissions was the result, ultimately, of the commissioner's inability to achieve consensus. This was one obstacle to sound administration which could be eliminated by replacing the commission with a single administrator.

### **THE FORM ITSELF TO BLAME**

To take another example, all the commissions were roundly criticized for the poor quality of their personnel at both the commissioner and staff levels (although, of course, exceptions were and can be easily cited). For years, would-be reformers have exhorted Presidents to appoint more capable men to the important role of commissioner. Investigation re-

vealed, however, that few men who had achieved success in their respective fields would consider accepting less than the chairmanship of a commission, and even then they expressed doubt about the attractiveness of the position. Many of them indicated, on the contrary, that the regulatory role was a potentially exciting one, but not if it meant constant politicking among four, six or ten other commissioners in order to create and implement a policy. Thus, it became clear that to get good men to enforce the regulatory statutes, one would have to offer them some authority, discretion, visibility and challenge — none of which inhere in the anonymous office of commissioner and all of which are attributes of administration by a single administrator.

One more example may suffice, although it does not by any means exhaust the correlations in the Report between commission deficiencies and the form itself. Since the early 1950's, reforms of the commissions have concentrated on improving their internal management by centralizing administrative control in the chairman. After reorganizations along these lines in 1950 and 1961, transfer of administrative power to the chairman had gone about as far as it could go, and there was still very little evidence of improvement in the way the commissions allocated staff and other resources, set priorities, and made plans for future activity. It was the Council's perception that this too was a consequence of the collegial commission form. Its argument, developed after interviews with commissioners and commission staff, was that the commission chairman was frequently compelled to surrender administrative authority to the other commissioners in order to secure their support on policy matters. Thus, despite the reforms, the sharing of responsibility for and control of policy vitiated the centralization of administration. To cure this defect, the control of policy by the full commission would have to be restricted, and this is the first and most important step away from the commission form and toward the concept of a single administrator. Commenting on the previous piecemeal reforms, the Report states, "Each represented an attempt to cure deficiencies while preserving the essence of collegial organization, but each was ultimately unsuccessful because the deficiencies and the essence are inseparable."

### **A MYTHICAL ADVERSARY**

Oddly, perhaps fatally, the Report's principal adversary is a myth. Since the establishment of the ICC in the late 1800's, and particularly after the commission form had in this century run the judicial gauntlet of challenge to its constitutionality, the belief has sprung up that the independent regulatory commissions have special powers which could not be granted by Congress to other administrative bodies. This notion,

which is the concept underlying the frequent allegation that the commissions are "arms of Congress," assumes that there is some constitutional basis for the commissions' peculiar form and that for some reason these bodies must be kept on the Congressional side of an imaginary line drawn between the Executive and Legislative Branches of our government. The independence of commissions — each made up of five, seven or eleven commissioners appointed for staggered terms — coupled with their bipartisan character and the judicial cast of their activities, has tended to reinforce in the public mind their remoteness from the Executive Branch of government and hence the idea that they possess authority which the Executive Branch cannot or should not wield.

In reality, this notion is as incorrect as it is deeply rooted in the public mind. Virtually all the authority exercised by the Executive Branch is granted to Congress under the Constitution. Through legislation, Congress attempts to set the means and ends of governmental policy and leaves it to the Executive Branch to administer the law, in the process developing rules, regulations and other refinements with which no legislative body could possibly be familiar. The same relationship between legislature and executive prevails whether the administrative agency is the Department of Agriculture or the Federal Power Commission, and some Executive Departments have the same authority to set rates or grant licenses as do the independent commissions. There is no constitutional reason why the powers exercised by the independent commissions could not be granted in their entirety to one or more of the regular Executive Departments, and the Council considered this alternative. Yet, the opponents of the Council's recommendations will nevertheless almost certainly argue that its proposals — because they give the President the same power to appoint or dismiss the administrator of each regulatory area as he presently has for any other administrative department — somehow contravene the precepts of the Constitution by giving him control over "arms of Congress."

### **WHY ABOLITION?**

Ultimately, of course, whether the regulatory functions discharged by the independent agencies should be lodged with independent bodies is not a constitutional question so much as it is an intensely practical one. The Ash Commission treated it as such, making three major arguments in support of its view that the regulatory function should not be discharged by an independent commission.

First, the Council argued that national economic policy must be coordinated into some coherent program and that it simply is not acceptable in our complex economy to have important matters of governmental policy decided by agencies which are outside

the control of electorally responsible officials. The single administrator in charge of a regulatory field would be an appointee of the President, responsible to the President for his mistakes, and in most cases anxious to assure that his policies do not either contravene the President's own program or embarrass the Administration as a whole. Making the administrator part of the President's Administration, the Council argued, would assure greater responsiveness to public pressure.

Second, the Commission pointed out that the deliberative method of decision-making used by the bipartisan, collegial commissions, while perhaps acceptable when the economy was slower-paced, was now inconsistent with the urgent need for speedy enunciation and expeditious implementation of governmental policies. In addition, the Council contended that the judicialized, deliberative processes of the commissions substantially impeded the development and enunciation of consistent regulatory policies, and that failure to formulate and articulate such policies left the regulated industries without guidance as to meaning to the regulatory statute. Again, the Council concluded, freed of the consultative restraints of the collegial body, the single administrator could and would be more likely to produce both quick decisions and informative rules and regulations according to a consistent policy.

