

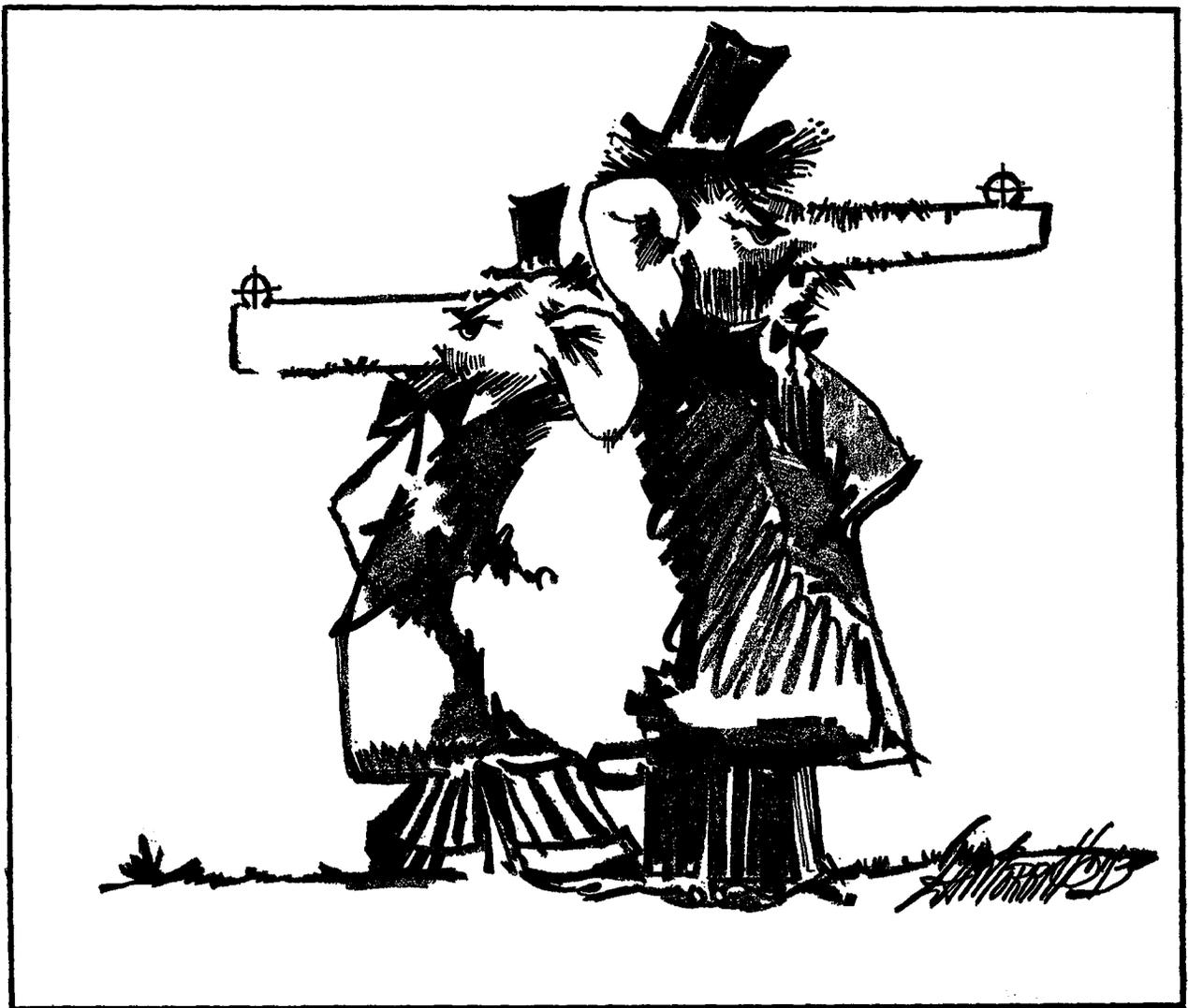
Nelson Rockefeller: Always the Bridesmaid, Never the Bride

**RIPON
FORUM**

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ONE DOLLAR



The Old Right Versus the New Right

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When U.S. Rep. John J. Rhodes (R-Ariz.) recently moved up to fill Gerald Ford's spot as House minority leader, U.S. Rep. Barber B. Conable, Jr., won an 88-77 victory over U.S. Rep. Del Clawson to fill the spot vacated by Rhodes as chairman of the House Republican Policy Committee. Only in his fifth term, Conable is now the fourth-ranking Republican leader in the House. In this article, the highly-respected member of the House Ways and Means Committee outlines the imperative need to reassert congressional control over the federal budget.

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•Margin Release

PETERSBURG — "There's a 'bug' around," said Ziggie, the proprietor of one of two country stores in town.

The "bug" Ziggie was talking about was a fire-related species, unconnected with Watergate. "He's burned a half-dozen houses during the last two weeks," said Ziggie. "He's a real nut."

I started worrying at this point. Every time I drive out to my house in rural New York, I fear it will be reduced to ashes by the time I arrive. I am reassured every-time I round the bend and see the old shack still standing.

"You ought to put a light on at night," said Ziggie. "This 'bug' is hitting all the summer places." Now I was really getting worried. My house was about as secure as access to White House tapes and about as easily erased.

"What sort of houses is he hitting?" I asked, seeking reassurance that only lonely, isolated buildings were targets for this pyromaniac.

"Houses on the main road that he can get to and leave quickly," answered Ziggie, destroying my optimism as quickly as the bombshell from the White House affects Republicans. My house is on the main drag in town; in fact, the kids think my front lawn is the main drag.

Still, I hoped that these were isolated cases; why would anyone want to burn my house? "He hits at 1 a.m. every fourth night," said Ziggie. "He hit last on Tuesday, so we're expecting him on Friday." Like a good Republican hearing the name of the President these days, I winced.

"Does he do much damage?" I inquired.

"Two total losses. Two more with 40-50 percent damage." He'll call in a false alarm for one end of town and then set a fire 10 miles away. Again, the Republican Watergate syndrome worsened. Where will it end?

"I'm getting tired staying up all night fighting fires and coming home in time to open up the store. I can't take it any more," said Ziggie. I lounged anxiously against the soda cooler. If I had worry beads, I would have fingered them. In a patriotic (stingy) fit a month ago, I had turned off the electricity in my house and retreated to Breed's Hill. Now I was under attack from a firebug. It wasn't fair. Republicans suffered enough.

"Do you know anybody who can move into your house?" asked Ziggie, helpfully.

"I don't know anybody," I replied.

"Or somebody who could stay in it once in a while?" he continued.

"Nobody," I said, with the loneliness only Republicans feel.

"I'm just trying to help," said Ziggie.

"I know, I know." I was beginning to be grateful that I lived across from the only bar in town. And the gas station next door was looking nicer by the minute. But the wisdom of local Republicans in firing the \$300-per-year constable to save money was looking more and more dubious.

I thought of my fire insurance. I thought of the fire hydrant on my front lawn. I thought of the fire house two doors up the street. And like a Republican facing reelection in 1974, I still worried.

At least Ziggie admits the danger of fire. Too many White House officials and too many Republican leaders haven't admitted that the Watergate "bug" is setting fire to the party.

When next year's election results are investigated, the fire marshal's verdict is likely to be "arson." That is, unless the White House bug is impeached before the fire. db



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EDITORIAL

What Have They Got On You?

The right to privacy is one of those keys to personal freedom that is never appreciated until it is lost or threatened.

Individual privacy is under attack, however, and each day, unauthorized invasions of that privacy erode its foundation. Perhaps the most insidious example of this erosion is the development of computerized data banks of personal information by public agencies and private institutions. The growth of these data banks has prompted the information of counter-efforts, both in and outside government. (See "The Politics of Privacy," page 6.)

Examples of official personal data collection abound. Security clearances routinely seek opinions about the sexual and drinking habits of potential employees. Arrest records, even when no conviction follows arrest, are often maintained as part of the official police record where they can be used in later court proceedings. Data bank files are used to record such innocuous activities as attendance at civil rights rallies, audits of income tax returns, and investigations of credit ratings.

The initial collection of the data, which is often done for legitimate public purposes, is not the problem. The difficult problem is the distribution to the public of such information, its access to unauthorized persons, its use for unintended goals, and the misinterpretation to which it is subject when taken out of context.

The most famous data bank in operation is the FBI's National Crime Information Center. In theory, the NCIC is a national computer network of law enforcement data available to 40,000 public agencies at the press of a button. Under the leadership of Gov. Francis W. Sargent (R), Massachusetts has refused to submit arrest data to the NCIC unless the arrest led to

a subsequent conviction. A group of civil libertarians, meanwhile, under the leadership of the National Lawyers Committee for Civil Rights under Law are prepared to go to court if the protective NCIC guidelines, which were being developed by former Attorney General Elliot Richardson, are not pursued by Richardson's successor.

Additional federal data banks include the Department of Transportation's National Driver Register, the registry of persons receiving drug treatment, the famous Army surveillance files, and the growing use of the social security number as a universal identifier by the Department of Health, Education, and Welfare and other agencies. Privacy freaks like Harvard Law Professor Arthur Miller, Columbia Law Professor Alan Westin, Sen. Sam Ervin (D-N.C.), and the American Civil Liberties Union have been decrying this technological threat for years. But their concerns have now been echoed by a growing group of politicians and bureaucrats.

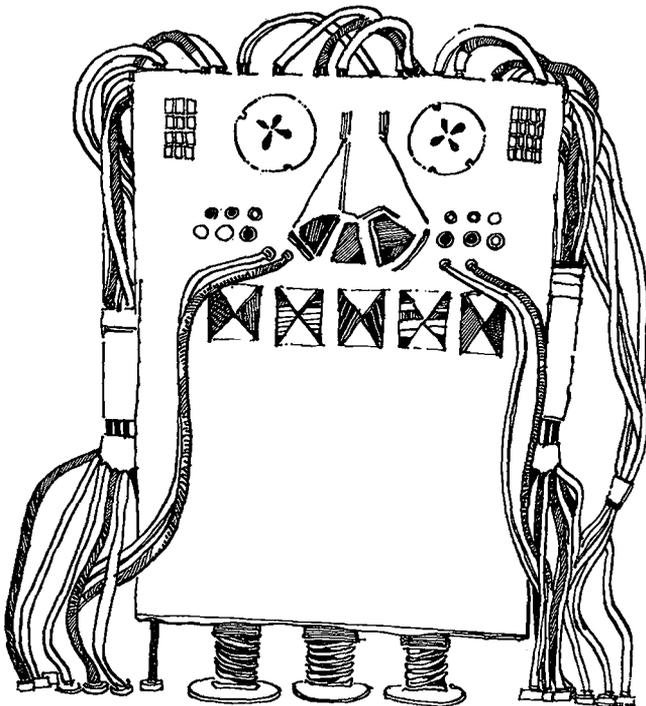
The most significant addition to the data bank debate was the "Report of the Secretary's Advisory Committee on Automated Personal Data Systems," released by HEW last July. The committee was appointed in early 1972 by then-Secretary Richardson. The 346-page report recommended "fair information" legislation to guarantee that individuals can find out what data is being maintained about them, can obtain a copy of the information, can contest its accuracy and pertinence, and can refuse to provide their social security number to anyone not specifically authorized by law to demand it. In addition, the committee came out squarely against the use of the social security number as a national universal identifier. Indeed, the original legislation for social security numbers made a similar stipulation.

Unfortunately, while the HEW report provides a guide for action at the state and federal levels, it appears to have fallen on less-than-receptive ears at HEW itself. Since the report was issued, HEW has revoked regulations protecting the privacy of welfare recipients, informally suggested a national registry of runaway youths, continued to explore further uses of the social security number, and continued to push its national data bank on drug users.

