

Correspondence - 10/76

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The Social Security Administration
Ecology Group



October 15, 1976

Certified Mail
No. 579077
Receipt Requested

Gwynn Oak Building, Bay A-5
1710 Gwynn Oak Avenue
Baltimore, Maryland 21235
(301-594-8748)

Governor Jimmy Carter
National Presidential Campaign Headquarters
P.O. Box 1976
Atlanta, Georgia 30301

Input

Dear Governor Carter:

There is a pestilence going across our nation claiming the lives of at least 300,000 Americans every year since 1967. It is also causing untold suffering and ill health in many millions of additional Americans. It will also be one of the major sources of a greater epidemic of ill health that is projected to grip our nation 20 or 30 years from now.

The source of the pestilence of which we speak is the tobacco plant. For the past 14 months, our committee has been attempting to get Federal administrators to prohibit tobacco smoke from the indoor work environment, and to create smoking lounges with independent ventilation systems where smokers would be required to smoke. We have sent or received over 70 pieces of correspondence concerning this dangerous substance in our work environment.

Yet we have been unsuccessful in getting these administrators not only to enforce existing Federal no-smoking policies, but also in some cases, even to acknowledge that there is a clear and present danger facing the majority of nonsmoking employees (an estimated 2/3 of our nation's adult population do not smoke).

You will find enclosed a copy of our October 15, 1976 letter to President Ford bringing before him the need to deal immediately with this hazardous situation in our work environment as well as with the total unresponsiveness which Federal administrators have thus far exhibited in not enforcing existing Federal no-smoking directives that could provide the protection required.

We are sending this information to you so that also you will be informed of the health hazards posed to our nation because of the consumption of and exposure to, tobacco products and the smoke they produce. Our committee would appreciate receiving your reaction to the material we have presented, as well as knowing what your administration will do to protect the estimated 150 million nonsmokers from this insidious substance. We would also like to be informed of the steps you will take to make your appointees more responsive to our people and to the laws they will have sworn to uphold.

If you should desire copies of the correspondence we have received documenting the "stonewalling" this hazardous situation has received, we will make them available to you. However, because correspondence is truly inadequate as a method of expressing our committee's concerns, we would like to meet with one of your immediate staff if that person can be made available.

Thank you for your consideration of our concerns. We look forward to receiving your response to the material we have presented.

Sincerely yours,

William E. Wright III

William E. Wright, III
Chairman, SSA Ecology Group's
Committee on Tobacco Smoke
and Its Hazardous Effect on
Employee Health

cc:

President of the United States of America
Gerald R. Ford

JESIDERIO DE ZSÖ DEMECS

**UNIVERSITY PROFESSOR
DEMONSTRATION EXPERIMENTAL GARDENER**

**PH.D. IN ECONOMICS & D.C.S.
PH.D. IN PHILOSOPHY**

**UNIVERSITY OF ARKANSAS AT PINE BLUFF
P. O. BOX 4111
PINE BLUFF, ARKANSAS 71601**

**TELEPHONE: 274
BUSINESS: 501 535-6700, EXT. 200
HOME: 501 536-0017**

Pine Bluff, Ark.
October 2, 1976.

Re: Third-Round of Two-Valued-Logic-of-Common-Sense-Treated Campaign Issues, to be added to the second round dated September 19, 1976.

1.07: Kissinger's credibility and/or usefulness, Great statesmanship is defined (in both internal matters and in foreign policy) by the unity of two requirements: consistency in principles and wisdom in decisions & actions. The heart & substance of Kissinger's concept of balance of power are his belief that Metternich's concept & practice of 'balance of power' (Kissinger's doctoral dissertation) can be applied to the second half of the 20th century. However, Schlesinger was more consistent in principles and wiser in drawing the conclusions in his analysis of the treaties with the USSR than Kissinger, for the USSR took unilateral advantages of the détente (acquirement of sophisticated instruments and related "knowledge" & circumvention of the letter and spirit of said treaties). But then the Ford-Kissinger approach (notwithstanding Ford's dropping of the term "détente") by firing Schlesinger was a case of "common non-sense".

My own criticism of the Metternich-Kissingerian concept of balance of power is as follows: Metternich's approach was feudal-aristocratic plus designed for a balance of power among European (white) sovereign states in the context of the 19th century's post-Napoleonic period: as such, it failed in the context of Europe in 1848 (specifically, ^{Paris of February &} Hungary of March 15, 1848). On the other hand, the context of the second part of our century is different, and even the approach by "analogies" (Metternichian) to a concept of balance of power requires deep insights into the causal factors operational not only in the great powers but also in the small units of the Third World. In addition to such complexities, all races, religions, etc. are involved in the concept of a global balance of power. Our more permanent hope for a Western leadership in world affairs should rely on a more consistent pursuit of a comprehensive policy containing the following ingredients: 1. strenuous defense of democratic institutions in the free world; 2. more consistent approach to any form of dictatorship in the free world by facilitating democratic institutions & ideas (democratic both in form and in content) in such countries; 3. attempts to reverse the present trend to dictatorships in the Third World by wise and timely aids; and 4. contingency plans for the Western support of the increasing nationalistic trends in the communist-dominated Central & East European countries, in that nationalism and a free-democratic frame of mind and anti-colonialism (against Russian colonialism and imperialism) seem to be conjoined in the said nationalistic trends. The "analogy" here between 1848 and X (say, 1984? an Orvellian year?) might become historically more cogent. And if Ford-Kissinger remain in power and do not act appropriately in a sudden, historically-given situation (say, in an analogous repetition of the Hungarian Freedom Revolution of 1956?), then it is a case of "uncommon non-sense".

On the contrary, Carter's intention to show the world the American "character", the historical and truly bi-centennial (both in form and in content) self-preservation of democratic institutions, could preserve the efficient Western leadership (scientific-technological, political, artistic and ideological) under the changing-shifting conditions and circumstances of our times: it is the case of both "common sense" and "uncommon sense" (more imaginative approach).

1.08 : National defense. The survey of 1,071 Americans released on September 30, 1976 by Potomac Associates (a Washington-based research firm) shows a dramatic increase in sympathy for a second-to-none-military-preparedness of the U.S. : the percentage of those favoring reduced spending has fallen from 37% in 1972 to 20% in 1976, and in May of 1976 71% believed in maintaining or increasing military spending. The rationale for this increased percentage is that - according to the survey - in terms of overall power and importance people believe that the Soviet Union is virtually the equal of the U.S. and that this stand-off will persist into the future: "The public does not like this state of affairs", the study concluded. "The majority of Americans now agree with the proposition that the U.S. should maintain its dominant position as the world's most powerful nation at all costs, even going to the very brink of war if necessary."

Under the Ford Administration we find only a verbal (lip-service) confirmation of the second-to-none-military preparedness. Indeed, the allocation of defense funds among the "special interests" groups means a definite decrease of the amount to be spent for real defense. (See first round, C, dated September 13, 1976, in this respect). Hence it is a case of "common non-sense" and even "uncommon non-sense".

On the contrary, Carter's emphasis on the reorganization of bureaucracy (unification of

scattered and many times unrelated responsibilities, more efficient administration via such unified cabinets etc. through reduction of personnel, and a wiser re-allocation of resources by a careful distinction between "meat" and "bone", etc.) coupled with his intention to show the world the American "character" is a case of "common sense" (relatable to the above survey) and of "uncommon sense" (to wit, his own special approach to such problems).

- 1.09 : Redistribution of 'idle' resources (in the hands of the rich)? Senator Russell B. Long (chairman of the Senate Finance Committee) states: "The effective tax rate on the most successful people in our country, the people earning \$ 200,000 or more, is 44%. This new bill that we just passed will push it, the average, to around 50%. Once you get above a 50% bracket, it starts getting counterproductive. Let me give you an example. I have some land that could be used more productively, but in view of the fact that the government would take most of the income I would make from it, I just don't see any point in doing it. There are all sorts of idle resources in this country that could be developed, where people just don't ~~see~~ do anything about it because after they consider the tax burden, it's just not worth feeling around with."

Fact: Russell, a Democrat of Louisiana, made (wittingly or unwittingly) a disservice to Carter's campaigning, hence at least indirectly it promoted Ford's chances. However, the following factors are here involved: 1. production; 2. national interest; 3. tax system; and 4. distribution of income. As for production, it should be regulated by both the free market mechanism and the relationship between the available resources and the acceptable standard of living in the U.S.; as for national interest, we should have contingency plans for the full mobilization of all resources in "emergency" cases; as for tax system, if a still "decent" income (after tax deductions) seems to be no 'incentive' for the idled rich, then the problem becomes rather serious from the viewpoint of both a free economy and the national interest (hence it may involve a review of management and/or ownership); and as for distribution of income, it has always depended on consensus (sense for intelligible compromises) after satisfactorily providing for the recurring investments in the productive phase of economy.

Therefore, any Ford-Long ultraconservative alliance is a case of "common nonsense" which, especially in national emergency, will become an "uncommon non-sense".

On the contrary, Carter's approach to such problems tries to find out the upper ceiling for 'incentives' and the limits of maximum taxation for the various productive classes, hence it is a case of both "common sense" (in both peace and war) and of "uncommon sense" (contingency for any emergency) in the national interest.

- 1.10 : Ford as "target" of the 1972 "presidential campaign" ('Watergate') inquiry. The special ~~Watergate~~ prosecutor Ruff concluded his investigation and plans to issue a public report clearing Ford early next week. An FBI source said Ruff found "no basis for prosecuting anyone": he said, the "original allegation" from an "unnamed" FBI informant lacked substance. Asked "why" the informant's tip prompted such a full investigation, the FBI source said: "If you don't take a look at it in today's climate, that's a coverup". Carter's attitude remained cautious - in view of further developments - and asked Ford for an encounter with press reporters: it was a case of "common sense"; and in view of this public "clearing" of Ford Carter made no further comments.