### **THE IN-THE-SPOTLIGHT EFFECT**

Third, the Council denied that accountability of each single regulatory administrator to the President would result in improper influence over the administrator's decisions. To the contrary, the Report noted that the intensity of public and press scrutiny focused on a single administrator — coupled with the fact that imputations of improper political influence would reflect directly on the President — provides a much firmer long-run safeguard against such influence than a bipartisan commission which has no incentive to respond to the public instead of the regulated industry.

Although the Council devoted a substantial portion of its Report to countering the implications of the myth that the commissions should or must be "arms of Congress," the greatest irony of all is that Congress probably has less real control over the independent commissions which are supposed to be its "arms" than it does over regular Executive Departments. This is true because the anonymity of the collegial form prevents Congress from indentifying those responsible for mal- or non-feasance, and because the tenure even of those who defy Congress is guaranteed for up to seven years. In addition, over time the commissions have developed standardized arguments which support their claims to independence and freedom from scrutiny. When the Executive Branch challenges their activities, it is quickly warn-

ed that the commissions are arms of a jealous Congress; when Congress begins to investigate or question their policies, it is cautioned against interfering with their judicial responsibilities, which have now grown to encompass almost all their activities; and when the Courts begin the review of their decisions, the commissions argue that they deserve the discretionary latitude of legislative bodies. Despite this obvious shell-game, sincerely or not, opponents of the Ash Commission's proposals are bound to score points by alleging that the recommendations represent a Presidential "power grab" for the ancient prerogatives of Congress.

### **THE EXECUTIVE ADVOCATE**

For all its good points, the Report fails to make a number of observations which might have strengthened its impact. Although the Report noted that the staffs of some of the commissions had remained the same size or even declined while the regulated industry doubled or tripled in size, it did not point out that this phenomenon — almost unheard of in Government — is also the result of the commissions' independent and bipartisan form. Because neither Congress nor the President can affect the activities of the commissions, neither gets praise or blame for their successes or failures. Consequently, during the appropriation process, there is a distinct incentive to treat these political orphans as expendable — an attitude that has left the ICC in 1970 with about 60 percent of the staff it had in the early 1930's. Assuming that these agencies are as important as the fields they regulate, tying the regulating authority more closely to the national Administration will assure that needed funds are budgeted and fought for by the Executive Branch.

### **LOVE YOUR REGULATEE**

This same underlying cause, the estrangement of the independent, bipartisan commissions from any recognizable constituency, is probably also the principal cause of what may charitably be called their extraordinary sympathy for the views of the industries they regulate. The Report did no more than deal tangentially with this common phenomenon, although it is one of the severest criticisms leveled against the commissions. As Washington political worlds go, the world of the regulatory commission is relatively quiet and narrow. No one's head is on the block if a decision is delayed or wrong. Appearances before Congress are ordeals, but they are concentrated in that hectic period when appropriations are considered, and there is seldom any press coverage of the outraged Congressman's outrage. Contacts with the Executive Branch are limited for the most part to fencing with an examiner in the Office of Management and Budget. With few exceptions, the only consistent commentary on commission actions is in the trade press of the in-

dustry it regulates, and the only people who call in person to comment on commission actions are executives of the regulated industries and their lawyers. To maintain their familiarity with the regulated industry, commissioners make it a point to attend their conventions and speak at their meetings; here they meet the regulated industry's management rank and file, who invariably turn out to be regular guys and pleasant social companions. It is hardly surprising, in this context, that commissioners sincerely begin to see real merit in the industry's position — especially vis-à-vis those perennial outsiders, the public.

In a sense, because the independent, bipartisan commissions have no constituency — receive nothing but perfunctory interest from the President and Congress — the regulated industries step in to fill the vacuum. This creates an unhealthy and politically unsound symbiosis, which can only be obviated by making the regulatory process more responsive to politics and hence to public needs. Although the Council saw this clearly in dealing with the achievement of a coordinated economic policy, it did not go on to explore the relationship between commission independence and the development of a comfortable *modus vivendi* between the regulators and the regulated.

Finally, and perhaps most seriously, the Report did not adequately deal with the implications of the single administrator form in adjudicating enforcement actions prosecuted by their own agencies. For years, lawyers have argued that the commissions' powers unfairly combined the roles of prosecutor and judge in enforcement actions. Thus, it was argued, under prevailing procedures the commission orders its staff to prosecute an alleged violation of the regulatory statute, and then the commission itself ultimately sits in judgment on the question of whether the violation in fact occurred. With justification, lawyers have contended that such procedures were patently unfair to defendants, and have tried to bring about reforms which would separate the prosecutorial and judgmental functions of the agencies. By and large, the direction of these reforms — which have always sought to retain to commission form — has been responsible for their largely indifferent success. By retaining the commission form, these piecemeal restructurings have left the full commission as the ultimate arbiter, even though they succeeded in creating semi-independent hearing examiners to preside at the earlier stages of the enforcement proceeding.

#### **UNFAIR TO THE DEFENDANT**

Under current procedures, the single administrator form exacerbates this difficulty, since it places a single individual at the top of the intra-agency appeal ladder. This is decidedly less advantageous to the defendant than a full commission sitting as judge, since in that case at least there is a marginal chance

to sway a crucial vote. The resulting potential for unfairness is not ameliorated by the fact that the Administration's determination may be reviewed in the Administrative Court — a review which will likely be limited solely to procedural questions.