Action on limiting and controlling computerized collection of personal data is long overdue. Enforceable restrictions must be placed on the machines, the computer operators, the data input, and the output. Every person should have a legal right to inspect data files on himself, to seek interpretations, and to challenge the information. Furthermore, each existing and new collection and use of data bank information should be justified in light of potential invasions of privacy.

The right to individual privacy is basic to the birth of this country. Moreover, individual privacy is a basic element in Republican mistrust of government omniscience. That the grossest invasions of privacy have occurred under Republicans Richard Nixon and John Mitchell's Administration should be a stimulus for Republican action.

When the HEW report was released, Elliot Richardson, speaking then as attorney general, spoke of the need to temper the use of computerized government data banks with "the average citizen's wish to be let alone." Such wishes cannot be lightly trampled in the interests of bureaucratic expediency. Republicans should see that they are not. ■



Editorial Board COMMENTARY

The New Rockefeller

by Robert D. Behn

Nelson Rockefeller is no quitter. After three campaigns for the Republican presidential nomination, he has decided to try again. To make sure we take him seriously, he has resigned as governor of New York to study the "critical choices" facing America and to campaign for the presidency. One senses that Nelson Rockefeller believes that the most critical choice for America is who will be President after Richard Nixon.

Rockefeller and his staff have agonized for months over the options open to the governor and reached several conclusions as to the best strategy. They have noted that Richard Nixon defied the conventional wisdom by winning the nomination and the election without holding public office or having a political power base, and that neither Ronald Reagan nor John Connally will hold elective office in 1976. Thus Rockefeller has decided not to risk another gubernatorial campaign, nor to waste time governing New York, but to pursue Republican delegates as a speaker, campaign helper, and party fundraiser. The fact that the governor ignored GOP State Sen. John Marchi's 1973

campaign for mayor of New York or that his successor as governor, Malcolm Wilson, will probably lead New York Republicans to defeat next November apparently does not strike Rockefeller's advisors as inconsistent.

Further, the governor has concluded — indeed he concluded several years ago — that he must move to the right to win both Republican support and the general support of the electorate. Attica, welfare "reform," and drug laws all come from Rockefeller the "pragmatist" — aides assure you he was never a liberal — who finally understands how to win the presidency. "I'm not moving to the right," the governor has explained, "I'm just dealing with problems as they come up."

The question is: Just who is Rockefeller convincing? "Governor Rockefeller has been dutifully preaching over the grave of his social conscience for six years now," Murray Kempton wrote in a recent issue of *New Times*, "with a sincerity obvious to everyone except those Republicans who will never forgive his prior intimation that he might have a social conscience." Yet, the governor's aides are convinced of the strategic importance of "the New Rockefeller." Responding to progressive Republican criticism, one aide said: "We did it your way three or four times, and now we're going to try it our way."

Well, Nelson Rockefeller never did it *my* way. Each time he pursued the illusive target, he initiated contact with the Republican Party west of Lake Erie or south of Staten Island only after most of the convention delegates had, *de jure* or *de facto*, already been selected. At that point, campaign realities left him with only tactical decisions concerning how he could appeal to the *existing* Republican Party and its convention delegates, not how he could influence who was the Republican Party or who would be the convention delegates. In 1968, for example, Rockefeller's late entry ensured that the only tactic that could win him the nomination was to convince the delegates that Rockefeller and only Rockefeller could defeat any of the possible Democratic nominees. When his media campaign failed to produce the necessary results in the preconvention Harris and Gallup polls, the Rockefeller campaign collapsed.

The governor has learned the futility of seeking support from distrustful delegates. Explained another Rockefeller aide, "Sometimes you have to be 'one of the boys' to get to the top." True enough, but there are two ways to be "one of the boys." The first is to accommodate yourself to the existing boys; however, as Kempton notes, this is difficult to do when "the boys" have long been suspicious of your ideology. The second way is to get *your* boys — the boys of whom you are already one — into the positions that determine who gets to the top. Because we have always started late, progressive Republicans in general and Nelson Rockefeller in particular usually have been placed in the unhappy position — dictated by the demands of campaign tactics — to accommodate themselves to the existing boys. Nelson Rockefeller has decided to start early, but he is still pursuing the tactic of accommodation and making few overtures to GOP progressives.

In fact, complaints from the progressive Republicans are considered helpful by Rockefeller strategists for they reinforce the image of "the New Rockefeller." Combined with Kevin Phillips's glowing suggestion that "Rockefeller might be the best candidate to revive the Watergate-throttled 'new majority' of the 1972 presidential contest," this Ripon Society criticism must have Rockefeller aides chortling in Pocantico Hills, Bar Harbor, Fifth Avenue, and other eastern liberal es-



tablishment hangouts which Phillips has so enthusiastically denounced in the past.

"Instead of launching yet another campaign under the gray flannel banner of the GOP's eastern liberal fringe, Rocky is laying a strong base as the candidate of the GOP center," wrote Phillips in a recent column, which also condemned the "black/youth/Ripon Society strategists who used to make Rockefeller so anathema to party regulars." Concluded Phillips, "for the first time he has the ideological and tactical makings of a real shot at the presidency."

Nelson Rockefeller has been "presidential" in character for over a decade — dominating National Governors Conferences merely by walking into the room — but it is not at all clear how what Phillips calls Rockefeller's "ideological metamorphosis" will so easily win him the "GOP center" in competition with Ronald Reagan, John Connally, or Gerald Ford. Rockefeller has learned half the lesson from the past: he has learned that he must start early. He has not, however, learned that to win a party's nomination you either must have the natural support of the party, or you must change the party to your own image.

Since the conservative takeover in the early 1960's, the "GOP center" has been so far to the right that Nelson Rockefeller cannot expect to win a presidential nomination until he or his supporters substantially broaden the base of the Republican Party. Rockefeller has never done well in the presidential nomination preference polls of GOP voters, and in a recent Harris survey "the New Rockefeller" still placed only fourth (9 percent). Indeed, the list is now topped by someone who was not even among the "also-rans" three months ago — Vice President Gerald Ford.

Rockefeller agonized for months over his future, but despite the examination of various possible scenarios, he seems to have ignored the most likely one. In 1976, Nelson Rockefeller may find himself making the motion that the Republican National Convention nominate, by acclamation, incumbent President Gerald A. Ford.

Maybe the "critical choice" has already been made. ■

COMMENTARY

The Politics of Privacy

by Stanley Aronoff

Computerized data exists that could damage almost every citizen in the United States. Tax reports, credit information, bank files, insurance records — these are only a few of the sources of "private" data that could be collected by linking numerous computer systems with an individual's social security number.

A recent editorial in *Computerworld* supported the construction of a universal identifier, similar to our present social security number. Required by law, regulation, or custom for every

person in the United States, this number would cement the foundation for more efficient and economical personal data recording systems. The proposal superficially seems forward-looking and innocuous, but the ramifications of such a procedure could provide the key for widespread invasion of every individual's right to privacy.

The need for information for public and private institutions justifies the collection of some personal data. But the line of distinction between the public's need to know and the individual's right to privacy has been gradually eroded by the increasing capabilities of the mechanical memory bank. Computer technology has developed much faster than have the necessary safeguards for privacy protection.

1973 has seen some dramatic developments in the area of public awareness of the invasion of privacy by what some people term technological "progress." The Watergate investigation has spotlighted numerous abuses by government agencies in the realm of privacy. The media have thrust cases about the right to privacy into the public eye. An abundance of publications have alerted the public's attention regarding privacy. Probably the most comprehensive of these studies is the recent publication, "Records, Computers, and the Rights of Citizens," compiled by a Department of Health, Education, and Welfare Advisory Committee on Automated Personal Data Systems, sometimes called "The Invasion of Privacy Committee."

The initial impetus for the study was the widespread use of the social security number. Most federal agencies and many public and private institutions have adopted the social security number as a means of identification. The usual justification for its use is the need for identifiable information in order to deliver a service. However, our record-obsessed society has provided few restrictions on the use of an individual's personal data.

As a public member of the HEW Invasion of Privacy Committee, I shared, at first, many other members' skepticism about investigating the topic of computer-based records. Some committee members initially felt that technological innovations would correct any inequities in the present system. Other

members expressed faith in the benefits of large-scale data networks in a densely populated, highly mobile society.

As the investigation progressed, I became alarmed at the parallel between the threat of technological "tyranny" and the concept of "Big Brother" portrayed in Aldous Huxley's 1984. My fears were reflected in an article entitled "1984 — Only Eleven Years Away," published in the Spring, 1973, issue of *State Government*. The article focused on the rapid explosion of computer-based activity in the twentieth century, coupled with the expansion in number and size of programs of social action. The result has been a myriad of government and private agencies compiling information in order to provide "services" to an ever-growing number of citizens.

The committee's investigation mushroomed as research and testimony unveiled ubiquitous possibilities for the manipulation and abuse of computer-stored data.¹ As we analyzed the disastrous consequences, the sentiments of the committee underwent a metamorphosis. In spite of the diversity of our backgrounds, we converted into a unified group dedicated to exploring the entire area of the protection of privacy. Conclusions from testimony and research led to a unified effort to establish a balance between the public's need to know and the individual's right to privacy.

Focusing on the most important problems, the committee concentrated its recommendations on the issue of record-keeping accountability. It constructed five fundamental principles to assure openness and fairness in personal-data record-keeping operations:

- (1) There must be no personal-data record-keeping systems whose very existence is secret.
- (2) An individual must be able to find out what information about him is recorded and how it is used.
- (3) An individual must be able to prevent information about him, obtained for one purpose, from being used or made available for other purposes without his consent.
- (4) An individual must be able to

correct or amend a record of identifiable information about himself.

- (5) Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take reasonable precautions to prevent misuse of the data.

Next, the committee considered four basic approaches to implement these principles. The first method was to urge their adoption by the Department of Health, Education, and Welfare, hopefully setting a precedent for other record-keeping organizations to follow. This approach was not sufficient, as government regulation could not cover private agencies. In addition, administrative guidelines are too often subject to change by policy-makers. The second approach was to establish a public ombudsman to monitor automated personal data systems, to identify and publicize their potential for harm, and to investigate and act on complaints about their operation. This method was rejected as too superficial. The third approach was to create a centralized, independent government agency to regulate all automated personal-data systems and to impose conformity to specific safeguard requirements. This mechanism failed to receive approval because the committee felt that a nationwide regulatory agency was not needed at this time. The fourth approach seemed to provide the best instrument for implementing the committee's principles: the federal government and each state government, through their legislative channels, would establish specific obligations for record-keeping organizations. This method would delegate the enforcement of these rights and obligations to the already-established judicial process. Both civil and criminal penalties would be provided for violations.

The reaction to the committee's report was quick to surface. HEW Secretary Caspar Weinberger endorsed the proposals of the report and remarked that he was taking legislative and administrative steps to implement most of its major principles.

The report spurned federal and state legislative proposals. In early August, U.S. Rep. Barry Goldwater, Jr. (R-

Cal.), introduced an amendment to the Social Security Act limiting the authorization for the use of an individual's social security number and prohibiting the disclosure of the number by authorized organizations to unauthorized organizations. In addition, and perhaps with wider implications, Goldwater proposed a federal bill that would accomplish three basic guarantees for the individual: (1) the right to know the content of computer-stored information, (2) the right to contest the legitimacy of that information, and (3) the right to be informed, through request, of all the uses of their computer-based file. I introduced a "Code of Fair Information Practices" bill in the Ohio General Assembly, based on the Goldwater bill. A similar bill was introduced in the California legislature.

Ohio's proposed data privacy bill, which applies to both public and private information systems, features a series of prohibitions and requirements preventing the misuse of information in data processing systems:

- (1) The unauthorized use of data about individuals by computerized data systems is prohibited.
- (2) Computer operations are required to safeguard individual personal data.
- (3) Data must be made available to individuals who are subjects of the data, and deletion of erroneous material and notation of disputed data is required.
- (4) No one may require a federal social security account number except when dictated by federal law.
- (5) Public notice must be given of the existence and character of a personal-data system and of plans to establish or enlarge such a system.