However, some other questions remain unanswered at this time, namely: 1. the name (identity) of the FBI informant delivering the "original allegation"? 2. his "motivation"? 3. the peculiar fact that since July 12, 1976 until the Republican National Convention nothing transpired in this respect (hence it couldn't become an issue between Ford and Reagan); 4. Ford's "as if" ignorance of the fact that the investigation has been originated by the Justice Dept. (and not by Ruff, as alleged by Ford earlier); 5. the mentioning of the 1972 "presidential campaigning" as if by a "planned" contrast between the Nixon Administration and the Ford Administration; and 6. the timing of the public clearing of Ford (as if a 'planned' introduction to the second debate between Carter and Ford). Therefore, if Carter can get the name & identity of the FBI informant, and if he can prove that the informant's "motivation" was in line with Ford's campaigning "strategy", then such a campaigning strategy would be a definite boomerang for Ford; specifically, a rebuff of his speech at An Arbor (September 15) repeated by Ford during the first debate between Carter and Ford ("It is not enough for anyone to say 'trust me'. Trust must be earned. Trust is not having to guess what a candidate means. Trust is leveling with the people before the election about what ~~you are going to do~~ you are going to do after the

election. Trust is not being all things to all people but being the same thing to all people..." (see 1.02, dated September 19, 1976). Indeed, such a surprising finding could be the finishing touch to the "presidential campaigning" of 1976: to conclusively show that a public mistrust of Ford is truly "the same thing to all people". And this would be a case of "uncommon sense"!

- 1.11 : The 'Great Budget Mystery'. The federal government has spent about \$ 10 billion less than the Ford Administration in July had estimated would be expended during the past 5 months. As a result, some of the "unexpected sluggishness" of the economy in recent months may be causally related to the lesser amount of money in the hands of both consumers and business (about 6.5% below the projected \$ 102.1 billion in outlays). Alan Greenspan, chairman of the President's Council of Economic Advisers, said on September 30, 1976: "We're not sure exactly how much shortfall there is. We're not sure where it is and why". Dale R. McOmber, assistant director of the President's Office of Management and Budget, said that the shortfall "has been spread throughout the government": "Right now, it/the problem/ is something of a mystery". On July 13, 1969 then-President Nixon announced the establishment of the National Goals Research Staff in the White House: "...There is an urgent need to establish a more direct link between the increasingly sophisticated forecasting now being done, and the decision-making process...We have reached a state of technological and social development at which the future nature of our society can increasingly be shaped by our own conscious choices...(which) require us to pick among alternatives which do not yield to easy, quantitative measurement...The important thing is that we know - that we know both the reach and the limits of what can be done, and the probable consequences, so that our choices can be informed by this knowledge." (see Toward Balanced Growth: Quantity with Quality, Report of the National Goals Research Staff, Washington, D.C., 4 July 1970) Well, Nixon disbanded the National Goals Research Staff in 1970, contrary to his wish expressed in 1969. And in 1972 'Watergate' might have been a combination of such "sophisticated forecasting" and an "unsophisticated" hunger for power at all costs. And in 1976 Ford's economists and budget directors are speaking of a 'mystery'. Hence Nixon and Ford together are in the same(sinking) boat: a case of both "common non-sense" and "uncommon non-sense".

Carter may take an unusual stand: a promise to re-allocate the non-spent funds for any useful purpose, or even for the strengthening of the national defense, thus proving that he alone is a true guardian of a second-to-none national defense!

- 1.12 : Use of Nuclear Weapons on the Mars(?) With the uttermost care and in view of the Soviet violations and/or circumventions of the existing nuclear pacts, we may soon be compelled to revise the terms of such pacts. Hence we should have alternatives for possible uses of nuclear devices (bombs, etc.) in the outer space, respectively, on other planets. My suggestion in this respect (and now) is entirely peaceful, namely: the U.S. should reserve for itself the right to explode atomic weapons on the surface of the Mars for strictly scientific purposes. Specifically, since Mars's polar caps seem to be true ice caps, a bit-by-bit melting of this immense quantity of ice caps might lead to the re-establishment of the original distribution of water surface (oceans, rivers, lakes) on the Mars, probably with the original distribution of atmosphere as well. Science alone can tell us how and how far can we go in this respect, but if we are able to make the "mysterious Red Planet" the home of the human race, then we have a key to the solution of many problems on the Earth, provided that such measures lead to no interstellar wars. This solution of Mars's "mystery" together with that of the 'Great Budget Mystery' certainly would qualify Carter as a case of both "common sense" and "uncommon sense".

P.S. Remark on 1.10

Ford and his advisors tried to speed up Ruff's "investigations" as soon as the investigations have gone in another direction (including Ford's campaign contributions in 1974). If something unethical & illegal is proved in this 'new' context, and if Ford's recent appeal to the character & integrity of Ruff was simply Ford's 'strategy', then this fact together with the six questions would be a clear-cut example of how & why men in power are narrow-minded: they try to draw the consequences from a built-in situation, but they don't know the possible ramifications of the ingredients of the said situation. Q.E.D. ('Watergate')



AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

October 1, 1976

Mr. James Carter
Democratic Candidate for
U. S. President
P. O. Box 1976
Atlanta, Georgia 30301

Dear Mr. Carter:

Many times during this campaign, you have made reference to human rights and human dignity. I am a strong believer in human rights and the documents which recognize these basic rights. By your dedication and personal sacrifice to a life of public service, I am certain that you believe as I do, that there must be a continual expansion in education for human rights and responsibilities which provide for maintenance of "life, liberty and the pursuit of happiness."

In February of this year, I wrote an editorial which was distributed to more than 450 Guidance professionals and workers in human rights, through the Human Rights News, a quarterly publication of this office (see attached). In that editorial, I pointed out the importance of the Universal Declaration of Human Rights, which contains the basic principles of our own Declaration of Independence and Constitution. This reaffirmation is contained in the opening clause which states, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."

The fact that an international Bill of Rights was contemplated by the United Nations, and its Commission on Human Rights prepared it, is procedural. What is important, is that the document as developed, contains two parts: a statement of principles, the Universal Declaration of Human Rights; and two treaties, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. During this time, the United Nations, the International Labor Organization and UNESCO were also formulating conventions to codify specific rights in treaty form. A total of 25 human rights conventions have been completed by these three organizations since 1948, not including some others by the Organization of American States.

Of the more than 25 conventions completed, only two have been ratified by the United States; the Supplementary Convention on Slavery (1967); and the Protocol Relating to the Status of Refugees (1968).

Six conventions still remain before the U. S. Senate for approval: Political Rights for Women (OAS); Genocide (UN); Freedom of Association (ILO), submitted by President Truman; Political Rights of Women (UN); Forced Labor (ILO), submitted by President Kennedy; and Employment Policy (ILO), submitted by President Johnson. The United States has also signed two other conventions - Consent to Marriage, Minimum Age of Marriage, and Registration of Marriages; and Elimination of Racial Discrimination. These have not yet been submitted to the Senate for ratification.

Having ratified only two human rights conventions, the United States ranks low among the 138 members of the United Nations. Only six older members admitted before 1956 had ratified fewer of these conventions than the United States in 1969.

If you are successful in your quest for the Presidency, and I wish you every success, what efforts will you make to see that these Conventions are approved?

It is of great importance that as we celebrate 200 years of independence from colonial rule, we should remember that millions of people still have not as yet been able to exercise their right to self-determination. These remaining territories under colonial rule, including the District of Columbia, should not be considered as an inevitable residuum of a past time, but rather as a direct challenge to the UN Charter and to the Constitution of the United States and unacceptable to its citizens.

I would certainly appreciate a response prior to the election, so that I might share this with our more than 40,000 members.

I am certain that a man with your deep concern for the human condition will have a philosophy for the resolution of the problem these conventions pose.

Respectfully yours,



Paul L. Collins, Ed.D.
APGA Director, Office of Human Rights

PLC:fg

Enc.

cc. Dr. George Gazda
Dr. Charles L. Lewis



HUMAN RIGHTS NEWS

Paul L. Collins
APGA Executive,
Director, Office of Human Rights

Number XIII

EDITORIAL - Paul L. Collins

February 1976

Bicentennial Celebration:

On the Achievement of Independence and Human Rights

Two hundred years of independence are being celebrated in the United States of America and its territories this year. The growth that has taken place and continues to take place is a great achievement by any measure, and gives reason for great pride by the American people. Hopefully, however, this bicentennial celebration will commemorate the principles for which the American Revolution was fought, and mark the beginning of the era of the Declaration of Human Rights.

In so doing, we should hope to bring about a major turning point in the direction of continually expanding the human rights which provide for the maintenance of "life, liberty and the pursuit of happiness."

Although we celebrate the break with tyrannical forces of the motherland, and the establishment of an independent nation, we should realize that 200 years of effort have gone into giving the statement of rights contained in the American Declaration of Independence some semblance of reality.

In 1948, a world organization, the United Nations, under the leadership of an American woman, Mrs. Eleanor Roosevelt, prepared for adoption an "international bill of rights." The first and most important of these documents, the Universal Declaration of Human Rights, was adopted on December 10, 1948. The preamble of this declaration reaffirms the concepts of the UN Charter and contains the basic principles of our own Declaration of Independence and Constitution. This reaffirmation is contained in the opening clause which states, "...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...."

The fact that the "international bill of rights" was contemplated, and the Commission on Human Rights prepared it, is procedural. What is important is the fact that the document as developed contains two parts: a statement of principles, the Universal Declaration of Human Rights; and two treaties, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. During this time, the United Nations, the International



AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

1607 New Hampshire Avenue, N.W. • Washington, D.C. 20009 • AC 202 483-4633

Labor Organization and UNESCO were also formulating conventions to codify specific rights in treaty form. A total of 25 human rights conventions have been completed by these three organizations since 1948, not including some others by the organization of American states.

Of the more than 25 conventions completed, only two have been ratified by the United States; the Supplementary Convention on Slavery (1967); and the Protocol Relating to the Status of Refugees (1968).

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Having ratified only two human rights conventions, the United States ranks low among the 138 members of the United Nations. Only six older members admitted before 1956 had ratified fewer of these conventions than the United States in 1969.

It is of great importance that as we celebrate 200 years of independence from colonial rule, we should remember that millions of people still have not as yet been able to exercise their right to self-determination. These remaining territories under colonial rule, including the District of Columbia, should not be considered as an inevitable residuum of a past time, but rather as a direct challenge to the UN Charter and to the Constitution of the United States and unacceptable to its citizens.