One solution to the problem would be to have single administrators commence their enforcement actions in the Administrative Court. This would create an independent forum, remove the stigma of unfair prosecution, and relieve the single administrator of the contradictions inherent in combining the prosecutor's and judge's roles. Although the Report does not expressly rule out this solution, it does not endorse it either, leaving the distinct impression that the Administrative Court will serve as a court of review only and not as the independent forum for which lawyers have been contending for years.

#### **MORE VIGOROUS ENFORCEMENT**

Based on current statistics, it may not be appropriate to make any special provision for enforcement actions to be conducted by the agencies which will be headed by single administrators. The ICC, CAB and FMC conduct few enforcement actions, the FPC has never conducted any. On the other hand, enforcement actions form a major portion of the SEC's activities. It may well be that the Administrative Court should not be used as the court of first resort for enforcement cases when the only controversies to come before it would arise under the Securities Acts. Yet, it is hazardous business to predict, from the record of the commissions, the number of enforcement actions to be undertaken in the future by single administrators. It is entirely possible that the single administrators in charge of transportation or power will find greater cause for bringing enforcement actions than the commissions which preceded them. Indeed, the belief that single administrators would be more vigorous enforcers of the regulatory statutes than bipartisan commissions — institutions without constituencies — was one of the principal motifs of the Council's Report. In any event, the question of how adjudication is handled in agencies headed by single administrators is an important one, and the Council's Report should be amplified to deal with it.

With all due respect to Jonathan Swift, "A New Regulatory Framework" is in its own way a modest proposal. With its publication, it became formally a part of the literature of regulatory reform, even if no action is ever taken on its recommendations. Fundamentally, it represents an extraordinary attempt by the President's Advisory Council on Executive Organization to break out of the constraints of too conventional wisdom in the regulatory field. For this reason alone, it deserves serious consideration; for the promise of its recommendations, it deserves support.

PETER J. WALLISON

## A Very Different Sort of Governor

# Tennessee Adjusts to Dr. Dunn

Network coverage of Tennessee elections last fall focused on the Brock-Gore Senate battle and its national ramifications. Local political leaders however were more interested in the governor's race where Dr. Winfield Dunn became the state's first GOP Governor since 1920. Dr. Dunn, former Memphis dentist, defeated John J. Hooker and ended an 18-year era of what many Tennesseans considered "leap frog" governors (Frank Clement and Buford Ellington alternating).

The contrast between the previous two governors and Dr. Dunn also tells much about Tennessee political trends. Winfield Dunn is a suburban Republican who projects well on TV. He has an impressionable personality. Frank Clement was a Tennessee orator surpassed only by William Jennings Bryan. At his court house campaigns he would walk on stage dressed in a white suit to the background music "On the Wings of a Snow White Dove" with a bible under his arm. Buford Ellington rose to fame through the Farm Bureau and became state Secretary of Agriculture. He campaigned with the pledge not to raise taxes. According to a famous historian of the state, "in those days there were two elections in Tennessee — county sheriff and governor — and the Democratic primary was the election."

### NOT LIKE HIS PREDECESSORS

"Governor Dunn doesn't seem like a politician" is a common remark. A Nashville Democratic legislator described him as a guy you just can't dislike. He's so different, in fact, that many state politicians don't know what to expect from him and the feeling seems to be mutual.

Governor Dunn is now settling down to administer state government "in a more business-like manner with an infusion of new talents and abilities." His first major action was to initiate a thorough reorganization study headed by Maxie Jarman, Nashville's General Shoe Corporation retired president, who believes savings of \$50 million can be realized.

The new administration is working on three major areas: state budget, the legislature and party formation.

#### Budget

Tennessee's budget consists primarily of sales tax

#### THE AUTHOR

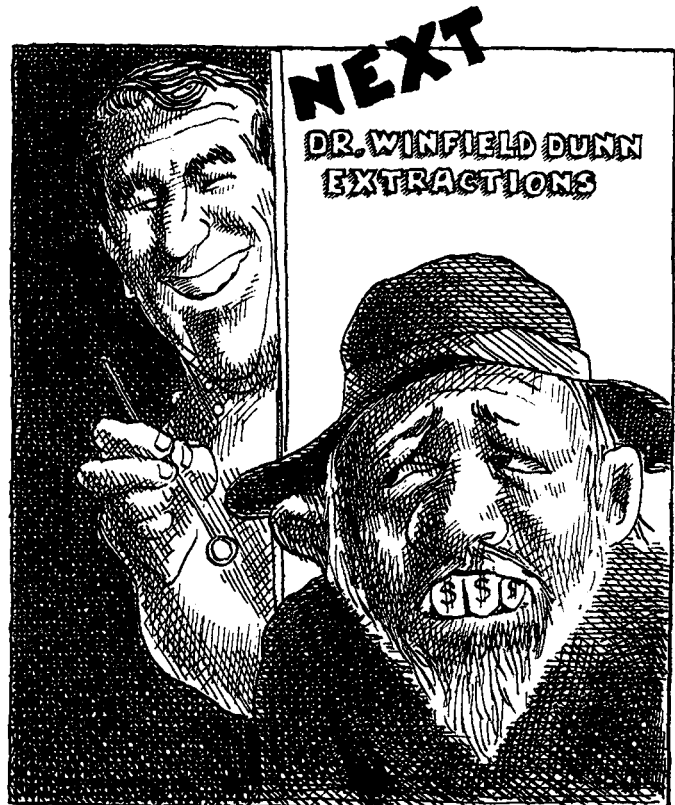
*Sam Williams, a Tennessean, and a student at the Harvard Business School, is currently developing teaching material for the business school on state budgets using Tennessee as a case example.*

as the source and education as the recipient. The accompanying source of funds chart shows the composition and changes during the last nine years. The right hand column points out growth areas and exhibits major increases for sales, gasoline and corporate income taxes. This increase is due in part to larger rates as well as economic growth. From the source viewpoint the consumer furnishes 69 percent of the state's revenue, which is slightly below the average of 70 percent for all states.