As privacy abuses by government and private industries are exposed and brought to the people's attention, demands for legislative redress will increase. 1974 and 1975 will undoubtedly find the legislative halls in our general assemblies and Congress filled with privacy bills intended to insulate our citizens against further unwarranted intrusions. ■

1. See HEW report, "Records, Computers, and Rights of Citizens" for documentation of numerous instances of abuses to right of privacy.

Making Congressional Sense of the Budget

by Barber B. Conable, Jr.

Reforms are difficult to achieve. There is no more conservative institution than government, particularly about its own functioning, and representative government is the hardest to reform because there are always so many bases to be touched in preparation for change. Thus while the American total system is dynamic and constantly changing, our government traditionally is a heel-dragging institution, refusing to acknowledge even internal changes long after the need for accommodation has become painfully apparent.

No better evidence is available than the reluctance with which Congress has moved to deal with functional necessities occasioned by the fiscal explosion of the mid-sixties. Any casual observer could see the proliferation of categorical grant programs which escalated domestic expenditures upward even more impressively than the Viet-

nam War escalated military expenditures. The Great Society, with its great greedy heart, could not conceive of a national need for which a centrally controlled grant program could not be quickly assembled. During the 1960's federal categorical grants expanded five times to \$37 billion. As these programs soared past a thousand, some of our governmental departments became not so much administering agencies as a collection of cubbyholes. Partly as a result, Congress could not even count on good policy advice from the Administration about how to differentiate among the forms of largesse. Every program had its vested interest, its unmet need, its bureaucratic defenders, and hence its expectancy.

The typical congressman — never very skilled in oversight capability but increasingly skilled in the techniques of political survival — found it more and more dangerous to try to sort out the relative importance of these myriad programs. The easiest and safest course was to consider each program as though it existed in a vacuum rather than saying "this" was more important than "that," thus offending all the friends of "that." It was hoped that somebody, somewhere, was keeping track of it all and preventing the whole process from getting too much out of control. But since that "somebody" was the budget director and the "somewhere" was the executive branch, thoughtful congressmen began to realize there was a connection between these budgetary practices and the erosion of congressional power.

In a government based on checks and balances, power seems to belong to those who control the negatives. The Office of Management and Budget increasingly performed this function as Congress refused to take responsibility for keeping it all within a manageable whole. Congress could and frequently did quarrel with OMB's priorities; but Congress couldn't quarrel with the need for priorities, nor could it expect to remain a significant part of the government, unless it made the effort to establish its own priorities. Put another way, Congress couldn't effectively argue about OMB's measure if it didn't get a yardstick of its own.

That's what it's all about. The Budget Control Bill passed by the House

in December will be before the Senate this year and could take effect in 1975. When the bill becomes effective, Congress will have to set ceilings on outlays and revenues each year, prepare its own budget proposals, return to the Appropriations Committee control of forms of spending which are not now subject to such review, and extend the fiscal year (to begin on October 1 rather than July 1) so that all spending can be compared at one time to the earlier Budget Committee targets. The ceilings set earlier in the year can be reviewed and revised all at one time in September, but every step in the process has to be related to every other step. The process is cumbersome and is not a panacea. It is intended to provide a discipline within which the congressional will to govern can be rediscovered.

In the end, whether the process works or not may depend on competitive factors. The pressure for this reform diminished perceptibly after the Watergate events reduced the effectiveness of the presidency. Congress may resent and circumvent the cumbersome budget procedures the reform embodies if it does not feel threatened by the presidential fiscal alternatives.

It is noteworthy that the budget



reform proposal was coupled in the House with a measure automatically reversing presidential impoundments by veto of either House. One wishes that congressional responsibility would rise as the effectiveness of the presidency declines. But in the competitive world of politics, this writer fears that strength is needed to inspire strength, and that discipline is the response to discipline. In any event, congressional fiscal reform is well worth the effort and constitutes "system maintenance work" of worthy purpose. ■

COMMENTARY

Memories

of

A

Firey

Moderate

by *Fred Schmengel*

It is doubtful that Abraham Lincoln ever read Pascal's quote, "To go beyond the bounds of moderation is to abandon humanity," but he did read the passage in the Bible which states (I Cor. 9:25): "Every man that strives for mastery is temperate in all things." In May 29, 1856 at Bloomington, Illinois he said, "In grave emergencies moderation is generally safer than radicalism."

There were emergencies evident in 1856 that never ceased in number or intensity during his life. Lincoln saw and understood more clearly than most that the moral question of slavery must be resolved without sacrificing the Union.

From his knowledge of history and literature — as well as his experience in law and politics — he learned early that "there are right and wrong ways, places, and times to do and say what is right." He concluded that forcing slavery's abolition on the South would ensure the secession of some states. It would grievously strain the nation and, more important, it would not solve the moral question of slavery. Taking his cue from St. Paul ("Let your moderation be known to all men" [Phil. 4:5]), Lincoln used his most effective

weapon — the written and spoken word.

In his public speeches, especially his debates with Stephen Douglas, Lincoln spoke from a knowledge of history and law. In these addresses he expressed the fundamental principles that became the bedrock of his support in his quest for the presidency.

The essential inequity of the Kansas-Nebraska Act was its betrayal of the spirit of free institutions. . . I object to it because it assumes that there can be moral right in the enslaving of one man by another . . . nearly 80 years ago we began by declaring that all men are created equal: but now from that beginning we have run down to that other declaration that for some men to enslave others is a sacred right of self-government.

Throughout his life Lincoln retained his moderation and echoed an eternal truth, "Let us have faith that right makes might." What he said came from deep moral convictions, but he believed that in both the abolitionist and secessionist camps there were extremists who were not pragmatic and who would lead the country to division and ruin. This moderate, pragmatic approach led to his nomination and election as President.

In the Civil War period Lincoln and the government had many enemies, who were critical not because they did not believe their leaders but because they disagreed with them. They disagreed on ways of saving the Union, freeing the slaves, and conducting the war. In that entire period, however, the people never accused Lincoln of dishonesty or unfairness.

Long before the war Lincoln had established his honesty, made clear his convictions, set priorities and goals that could be attained and, in the spirit of moderation, he never pressed his advantages too far. He said, "I shall do less whenever I shall believe what I am doing hurts the cause, and shall do more whenever I shall believe doing more will help the cause." It was the combination of his moderation with virtues of honesty and fairness that gave him his unique character and glowing stature. He knew how to set priorities and spoke of them with a rare kind of simplicity, sincerity, and

eloquence. As Carl Sandburg said, "he could get to the nub of the thing." He spoke often not only for his time, but for all time:

I wish at all times in no way to practice any fraud upon the house. . . . I do not propose to question the patriotism or assail the motives of any man or class of men. . . . I wish to avoid violations of law and bad faith. With malice toward none and charity for all let us finish the work we are in. . . . The dogmas of the quiet past are inadequate for the stormy present; we must think anew, act anew, we must disenthral ourselves.



Lincoln's life was filled with many tragedies. But he had his successes as well. He was a good surveyor and country lawyer; he was elected to the legislature, then to Congress, and finally to the presidency. Because he understood the ordeal as well as the triumph of the human spirit of his age, he had the strength with which to overcome despair. This gives us reason for hope. Finding the roots of his strength, cultivating them and fortifying them with the wisdom gained from our own failures and successes, we too shall prevail.

It behooves us in our time, especially if we serve in public office, to reflect on the patience and candor of Lincoln, the moderate statesman. In this time of turmoil, as he advised, "let us harmonize . . . and appeal to the moderation and the patriotism of the people."

The Power To Wage War

by Pierre S. duPont

Between March 7 and November 7, 1973, the Congress fundamentally recast the role of the legislative branch of government in the execution of foreign policy. Whether that change would be made was the subject of persistent doubts throughout the bill's development.

When the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments began its extensive hearings on war powers legislation last March, I was skeptical about Congress' ability to draft an effective yet flexible war powers bill — one which recognized the need for extraordinary presidential action in emergencies, but which also preserved congressional authority to declare war. I never anticipated that Congress would muster the votes to override a veto on any war powers bill which significantly reasserted the congressional role.

The beginnings were inauspicious. There were vigorous differences of opinion among the members of the subcommittee about what shape the bill should take, how specific it should be, and how far it should go in limiting the President's power. At one time considerable thought was given

to reporting no legislation. This division was reflected in the first drafting sessions; after roughly four hours of intense debate, drafting amendments to amendments and substitutes to amendments, the first three of the five sections of the original bill were entirely deleted. From these beginnings it is truly remarkable that the war powers bill emerged essentially unscathed from the vigorous debate in full committee, on the floor, and in conference.

There is no question that the support for war powers legislation had its roots in frustrations over the Vietnam War and the apparent inability of the Congress to affect the direction of that war. It would be inaccurate, however, to conclude that Congress' perspective was limited to that ten-year period. The subcommittee perspective was far broader, taking into account the actions of successive Presidents who had exercised progressively greater control of the direction and execution of foreign wars. Vietnam did, however, stand as powerful testimony to the erosion of congressional authority and the resultant constitutional imbalance.

The bill, was not, then, as some critics charged, simply a reaction to the Vietnam War. It was an effort to bring about a fundamental shift in the allocation of responsibility in taking the nation to war. Above all, it was an attempt to restore the governmental balance of war powers which the Constitution intended and to guarantee that future decisions to commit the nation to war will be the product of a deliberative process, subject to all the attendant checks and balances. Defining those checks and balances was the most difficult task, requiring investigation into the reasoning behind the elusive phrases of the Constitution.

It is frequently contended that the powers conferred on the Congress by Article I, Section 8 and those conferred on the President in Article II, Section 2 are logically incompatible. While there is an apparent conflict over the delegation of war-making authority, there is ample evidence to show that the drafters of the Constitution intended to give Congress the primary responsibility for making war, consciously avoiding the pattern of

broad authority enjoyed by the monarchs of that period.

Because Article I, Section 8 is the only instance where war-making powers are expressly mentioned, constitutional scholars have attached great significance to the amendment that changed Clause 11 from the power to "make war" to the power to "declare war." Some have suggested that the change was designed to restrict the role of Congress to a more formal or ceremonial function, implying that the substantive responsibility lay with the executive branch. The debate was not well reported, but there is strong evidence that the amendment was in no way intended to weaken congressional prerogative. There is additional evidence supporting the contention that the change in wording was designed to relieve Congress from the day-to-day responsibility for conducting war.

In contrast to this evidence supporting congressional preeminence in war-making authority, the executive branch has only been given express authority to be the commander in chief of the armed forces. This is hardly a persuasive grant of broad authority, in contrast to the specific grants conferred upon Congress. A strict reading of that clause would make the President, as Alexander Hamilton termed it, the "first general and admiral of the Confederacy." The President's authority, however, has been considerably expanded by the interpretation of Article II, Sections 1 and 3, which give the President executive power and require him to take care that the laws be faithfully executed. This has been construed to mean that the President has the power to enforce the laws of the United States by any means he finds necessary — *In re Neagel*, 135 U.S. 1 — and in practice this has meant that he has the power to maintain internal order and repel sudden attacks.

Analysis of this legislative history suggests that the framers of the Constitution never intended troops to be used outside the country without congressional consent. Since neither a standing army nor navy was thought necessary by the framers, any military venture would have required by necessity congressional authorization of the expedition by raising troops or calling up the militia. Even when troops were

available for foreign deployment — during the nation's first 25 years under the Constitution — the executive branch came to Congress for authorization.