Thomas Paine summed up in "The Rights of Man," the nature of the change that each of us must strive to live by: "Man did not enter into society to become worse than he was before, but to have those rights better secured. His natural (human) rights are the foundation for all of his civil rights..."

"Natural (human) rights are those which appertain to man in rights of his existence. Of this kind are all the intellectual rights or rights of the mind and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural (human) rights of others. Civil rights are those which appertain to man in right of his being a member of society."

Despite the use of sexist terminology, I am sure that the message comes through loud and clear: let 1976 be, for you, a year of reassessment and rededication to affirm the Declaration of Human Rights.

Jobless In Appalachia Get On-The-Job Training

About 1400 unemployed and underemployed persons will be provided on-the-job training in 12 states through the efforts of the AFL-CIO Appalachian Council. Under a \$1.3 million contract with the Labor Department's Employment and Training Administration, the council will promote job development and training opportunities

with employers in the region who have collective bargaining agreements with AFL-CIO unions.

The program, an ongoing project by the council, will be conducted through 8500 union affiliates with more than 10,000 employers in Alabama, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

No localities and training numbers are specified in the contract since the 8500 local unions will be developing the training opportunities over the 12 months of the contract.

About 640 jobless persons will be placed as new job entrants and about 560 under-employed persons will undergo four to 26 weeks of skill conversion training. About 200 others will be placed in pre-job classroom courses of up to eight weeks receiving allowances equivalent to the unemployment insurance benefits paid in their states.

Since 1967, the AFL-CIO Appalachian Council has been responsible for training and placing 21,089 individuals under a series of Labor Department contracts totaling more than \$8.7 million.

The cost per trainee has been \$414 and more than three-quarters of the persons placed have continued to hold their jobs.

Urban League To Prepare Disadvantaged For Skilled Trades

A total of 2877 disadvantaged minority youth and semiskilled construction workers will be prepared for building and construction trades jobs by the National Urban League (NUL) under a \$5,179,468 contract with the U.S. Department of Labor.

The new contract continues for another year an apprenticeship and journeyman outreach program the NUL has conducted since 1967 with \$20.4 million in Federal funding from the Employment and Training Administration to place 15,470 trainees.

League chapters are expected to place about 2560 youths in apprenticeship programs after ten weeks of intensive tutoring. The classes are keyed to apprenticeship examination announcements in specific construction trades. Many of the tutors are craftsmen from the various trades.

Under the contract, six new cities will be added to the nine cities currently conducting pilot projects for the recruitment and placement of women in apprenticeship. The pilot program was begun in 1974 and 296 women have been placed thus far.

This program is a cooperative effort of labor, management and the minority community. Participants are recruited through local state employment service offices, construction-industry management and labor groups, and community action agencies.

Workers Owed \$4.5 Million

More than 6000 employees, most of whom being women, were found underpaid by \$4.5 million in violation of the Federal Equal Pay Act during the first quarter of fiscal year 1976, according to the U.S. Department of Labor. The Equal Pay Act requires men and women performing substantially equal work to be paid the same wages.

These workers were among nearly 138,000 protected by Federal wage and hour laws who were underpaid by \$29 million during the first quarter of the fiscal year.

Bernard E. DeLury, Assistant Secretary of Labor for Employment Standards, said the total dollar figure represents an increase of 31 percent over the amount for the same period last year.

The underpayments were discovered during the enforcement activities of ESA's Wage and Hour Division.

Blinded Veteran Appointed Employment Representative

A blinded Marine Corps veteran of the Korean War era, Dr. Ronald L. Miller of Huntington Beach, California has been appointed an assistant veterans employment representative for southern California. Dr. Miller will be one of 12 AVER's in the state working for the Veterans Employment Service to help provide better service to all veterans in need of jobs or employment assistance.

Dr. Miller, 40, a professor of history, will be based in Los Angeles where he has been long active in aiding blinded veterans with their readjustment, rehabilitation and employment problems through the Blinded Veterans Association and the National Federation of the Blind.

While his work will be aimed at assistance to all veterans, Dr. Miller will specialize in the area of job preparation and placement of disabled veterans.

Parents Anonymous: How To Help Solve Child Abuse Problems

Six years ago, Parents Anonymous, a nonprofit, self-help group, was founded to provide guidance for persons with child abuse problems.

Parents Anonymous has learned to help people who feel the need to hide from public disgrace. These people have learned to share their problems and exchange some solutions to all forms of child abuse.

Although founded in Canada, Parents Anonymous now has more than 100 chapters in the United States. The U.S. Department of Health, Education and Welfare, which awarded the organization a \$198,000 grant in 1974, expects 200 chapters in the 50 states by 1977.

New Parents Anonymous chapters are provided with free starter packages. They consist of two packets of public information pamphlets: one aimed at the general public; the other at parents. The packets discuss child abuse and Parents

Anonymous in a non-threatening, informative fashion. There are available, as well, the how-to-get-it-going "Chapter Development Manual," and the "I Am A P.A. Parent" handbook.

Other brochures are available at a nominal price, for P.A. has tried to keep costs down. P.A. states that "special dispensation may be made for those persons interested in starting a P.A. program in their community."

Recently, a 30-second public service film about Parents Anonymous and geared for persons with abuse problems was offered to P.A. chapters and cooperating television stations, to increase public awareness and parent interest in local Parents Anonymous activity.

P.A. headquarters address is: Parents Anonymous, 2810 Artesia Blvd., Renondo Beach, Calif. 90278. The phone number is 213/371-3501. The toll free number is 800/421-0353. The California toll free number is 800/352-0386.

Boarding Homes For Patients

Young businessmen in Denver, Colorado are buying large, old houses in the area and converting them into boarding homes for mental patients leaving the Fort Logan Mental Health Area.

The new boarding homes have been successful in meeting the standards of the new Fort Logan boarding house council which rates such items as activities for patients, food services and humane treatment.

Change In Attitudes Toward Mental Illness

Three years ago, a University of Kentucky survey of rehabilitation workers and students on the acceptability of various types of disabilities, concluded that mental illness was least acceptable of all.

Communications Director of the National Association of Mental Health, Bill Perry Jr., believes that the situation has changed significantly since that study. As stated in "Special Report," a publication of the President's Committee on Employment of the Handicapped, Mr. Perry claims that mental illness no longer rests at the bottom of the acceptability list due to:

1. Senator Eagleton's public statements on his own experiences with mental illness.
2. The public avowal of mental problems by such well known figures as Buzz Aldrin, Josh Logan and Betty Ford.
3. National TV shows such as "Fragile Mind," "60 Minutes" and "The Thin Edge."
4. The fact that any national health insurance legislation will include mental illness coverage.
5. Court victories in mental health decisions.

Selected Resources Listing For Drug Information Centers Available

A listing of books, periodicals, organizations and other resources in the field of drug abuse has been compiled in response to requests by information centers

for a guide into the large and expanding field. The resources cited will be helpful both to a new information center and to an established one hoping to expand; they may serve as resources for the center's staff as well as for its clients. This listing is available by writing the National Clearinghouse for Drug Abuse Information, Selected Reference Series - Series 8, No. 1, 5600 Fishers Lane, Rockville, Md. 20852.

New Booklet Offers Tips On Social Drinking

The National Institute on Alcohol Abuse and Alcoholism has prepared a booklet on "Drinking Etiquette" as part of its efforts to decrease drinking problems in the United States. "Drinking Etiquette" offers guidelines on responsible drinking practices for those who choose to drink, and suggests ways party hosts can establish an atmosphere that encourages moderation.

According to "Drinking Etiquette," activities and conversation, not quick rounds of drinks, encourage a party mood. It advises hosts to provide a good variety of nonalcoholic beverages for those who choose not to drink and to regulate the flow of alcohol by serving spiked punch as the only alcoholic beverage.

The booklet further suggests that party hosts serve drinks at regular, reasonable intervals, such as one an hour; that they neither serve doubles, push drinks, nor permit a volunteer bartender to do so. When a guest has had too much to drink, hosts are encouraged to politely express concern by offering coffee or another substitute drink. When it is time to leave, they are advised to give appropriate clues by word and action; for example, a substantial nonalcoholic snack.

The booklet stresses that the drunken guest should not drive home, but should sleep it off until sober enough to drive home safely.

Another topic covers talking to a friend or relative who shows signs of problem drinking, and advises that the sooner help is provided, the better the chances of recovery.

The booklet is available from HEW's National Clearinghouse for Alcohol Information, Box 2345, Rockville, Md. 20852.

TV Series For Young People Focuses On Coping With Growing Up

A classroom television series, which started January 23, 1976, is designed to help young people cope with problems of growing up. Some of the topics the series addresses are: boy-girl relationships, ethnic and racial differences, and privacy and sex role identifications.

The series called "Self, Incorporated" consists of 15 quarter-hour programs and is being broadcasted over about 150 stations; it should reach approximately three million young people in the United States and Canada in 1976. The program is designed for the 11 to 13 age group, and was produced by the agency for Instructional Television, a consortium of educational agencies in 39 states and three Canadian provinces.

President Appoints Members For National Advisory Council
On Education Of Disadvantaged Children

The appointment of five persons as members of the National Advisory Council on the Education of Disadvantaged Children for terms expiring September 15, 1978 was announced recently by President Ford. Council appointees are:

J. Alan Davitt of Delmar, New York; executive secretary, New York State Council of Catholic School Superintendents, Albany, New York.

Mrs. Samuel C. Fleegler of Boca Raton, Florida; president, board of directors, Florence Fuller Child Development Center.

Sarah Moore Greene of Knoxville, Tennessee; second vice president, Board of Education, city of Knoxville; secretary to the commissioner of finance for Knox County, Tennessee.

Wilbur H. Lewis of Parma, Ohio; superintendent, Parma Public Schools.

Owen F. Peagler of Hartsdale, New York; dean of the School of Continuing Education and dean of evening administration, Pace University, New York.

The council was established for the purpose of reviewing the administration and operation of the provisions of Title I of the Elementary and Secondary Education Act of 1965, including its effectiveness in improving the educational attainment of educationally deprived children.

Ruling Denying Unemployment Benefits To Pregnant Women Overturned.