Sales tax has consistently drawn in over one-third of state revenues. A breakdown of sales tax sources clearly defines the tax as regressive for lower income groups with food and drugs accounting for almost 25 percent of all sales taxes, the largest single source.

According to the source of funds chart the other major revenue sources are: gasoline, 16 percent; corporate income tax, 9.4 percent; "sin taxes" (alcohol and tobacco) 10.4 percent; and motor vehicle registration, 8 percent. As compared to the region most of these categories are already highly taxed. Gasoline is the only item that has decreased its proportionate share of the budget mainly because the state gas tax is a fixed amount per gallon and does not rise with increased gas prices.

Corporate income taxes have increased relatively



more than any other tax within the last nine years. Sin taxes are comparatively high and their lobbyists have legitimate complaint and effective power to thwart other increases. In essence there are few current taxes that can easily yield more funds. New industries are particularly sensitive to state tax differentials on all levels and therefore higher taxes might keep badly needed skilled labor users out of the state.

### TAX PROBLEMS

The governor's staff recognizes the regressive sales tax structure but sees no easy solution. As generally interpreted the state constitution prohibits an income tax. In order to amend the constitution a convention must be called with the proposal voted on at the polls. A convention can be called once each six years, and one is convening this summer but solely for the purpose of local property tax classification. The Farm Bureau supported the property tax study but strongly opposed any income tax consideration.

According to a seasoned legislator, "farmers don't understand that a state income tax would hurt them less than the sales tax. Mention income tax and the hair raises on their neck like a mad dog." Some of the state's political columnists have discussed the need to challenge the legality of the constitution but also mention that it would be political suicide.

For a first term governor, Dr. Dunn has been most aggressive in his budget program. He has asked for a 20 percent increase in revenues. As a compromise designed not to hurt low income groups, Governor Dunn advocates a sales tax increase from 3 percent to 3½ percent and also an expanded base to include gasoline, commercial leasing, and some personal services such as barbers and beauticians plus a one percent increase in corporate income taxes. The one-half percent sales tax increase will garner \$45 million with other taxes totalling approximately \$46 million. A speed up in inheritance tax collection will

### TENNESSEE: SOURCES OF FUNDS ANALYSIS

	1961-62 Budget		1970-71 Budget		Growth in Budget 1961-70	
	\$million	Percent	\$million	Percent	\$million	Percent
Sales & Use	\$ 112.6	34.0%	\$ 258.8	33.9%	\$ 146.2	33.9%
Gasoline Tax	76.5	23.1%	122.3	16.0%	45.8	10.6%
Gas Inspection	8.9	2.7%	24.5	3.2%	15.6	3.6%
Motor Vehicle Registration	25.6	7.7%	61.0	8.0%	35.4	8.2%
Beer & Liquor	9.4	2.8%	24.9	3.3%	15.5	3.6%
Corp. Income	21.5	6.5%	71.6	9.4%	50.1	11.6%
Inheritance	6.7	2.0%	19.6	2.6%	12.9	3.0%
Tobacco	19.5	5.9%	54.4	7.1%	34.9	8.1%
Insurance	12.8	3.9%	26.8	3.5%	14.0	3.2%
Miscellaneous	37.4	10.5%	98.5	13.0%	70.1	14.2%
Total Revenue	\$ 330.9	100.0%	\$ 762.4	100.0%	\$ 431.5	100.0%

### TENNESSEE: USE OF FUNDS ANALYSIS

Department	1961-62 Budget		1970-71 Budget		Growth in Budget 1961-70	
	\$million	Percent	\$million	Percent	\$million	Percent
Administration	\$ 6.7	2.2%	\$ 23.8	3.1%	\$ 17.1	3.8%
Commerce & Conservation	2.8	0.9%	8.6	1.1%	5.8	1.3%
Corrections	4.5	1.4%	16.6	2.1%	12.1	2.7%
Education	144.7	45.1%	374.4	48.3%	229.7	50.6%
Mental Health	10.2	3.2%	39.5	5.1%	29.3	6.5%
Public Health	7.7	2.4%	26.0	3.4%	18.3	4.0%
Public Welfare	13.8	4.3%	33.3	4.3%	19.5	4.3%
Highways	58.1	18.1%	102.8	13.3%	44.7	9.8%
Sinking Fund	12.9	4.0%	32.7	4.2%	19.8	4.4%
Cities and Counties	48.4	15.1%	88.0	11.4%	39.6	8.7%
Other	11.2	3.3%	29.2	4.7%	18.0	3.9%
TOTAL EXPENDITURES	\$ 321.0	100.0%	\$ 774.9	100.0%	\$ 453.9	100.0%
RETAINED	\$ 9.9		\$ (12.5)			

also give a one-time \$4 million increase.

This sales tax increase is almost at its limit when considered with local options that allow counties to levy half the state rate. Thus over-the-counter taxes will be 5 cents on the dollar. After one week's consideration, the legislature has reacted coolly with little comment. Some legislators have said they would like to see government savings from the Jarman commission before passing new taxes.