Nevertheless, a rapid expansion of presidential use of power abroad took place. The expansion began with the theory that the duties of the President included the power to protect U.S. citizens and property abroad. By the end of the 19th century, the power had expanded to the point where the executive power included a great variety of interests defined as foreign policy objectives.

Concurrent with this development of foreign policy powers, the President was recognized to have the inherent power to conduct the national defense. Fear of invasion was foremost in the minds of those who recognized the importance of such powers. In the modern context, however, the possibility of global confrontation has given rise to the notion of linking the national interest to extraterritorial security interests. It is the exercise of power along these lines that has led the President into collision with the war-making powers of the Congress. Although it is well-recognized that the President must still be left with the power to judge in the first instance whether a given event constitutes an imminent threat to our survival and demands a response which leaves no time to seek congressional acquiescence in that decision, this limited discretion falls far short of the assumption that the President, because of his defensive powers, may act unilaterally whenever the interest jeopardized is labeled as a "security interest." The authority for the unilateral acts taken by Presidents in the last 20 years rests on questionable constitutional grounds, and at the minimum, represents policy which the Congress ought to debate and seek to curtail.

Early American history indicates that the result we have reached today was by no means inevitable. We have endowed the President with increasing amounts of authority, yet this seems to be based more on expediency than necessity.

In the first 125 years of the republic, there was genuine cooperation between the President and Congress, often resulting in deference to the legisla-

tive will regarding the initiation of foreign conflicts. At one point Jefferson refused to permit the American naval commanders to do more than disarm and release enemy ships guilty of attacks on the United States until he had received congressional approval for the First Barbary War. Congress took an active role in opposing executive action — Franklin Pierce in Cuba, William Seward in Alaska, and Ulysses Grant in Santo Domingo — and the executive acquiesced.

Between 1900 and 1945, close cooperation between the executive and Congress became the exception rather than the rule. The trend gained full momentum under Theodore Roosevelt. He acted unilaterally in South America and in the Orient when he sent several thousand troops to the Boxer Rebellion. Franklin Roosevelt continued the



practice of bypassing Congress by exchanging 50 destroyers for British bases in the Western Atlantic, by occupying Iceland and Greenland, and by ordering the Navy to convoy ships carrying lend-lease supplies to England.

In the 1950's and 1960's, Congress entered a period of almost total acquiescence. The broad blanket of national security interest provided the basis for the bipartisan support which lasted through the Cold War. Formosa, Korea, Lebanon, Cuba, the Dominican Republic, and the initiation of the war in Southeast Asia were all presidential decisions.

Understandably, the shift to presidential hegemony in war-making authority did not occur without reason. The executive branch proved to be institutionally superior to Congress for conducting wars and even for initiating them. The executive branch had the

advantage of unity of office and purpose as well as the command of a vast intelligence network. The executive also had the ability to act quickly and in secret — two attributes not commonly associated with Congress. This, however, is not to suggest that Congress should not still be the ultimate repository of war-making powers. On the contrary, if the framers of the Constitution had decided that expediency and secrecy were the premium qualities in war-making, they would have vested the power in the President. Instead, they decided that war-making must necessarily involve popular approval and that the power should lie with Congress. Congress must not substitute expediency for the intention of the framers in establishing the principles upon which government should function.

If Congress had not been adequate as the body to make war-making decisions, then the institution had to be changed to meet the needs. Unfortunately, history has shown that Congress has too easily abandoned its constitutional duties to the executive branch because of the latter's institutional superiority. Congress had to be reformed to meet the demands of the times and thus be able to implement the duties delegated to it under the Constitution.

The required reforms were three-fold. First, Congress had to make sure that the information necessary to make rational decisions was provided by the executive. In recent years Congress had learned that when the necessary information was available, it was just as capable of making decisions as the executive. Second, Congress had to become a regular factor in major policy changes: it had to be consulted before irrevocable steps were taken, not afterwards, when there was little that could be done to remedy the situation. Third, Congress needed an appropriate voting mechanism to control presidential action when he acted without congressional consent. Congress had learned during the bombing of Cambodia that once a war is started, even in the absence of a declaration of war, it could not be stopped without a two-thirds vote in both Houses. The Constitution implies that the President should seek antecedent justification from both Houses of the Congress before commencing hostilities.

Yet, the practice had become such that if the President acts first, both Houses have to cross the two-thirds barrier before disengagement from hostilities can begin. Such an anomalous result is nowhere supported by the Constitution.

These three essential reforms — timely information supplied to the Congress, the regular involvement of Congress in major policy decisions, and a mechanism to control presidential action — were hammered out in committee over a 12-week period.

Unquestionably, the reporting and the consultation provisions are important elements of the new law. They provide the information that Congress needs to become once again a responsible partner in the use of armed forces abroad.

Section 5 of the law, however, is the fulcrum which gives Congress the leverage required to assert war-making authority, granted in Article 1, Section 8 of the Constitution. The act not only places a limit on the President's unilateral actions, a protection we did not have before the passage of this law, but also provides for termination of the President's actions through a concurrent resolution which requires majority vote of both Houses of Congress and which does not go to the President for signature. This is the heart of the law, since it codifies the policy reflected in the Constitution. Since under the Constitution the President would have to seek the approval of the majority of both Houses of Congress prior to going to war, it seems only appropriate that when the President exercises extraordinary powers not specifically recognized in the Constitution, Congress should also be able to cut off that authority by a simple majority vote.

Normally, a binding legislative act passed by Congress must be signed by the President after passage by both Houses or must be enacted into law by two-thirds of both Houses over a President's veto. Although the concurrent resolution does not go to the President for signature, it has been used frequently in the last 50 years to bind the executive branch. For example, Congress delegated to the President the authority to implement reorganization plans of the government, which could subsequently be rescinded by the passage of a simple resolution

in either House of Congress. Even more closely related was the use of the concurrent resolution in the Gulf of Tonkin Resolution. That resolution provided the President with the provisional authority to take whatever steps he deemed necessary to protect the United States armed forces, but subject to revocation by the passage of a concurrent resolution. The constitutionality of this provision never seemed to have been questioned by the executive.

I think the theoretical basis for this procedure is well-founded in the Constitution. The Constitution grants to Congress war-making powers, and under recognized constitutional precedent, the Congress may delegate the authority with which it has been vested. Congress may also retract that which it delegates; this is the legal justification for the disapproval of reorganization plans by simple resolution. The war powers bill uses such a provisional grant of authority by giving the President the power to commit troops abroad without prior consent of Congress. He does so, however, under the condition that Congress may retract that authority by majority vote of both Houses. This does not run counter to Article 1, Section 7 (the power to declare war), because Congress has simply delegated authority in advance; since it is the source of that power, the moment the power is terminated by concurrence of both Houses, the President's provisional authority has been terminated.

The concurrent resolution mechanism is also supported by logical analysis of the legislative process. For example, if the President were faced with a situation where no emergency existed and came to Congress for authorization, Congress would proceed to consider either a declaration of war or authorization for the use of armed forces abroad. Under the normal process the majority of one House could block the authorization, and the President would lack the authority under the Constitution to proceed unless some extraordinary national security issue were at stake. Yet if the President decided to act unilaterally, without prior authorization, Congress would have to vote by a two-thirds majority of both Houses in order to remove the committed troops. The result is logically inconsistent: If the President

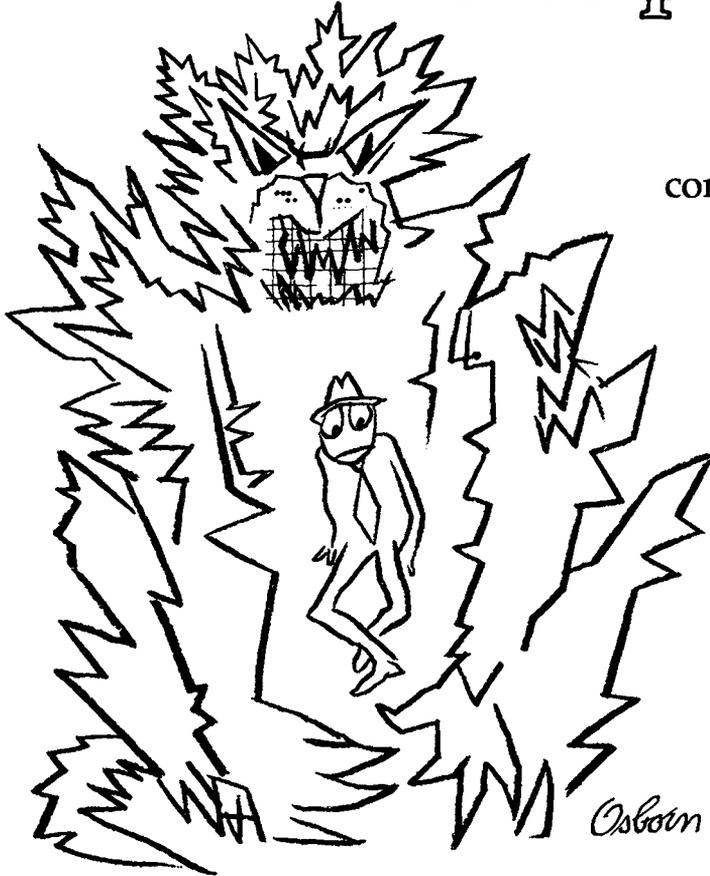
goes to Congress as he was supposed to under the Constitution, a simple majority of one House can defeat his actions. Yet if the President acts unilaterally, without prior consent from Congress, in a manner not expressly recognized in the Constitution, then two-thirds of each House must vote to terminate his actions. This is an unreasonable obstacle to the congressional assertion of constitutionally mandated power. It can only encourage the President to act first, because it takes far more opposition in Congress to defeat his actions.

Of all the issues involved in the debate on war powers, Section 5 (the 60-day automatic termination clause) proved the most vexing, consuming a great deal of the debate in full committee, on the floor during the consideration for final passage, and during the veto-override attempt. Many conservatives argued that the time limit on the President's authority was too restrictive, whereas many liberals viewed Section 5 as giving the President an unconstitutional, or at least a politically unacceptable, scoop of authority. Although there cannot be a final resolution of these issues without a definitive ruling by the courts, it is persuasive that over two-thirds of the members of both Houses of Congress accepted the provisions as constitutional.

The bill is obviously a departure from the vague contours of the Constitution's delegation of war-making powers, but its thrust is a return to the original design of the Constitution. The deliberative process contemplated by the framers had become badly distorted in practice. Depending on one's historical preference, either the executive "seized" the power, or the Congress "relinquished" it. In any case, by 1970 it was clear Congress had lost sufficient power so that the authority to declare war under Article 1, Section 8 had become a hollow phrase. The war powers bill is therefore an attempt to reassert congressional power and to institutionalize the checks and balances inherent in the Constitution, but in a modern framework, giving the President limited powers to act in emergency and retaining for the people's elected representatives the ultimate, awesome decision to commit our forces to a foreign war. ■

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1974 RIPON SOCIETY PUBLIC POLICY PRIZE

First Prize \$500.00

Second Prize \$200.00

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Cash prizes will be awarded for the best essays, proposing new directions in public policy, published in 1974 in the Ripon FORUM.

All papers will be judged on the basis of the originality of the proposal, its practicality, and its relevance to the problems facing the United States in the 1970's. The papers may be addressed to any area of public policy, foreign or domestic. The winning entries will be chosen by the following panel of judges:

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Professor of Public Policy
Duke University

DR. HOWARD GILLETTE, JR.
Professor of American Studies
George Washington University

DR. ROBERT H. DONALDSON
Professor of Political Science
Vanderbilt University

DR. LEE W. HUEBNER
Deputy Special Assistant to President Nixon

DR. JOHN REHFUSS
Director, Center for Governmental Studies
Northern Illinois University

A first prize of \$200 and a second prize of \$100 will be awarded in December 1974 to the authors of the two best policy proposals published during the year. Members of the National Governing Board of the Ripon Society are not eligible for prizes. All entries must comply with the following rules:

1. Papers may not exceed 5,000 words in length.
2. Papers must be typewritten, double-spaced, and submitted in duplicate.
3. Papers must focus on a specific, practical public policy proposal. They should not merely analyze a social problem.
4. Papers must be well-documented, with sources included for facts and figures which are not common knowledge.
5. The author must be fully identified, with academic status (if any) and address given.
6. Papers must not have been previously published.
7. Entries must be postmarked not later than September 30, 1974.