A ruling that denied unemployment benefits to pregnant women because their condition was a biological law of nature, was overturned by the Supreme Court in November, 1975.

The dictum of Utah's highest court - that "the Great Creator so ordained the difference" in treatment for men and women who were out of work - was overturned when the Supreme Court held that the state law violated the Constitution's guarantee of due process of law.

Due process requires that eligibility for jobless benefits be based on individual capacity for work and not a blanket "conclusive presumption" that pregnancy removes all women from the potential work force, according to the high court.

Legislation To Aid Displaced Homemakers

Legislation to help displaced homemakers join the paid labor force has been introduced in both houses of the 94th Congress.

In the House, Congresswoman Yvonne Burke has sponsored "The Equal Opportunity for Displaced Homemakers Act" (H.R. 7003) which provides multi-service programs, including job training and counseling, health and educational services, and financial management assistance for displaced homemakers. The programs would be

administered through the Community Services Administration of the Department of Health, Education and Welfare.

The term displaced homemakers refers to individuals who:

- have worked in the home for most of their adult lives, providing unpaid household services for other family members;
- have been dependent upon the income of another family member but whose role as homemaker, and attendant source of income, have been terminated through divorce, widowhood or other circumstances;
- have been dependent on federal assistance but are no longer eligible for such assistance;
- have had or would have had difficulty in securing paid employment because they lack marketable skills or training, have no recent paid work experience, or may be subject to employment discrimination on the basis of age or sex.

A similar bill was introduced in the Senate by Senator John Tunney of California. Senate Bill 2541 would establish up to 30 two-year model programs with at least two programs in each of the ten federal geographic service regions--to provide outreach; peer counseling, and information and referral services in job training, placement, financial management, legal assistance, education, and health for displaced homemakers.

Women Recruited For Foreign Service

The State Department has a new program to recruit women and minorities over 30 for skilled jobs in the foreign service.

The program is part of an affirmative action effort to improve the representation of women and minorities at the middle income level of the foreign service. As of June 30, 1975, women represented only eight percent of the foreign service officer corps.

To be eligible, applicants must be at least 30 years of age at the time they apply and at least 31 at the time of their appointment. Appointments are made on a highly competitive basis, and candidates are expected to have the educational background and experience to permit them to step into the position of foreign service officer with a minimum of on-the-job training.

Among those whose skills are in demand are economists, political scientists, foreign trade specialists, managers and administrators from government and private industry and labor-management specialists.

Discriminatory Provisions Reviewed By Social Security Administration

In 1975, the Supreme Court ruled that deliberately different treatment of men and women by the Social Security Administration in determining benefits is now unconstitutional. SSA is now taking a close look at all sexually discriminatory provisions of the Social Security law.

The court's decision puts widowers on equal footing with widows in applying for

survivor's benefits on her earnings record, if she worked long enough in jobs covered by Social Security.

Come To Chicago!

The activities planned through the APGA Office of Human Rights and the Human Rights Commission are listed below. For the first time, the commission will sponsor, on an experimental basis, morning meditations.

These meditations are designed to provide an hour for self-renewal which will enable the participant to renew his psychic energy and to more fully enjoy the program of the ensuing convention day.

Two of the meditations will be conducted; the third will be self-directed.

APGA Human Rights Activities April 11-14 Chicago, Illinois

Sunday, April 11

~~3:00 to 5:00 pm~~
10 AM

Business meeting, APGA Human Rights Commission.
Palmer House PDR #3

Monday, April 12

7:30 to 8:30 am

Meditation led by Dr. Donald Mastriano.
Palmer House PDR #3

9:00 to 12 noon

Implementing Sex Equality in Guidance: A Crucial Issue in Human Rights. General Session. Mr. Armando Ronguillo, chairman
Palmer House State Ballroom.

Tuesday, April 13

7:30 to 8:30 am

Meditation led by Dr. William Passons.
Palmer House PDR #3

10:45 to 12 noon

Equal Educational Opportunity: Affirmative Action Counseling is a Human Right.
South Regional Human Rights Committee
Dr. Kay Crouch, chairman
#465 Palmer House State Ballroom

2:15 to 3:30 pm

Bicultural Counseling: Developing Understanding for the Rights of the Bicultural Client.
North Atlantic Regional Human Rights Commission
Dr. E. G. Moses, chairman
#527 Palmer House, Parlor B

Human Rights News Bulletin
Number XIII
Page ten

Wednesday, April 14

7:30 to 8:30 am

Meditations: self-directed.
Palmer House PDR #3

10:45 to 12:00 noon

Evaluating Feedback from the Handicapped:
The Physically Handicapped, Economically
Indigent, Culturally Disadvantaged.
Midwestern Human Rights Commission
Mr. John McIntyre, chairman
#706 Palmer House PDR #18

4:00 to 5:15 pm

Federal Legislation and Violations in Human
Rights: Mandate for Change.
Western Regional Human Rights Committee
Dr. Michael Flanigan, chairman
#819 Parlor House, Parlor H

You are invited to participate fully in the commission's activities because they have been planned with you in mind.

The Human Rights Office will maintain a message center. If there are problems or complaints involving human rights violations. Leave a name and number where you may be reached; a commissioner will return your call.

Have a good convention!

Paul L. Collins, Director
APGA Office of Human Rights

October 11, 1976

Dear Governor Carter

Governor Reagan used Professor Dozer's article to help win several hundred thousand more votes

I
Paw

PANAMA CANAL IN DANGER

than President Ford in Republican primary elections. You can see Ambassador Bunker's testimony on page 9 herein to discredit President Ford's statement on the Panama Canal. Here is the winning issue to win the electoral vote in California, Texas and all the States bordering on the ^{By} Ohio, Mississippi and Missouri Rivers using water transport for export of grain and coal via Panama Canal to Pacific Markets. Kissinger and Ford succeed in giving away the

Donald Marquand Dozer

University of California, Santa Barbara

Panama Canal it will price mid-west exports out of Pacific markets and lower the standard of living of all Americans.

Latin American countries in this nation, and have weakened the defensive strength of the United States in a hostile world.

THE UNITED STATES OWNS THE CANAL

The United States has a secure legal position as sovereign over the Canal Zone. Convinced in the opening years of this twentieth century that the land mass of the Central American isthmus must be breached in the interest of world maritime commerce and hemispheric defense the Congress in Washington and the Theodore Roosevelt administration collaborated in treaty negotiations with Great Britain and the new Republic of Panama which resulted in a grant by Panama to the United States of complete and exclusive sovereignty "in perpetuity" over the territory of the Canal Zone "to the entire exclusion of the exercise" of sovereignty by Panama. The Hay-Bunau Varilla treaty of 1903 between the United States and Panama which authorized this transfer was constitutionally ratified by both governments

perpetuity over the Zone, and the land and property in the Canal Zone the United States its sole owner. Soon thereafter all branches of the Panamanian government — the executive, legislative, and judicial — took action in which they recognized that Panama had ceded Panama's territory to the United States.

The fact that the 1903 treaty contained no provision for its termination confirms the perpetual nature of the territorial cession. In a letter of October 24, 1904, which Secretary Hay addressed to the Minister of Panama in Washington, J. D. de Obaldia, he showed with complete finality that the United States had acquired by the purchase treaty of 1903 a sovereign position in perpetuity over the Canal Zone. He proved it not only by the textual wording of the treaty but also by the actions already taken by the legislature, the executive, and the courts of Panama pursuant to the treaty. (United States, *Foreign Relations*, 1904, pp. 613-630.) When questions were raised about it the United States Supreme Court in Washington declared in the case of *Wilson versus Shaw* in 1907 "Title to what may be called the isthmian or canal zone which at the date of the [Spooner] act was in the Republic of Colombia, passed by an act of

~~Special Issues - Panama Canal~~
cfw

Columbia University in the City of New York | New York, N. Y. 10027

SCHOOL OF LAW

435 West 116th Street

6 October 1976

I W pat

Governor Jimmy Carter
One Woodland Drive
Plains, Georgia 31780

Dear Governor Carter:

In your campaign, you may be asked questions on the Panama Canal. I am publishing an article in the October issue of the Columbia Law Review, which makes two important points.

First, from a technical legal point of view, the official position of the United States that the 1903 Convention gives it sovereign rights in the Zone to the exclusion of such rights by Panama can on good ground be argued to be inaccurate. Article II of the Convention grants the United States the "use, occupation and control" of the Zone, but only for the purpose of "construction, maintenance, operation, sanitation and protection" of the Canal. Article III provides that the rights granted the United States are the rights it would possess and exercise "if it were the sovereign." Fairly read, these provisions give the United States only those sovereign rights that are needed for the specified uses of the Canal Zone and no others. Under this reading, Panama would be entitled to many of the sovereign rights it is now claiming in the negotiations.

Second, the only satisfactory solution for the Panama Canal is internationalization. Panama is so dependent on the Canal that it will continue to press the United States for complete surrender of its interests. The

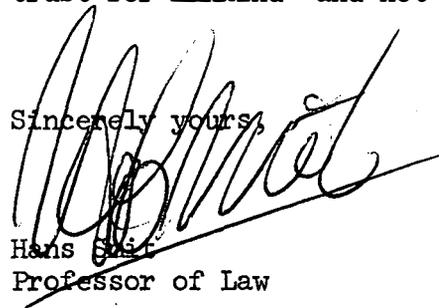
example of Suez should be sufficient warning against letting Panama obtain complete control. Interposition of an international organization, in which the United States will occupy a position which will make it most difficult for the organization to act without United States consent, would safeguard essential United States interests and protect it from the kind of propaganda that is now being directed against it.

In view of the above, I believe that it would be most desirable that questions on the Panama Canal be met with the following observations:

- (1) A proper reading of the governing Convention of 1903 (the 1936 and 1955 revisions did not change the crucial provisions) may require that the United States recognize that Panama is entitled to certain sovereign rights, such as, for example, the right to prosecute and punish for crimes committed in the Zone, that have no bearing upon the operation of the Canal.
- (2) The United States should avoid being kept in a position of continuous bickering with Panama. A satisfactory solution may be sought in putting the Canal under an international regime, in which essential United States interests are safeguarded.