### THE BIGGEST SLICE

The uses of state funds have traditionally centered on education and highways. "The Education Department in Tennessee is like the Defense Department in Washington. They take their usual half and leave 14 agencies to fight over what's left," remarked a legislative committee chairman. The use of funds chart confirms his remark. The education budget is a tribute to the Tennessee Education Association, the best organized lobby group in the state. Through mailings and meetings local teachers can "put the arm" on their legislator in a matter of days. Education receives 48.3 percent of the budget and has consistently fought for and obtained 50.6 percent of all increased allocations during the last nine years. Highways are important to rural farmers and have been second on the uses list. Cities and counties get a kickback on certain taxes but also receive direct grants which have decreased proportionately. After the bonded debt-sinking fund, public health and welfare are next, each accounting for less than one-twentieth of the budget with few recent gains.

Governor Dunn's recommended budget of \$95 million would be spent approximately as follows: \$17 million for accelerated implementation of a kindergarten program; \$13.4 million for a \$400 per year teacher salary raise; \$22 million for higher education, scholarships and medical schools; \$8.5 million would establish minimum wages for all 44,000 state employees; \$1.7 million for mental health and drug abuse; \$2 million for penal reform; \$33 million for current program needs with the remaining amount spent for other miscellaneous uses.

Like many states Tennessee gauges its progress according to its neighboring states, and special interest groups like the Tennessee Municipal League and the TEA make sure the legislature is aware of almost every comparable statistic. But the regional disadvantage is that all states bordering Tennessee have an income tax and hence a broader source base. North Carolina for example draws \$250 million from income taxes while Tennessee bumps its ceiling on sales taxes and is constrained by the state constitution from considering an income tax.

Another regional phenomenon is that Southern states usually carry a larger share of educational expenses

than local government. The national average of the state share of education expense is about 40 percent. Tennessee like all Southern states provides roughly half the expense, partly from the bygone days when state politics controlled teaching but mostly because local governments have such low property tax rates.

Can Tennessee continue to expand services at the present rate without new revenue sources? In recent years the natural expansion in pupil enrollment, case-loads in health programs, matching requirement for more federal funds and other similar projects have called for almost a 5 percent increase annually "to stand still." With addition of needed services this figure is likely to grow.

Revenue sharing would be a life raft. According to the Nixon administration's \$5 billion proposal Tennessee would receive \$87 million. Senator Howard Baker, a major Dunn supporter, is vividly aware of the state's budget crunch and pushes even harder as the revenue sharing bill's chief spokesman. In contrast the Mills proposal providing federal welfare administration would only free \$33 million for new uses.

### REAPPORTIONMENT EFFECTS

#### *Legislature*

*Baker vs. Carr*, the landmark Supreme Court reapportionment case, originated in Tennessee and had more effect on the legislature than any event of the century. Prior to 1966 the state House and Senate were roughly apportioned by the 1900 census, and rural Democrats held easy majorities. In 1968 Republicans gained control of the House as suburban areas supported Republicans but these gains were lost in the 1970 election.

Tennessee passed the rural-urban transition in 1952. According to preliminary 1970 census figures Tennessee's four Standard Metropolitan Statistical Areas (Memphis, Nashville, Knoxville, and Chattanooga) contain 49 percent of the state's 3.9 million population. An exact breakdown of the legislature is difficult, but 60 percent rural is generally agreed upon.

Urban fringe areas have grown from 4.4 percent of the population in 1950 to an estimated 15 percent in 1970. These areas are Republican strongholds. With urbanization and reapportionment, conservative rural Democrats began a rapid decline. However, there is still no bloc urban voting. Party lines divide almost equally the four urban centers. The seven black legislators are also from these urban areas and are all Democrats. Brock vs. Gore racial overtones concerning Carswell probably succeeded in driving almost 90 percent of Tennessee's blacks into the Democratic column. They represent 14 percent of the state's 1.78 million registered voters.

Since reapportionment the legislature has become much more responsible and independent. Under the

recent Ellington administration the legislature made several significant budget changes which were previously unheard of. Currently the political breakdown for each house is as follows: Senate, 19 Democrats, 13 Republicans and 1 American Independent (Wallace); House, 55 Democrats and 44 Republicans.

So far the legislature has adopted a wait-and-see attitude toward Governor Dunn. Having never dealt with a Republican governor they are very unsure of how the relationship should stand. One of the governor's aides described it as almost like a "first date." Significantly there has been no big disagreement so far. As an effort toward cooperation the legislative fiscal committee received an invitation to the traditionally closed-door budget sessions between the governor and his department heads.

### FOR FUTURE GAINS

#### *Building the Party*

Most Tennessee counties have no formal Republican party. When Senator Baker ran for election there was no local party power outside East Tennessee and his effort was mainly handled by citizens' groups. Governor Dunn is now attempting to organize each county. To direct this effort he selected two men who are far different from the customary political manipulators. Party chairman S. L. Kopald is an active civic leader and Memphis vice president of Humko Vegetable Oil, and executive director Ron Rietdorf is a young Oak Ridge hotel manager. Their objective is clear, elect a Republican legislature and give Howard Baker a significant reelection margin in 1972.

Governor Dunn does not call himself a conservative or a liberal but rather a man who believes in doing what is required. The governor's campaign speechwriter, David White, who left his position on Dr. Kissinger's staff for the campaign trail, describes Governor Dunn as a man who sincerely wants to right government's wrongs and is prepared to "bite the bullet" against political pressure if something needs to be done. After his bold budget presentation he couldn't be described as a conservative.