Entries should be addressed to:

RICHARD J. BEHN, Editor
The Ripon Forum
Post Office Box 226
Charlestown, Massachusetts 02129

POLITICS: REPORTS

SOUTH CAROLINA

COLUMBIA — South Carolina Republicans' mouths are watering at the prospect of winning the governorship in 1974. So far, however, such dreams have the tantalizing quality of a foodless meal; the GOP has yet to recruit a big-name candidate.

With the prospect of a divisive Democratic primary between U.S. Rep. William Jennings Bryan Dorn and Lt. Gov. Earle Morris, Republicans agree that they have an excellent chance to elect a Republican governor next year. They just can't seem to find a top-flight candidate who is interested.

James Henderson, a former candidate for lieutenant governor, and journalist William D. Workman have both disclaimed interest. Commerce Secretary Frederick Dent and former White House aide Harry Dent are also officially uninterested.

The problem was the subject of a secret high-level strategy session during the November meeting of the Republican National Committee. Sen. Strom Thurmond (R) said later it would be "useless" to run a candidate for the sake

of running someone. Nevertheless, party leaders agree that the state seems to have tired of a hundred years of Democratic domination.

Fred Dent is the leader of unofficial GOP polls, but Republicans may have to choose among a list of less recognizable names: Republican Chairman Kenneth Powell, Sen. James Edwards, former Republican executive director Drake Edens, and Richland County Council Chairman Warren Geise. (Geise is a former University of South Carolina football coach.) Despite the reluctance of big-name talent to enter the race, the GOP does seem headed toward a gubernatorial primary.

Dorn's decision to leave the congressional seat he's held for 25 years may divert some gubernatorial potential to run for his 3rd C.D. seat. State Rep. Marshall Cain (R) and Marshall Parker, the GOP's 1966 Senate candidate, may make the race. The Democrats have a lengthier list of possibilities.

A second Democratic seat is being vacated by U.S. Rep. Thomas Gettys, who is retiring. Despite rumors that former Yankee baseball star Bobby Richardson might be interested in the GOP nomination, the only announced

candidates thus far are Democrats.

Republicans are also having a hard time locating opposition for Sen. Ernest F. Hollings (D). Gen. William Westmoreland, the former Army chief of staff, has disclaimed any interest; the only other Republican possibilities so far are ex-POW Col. Quincy Collins and William D. Barmore, director of the Agricultural Stabilization and Conservation Service in Columbia.

The Democratic Party is not running weak on candidates, and one man could win the governorship hands down. Former Gov. Robert McNair still has strong support in the state and has the Democrats' best chance for victory if he chooses to run. But McNair has made no definite commitments, leaving the field open to other possible candidates. ■

OREGON

PORTLAND — The 1974 gubernatorial race shapes up as a four-way Democratic contest and a non-contest for Republican Secretary of State Clay Myers.

The most formidable Democrat — if he chooses to run — would be former State Treasurer Robert Straub. The land developer-farmer twice ran losing races against Gov. Tom McCall (R), but he has the largest name recognition of any Democratic candidate.

Straub's successor, State Treasurer James A. Redden, announced his candidacy in late November. Although he co-chaired the McGovern campaign last year along with another gubernatorial candidate, State Sen. Betty Roberts, Redden is probably the most conservative Democrat in the race. Sen. Roberts is the only candidate to have sparked any enthusiasm thus far; the former teacher-lawyer has support from education and women's rights interests. The fourth possible aspirant is, like Redden, a former minority leader of the state House of Representatives; Multnomah County District Attorney Harl Haas will be strengthened by his support from organized labor.

Secretary of State Myer could face possible opposition from Republican State Senate Minority Leader Victor Atiyeh, but it is not considered likely. ■



POLITICS: PEOPLE

● Missouri Attorney General **John Danforth** (R) is leaning away from a Senate race next year with Sen. **Thomas Eagleton** (D). Polls taken by Eagleton and Danforth show the incumbent running 2-1 ahead of Danforth and Lieutenant Gov. **William Phelps** (R). If both Danforth and Phelps decide against battling the odds, Mrs. **Rosemary Ginn**, the state's able Republican national committeewoman, may decide to contest Eagleton. Mrs. Ginn contends that Eagleton can be defeated and that Danforth would be the strongest candidate the Republicans could field. Mrs. Ginn contends that a Republican victory in a recent, special legislative election in a marginal, Kansas City-area district, shows that Watergate has not eclipsed GOP hopes in the state.

● New York Assemblyman **Edward Meyer**, a one-time rising star in the Republican Party, has decided to join a fellow Westchester resident, U.S. Rep. **Ogden Reid**, in the Democratic Party. Reid, meanwhile, is off and running for the Democratic gubernatorial nomination, but at best is probably a "place" entry behind **Howard "Howie-the-Horse" Samuels**, the Off-Track Betting Corporation president whom smart money has tagged as the likely Democratic winner. Upstate U.S. Rep. **Samuel Stratton** (D), is still making up his mind whether to make the race. **John Lindsay**, the former leader of Gotham City, is apparently taking a political rest this year.

● North Dakota Republicans were shocked by the results of special legislative elections December 5. All five vacancies were filled by Democrats; the seats had been controlled 4-1 by Republicans and as one observer commented, "The Democrats would have been happy with three." In the absence of substantive issues, the Watergate demon was seen hiding in the wheat fields.

● Court-ordered redistricting of both legislative and congressional seats in California will open delegations to both bodies for partisan change. Under the new congressional lines, Republicans hope they can maintain their 23-20 minority status in the congressional delegation, perhaps gain 21-19 control of the State Senate, and narrow the Democratic margin in the Assembly from 49-31 to 44-36. The court's disregard for incumbency, however, also opens up the possibility for Democratic gains. To compensate for the new district lines, the State Supreme Court has waived the one-year district residency requirement. Political Editor **Richard Bergholz** of the *Los Angeles Times* quoted one California politician as calling the waiver "the greatest boon to the moving van industry since the invention of the wheel." U.S. Rep. **Del Clawson** (R), for example, will move into the new 33rd District for next year's race. U.S. Rep. **Victor Veysey** (R) may seek to move his seat from the present 38th C.D. to the new 35th C.D. Democrats hope to unseat U.S. Reps. **William S. Mailliard**, **Bob Mathias**, and **Burt Talcott**; they're also hoping that GOP conservatives will unseat **Paul McCloskey** in a primary. McCloskey's argument that current relationships between incumbents and constituents should be considered in redistricting was rejected by the courts.

● Illinois Republicans have found the best available sacrificial lamb to oppose Sen. **Adlai Stevenson III** in 1974: former State Rep. **George Burditt**. The Chicago-based food and drug lawyer agreed to make

the Senate race after the state GOP was rebuffed by U.S. Rep. **John Anderson**, NATO Ambassador **Donald Rumsfeld** and Attorney General **William J. Scott**, all of whom declined to make a futile race against the popular Democratic incumbent. Ironically, while in the state legislature, Burditt and Stevenson were sponsors of an unsuccessful legislative ethics bill. Burditt, who is considered the principal architect of the state's 1970 environmental protection bill, retired from the state legislature in 1972. He was appointed chairman of the state Liquor Control Commission by Democratic Gov. **Daniel Walker**, but declined the nomination before he was confirmed by the legislature because Burditt's law firm represented the food division of a beer manufacturer. Burditt is making the race — as he forcefully explained at a December 3 meeting of Percy-for-President backers — because he feels Republicans should contest Democrats with the best possible candidates at all governmental levels.

● Former progressive New Mexico Gov. **David Cargo** (R), who has been considering another run for the governorship, is being urged by prominent Republicans in the state to consider instead a run for attorney general, a post the GOP has not held in decades. The frontrunning Republican gubernatorial candidate is former legislator **Joe Skeen**. Former State Sen. **Jack Eastham**, Skeen's major challenger for the nomination, has not yet made any announcement of his campaign intentions. Former POW Col. **James L. Hughes** appears to be running for the GOP nomination mainly on the sympathy vote, while the Democrats remain split among a plethora of organizational factions. New Mexico Republicans have only held four statewide offices in the past 40 years.

● Like outgoing New Jersey Gov. **William Cahill**, Gov. **Linwood Holton** of Virginia will return to the private practice of law. Holton is considered a likely candidate against Sen. **Harry F. Byrd, Jr.**, a political independent, but Byrd's seat won't be open for contest until 1976. Holton has apparently decided against taking a job in the Nixon Administration.

● U.S. Rep. **William Mailliard**, who last year won a close race against former Supervisor Roger Boas, will be challenged next year by Assemblyman **John Burton** (D), brother of U.S. Rep. **Phillip Burton** (D). Mailliard has been rumored to be a possible candidate for an appointment in the Nixon Administration, perhaps to succeed **John Scali** as ambassador to the United Nations.

● The strength of the 1973 Republican "tidal wave" was further illustrated by a special election to choose a successor to Virginia State Sen. **John N. Dalton**, who was elected lieutenant governor in November. Democrat **Madison Marye** won Dalton's Senate seat, considered the most Republican in the state, by more than 1,600 votes. Marye's most potent issue was the refusal of his Republican opponent, State Del. **Jerry H. Geisler**, to resign from the House of Delegates in order to spare the voters another special election in the event that he won.

● Vice President **Gerald Ford** (R) has moved to the head of the Republican presidential preference vote, according to pollster **Louis Harris**. Among Republicans and independents, Ford was the top presidential choice of 21 percent of the respondents, compared to 16 percent for Gov. **Ronald Reagan**, 11 percent for Sen. **Charles Percy**, 10 percent for Sen. **Howard Baker**, 9 percent for **John Connally**, and 6 percent for then-Gov. **Nelson Rockefeller**.

The Old Right

vs.

The New Right

The conservatives in the Republican Party are sometimes stereotyped by progressives as a monolithic and probably neanderthal coalition, whose members religiously read *Human Events* and *National Review*. Not so, according to the authors of the Ripon Society's forthcoming book on the 1972 elections. The conservative movement is deeply split between the Old Right, which is deeply committed to personal freedom and free enterprise, and the New Right, which is just as deeply committed to national security and corporatist protection. The fundamental cleavage between these two groups may widen in the future, according to Contributing Editor Clifford W. Brown, opening up the feasibility of a coalition of moderates and the Old Right. In the preparation of this essay, which is excerpted from the Ripon book to be published by Little Brown, and Co. in early spring, Dr. Brown was assisted by John Elwood, professor of political science at the State University College of New York at Fredonia and John Brotschol, president of Ripon's New Jersey Chapter and formerly an active member of the Young Americans for Freedom.

by Clifford Brown and John Elwood

To some, the conservatives who emerged in the 1960's appear to be a monolithic force, while to others they appear to be an aggregation of fragmented, often quarreling, factions. Both images have some validity, since the name "conservative" still has some ideological appeal and the minority status of the movement tends to unite its many factions against the liberal opposition. A basic cleavage splits conservatives: the deep philosophical differences between the Old Right and the New Right. At present this division remains blurred, but it will sharpen in the near future. Since their fundamental assumptions are so antagonistic to each other, the conservative movement will soon polarize along these conceptual lines.