It would be particularly appropriate for the Democratic contender to espouse this view. As far back as 1885, Cleveland, a Democrat, told Congress that the Canal should be operated as "a trust for mankind" and not be under the "domination of any single power."

Sincerely yours,



Hans Smit
Professor of Law

HS:nd

October 4, 1976

Mr Jimmy Carter
Plains, Georgia

Dear Mr. Carter:

Enclosed is information and opinions which may be of some interest to you and those involved in your campaign for president. An article from Science and from the September 13 issue of the Madison Capital Times - (1) Hard's Record: A Good Reason Not to Elect Him and (2) The Republican Party Turns Its Back on America by Senator Mathias who is a Republican.

The question could be raised as to who I am. My roots are deep in the South. I was brought up in Arkansas, obtained MS and Ph. D. degrees at the University of Missouri and, immediately accepted (1936) a faculty position at the University of Wisconsin. Three years ago I retired as Emeritus Professor of Zoology.

As to the election I am going all out for you.

Sincerely yours,

Wm. H. McShan

AMERICAN ASSOCIATION FOR
THE ADVANCEMENT OF SCIENCE

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Toward a New Partnership

With the fireworks spent and the tall ships back in home ports, we enter both the nation's third century and the second century of the American university. Unfortunately, after 100 years of coexistence, our universities and the federal government have reached what I believe is a mutually counterproductive stage in their relationship.

Recently, President Harold L. Enarson of Ohio State University addressed the Ohio congressional delegation on this subject. Some of his remarks are particularly appropriate to members of our science community: "A fundamental change is taking place in the relationship between Washington and the nation's colleges and universities, a change which I find deeply disturbing. Once we were partners working together to solve national problems. Now we view each other with suspicion, almost as adversaries. We overregulate on one hand and overreact on the other. We have placed our partnership in peril. And if it is to be restored, it urgently needs our attention and understanding."

These are strong words, but I hear them echoed by my colleagues in universities across the land. From my own campus vantage point, the idea and the substance of our partnership with the federal government are being eroded in two specific ways. First, federal policy is being formulated which, wittingly or unwittingly, undermines the independence that has always been the fundamental strength of American universities. For example, several bills pending in the Congress pertaining to federal funding of medical education contain provisions that may require ill-conceived changes in curriculum as a condition of award. While we are hopeful that these provisions will be omitted in the conference committee, the fact that they survived through both houses of Congress indicates the decline in trust in our relationship with the federal government.

A second factor eroding the partnership is manifested in the administrative procedures being developed to implement federal policy. For example, narrower and narrower interpretations by federal auditors have turned the straightforward principle of overhead or indirect cost recovery on federal grants and contracts into a maze of procedures that work against the very policies they are supposed to implement. The result in this instance is transforming what was once a *joint venture* with joint federal and university contributions into a federal "buyers' market."

The formulation of federal policy is a factor we can deal with much more effectively than we can with increasingly narrow procedural interpretations. Broad policy in fields such as science and health are debated and scrutinized openly in the Congress. I believe we can rebuild the partnership in this open area. However, our task is more difficult when administrative procedures are formulated and interpreted behind closed doors, and then issued without university input and usually without warning. True, many times the procedural changes and new interpretations are narrow in scope. Over time, however, their cumulative effect can change or even destroy fundamental policies that are critical to maintaining a strong science effort.

Having spent some time as a federal agency head myself, I recognize the need for guidelines to carry out the mandates of Congress and to ensure that public funds are expended in a rational and constructive manner. We all recognize that a reasonable level of federal regulation must be tolerated if we are to be the beneficiaries of federal resources. Colleges and universities must be accountable for their use of public funds and an agency has every right to expect such accountability. At the same time, we have every right to expect the independence necessary to carry out the work for which the funds were appropriated in the first place.—WILLIAM D. MCELROY, Chancellor, University of California, San Diego, La Jolla 92093

Ford's Record: A Good Reason Not to Elect Him

Charles J. Cicchetti resigned earlier this month as administrator of the State Office of Emergency Assistance to return to teaching economics at the University of Wisconsin. He also is serving as an advisor on energy policy to the Jimmy Carter-Walter Mondale campaign.

By CHARLES CICHETTI

IT WAS OBVIOUS that President Ford would defeat Ronald Reagan by the time that Rule 16c, which concerned the early announcement of the President's vice-presidential choices, reached the Republican convention floor.

One thing remained necessary for Ford to cap his success — he had to rise to the challenge and give

the speech of his life. He accomplished that unlikely feat, and the contents of that speech should give serious pause to all supporters of Jimmy Carter and Sen. Walter Mondale this fall.

For in that speech, the President stated three very significant reasons why he should be retained in the White House. First, he asserted that the economy had recovered from its deep recession and double digit inflation. He repeatedly emphasized the fact that double-digit inflation had been cut in half in the last two years. Second, he indicated that the nation was at peace, and that he would do everything he could to keep it at peace. And third, he voiced his shared concern with those who believe that there is too much government interference in the daily lives of American citizens. He repeatedly talked about the

need to reduce the amount of government interference.

Ford's speech was clearly directed at those who favor and benefit from retaining the status quo. It showed no concern for the people who have borne the cost of continued unemployment compounded by inflation. It was exclusively framed to satisfy those who fear any growth in government because they selfishly perceive that any attempt to address the deep-seated social problems of this nation will cause them to suffer.

Gerald Ford's record in office, upon which he has chosen to run, should be examined to determine who benefits from it. Also worth special consideration are the two gifts which he claims he has bestowed upon this country: peace and prosperity. The

most superficial look at his record should indicate whether he deserves the credit which he claims for himself.

PRESIDENT FORD has a record of making 56 decisions. The first of those decisions which he made upon assuming the Presidency was to pardon Richard Nixon. The next 55 decisions which Mr. Ford made were vetoes directed at the social needs of this country. He obviously brings an exemplary record before the American public.

The President and his running mate, Robert Dole, have claimed that they are the peace candidates of 1976. I, for one, am personally offended

(Continued on Page 20) *over*

When and Where Should We Fight?

The writer is a British journalist living in the United States who writes for The Washington Post.

By HENRY FAIRLIE

The Washington Post News Service

WASHINGTON — Where and when will the United States next be willing to fight, for whom and for what? If it is true that America is resurgent, no question is more important than this. It is also a question which, I believe, lies at the heart of the election campaign, although it is never put so starkly or directly.

To put the question to any group of Americans of varying ages a couple of years ago was to receive answers which were confused and even truculent. "Would you fight to save Israel? Would you fight for me — for Britain? For West Germany? For Europe? Well, what would you fight for?" And, although there was usually a bare majority willing to fight for Europe, there were always several who said that they would fight only if America were directly attacked.

But put the question now, and the answers are different. There is no desire, of course, to go to war, but there is a recognition that a country of America's power cannot refuse its responsibilities. One senses a feeling in the country, not so much of having been "pushed around" long enough, but that without a deliberate and steady American presence in the world it is a dangerous place in which to live.

Where and when, and for what is America ready to fight? One evening a few weeks ago, former CIA director

THE CAPITAL TIMES
Monday
Monday,
September 13, 1976—19

correction is useful. "Struggle" implies a sustained effort, over a number of years, carried on by various methods, and not only by actual combat.

ALL THE SAME, if that struggle is to be sustained by various methods, some of which may necessarily be covert, it then becomes all the more important that there should be some widespread popular understanding of, and even agreement about, where and when in the world the United States will draw the line and commit its strength and resources to the full.

This understanding and agreement do not exist at the moment. On the one hand, there has been no great debate about foreign policy since the collapse of the American position in Indochina. On the other hand, there is the related factor that Henry Kissinger, in nearly eight years of conducting U.S. foreign policy, has neither stimulated nor contributed to such a debate. He seems to have believed that a democracy can conduct its foreign policy without the assent of the people.

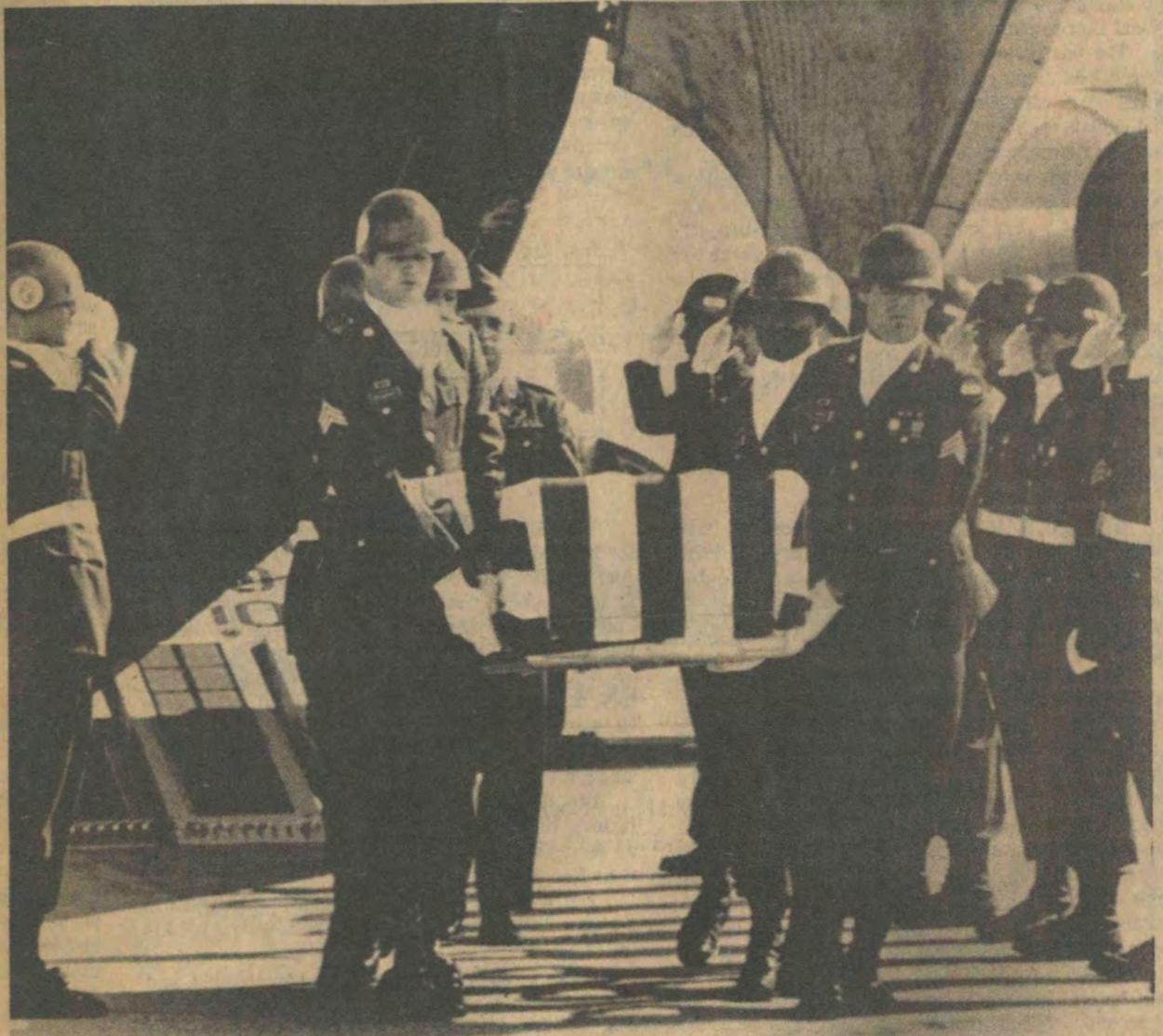
hoods of political science these days that ordinary people are not interested in foreign policy: In particular, that they do not vote about it. The truth is not only that foreign policy touches people's lives deeply, but that they are from day to day aware how deeply it touches them.