Also of importance is the utilization of young talent in the Dunn organization. The campaign manager was 30-year-old Lamar Alexander, who is already being mentioned as the next gubernatorial candidate since governors can't succeed themselves in Tennessee. Staff Assistant Roger Kesley is 26. Lee Smith, Special Counsel in charge of general policy matters, is 28. Most of the governor's staff are in their 30's. In fact, the governor at 42 is about the oldest one of the group.

It is too early to predict any results but the sprint from the starting blocks indicates that Governor Dunn will have a major impact on Tennessee government and the state's GOP future. SAM WILLIAMS

### McCloskey — from page 28

the House and Senate on December 22nd, the underlying Gulf of Tonkin authority to wage war in Southeast Asia was still in effect. . . .

As one of the authors of the move to repeal the Gulf of Tonkin resolution in the House, I can confirm that the repealing amendment, originally introduced in October, 1969, to be effective December 31, 1970, was accompanied by a letter to colleagues specifically stating that it was the authors' intention to terminate the warmaking authority of President as of December 31, 1970.

For all of these reasons, it seems possible that the President, in ordering the use of American airpower in Laos and Cambodia after the repeal of the Gulf of Tonkin resolution, has exceeded his constitutional powers as well as ignored the clear message of congressional intent which that repeal represented.

I do not suggest that the case against the President is sufficient to justify the extraordinary remedy of impeachment which the Constitution gives to the Congress in cases of Presidential abuse of his obligation to "take care that the laws shall be faithfully executed." I do not advocate impeachment, but the question is certainly one which justifies a national discussion and debate, if only to bring home to the President the depth of despair many of us feel over his recent moves without prior consent of the Congress.

### ABUSE OF POWER

I think it worthy of note in these difficult times to recall the words of Edmund Randolph during the debate over the impeachment clause in the Constitutional Convention of 1787. As reported by James Madison, Randolph's argument was as follows:

The Executive will have great opportunities of abusing his power; particularly in time of war, when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults and insurrections.

We need only to look back to the events of last May following the Cambodian invasion to recognize the validity of Mr. Randolph's prediction.

The great issue before us, however, is not what the President has done or has not done, but what Congress, and particularly the House of Representatives, should now do in its leadership capacity, in the Speaker's words, "its rightful place, a preeminent place among the branches of the National Government." PAUL N. McCLOSKEY



## An Open Letter to Henry Kissinger — from page 13

ble; the intelligence bureaucracy combines the unreliable information with the solid to make a composite "intelligence picture," thereby contaminating the whole crockful of tapioca pudding that lands on your desk. We add together all these reports on Asian fact, and filter them through Western minds at MACV, at Pacific headquarters, and at the central paper factory in Maryland. In goes the concept of COSVN — a group of men with authority, travelling around an area of Cambodia across from Tay Ninh — and out comes a Western idea of a government: a giant headquarters buried in the jungle.

Even trickier is intelligence about states-of-mind such as weariness and lasting enmity. Before we reestablished diplomatic relations with Cambodia, I was told to get information about how they were treating the Vietnamese there. Was this request made to assess the degree of chumminess between Cambodians and the NLF then current? Could we tell from random and uncritical reports of specific acts of persecution whether hostility to the NLF or the historical enmity between Cambodians and Vietnamese motivated any or most of them? Would policy actually be made in reliance on our ability to direct this hostility against the North Vietnamese?

I used to hope that the CIA had better, more honest men than the military premium on hierarchy could allow. But I have no more hope. Friends of mine in various places in Vietnam were neighbors of the CIA's people, and said that the difference between us was that the CIA had more money to spend.

### MONETARY MOTIVATION

Money returns us to the agent's motivation. Leaving out a remote possibility of a personal relationship with his employers motivating an Asian who is working for a series of white men, intelligence doctrine would have us try for ideologically motivated agents, since the avaricious are least reliable.

But there will be no Penkovskys in Asia, important or not. If a man is born Asian, and if he is motivated for anyone's interest but his own, it will be for an Asian interest: the Northern Catholics who run South Vietnam, the NLF, the North Vietnamese Communists, the Chinese in Southeast Asia (overseas or mainland), the Cambodians living on the frontier, the South Vietnamese profiting from our presence, or the South Vietnamese suffering from it. Not one Asian interest parallels that of the United States, for the U.S.

may be gone soon and it will be gone later. The Asian will use information to manipulate us for his faction's interest; he will give us a rosy picture or a sad one, not the objective one.

So we get the information for money. For money an agent will not take risks; he will fabricate as much as he dares; he will pick up rumors; he will sell his information to all buyers. And it is a seller's market. Our intelligence outfits are empires consuming quantities of information, which the empire-builder needs to justify his organization's existence. I strung along indifferent agents, paying them to keep my job for my twelve months' tour. When I first got there I was told that we had no agents in it for anything but the money. And that was my experience.

My world view may differ from yours, but that is not why I am writing this. My world view happens to be that the United States is the only country in the world that still believes it has more than the smallest interests in Southeast Asia. I do not believe our credibility is at stake. I am writing because I hope to persuade you not to commit us to more wishfully conceived acts which will be failures even in military terms. I expected the Cambodian invasion to net nothing; I wept for that country's peace broken for nothing. And that indeed has been the result. Son Tay, I was sure, was based on intelligence no one would reasonably have relied on. As was the case. (A wire service reported that Son Tay was carried out in reliance on a six-month-old memory of a captured NVN soldier and aerial photos interpreted speculatively, and, as it happened, wrongly.)