The Old Right is the most authentic representative of the Enlightenment's "liberal tradition" founded by the American revolutionaries of the eighteenth century. Embracing both the Jeffersonian and Hamiltonian traditions in American politics, the Old Right believes in individual freedoms, equality of opportunity, limited government, constitutionalism, property rights, capitalism, and many other principles articulated by John Locke, reiterated by Thomas Jefferson, and in this century given historical interpretation and comment by the works of Louis Hartz.

The economic doctrines of the Old Right start with the principles of property rights and free markets. Laissez-faire capitalism, embodied in the entrepreneurial firm, with competition, risk, profit, and efficiency as the criteria for survival, constitutes the classical image of economic orthodoxy. The role of government should be limited (in the economic sphere) to the minimum activity necessary to make the system operate. Balanced budgets, monetary not fiscal policies to compensate for cyclical swing, and perhaps some antitrust activity to preserve a free market are the basic components of economic policy. Although the Old Right has never totally adhered to a doctrine of free trade internationally, it is emphatically not protectionist at home and has strong theoretical affinities for international trade expansion. Unions have always been suspect. The right-to-work law is not universally embraced by the Old Right, but the idea of a corporation as a contractual, not a social, aggregation is deeply held. If unions are to exist, collective bargaining and the adversary process are the logical requirements of this open image of society.

The political doctrines of the Old Right are related to the economic doctrines. Karl Marx and Charles Beard notwithstanding, there is much evidence that the political

doctrines preceded the economic. Constitutionalism, the supremacy of law, strict construction (in the old sense), a government of limited powers, a Bill of Rights, individual freedom of choice, individual responsibility under the law, political equality, and above all, nonpaternalism are the basic propositions of political orthodoxy. A sense of equality makes it very difficult for members of the Old Right to be racists, although their governmental and proprietary philosophies make it equally difficult for them to accept governmental action on behalf of minorities.

The Old Right looks at America as the promise (fast disappearing, perhaps) of a set of universal principles of democracy and republicanism whose validity sanctions America's role in the world. Patriotism is the product not of nationalistic but of universal impulses. The military is as separate from the political as the religious is, and the standing army or church militant is regarded as a basic threat to the political and intellectual freedom of the society. Communism has always been perceived as a major threat to the nation, but crusading international ventures usually have been greeted with suspicion. "Live and let live" is a fundamental principle of the Old Rightists, and to them the isolationism of the American Heartland has often made a lot of sense.

Above all, the Old Right is committed to freedom as the unifying principle of its philosophy — personal, political, intellectual, and economic freedom. These beliefs form a coherent and consistent approach to politics. Formerly they were called "liberal" views, but because they are an authentic inheritance from our past, those who adhere to them may reasonably call themselves conservatives because they wish to conserve and preserve our traditional values.

The New Right, however, is something very different although it also has an authentic claim to the conservative label. Its unifying principle is not freedom but security — personal, proprietary, economic, political, and national security. Although many of its doctrines have been passionately embraced by Nixon's New Majoritarians, they are largely inherited from both wings of the Democratic Party — which is why they can be used to some extent to entice the southerner and the northern working-class Catholic away from their traditional political habitat. In many ways John Connally is the symbol both of this doctrine and of its questionable parentage.

The economic doctrines of the New Right are very important. First of all, its communicants do not believe in laissez-faire capitalism. To them the free market, the balanced budget, and the unmanaged economy are rapidly becoming "obsolete" doctrines. The entrepreneurial firm with risks, competition, and reliance on efficiency is now being replaced with the modern equivalent of a guild: the corporation whose success depends not upon economic proficiency but on political privilege, the firm whose survival is dictated not by the harsh laws of the market but by the soft coziness of political accommodation.

Subtle shifts in the nature of American capitalism are having profound impacts on the nature of political doctrine. The government has become the most important single factor in many firms' calculations, and the relation-

ship between government and business over the years has moved from benign indifference to regulatory hostility to close accommodation. The result is increasingly business-by-franchise in vast sectors of the economy. Political bargaining and manipulation, not market considerations, are increasingly dictating the nature, the policies, and the survival of modern corporations and conglomerates. The businessman who formerly wished to keep the government at arm's length now finds himself in a passionate embrace. This new morality is depriving the businessman of his independence, his freedom, and above all his ability to innovate. In return, however, he is acquiring security, protection against the implications of his own mistakes — the very opposite arrangement to nonmonopoly capitalism, which, despite all its abuses, at least provided rewards for innovation and efficiency.

"Above all, the Old Right is committed to freedom as the unifying principle of its philosophy — personal, political, intellectual, and economic freedom."

The New Right is beginning to formulate a new kind of socialism, a socialism for the middle and upper classes based not on the assertions of rights but on the exercise of privilege. This doctrine of governmental redistribution is creating a vast network of subsidized organizations, both public and private, whose lifeblood comes not from the marketplace but from the federal treasury, which in turn must tax the more independent sectors to sustain this ever-increasing flow of money. As with so many things governmental, these subsidized, franchised, and protected corporations and institutions are becoming less and less efficient and are serving as a drag upon the entire productivity of the country.

This new socialism — corporate socialism or corporatism — is slowly becoming a very powerful doctrine in this society, which is why the New Right is such an important and growing force. (Ideologies go beyond the stage of short-run fads only when there are powerful interests to sustain them.)

But the subsidized corporation is not the only economic interest that is a potential beneficiary of the New Right philosophy. Labor is also a force in search of security. The protected job, the return to tariffs and quotas, the governmental subsidy of inefficient corporations and threatened industries, the governmental guarantee against business failure, the management of the economy with its never-ending phases, the substitution of governmental regulation for collective bargaining procedures — in short, the replacement of a capitalistic economy by a corporatistic economy, if well handled, also benefits labor and tends to mitigate the differences between it and business. Big Labor and Big Business are becoming increasingly cozy in modern America. Big Government might well join in. Protection and paternalism go very well together, and the New Right's concern for the security of jobs, the security of profits, and security of status stands in stark contrast to the Old

Right's concern for economic freedom and personal mobility.

Since this socialism-corporation-paternalism is diametrically opposed to the economic doctrines of the Old Right, it is not surprising that there are many other differences between these two groups who call themselves conservatives.

First, the New Right rejects the insistence of the Old Right that the military be kept as separate as possible from politics and the political process. The famous military-industrial complex is a symbol of New Right power, and the repeated justification of "Big Government" in terms of national security is one of its principal arguments. The subsidized nature of the major weapons systems industry fits very well into this pattern of inefficient coziness, and the Lockheed loan is a great symbol of the new feudal order. Many legislators voted for and against this loan for many reasons, but conservatives split down the middle. The Old Right voted against the loan, the New Right, for it. Those who voted for it justified their votes in the terminology of New Right philosophy — guaranteed employment, national security, corporate subsidies, and, in effect, the franchise system. Those who voted against it did so in the name of Old Right economic orthodoxy.

Second, these cozy relationships between business and government have led to a much less sensitive notion of what constitutes a conflict of interest. Since intense lobbying and reciprocal pressures and accommodations by government and business are considered normal by the practitioners of this philosophy, the traditional ethical practices of the Old Right no longer seem applicable. If government and business exist for the security of each other, then what is wrong with mutual back-scratching? The Watergate scandal and its attendant funding disclosures may have horrified the Old Right, but the New Right, interested in security and mutuality, seemed more disturbed by the reaction to Watergate and the counterproductivity of the caper than by the caper itself.

Third, the paternalism of the New Right, like the paternalism of the Old Left, believes in a greater governmental role in social questions. The New Right consistently embraces the efforts of federal agencies to limit the application of the Bill of Rights to individuals in the name of a new "social security," that is, security for the society. Furthermore, the corporation and the feudalism of the New Right, these great justifications of status and the security

"The New Right, however, is something very different although it has an authentic claim to the conservative label. Its unifying principle is not freedom but security — personal, propriety, economic, political, and national security."

of status, make it much easier for their adherents to acquiesce in racist policies that the egalitarians of the Old Right could never tolerate.

Fourth, there is a regional distinction of importance between the Old and the New Right. The New Right

started in the South — in the Democratic Party — and spread to the Republican Party. The paternalism, feudalism, and even socialism present in this philosophy have a distinct southern flavor to them although their appeal now goes much further. Texas is the home of this philosophy. Democrat Lyndon Johnson and Democrat-turned-Republican John Connally have been its foremost proponents. This is the region that has become intensely dependent upon federal economic subsidies for its oil, construction, and defense industries. Its textile industry — which *is* efficient — is still dependent on tariffs and quotas. It is a very different economic climate than the Midwest, for example, where industry is largely unsubsidized and the doctrines of the Old Right still prevail among business leaders.

But the appeals of the New Right extend far beyond the South. Its doctrines provide the logical philosophy to unify the New Majority coalition of southerner, northern working-class Catholic, and Republican businessman, thereby bringing into the "Republican" Party the two largest elements of Franklin Roosevelt's *Democratic* coalition. We have seen how the doctrine of economic security might unify business and labor; it is also easy to demonstrate how the doctrine of status security can unify the southern Anglo-Saxon conservative Protestant and the northern ethnic conservative Catholic.

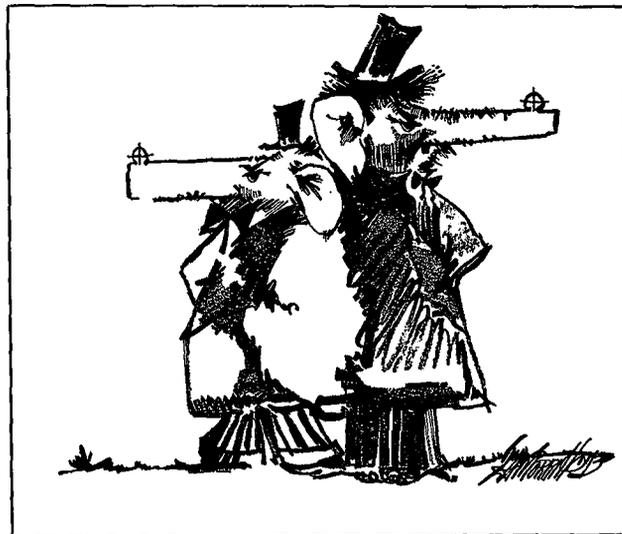
Both these groups feel threatened and both are insecure. They feel threatened most of all by blacks, but also by hippies, by youth, by intellectuals and liberals, by almost any force that might change their social status. Drugs, the new morality, abortions, the fragmentation of the family, the decline of religion, and the weakening of the institutional church are undercutting the social and philo-



sophical points of reference of both groups. It is little wonder that each embraces the doctrines of Americanism to regain the security that liberal pluralism seems to be destroying. Instead of meeting these legitimate problems head on, instead of competing, as it were, both these groups are seeking a refuge in the secure protection of a conservative doctrine that seems to justify their status in the corporate image of society. The theological traditions of Thomism and the autocratic social traditions of the South both lend strong support to this image of reality, to this newly defined Americanism that departs from so many American traditions.

Finally, the international politics of the New Right provides a number of departures from the traditions of the Old Right. The New Right is quite willing to engage in foreign adventures. Oil is one of its principal concerns, although not all oil is controlled by it. In such adventurous industries political and economic influence go hand-in-glove. John Connally's trips to the Middle East, ITT's escapades, and Robert Vesco's enterprises are only some publicized examples of the international dealings of the New Right and the coziness of governmental-corporate relationships. The rapid rise of foreign investment by many industries has lent support to its principles. The New Right is internationalist, the Old Right very hesitant in international affairs.