It does not touch them only when they or their sons are being drafted to fight in a land war in Asia or when there is a crisis which threatens to involve the country in armed conflict.

There is simply no way, now, in which the American people can know themselves except, ultimately, in terms of their posture and their conduct in the world. To use the language of psychology, they cannot have any secure sense of their identity except by feeling that their country is acting in the world with deliberation, to a purpose that is known and understood and with a will that is certain.

THE ELECTORS may not seem to vote about foreign policy. Some political scientists, interpreting the public opinion polls, have suggested that foreign policy was not a determining issue in the two "Vietnam" elections of 1968 and 1972. This is nonsense. If foreign policy has shattered one of the major parties — as the Vietnam war shattered the Democratic party four and eight years ago — then foreign policy has been a decisive issue in the campaign.

The electoral choice in 1968 and 1972 had been vitiated by the Vietnam war, and the people were voting — or not voting: the abstentions count — about

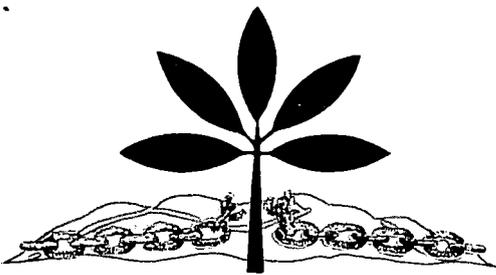


AP Wirephoto

The senseless death of two American soldiers in Korea recently illustrates the incoherence of U.S. foreign policy. Without a just and precise foreign policy, arrived at with the full knowledge and

approval of the people, America stands the risk of being drawn into a foolish military adventure or being unable to respond forcefully to a genuine threat.

divisive as the Vietnam war. Their own and topsy-turvy. The fact is that the vast majority of the American people opposed from the I can only record the fact — which I think no honest European would deny —



APSO

Appalachian People's Service Organization, Inc.

POST OFFICE BOX 1007 • BLACKSBURG, VA. 24060

October 6, 1976

HOME 703/552-5372

The Honorable Jimmy Carter
Plains
Georgia 31780

Dear Governor Carter:

I believe that the American people will support candidates who debate honestly and clearly the facts, especially as they pertain to human need.

OFFICE 703/552-3795

One of the most critical issues that faces people in the Appalachian region is strip mining. The human suffering and hardship and the incredible injustice against poor and powerless people is rarely debated. Therefore, virtually no Americans have any comprehension of what is happening to people because of the total lack of effective legislation. I have worked personally for seven years, with many others, towards achieving federal legislation. To date every effort has dismally failed, primarily due to an administration that has closed its eyes to and left the people and their land totally at the mercy of the bullying of an irresponsible industry.

THE REV. R. BALDWIN LLOYD, EXECUTIVE DIRECTOR

The enclosed information barely scratches the surface of this issue. For more current and detailed information, I would urge you to contact the following:

Frank Kilgore, Virginia Citizens for Better Reclamation, Route 1, Box 418, St. Paul, Va. 24283 - (703) 762-7668

Ric MacDowell, Save Our Mountains, Box 573, Hamlin, West Va. 25523 (304) 824-5546

John Burris, Save Our Cumberland Mountains, Box 457, Jacksboro, TN 37757 (615) 562-6247

Don Askins, Appalachian Coalition, Box 147, Jenkins, KY 41537 (606) 832-4708

Louise Dunlap and John McCormick, Environmental Policy Center, 324 C St. Washington, D.C. (202) 547-6500 (for national overview)

I would be happy to meet with or talk with you or any of your staff on this or other issues as they pertain to people in the Appalachian region.

All best wishes to you.

Peace and Cheers,

R. Baldwin Lloyd

RBL/sm
enclosures

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SOCIAL AND ECONOMIC CONSIDERATIONS
OF EXPANDED COAL PRODUCTION

A Report Presented to the Federal Energy Administration
Coal Advisory Board
by The Rev. R. Baldwin Lloyd

March 16, 1976

I have been asked to present a report on social and economic considerations of expanding coal production policies. I can not adequately do so in this short time, but will reflect briefly on these matters. I do know that the recent energy crisis resulting in soaring costs, etc., is a matter of deep concern for every American. Every aspect of our lives has been radically affected. Every middle class American is keenly aware that the pocket has been radically hit; many people on fixed incomes are near desperation. People feel deep frustration and resent what appear to be decisions made totally beyond their control and based in interests other than what are best for our country. Where once Americans had great confidence and pride in our business, industry and government, now there is great cynicism and distrust. People feel exploited, used and manipulated by large sectors of industry, business and government whose only concern seems to be to influence and control policies that are important to them, regardless of the effect it has on the average citizen or on our country. (I speak as one citizen among an increasing number who feel this way, because of what we experience and see happening in our daily lives.)

I have heard at our meetings that coal production must increase at a tremendously accelerated rate, to insure "Operation Independence" and at the same time to respond to the need for doubled energy output within the next thirty years or so. Assuming that "Operation Independence" is a wise goal to achieve (which I don't believe is necessary or wise), one can understand and accept the need to increase coal production to overcome the difference for the amount of oil presently imported from abroad. But beyond that, the goal to increase energy output at the rate we have experienced energy growth over the last twenty-five years appears to me to be if not impossible, certainly limited, and I might add, immoral.

I am aware that most projections of industry and of this present administration of our government assume a continuation of the trend, which we in this country have enjoyed, of per capita demand for energy since World War II, or more dramatically, since 1960. Virtually all these projections agree that the population of the U.S. of about 265 million in 2020 will be using nearly double the energy per person that is presently required for a population of 212 million.

The question I would like to raise is, why this assumption? Why must energy production increase at such an accelerated rate? Why does energy supply have to increase beyond the present per capita demand for energy? What is the evidence for this increase? For such radical increase in coal production that would be required, who are the customers going to be? Are there figures that show what will support such a trend for such growth in energy production? I would certainly like to see them.

In light of the incredible affluence of this country already, and in the face of great poverty among three-quarters of the world's population, it is unthinkable to believe that we of the U.S. would be considering doubling our per capita demand for energy. First, other than bringing the bottom fifth of our country's population up to a decent standard of living, there is no need materially to expand our present standard. We need to refine what we have, improve the quality of our business and industry, and most of all the quality of our lives, not materially, but in a humanizing way, morally and ethically and spiritually.

Looking back to the period beginning with World War II, we see a number of marked changes in American life that have contributed to the large and steady increase in per capita energy consumption we have enjoyed to the present. A major shift to

suburban living led to a demand for greatly increased dependence on automobiles. The national gas pipeline system resulted in a major shift to natural gas for residential and commercial heating, electricity generation and many industrial uses. Air conditioning rose from negligible use to near universal use. Airplanes replaced train passenger service and the air industry has become a major consumer of liquid fuel. This amazing growth in per capita energy growth was primarily due to cheap and abundant energy. In roughly the last twenty-five years, we have created an affluent society that has become heavily dependent on fossil fuel-powered energy.

The question now, however, is whether this trend of the last 15 to 25 years is likely to be repeated. There are, it seems to me, some very strong indicators that this cannot be expected. The events of the last several years have changed everything. With the soaring costs of fossil fuels, with its impact on our energy-dependent society, not only has the cost of gas and electricity doubled, but the cost of every essential part of our lives--food, clothing, shelter, transportation, etc., have all increased faster than per capita income increases. The luxury of the last fifteen years is gone forever. We are now in a new era--of recognized depletion of fossil fuel resources and of costly energy.

There are many reasons why we will probably never see the days of the 1950s and 1960s again.

First, we have become acutely aware of how rapidly our oil and gas supplies have declined. Consequently, the price of gas, oil, followed by coal, have soared. Coal is still our most abundant supply of fossil fuel. But even to begin to meet present energy needs, much less those being projected for the next 15 to 25 years, a tremendous amount of capital is going to be needed to update equipment, open new mines to replace old ones, as well as to expand production capabilities.

Utilities are at a critical point in need of large sums of capital to build new power plants to replace obsolete plants as well as expand energy production. Where is all the capital going to come from? From the public sector? How much more in the way of rising costs can the public bear? Every indication is that energy costs will continue to rise, which affects every other index of living. Either the consumers pay this increase or the Federal Government does. How much more in the way of rising costs can or will the public bear? And if it is the Federal Government that is to subsidize the whole energy production process, that means increased competition for already limited federal tax funds, which means increased taxes. That would simply put it right back on the average citizen. What are the figures that indicate who the customers will be? What are the sources for such figures?