Therefore, Mr. Kissinger, as a practical matter, do not rely on our intelligence collection effort in Asia. Rely on the press for facts. They consider the sources before repeating what they are told. And if no available fact gives you cause to act, it is because there is very little of the European kind of reality in Asia.

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### THE AUTHOR

*The author, who must remain anonymous, enlisted in the Army after college and served three years, one in Vietnam (1968-69).*

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## D.C. ISSUE CONFERENCES

The Washington chapter held a series of Work-Shop Conferences on "The Nixon Administration — the First Two Years and the Next Two Years" on Saturday February 27 at George Washington University. The issue panels were organized by **Howard Gillette**, **Mark Bloomfield** and **Dan Swillinger**, and were judged "fantastically interesting" by several participants. The workshop included:

**Education** — Moderator: Charles Radcliffe

Charles B. Saunders, Jr., Acting Assistant Secretary for Legislation, HEW.

Samuel Halperin, Director Education Staff Seminars, former Deputy Assistant Secretary for Legislation, HEW.

Roy Millenson, Minority Staff Director, Senate Committee on Labor and Public Welfare.

**Community Development** — Moderator: Dan Swillinger

Samuel Jackson, General Assistant Secretary, HUD.

Warren Butler, Acting Deputy Assistant Secretary for Model Cities, HUD.

John Price, Special Assistant to the President for Domestic Affairs.

**Crime** — Moderator: Peter Hoagland.

Earl Silbert, Executive Assistant to District of Columbia U.S. Attorney.

James Davenport, Attorney, Former Staff Member, D.C. Subcommittee.

Larry Schwartz, Juvenile Court Division, Public Service.

**Environment** — Moderator: Steve Haft.

Harrison Loesch, Assistant Secretary for Public Land Management, Department of Interior.

William Matuzeski, Council on Environmental Quality.

**Consumer Problems** — Moderator: Howard Gillette.

Lewis Engman, General Counsel, President's Council on Consumer Interests.

Bruce B. Wilson, Chief, Consumer Affairs, Anti-Trust Division, Department of Justice.

**Poverty** — Moderator: Ralph Caprio.

**National Security & Foreign Policy Commitments** —

Moderator: Reuben McCormack.

**Health Care** — Moderator: Peter Wright.

Robert Patricelli, Department of Health, Education and Welfare.

● Several members of the provisional **Minneapolis** chapter are involved in bringing **Charles Goodell** to that city on the same night Governor **Ronald Reagan** is speaking to an official GOP \$100-a-plate fundraiser. Former Senator Goodell spoke to a \$1.50 a plate dinner at Macalester College on March 26. The dinner was planned by the chairman of the state College Republicans and six former chairmen, including Ripon members **Ron Speed** and **Doug Watson**. Minneapolis Alderman **John Cairns**, who is the provisional chapter's president, is among the sponsors.

Speed was quoted as saying that splitting the party was not the purpose of the Goodell dinner. "We're trying to open up the party," he said. "We're trying to get people who aren't Republicans... We are proud of the diversity in the party... we don't have to be united 365 days a year," he added.

Watson informed 14a that over the past five years, the State Central Committee has invited four "conservative" Republicans to speak at its annual fundraising event (Robert Taft Jr. in 1967, Bud Wilkinson in 1969, Spiro Agnew in 1970 and Reagan in 1971). Watson said that these Republicans were not apt to attract young people to the GOP.

● The Ripon Society co-sponsored with the Indochina Teach-In Committee an Indochina Peace Panel on March 18, the same night as Vice President Agnew spoke to the Middlesex Republican Club's Annual Lincoln Day Dinner. Representatives **Paul N. McCloskey** and **Donald Riegle** appeared at the Teach-In and Senator **Mark Hatfield** spoke to the gathering via telephone hook-up. Vice President Agnew was invited to drop by the teach-in (held in the same hotel as the Middlesex dinner) to present the Administration's position on the war.

The Peace Panel was planned to offer Republicans

a forum to discuss the consequences of the Administration's Indochina policy for the nation, for Indochina, and for the Republican Party.

● **Ralph de Toledano**, in the March 20 edition of **Human Events**, comments on what he calls, "(Ripon's) hope for the political defenestration of Mr. Agnew." Ripon in fact called for a "severe testing" of the Vice President in 1972, but de Toledano persists in interpreting constructive criticism thusly:

This year the Ripon Society has been shaking its shanks and shivering its timbers a little earlier than usual. It has, in fact, found a new Holy Cause with which to drive a wedge between Republican factions. The Riponites want President Nixon to dump Vice President Agnew in 1972 and replace him with someone cut more to their ideological pattern. (Senator J. William Fulbright, maybe?)

● Washington Ripon member **Robert B. Choate**, who achieved nationwide fame for his testimony on the advertising of breakfast cereals to children, is chairing a group which has drafted a new code for advertising edibles to children, especially on TV. Copies of the code are available from the Council on Children, Media and Merchandising (1346 Connecticut Avenue, N.W., Washington, D.C. 20036).

● In March, Ripon President **Lee Auspitz** addressed the RAMS (Republicans Allied for Mutual Support) a group of senior Republican staff aides in Washington. His topic: A Republican Governing Strategy.