Furthermore, unlike the Old Right, whose patriotism was tied to a defense of our individual rights and freedoms, the New Right focuses on our collective privilege, that is, our privilege as a nation and as a culture. It is not our freedom as Americans but our power as America that is important. The New Right is asserting a nationalistic, not a universal, principle, and this is a total repudiation of two hundred years of our history. Ever since the American Revolution our foreign policy has been largely tied to the assertion and defense of a set of consistent universal principles such as freedom of the seas, making the world safe for democracy, and preventing aggression. Even our isolationism traditionally was justified in terms of preserving our universal principles from the corruptions of foreign influences. But the New Right disagrees. To them the American Revolution is a symbol of our national

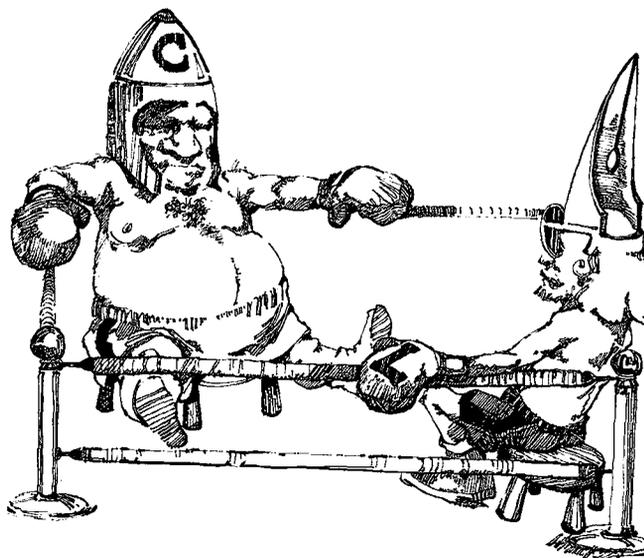


independence from Great Britain, not a symbol of our individual independence from tyrannical government. To them our international history has been a catalogue of episodes that increased our power, not a series of encounters that preserved our principles. To them our mission is ourselves.

The Old Right disagrees in principle with these New Right philosophies, but the symbolic power of the word "patriotism" is as strong as the symbolic power of the word "conservatism." National security superficially unites the Old and the New Rights. Such unity will be short-lived because it will soon be clear to the Old Right that the New Right is undercutting, not augmenting, our security.

The Old Right has always argued that the welfarism and social security of the New Deal were dangerous to America because they sapped the strength of the Republic and created a softer society. To some extent this has been true. Welfarism and the decline of the work ethic have taken a toll, but it can be argued that in human terms the benefits have been worth the cost since abject poverty and total human misery have been alleviated to some extent. The relief of the lower classes of society may have created some "softness," but that damage is minuscule compared to what would happen if the most productive and creative parts of the society were allowed to "go soft." The Old Right may well argue that if the top two-thirds of America is allowed to participate in an increasingly welfarist ethos, the damage to the society will be fantastic. The paternalism of the New Right will soften the leadership, the potential innovators, the managers, and other key figures in the society.

The Old Right will soon perceive that nothing will hurt this country more than embracing the doctrines of the New Right. The true power of a country lies in the strength of its society, not in the number of weapons it has at any given moment. The Old Right may well argue that if the policies of the New Right are adopted, we shall be in even more serious trouble than we are now. The new corporatism provides the greatest social and economic rewards to status and size, not to efficiency and creativity. It is based on philosophies that will seriously disillusion our brightest citizens and transfer power to the blindly



loyal, who are not necessarily our shrewdest people. The insistence on security rather than freedom will ironically reduce security as our industrial plant becomes less and less competitive, as our unions cease putting the kind of pressure on management that leads to increased efficiencies, as our inventors and innovators are bought off by those with government-backed interests in the *status quo*, as we safely drift off to sleep behind the protectionist tariffs that prevent foreign competition from making our industry more competitive.

This is not to say that the practitioners of the New Right lack personal drive. It is to say that the net effect of their efforts is to lower the efficiency of the situation. The focus of their energies is not on maintaining a competitive situation and an autonomously going concern. Rather, it is on making things easy for themselves, and this is what disturbs the Old Right.

The Old Right may also perceive that we will lose our sense of purpose and vision both at home and abroad. The goal of security is not the source of inspiration that the goals of freedom and change are. Those who choose the soft route, the lazy alternative, and the secure situation not only are forgotten, but never really contribute to the strength, the growth, or indeed the genuine security of a nation. America has always been the one country that was never afraid of the future — and the Old Right will argue that it will be a sad day when we become so.

How much longer can the meaningless word “conservative” gloss over these fundamental distinctions between the image of a free society and of a “secure” society? How long will it be before the Old Right recognizes that protection, privilege, and paternalism are not consistent with its true doctrines? The Old Right may at times lack compassion, but it does not lack energy, innovation, and the enterprise born of freedom and competition. It can never ally itself for long with those philosophies that will guarantee that we become that famous second-rate power before many more decades elapse.

“The New Right will be more and more ‘where it’s at’ in the conservative movement and the Old Right will become increasingly aware of its limits.”

But the New Right has its strengths. Powerful interests are moving to support it as the nature of the American economy changes from a largely capitalistic order to a corporatist one. The Old Right was largely relevant for a *laissez-faire* capitalistic society and a society of individuals exercising individual responsibility. Its doctrines of personal freedom and property rights were supported by powerful economic interests that coincided well with individual interests in freedom and limited government. But the independent economic interest is fast disappearing and, like so many reform movements in the Republican past, the Old Right must rely now more and more upon intellectuals and noneconomic concerns for its support. This is not yet totally the case, since there are still many businessmen who believe in a *laissez-faire* capitalistic economy and who confuse the two Rights. But the trends in capitalism

are clear. The New Right may well have the interests on its side while the Old Right is left with simply its doctrinal appeals. These appeals will still be strong since they embrace the great traditions of the Republic, but they will be weakened by the loss of one of their principal benefactors. The New Right will be more and more “where it’s at” in the conservative movement and the Old Right will become increasingly aware of its limits.

The relationship between business and government will have a dramatic impact on the future of the Republican Party as a party. Old Right/New Right as a contest between Charles Percy and John Connally, for example, would be a dramatic symbolic confrontation between champions of the entrepreneurial and of the corporatist economic philosophies.

The point is that business and economic interests can find in the philosophies of the Old and New Rights a vehicle for exercising influence within the party that the old organizational structures do not provide. Instead of trying to influence the politician or the new manager or the organization in the traditional sense, some businesses can lavish their resources within the context of an ideological movement and can realize a much larger payoff. But business as a whole will not be united in this enterprise; it will be deeply divided.

It is clear that the assertion that conservatives and Republicans are one and the same is false. The conservatism of the New Right, with its brands of socialism and paternalism, is a direct inheritance from both wings of the Democratic Party — and is an amalgam of that party’s philosophies. This is one of the great ironies of our modern politics. ■

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Write Josephine Cuevas, Ripon Society
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DULY NOTED: BOOKS

● **Victims of Justice**, by Margaret English and Dorothe Matzner. (Atheneum, 1973, 371 pages, \$10.00) In March, 1966, Judi Kavanaugh was murdered near Clifton, N.J. The aftermath of her murder, as described by Margaret English and Dorothe Matzner, is extraordinary. As fiction, this story would be dismissed out of hand as totally unbelievable. As fact, it is simply frightening. Ms. English, a former assistant editor at *Look Magazine*, has painstakingly detailed every aspect of the investigation of the Kavanaugh murder, its connection with the murder of Gabriel DeFranco, a small time hoodlum, and the two trials that followed. Dorothe Matzner, a co-defendant in the second trial and wife of a co-defendant in both trials, has added her personal diary of that four-year period. Ms. English's prose is workmanlike, if unspectacular, while Mrs. Matzner is more emotional, notably in an extremely moving exchange of letters between her and her husband while occupying different wings of the Passaic County Jail. Even the final acquittal of all the defendants cannot abrogate the ostensibly outrageous incompetence and duplicity exhibited by the prosecution and the police in this disturbing chronicle. It is a chilling reminder of our vulnerability at the hands of a system gone awry. Reviewed by Daniel Paci.

● **Neither East Nor West**, by Henry M. Christmas. (Sheed & Ward, 1973, 197 pages, \$7.95) The basic principles of the non-aligned countries are presented through excerpts of speeches and addresses by the acknowledged leaders of these nations at three separate conferences. The book also includes the complete declarations resulting from these conferences, composing the hopes and aspirations of the Third World nations. The initial meeting, the Belgrade Conference of 1961, saw the twenty-five countries joining together. The Cairo Conference of 1964 had grown to nearly sixty nations, and the 1970 conference held in Lusaka, Zambia, was attended by sixty-three nations and a number of representatives of national liberation movements. Major resolutions of these conferences include immediate disarmament; the termination of colonialism and neo-colonialism; the right of economic progress of the developing countries; the right to self-determination for all countries; the use of the United Nations as the forum for peaceful settlement of conflicts and for worldwide cooperation; and the abolition of worldwide racialism. The conferences emphasize the pitfalls of creating a power bloc of Third World countries while aspiring for beneficial cooperation to end power politics and the Cold War. Christmas presents a straightforward account of the conferences using the exact words of the non-aligned. However, the reader must reach his own conclusion, unaffected by the personal biases or oversights by the author. Reviewed by Steven England.

LETTERS

National Security

I have reviewed the Ripon Research Proposal published in the November 1973 FORUM, entitled "Secrecy and National Security: A Program for Congressional Action and Presidential Restraint."

Since retirement from the Department of Defense on May 31, 1971, I have been writing and speaking about the damage resulting from the executive branch security classification system. I would advise that the society's program reflect the following:

- 1) Restrictions on disclosing official information to American citizens are justifiable only in the interests of national defense. (The term "national security" is far too broad for purposes of the First Amendment.)
- 2) Only one secrecy classification category should

be permitted, such as "Secret Defense Data." (Multiple classifications invite overclassification.)

3) Protective measures should be limited to "official information, the unauthorized disclosure of which would damage the national defense."

4) Disclosure of defense data should be made as required for promoting the national defense, with no restriction on disclosure to the Congress. (The discredited "clearance" system should be rejected.)

Although practically any congressional action to preempt the secrecy system currently in Executive Order 11652 should merit support, the type of legislation I originally proposed in May 1972 would seem most appropriate. A copy is included on page 293 in Volume I (1973) of the report of hearings conducted jointly by the Ervin, Muskie, and Kennedy Senate subcommittees on Executive Privilege, Secrecy in Government, and Freedom of Information. Sen. Mike Gravel's bill (S. 1726) and Sen. William Hathaway's bill (S. 2451) are consonant with my proposal.

WILLIAM G. FLORENCE
Washington, D.C.

What Purpose?

As a member of the Ripon Society, I feel that the editorial, "Jackson Amendment: Moral Imperialism" (November 1973 FORUM) should not go unchallenged.

You characterized Sen. Henry Jackson (D-Wash.) as a "cold-war warrior." This man has also been a warrior for the progressive forces of civil liberties within this country.

It must be clearly shown that the United States government will not lightly forget the plight of oppressed peoples within any country's borders. It was this blindness in American policy-makers of the '50's that drove many sincere nationalists into becoming mere pawns for the foreign policies of Soviet Russia and the People's Republic of China. I personally feel that the questioning of American foreign policy initiated by Jackson's amendment will lead American policy-makers to reassess their relationship with other totalitarian societies.

Finally, there is one question I wish to pose before the editors of the FORUM: If America is not to be the leader in the quest for a lasting moral order in this world, then what is its purpose?

SCOTT E. GREEN
Chicago, Illinois

Look Who's At The Door

The true victims of "Watergate-dirty tricks, etc." are not the men pictured as using any means to achieve their personal ends, but the thousands of volunteers who gave a dollar, an hour, or an ounce of energy because they believed. They believed a Republican administration would govern best — and with the utmost integrity, decency, and honesty. The personalities involved may go on to lucrative law practices, speaking engagements, and book contracts, but the volunteers are left with their disillusionment. Perhaps it is time for Republican leadership to cease worrying about the White House problems and concentrate on revitalizing and inspiring their own workers so necessary to the future of the country as well as the party.