There are other compelling factors that preclude any dramatic growth in energy production over the next quarter century. I wonder if these are being considered by those who make such optimistic energy growth projections. In agriculture, for instance, in the last 15 years we had huge surpluses. In the next 15 years there are signs that we will be grappling with desperate water shortages and rapid removal of land valuable for agricultural purposes in a period of acute world hunger. And in the very face of this we still lack federal guidelines to protect our precious western water systems and millions of acres of grazing and farm lands from the ravages of strip mining. The abundant Appalachian water supplies have been all but destroyed for useful purposes by mining practices insensitive to the value of this vital resource. Added to this, there is every indication that there will be severe social and political upheavals throughout the world which will deeply affect us.

And domestically we will be facing acute problems reflecting rising costs in social security, public health and welfare programs, financial crises of our major cities and the increased difficulty to raise capital for large and costly installations of all kinds.

According to an energy projection analysis made by Dr. William G. Pollard of Oak Ridge, Tennessee, as well as the Ford Foundation study for "Zero Energy Growth" described in A Time to Choose, maximum possible consumption has no hope of being realized. Dr. Pollard states in his "Energy Projections" report to the staff of the Institute for Energy Analysis at Oak Ridge, "that nothing about the world we are now entering justifies an assumption that per capita energy consumption will continue in the next 15 years along the path it followed in the last 15 (years). Instead the period is certainly going to be marked by growing shortages in enough supplies and sharply rising costs of energy." Dr. Pollard further reports, "the best we can hope for is to continue to increase our energy consumption in a world of shrinking supplies and rising costs to a peak of 363 million BTU per capita by 1990." (As of 1974, it was 345 million BTU per capita.) Dr. Pollard suggests that we actually may see a period of decline in per capita energy consumption during this period. Most projections suggest, however, an increase of between 425 and 500 million BTU per capita by 1990.

Dr. Pollard suggests that the reason for the great disparity between the results of his analysis and those which indicate a much higher energy productive capability is that the other studies do not take into consideration all the other factors which will affect both energy production and energy consumption. Most projections are based simply on growth patterns of the last 15 years with adjustments made for technical judgments of changing supplies of various fuels. It appears to me that most industry projections or those of government agencies that tend to support industry's views, are more concerned with influencing energy policy decisions important to their own expansion than with making an honest assessment of what is most likely to happen in light of the reality of the total world situation regardless of what policy decisions may be operative.

If indeed there will be no appreciable growth of energy supply or consumption over the next 15 to 35 years, then why is it so imperative on the part of the coal industry to expand so rapidly the production of coal? And in such a destructive was as strip mining?

I cannot take the time in this report to reflect on the incredible cost the process of energy production is leaving behind in its wake. But that you may know something of what the human and environmental costs are, I am including with this report a copy of testimony I gave to the U.S. House and Senate four years ago this month. The only fact I could add to the reality of strip mining's impact on the people and their land, whether it is the mountain people of Appalachia, the ranchers and farmers of the Midwest and Northwest, or the Indians of the Southwest, is that in the period of five years of struggling for federal regulations, the situation is far, far worse now than it was when work first began to obtain federal legislation.

In conclusion, I wonder if we in this country have created a monster that is out of all our control. We have an economic system that allows for profit, but now profit has become the all-consuming drive that affects us. Our huge corporate interests require huge profits "to generate capital" with little regard for what is reasonable or for what is good for our people and our country. Even our basic laws are shaped and/or subverted by these corporate interests--so that instead of a constitution that protects citizen rights and is based on a government for, of and by the people, we now have a government that increasingly protects corporate interests and appears much more to be a government for, of and by the conglomerate corporations of our country.

I will conclude with this question: If industry's dependence on profit is its overriding motive and/or need for survival, then what happens if such projected expansion is not possible? Are any considerations being given to this question? If not, we may be in for far greater trouble than we are now experiencing.

Coal-veto data held

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Ford's figures supplied by bill opponents

By STEPHEN E. NORDLINGER
Washington Bureau of The Sun

Washington—The figures on the loss of coal production cited by President Ford to justify his veto of the strip-mining bill ap-

A three-week study of the methods used to compile the figures disclosed the following:

- There was no economic analysis made of the small mines in Appalachia to determine their financial ability to comply with the bill's new requirements. An economic analysis would have studied the capabilities of the mines in light of expectations of high demand for coal and rising prices. The administration estimated that almost all small mines would be closed and few would be able to open as a result of the bill.

- Thomas V. Falkie, director of the Bureau of Mines, promised at the special congressional hearing on the production figures to provide a list of the small mines that would be closed by the bill. In a later interview, Mr. Falkie said no such list exists, but that, if it did, he would keep it confidential on grounds that it contained proprietary information.

- A chart submitted to the same hearing said that predicted tonnage losses from small mines were based on projections from samples "of approxi-

Walter N. Heine, associate deputy director of the Mine and Land Protection in Pennsylvania and a supporter of the strip-mine bill, said the "phones rang of the hook" with requests for new information concerning the impact of the bill.

"It really frosted me that they wanted to do it after the fact," said Mr. Heine, who said he was "not too co-operative."

The request for new material was confirmed by William Keblish, of the Bureau of Mines in Harrisburg, who said he was asked to seek the information by James Paone, director of the Environmental Division at the headquarters of the Bureau of Mines here.

"Everyone was questioning the figures you have so we were rechecking," said Mr. Keblish. Mr. Heine said, however, that the Bureau of Mines had not checked previously with him or his staff for the kind of material requested.

In the months preceding the final congressional action on the bill, staff members of the Federal Energy Administration called by phone or visited officials in seven states in the East

During an interview last week, two officials, Daniel Jones, of the energy agency, and Buck Miller, of the mines bureau, said the legislation explicitly banned strip mining on slopes of 20 degrees or greater. No such provision existed in the vetoed bill, and, in fact, such a specific prohibition was deliberately omitted by Congress in Senate and House roll-call votes.

Both Mr. Jones and Mr. Miller were closely involved in assessing the impact of the legislation on coal production.

During two lengthy interviews with officials of the Federal Energy Administration and the Bureau of Mines, the production figures were strenuously defended, although the engineers indicated that they could not be responsible if only the most extreme tonnage loss calculations were cited by opponents of the bill.

According to Mr. Falkie, director of the Bureau of Mines, the figures were based "on our experience and the vast amount of data available." He said the bureau estimated that to qualify for a strip-mining permit the

Contradictions, discrepancies noted

Data used to justify strip-mine bill veto questioned

By WARD SINCLAIR
Courier-Journal Staff Writer

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WASHINGTON — The lengthy, emotional congressional effort to put federal regulations on the strip-mining of coal was stymied last month when President Ford vetoed the bill on the grounds that it was too costly and too stringent.

The President made his case from a mountain of controversial statistics prepared to document the bill's impact. He said as many as 36,000 jobs would be lost and coal production in 1977 could be cut by 162 million tons if the bill became law.

The statistics were put together by engineers from the U.S. Bureau of Mines and the Federal Energy Administration

mining on slopes over 20 degrees. It didn't. In fact, both the House and Senate on roll-call votes specifically precluded any steep-slope bans.

Obscured in the debate, but crucial to the validity of the statistics, was the point that much of the projected "lost" production and many of the "lost" jobs do not exist today. The engineers estimated production goals for 1977 and then concluded the bill would prevent that future coal from being mined and, thus, the jobs from being created.

Given a near-impossible assignment to quantify losses that might occur, the bureaucrats came up with wide ranges of projections from which political figures—principally, Mr. Ford and FEA chief Frank Zarb—tended to emphasize the highest range of predicted losses.

Officials defended their projected impacts by saying they had carefully doublechecked with companies, trade association and state reclamation agencies. A survey of those sources found that many were among the most vehement opponents of the legislation, who in turn were guessing about impact; others reported only cursory contact with the federal people.

After Mr. Ford vetoed the bill on May 20, congressmen and environmentalists leaped to the attack, arguing that the President's statistics were inadequate. Major supporters of the measure, such as Reps. Morris Udall, D-Ariz., Patsy Mink, D-Hawaii, and John Melcher, D-Mont., and Sens. Henry Jackson, D-Wash., and Lee Metcalf, D-Mont., were among the most outspoken.

Faced with rapidly eroding support in the House as members became worried about economic and energy impacts of the bill, Udall postponed a May 21 veto-override vote and announced that an Interior Committee inquiry on the statistics would be held in June.

The day-long congressional hearing produced a welter of arguments, contradictions and partisan sniping—in part because of the administration's refusal to provide all the background data that Udall and Mrs. Mink had requested in advance.

Since the hearing and the unsuccessful override vote, an exhaustive investigation and a series of interviews brought out an array of contradictions and discrepancies. Some examples:

FEA and the bureau insisted that part of the impact was determined by an FEA field survey of state reclamation offices, trade groups and selected strip-mining companies. This was done to confirm and double-check their own findings, they said.

FEA's survey was anything but formal or scientific. Each of the trade groups already was on record opposing the federal legislation.

Some interviews were conducted by long-distance telephone, some in person. No set of standardized questions was used. In some cases, according to FEA engineer Dan Jones—the man who thought the bill banned steep-slope mining—answers were forthcoming only after FEA had read portions of the legislation to the interviewee and sought an expression of their impact on mining.

Jones' Alabama source was William Kelce. Kelce, of the Alabama Mineral Producers Association, in 1974 appeared before the United Mine Workers executive board to talk about why a similar bill pending then should be killed.

The FEA roll-call showed that a Kentucky source was Keenus Bowling, head of the quasi-governmental Interstate Mining Compact Commission, based in Lexington. In 1974 the compact voted 5 to 2 against the bill.

FEA's Virginia source was B. V. Cooper, head of the state's strip-mine operators who had organized and led a demonstration of miners and truck drivers in Washington in April—protesting passage of the bill.

According to FEA, its West Virginia source was Ben Lusk, head of the Surface Mining & Reclamation Association in Charleston. Lusk, contacted by telephone, said he had not been interviewed by FEA nor contacted for data. Had he been contacted, he went on, he would have "told them plenty."

Lusk publicly opposed the legislation. He praised President Ford after he pocket-veto a similar strip-mine control bill last December. Privately, in a newsletter to association members Lusk was assuring them that they could live with and comply with the bill.