● **Ted Curtis** writes that:

I lost my bid for Chairman of the Maine Republican State Committee by a vote of 25 to 22. New Chairman was hand-picked choice of outgoing Chairman Cyril Joly. His name is Charles Morsehead and he was a sponsor of the Liberty Amendment in the Maine Legislature two years ago. O, well, there will be more battles to fight in the future. Riponers are invited to visit the Maine Legislature anytime. I'm enjoying serving the town of Orono after serving Uncle Sam for four years in Vietnam and other points West.

## LETTERS

### PRO AGNEW

Dear Madam:

A news dispatch of March 3 was noted in The Sunday Star by Paul Hope wherein your organization was quoted as stating that Mr. Agnew would be a liability to the Republican Party in 1972 unless he drastically changes form, and that in fact, he should be dumped.

I am a Republican of long standing with keen political interest and I have a great many friends and acquaintances in the Party. My wife is also a Republican, being president of a women's Republican club. In our regular contacts with politically minded people, neither of us can recall hearing your sentiments voiced. On the contrary, we find Mr. Agnew exceedingly popular and well-liked.

It is, of course, not surprising that your group does not approve of the policies and activities of the Vice President. Your judgment and your motives, as expressed here, are suspect and I don't think the great majority of the American public will be influenced by your condemnation. Indeed the Republican Party would probably remain very healthy without your sage counsel.

RICHARD L. COUNTS  
Bethesda, Maryland

### HOUSEHOLD WORD

Dear Madam:

"Here is a contribution to making Agnew a household word (vide Mark M. Boatner, ed. **The Civil War Dictionary**, p. 4

AGNEW. Name of attire worn by Sanitary Commission nurses in the Peninsular campaign. This consisted of a man's army shirt, the original one having been borrowed from a Dr. Agnew, with the collar open, sleeves rolled up and shirrtails out, worn over a full skirt less the hoops.

ANON  
Chapel Hill, N.C.

## Congress, the Constitution and the War

In these opening days of the 92nd Congress, the major issue before us is whether or not we will act to end our involvement in Viet Nam this year — 1971 — rather than continue to leave the time and circumstances of our disengagement solely to the discretion of the President.

I would like to respectfully suggest that the House undertake immediate consideration of resolutions to terminate aerial warfare in Laos and Cambodia, and to terminate as of December 31, 1971, the further funding of American troop presence in Viet Nam.

I would further urge that early consideration of these issues is the obligation of the Congress under our Constitution, and that we can no longer stand by in blind acceptance of the policies that the President is presently pursuing, and states that he intends to continue to pursue for the indefinite future.

### WITHDRAWAL NOW

For at least six months now, there has existed no major threat to the American troops remaining in Viet Nam from the North Vietnamese troops scattered widely throughout Cambodia, Laos and the jungles of South Viet Nam. Present intelligence estimates consider North Vietnamese strength in Cambodia at not exceeding 55,000, in Laos, 70,000, and in South Viet Nam 150,000; plus perhaps 120,000 Viet Cong. These troops are allegedly hungry, of low morale and at the end of supply lines hundreds of miles in length. They are opposed by South Vietnamese army, regional, popular and people's self-defense forces who outnumber them at least 4 to 1, and who are better armed, better fed and better equipped. According to the official figures of the Department of Defense, during 1970, when the South Vietnamese forces could lure

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*This guest editorial is taken from a speech made by Representative Paul N. McCloskey on the floor of the House on February 18, 1971. This excerpt cannot do justice to Congressman McCloskey's very cogent and detailed remarks. For example, he examines nine specific areas in which the Congress "has allowed its constitutional powers with respect to the war in Southeast Asia to be usurped and eroded." The entire speech appears in the Congressional Record of that day, or can be obtained by writing to the Editor of the FORUM.*

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the North Vietnamese and Viet Cong units into combat, the South Vietnamese killed their enemies at a 5 to 1 ratio. If the South Vietnamese government forces outnumber their opponents by 4 to 1, and are killing them in combat at a 5 to 1 ratio, what possible risk is there to the American troops so effectively shielded by the victorious South Vietnamese? What need is there for any Americans to remain any longer in South Viet Nam than the time necessary to march to the coastal cities and thence to the ships and aircraft waiting to bring them home?

### BOLSTERING SAIGON

The foregoing statistics tend to support the conclusion that the President's incursions into Laos and Cambodia are not intended to protect American lives ... but to so damage the North Vietnamese capacity to wage war that we can leave Viet Nam with a reasonable hope that South Viet Nam's government will not fall so rapidly that our tremendous expenditure of both dollars and human life will be proven valueless and we will suffer the humiliation and defeat to which the President referred in his speech of some months ago.

I do not question the sincerity of purpose of the Administration, and it is possible that the tactics involved may suffice to permit the South Vietnamese to preserve an independent new nation for some time after we have finally withdrawn. I do question, however, the Administration's attempts to label the present massive aerial bombardment in Laos and Cambodia as an effort to save American lives. If the use of airpower is *not* to save American lives, then of course it can only be justified under some form of congressional authority to wage war, and it was precisely this authority which Congress withdrew from the President when the Gulf of Tonkin resolution was repealed.

I have heard it argued that the President's authority to use airpower in Laos and Cambodia can be implied from the language of the Cooper-Church amendment which we added to the Supplemental Foreign Aid Authorization bill last year. It is argued that by expressly limiting the use of ground combat troops in Laos and Cambodia, we impliedly authorized the use of airpower. This would be a valid argument, save for the fact that at the time Cooper-Church was adopted by both

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