It is not necessarily true that Republicans will lose elections because of these horrors. With only a small percentage voting, they may well win most of them, and if winning is the "only name of the game," then their goal will be accomplished. But government by 30 percent (or less) of the people can become another "horror," and this may well be laid at the door of our party.

Thus, now is the time for positive programs, people-to-people contacts, inspired leadership, and restoration of faith in the political process at the level the voter understands best — his own doorstep. It is a greater challenge than that of winning an election, for it becomes a challenge to restore America.

ELLY PETERSON
Charlotte, Michigan

14a ELIOT STREET

● Ron Speed, president, traveled to Colorado October 26 to meet with the organizers of the fledgling Denver Chapter. Officers of the new group include Paul E. Smith, chairman; Del Ellis, vice chairman; Chuck Binkelman, secretary; Peggy McClintock, treasurer; Dick Oostberg, membership chairman; and Bob Leake, projects chairman.

Ripon Issues Conference

At one point, there was some doubt as to whether there would be enough people at Ripon's Issues and Politics Conference to wallow in Watergate, let alone look beyond the miasma and into the post-Watergate era. A scant two weeks before the Conference, the *Wall Street Journal* observed: "Liberal Republicans encounter trouble with a planned month-end Conference ... The sponsoring Ripon Society finds the sign-ups so far disappointing."

By November 30, when the Conference got under way, 366 progressives and moderates from 35 states had signed up for the three-day meeting. The conferees, panelists, and speakers were a heady brew of young and old, activist and academic, party officials and elected office holders, amateurs and pros. A common thread united them all: enthusiasm and a determination to make a positive contribution to the Republican Party. In the words of a former GOP national committee-woman, "Not one moment of divisiveness, not one resolution ... you all kept the tone positive and forward looking." Not a single wallower in the crowd.

On Saturday, December 1, ten issues papers were presented on such diverse topics as criminal justice reform, rebuilding cities, free market solutions to the urban crisis, Congress and foreign policy, and the humanized work environment.

At the heavily attended politics panels on Saturday and Sunday, conferees heard from such respected professionals as former Assistant GOP Chairman Elly Peterson, who enunciated the "Peterson Peace Plan" and sounded the call to "abandon regional and philosophical differences." She drove home the message that 1974 — not 1976 — is the turning point in the Republican advance. "Quit the Presidential hassle," Peterson advised, and focus attention on the '74 races. "It is time," she said, "to raise money and build morale." Linking the state of the moderates to the state of the GOP, respected pollster Fred Currier warned, "The moderates have to help the party in 1974. The solutions to our problems have to come from the moderates."

Elliot Richardson, unemployed for the moment, made an unscheduled appearance at the Saturday luncheon and received a tumultuous reception. Featured speakers at the luncheon and dinner sessions were Sen. Charles McC. Mathias (Md.), Gov. Linwood Holton (Va.), and U.S. Reps. John Anderson (Ill.) and Bill Frenzel (Minn.).

Both Holton and Mathias ripped into the White House's bankrupt "Southern strategy." Said Holton at the Friday night dinner, "As the party of Lincoln, we would be desecrating his very name if we tried to turn the southern branch of our party into an all-white club. We would also guarantee that we remain a minority party in the South." On Saturday night, Mathias branded the strategy as "an unprincipled coalition devoid of a positive program" that has failed to attract new blood to the party, and instead has "driven many more Republicans out of the party." Mathias summed up the mood of the conferees when he called for a "renaissance of responsive, responsible government" founded on "traditional Republican principles."

Participants went away on Sunday with a renewed commitment to Ripon's role as the source of fresh public policy initiatives and a brand new commitment to activism. In the words of one county chairman, "It was the most rewarding political three days of my life."

● The New Jersey Chapter moved one step beyond national Ripon's October recommendation that the House of Representatives initiate impeachment proceedings and called upon President Nixon to resign. John Brotschol, president of the chapter, said "A press conference before an acquiescent group of reporters is simply not enough to restore public trust in the chief executive."

● Willie L. Leftwich, vice president of the Washington, D.C. chapter, is a member of the board of the Pennsylvania Avenue Development Corporation, which was set up last year by Congress and given \$1 million to develop a plan for the renewal of the north side of the avenue, between 6th and 15th Streets, N.W. in D.C. If the current plan is approved by the board and Congress, the corporation will then borrow \$50 million from the U.S. Treasury to implement it. Leftwich's colleagues on the corporate executive-dominated board include Joseph Danzansky, president of Giant Foods, and John T. Connor, president of Allied Chemical.

THE RIPON SOCIETY, INC.

is a Republican research policy organization whose members are young business, academic and professional men and women. It has national headquarters in Washington, D.C., chapters in fifteen 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 Director.

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DULY NOTED: POLITICS

● **"Reagan remap vetoes backfires,"** by Sydney Kossen. *San Francisco Examiner and Chronicle*, December 2, 1973. California Gov. Ronald Reagan (R) vetoed a redistricting proposal because he "thought he could get a better deal in the State Supreme Court." As it turned out, the State Supreme Court did not give the GOP a better deal and some Republicans are annoyed at their governor. The plan has won no praise from GOP State Senate leaders Fred Marler and John L. Harmer, but former GOP State Chairman Putnam Livermore praised it as the "death knell of partisan gerrymandering in California." Reagan's veto *faux pas* may be "the third blemish in quick succession on Reagan's public image," according to Political Editor Kossen, who also cites the defeat of Proposition 1 and a state court decision cancelling a welfare funding shift made by the governor.

● **"'New Majority' Seen Drifting to Democrats,"** by Lou Cannon. *Washington Post*, December 2, 1973. "The emerging Republican majority is drifting back to the Democrats," according to Cannon. "Data compiled by the Gallup polling organization shows that the key Democratic element of this supposed new majority — the 'peripheral urban ethnic' celebrated by the Committee for the Re-election of the President — would today vote far more overwhelmingly Democratic for congressional candidates than in 1972, possibly giving the Democrats a two-thirds majority in the House." Cannon says these conclusions are confirmed by pollsters Bob Teeter and Pat Cadell. Commenting on CREP's pursuit of the "peripheral urban ethnic," Cannon quotes Teeter as saying, "I never subscribed to the peripheral urban ethnic theory. I never felt that the demographic characteristics of those groups had anything to do with the way they were voting. The whole business about the 'new majority' was really a description of eastern cities. The same class of person decided for Nixon in Los Angeles as in the East, but he wasn't Italian or Polish there, maybe not even Catholic. He was a person who had moved up in class and had a vote, a cottage, two cars, two kids." According to Cannon, "One bright spot for the Republicans in the current voter opinion surveys is that GOP candidates who enjoy a reputation of independence and integrity seem to be improving in voter favor. A recent Teeter poll in Michigan, for instance, found that Gov. William Milliken was at a high point of popularity, even while Watergate was growing as a voter concern."

● **"GOP Split Aids Nat,"** by John Haile. *The (Nashville) Tennessean*, November 25, 1973. "Key Tennessee Republicans are saying that Dr. Nat Winston will almost certainly be the GOP nominee for governor next year unless his opposition is narrowed to one political moderate," writes Haile. "Most of these Republicans, gathering in Memphis last week to participate in the Republican Governors Conference, also believe the field will be narrowed, with Gov. Winfield Dunn and Sen. Howard Baker (or their key supporters) working to keep the nomination from Winston." Haile concludes that Knoxville Mayor Kyle Testerman is the least likely to make the race, leaving the moderate GOP split between retired businessman Dortch Oldham and former White House aide LaMar Alexander. Although Oldham is campaigning harder, Haile theorizes that he has less "staying power" than Alexander.

● **"A Highway Funds Scandal Threatens Wallace's Political Future,"** by B. Drummond Ayres, Jr. *New York Times*, November 30, 1973. "A major highway funds scandal is threatening the political future of George C. Wallace at a time when the two-time governor is fast regaining his health and is reportedly preparing to plunge once again into state and national electioneering," writes Ayres. "The name of the governor's brother, Gerald, has been mentioned in the affair, which allegedly involves almost \$100,000 paid to a phony machinery company on the basis of state purchasing orders drawn up by employees in the

Alabama Highway, Purchasing and Finance Departments. The state employes and officials of the phony company then split up the money, registered investigators say." Gerald Wallace was driving a truck registered to the phony company last December when the truck was involved in an accident. Attorney General Bill Baxley, a potential successor to Wallace, is conducting the investigation, which has been seized by State Sen. Eugene McLain, a gubernatorial aspirant for 1974, as a possible campaign issue.

● **"The Washington Scene: Weicker Split With Nixon Hits High, Possibly Beyond Return,"** by Robert Waters. *The Hartford Courant*, December 9, 1973. "The conflict between President Nixon and Sen. Lowell P. Weicker, Jr., has clearly reached a point of no return as far as Weicker is concerned — and the same probably goes for Nixon too," writes Waters. "One of the ironies of Watergate is that it has made Weicker a strong Nixon critic — in spite of an avowed declaration by Weicker three years ago that he would never become involved in a personal attack on Nixon. According to Connecticut Sen. Abraham A. Ribicoff (D), Weicker is the 'best known political figure' in the state. But if the GOP suffers the predicted monstrous setbacks in congressional elections next year, Weicker will be blamed in some GOP quarters. Like the ancient Greek messengers who were slain because they were the bearers of bad news, Weicker can expect many of the losers to make him the villain in the piece."

● **"Baker Has Southern Problems,"** by Tim Wyngaard. *Knoxville News-Sentinel*, December 9, 1973. "Sen. Howard H. Baker, Jr., the man who wasn't there, has some serious fence mending to do among southern Republicans if he's interested in running for President in 1976. Baker, who is on a long-planned Puerto Rican vacation and who missed the Southern Republican Conference (held in Atlanta December 8-9), is trailing badly in the hearts and minds of southern party workers, according to an informal survey of most state GOP chairmen attending the meeting." Baker's work on the Watergate committee with Sen. Sam Ervin (D-N.C.) has not scored any points with southern party workers. Mississippi GOP Chairman Clarke Reed said, "Howard Baker was invited. But Baker charges for his appearances and we don't pay anything." Wyngaard contends, however, that "Baker does not charge for purely political appearances." He writes, "Reed also repeated the theme, however, that Baker can mend his fences with southern party workers before the climax of the 1976 campaign."

● **"Sen. Scott Reviews First Year on Hill,"** by Ken Ringle. *Washington Post*, December 13, 1973. What was the highlight of William L. Scott's Senate freshman year? "Being sworn in was perhaps the highlight of the year," according to Ringle. Sen. Scott's sense of importance has also increased. "I am pleased to be one of two senators from Virginia . . . We only have a hundred members, you know." According to Sen. Scott, "It's frustrating being a member of the minority party and a newer member of that minority. My comrades are congenial . . . but they don't let me run the Senate." Sen. Scott was voted the "least bright" senator by Senate staff members according to Ralph Nader's Capitol Hill News Service.

● **"Reagan,"** by F. Reid Buckley. *New Times*, November 30, 1973. Interviewing Gov. Ronald Reagan (R-Calif.) about the GOP in the aftermath of the defeat of his tax reform referendum, Buckley was told, "I happen to be optimistic. I believe that the people are not going to attribute this misdeed by a small group to millions of other people simply because they happen to be Republican. If anything, I think it's more likely to affect all encompassed, [sic] that there's a move in the country today, a pox-on-both-your-houses move, and a feeling that all politicians are lower than used-car salesmen. I think the Republican party has something more important to worry about. Continued Reagan, "I happen to think that if the Republican party were new on the political scene, if it had a different name, the people in America would be overwhelmingly in support of it. The GOP is suffering from a stereotyped image of the past, from a lot of political demagoguery against it that has contributed to some political and economic myths." Good old Republican syntax.