Jones of FEA said he saw no conflict in that. Lusk, in the interview, reiterated his belief that passage of the bill would have been devastating to West Virginia strip miners.

Although the FEA contact list did not mention his name, Tom Duncan, president of the Kentucky Coal Association said he was contacted several times during recent months by government officials seeking the association's impression of the possible impact of the bill.

Duncan said the association believed the bill would be fatal to almost all small mine operators in hilly Eastern Kentucky. He said the impression was based on his group's knowledge of the industry and companies' financial resources.

"We felt by all logic anyone mining 100,000 tons or less in Eastern Kentucky could not survive," Duncan said. "As a practical matter we felt you could write off any production from mines of 50,000 tons or less. They couldn't survive, only a few tenacious ones could survive."

Duncan said the government officials who contacted the Kentucky delegation "were asking for honest answers and we

News Analysis

(FEA). Mr. Ford's allies in Congress and industry relied heavily on the data and, on June 10, the House failed to override the veto.

One of the major environmental measures of recent years had gone down the tubes. And by putting heavy emphasis on eye-grabbing statistics and the "crisis" aspect of national energy needs, Mr. Ford and the industry were able to convert what had been essentially an environmental debate into a murky and heated conflict over jobs and tonnages.

During the past several weeks, numerous interviews and a review by this newspaper of procedures used by the engineers at FEA and the bureau produced some basic conclusions. Among them are these:

A systematic economic-impact study was not made to determine the mining companies' ability to pay for new costs the bill might cause. Bureaucrats "assumed" that companies, particularly small operators in Appalachia, simply could not pay and would go out of business.

Some impact figures were gathered after Mr. Ford had vetoed the bill. Some Bureau of Mines employees readily conceded that "a lot of guessing" was going on as the figures were prepared and that the data in some cases was "mushy."

Although most federal officials were cooperative after repeated requests for information, a pattern emerged: Background data was "destroyed," other material was "scattered" around the country, lists of names and mines became "unavailable" and officials complained openly about their figures not being taken on faith.

In other instances, statistics were drawn up from flatly erroneous starting points. For example, until last Wednesday, two key men in the data-gathering process thought the vetoed bill banned

1 July 1975

Ernest B. Furgurson

The People and Their Land

Washington.

Not long ago, you could take for granted that anyone who believed in protecting the American consumer probably also believed in protecting the American land. They went together. Pollution, after all, was and is bad both for people and for the people's land.

Since the energy shortage has dominated policymaking in both consumer and environmental sectors, this informal alliance of interests has been strained. The administration has done its best to take advantage of the situation, to make it appear that those who retain interest in protecting the land when the government is pushing all-out exploitation of energy sources is thus against the public interest, specifically against the consumer.

...

There is no more flagrant instance of the administration's pitting one group of concerned citizens against another than the propaganda campaign it mounted to dissuade the House from overriding the President's veto of the strip-mining control bill.

The measure, over which Congress had labored for years, was buried by only three votes on the override roll call. Much of the credit, or blame, went to the assertions by the White House and the Federal Energy Administration that huge amounts of coal production would be lost if the bill became law. And if coal output was cut at a time when the FEA was ordering many steam plants to shift from oil to coal, why of course the implication was that lights would be going out all over the nation.

...

If any action of the administration in its handling of the energy shortage demands investigation, this is it. *The Sun's* Stephen Nordlinger and the *Louisville Courier-Journal's* Ward Sinclair spent three weeks asking questions about alleged facts and figures used in the strip-mining confrontation, and their findings were published yesterday. They make a solid foundation on which Congress should build another stripping control bill; if all the legislators who were duped by the

administration's propaganda vote next time to uphold the bill, its success will be certain.

Nordlinger confirmed that much of the purportedly hard data used as an administration weapon was only put together by a haphazard series of telephone calls after the veto was announced.

...

Although Mr. Ford's veto message declared that anywhere from 40 to 162 million tons of annual production would be lost in 1977, at that time no substantiation for those figures was in hand. After the House announced that it would recall administration officials to testify under oath on the figures, the Bureau of Mines and the FEA scurried about trying to provide supporting data.

There was no system to their effort; most of their sources were known opponents of the bill, certain to give the most frightening predictions of its results. A Bureau of Mines official admitted that "a lot of guessing" went into the figures relayed to Congress.

Even now, the departments in-

involved will not make public their work sheets. The administration was just as harum-scarum in its gathering of data to back up its contentions about the number of jobs that might be wiped out by the bill.

The officials who prosecuted this campaign are aggressively unapologetic about it. That bodes much more divisive strategy every time the administration decides the long-term interests of the land stand in the way of the short-term acceleration of fossil fuel production.

...

Facing this, those who were exerting themselves for both consumer and environment long before Mr. Ford or Frank Zarb entered the executive branch must concentrate again on what makes them natural allies.

That is a shared knowledge that the national welfare cannot always be measured in terms of dollar profits for exploiting industries. In a period of crucial change when the administration identifies directly with those very industries, unity in the broader interest becomes mandatory.

THE SUN (BALTIMORE)

1 July 1975

Weak Arguments, Powerful Lobbyists

President Ford and his staff apparently decided on a veto for a strip mine reclamation bill before they gathered any substantial evidence to support the veto. And then, when they did gather their "evidence," they conducted their research in such a hurried, perfunctory and tendentious fashion that what they assembled was hardly worth the paper it was written on. Displaying a similar tendentiousness, or just plain ignorance of the bill, 143 House members voted to sustain the veto—and gave the President a three-vote margin.

An investigative report by Stephen E. Nordlinger in *The Sun* has spelled out the details of the shoddy, mostly after-the-fact, research done by the administration to bolster its case for the veto. As it turns out, economic analyses of the ability of small coal mines to live with the provisions of the bill either were non-existent or so flimsy as to be meaningless, and, incredibly, the administration lacked even a list of the small mines it claimed the bill would force to close. Moreover, much of the "data" supporting the administration's claims came from such officials as B.V. Cooper, executive director of the Virginia Surface Mining and Reclamation Associa-

tion, who earlier had led a demonstration against the bill. What is even worse, administration arguments were based in part on the effects of provisions—such as one Congress had considered for banning mining on slopes steeper than 20 degrees—that were not even included in the final bill.

The saddest part of this whole charade is that Congress already, before the veto, had compromised the bill half to death in an effort to get approval from the administration and the energy companies. Sacrificed was the provision against mining on steep slopes, where the danger of erosion is great; also lost were strict provisions for preserving agricultural land in rich alluvial valleys, as well as provisions for citizen suits and protection against water pollution from strip mines. Coal mining companies and electric utilities were in the forefront of lobbying efforts against the bill. Their first campaign was to make the bill as weak as possible in case they were unable to talk the President into a veto, or Congress into sustaining it. As it turned out, any fears they might have had were unwarranted, for they had the power to destroy even a seriously weakened bill with arguments even weaker.

conversations with the state groups had been destroyed because he saw no need to retain them once the final tabulation was made.

The tabulation, applying to steep-slope mines in the Eastern United States, projected that a maximum of 52 million tons would not be produced from those operations in 1977 if the bill became law.

The same tabulation, delivered to Mrs. Mink after the June 3 hearing, indicated that "samples" of information had been obtained from "approximately five operating mines in each state."

The federal officials, both at the hearing and in interviews, have steadfastly refused to name the companies on the grounds that the data was collected on a confidential basis.

John Hill, deputy administrator of FEA, indicated to a reporter that he would authorize release of the economic data from those companies without naming any of them. Names were "proprietary," he said, and could not be given out.

But the list promised by Hill never was delivered. Queries to Hill's assistants at FEA failed to bring delivery of the data, although they continued to insist that the data exists.

tions were too high to be believed. Peck said they refused to do so—evidence of their professionalism.

Another bureau employe, minerals economist Walter Dupree, a recognized expert within the government, had a more straight forward view about the procedures used by the engineers and officials in coming up with statistics.

"A lot of guessing was going on," Dupree said, in explaining how they had come up with a projected coal tonnage loss between 40 and 162 million tons.

Although Dupree was a member of the statistical team and although colleagues good-naturedly hooted at him as he made the "guessing" remark, he was saying essentially the same thing Rep. Udall said as the congressional inquiry began June 3.

Udall accused administration officials of "guessing" that production would fall if the bill became law. Udall, predicting that production would increase, said he was "guessing too."

By then, minds had been set, opinions formed and votes committed. On June 10 the House failed to override the veto by four votes.

The Vulnerable People

CLAIRFIELD, Tenn. — "See the beans? See how they're dying?" asked Lewis Lowe, a retired and disabled coal miner. He was walking among the rows of his garden beside his home in this isolated mountain community. "Look at the corn. It's but a foot high and already turning brown. It's near dead. We'll get hardly an ear. The same with the tomatoes and carrots. The soil is bad, you can't raise anything in it."

Lewis Lowe spent 45 years in the deep mines, was trapped twice, had some ribs crushed and his left foot crippled. Those were physical injuries.

The past few years, though, his spirit has been assaulted, suffering in ways that he has only begun to explain to outsiders. The cause of his mental anguish is the strip mining in the mountains up the hollow from his home. When the strip miners release water from the pits, it floods the Clear Fork creek that runs behind the Lowe property. The creek bed is so filled with coal sediment that even a modest rainfall causes flooding. The banks overflow with water that carries the coal sediment. It has happened with enough regularity that when an engineer came to test the soil in the Lowe garden, he had to dig five feet before hitting the original earth. Everything above it was muck — airless and caked mud that lacked nutrients and was blackened by coal particles. Aside from the mental suffering he and his wife endure — mountain people have ties to their land that cannot be cut without immense interior pain — Mr. Lowe has been hurt economically. He used to keep a cow and some hogs. He would sell the milk and butter, and butcher the hogs for his family. Together with the crops, fresh or canned, he was usually self-sustaining. But now he shops at the store. "The prices are high," he says. "And the store butter is hard to eat. It's nothing like the way I used to make my own butter."

The hills and hollows of Appalachia have countless invisible victims like Lewis Lowe. The strip mining companies have destroyed their properties as effectively as if it had been a war zone lain to waste by defoliants and herbicides. If Lowe is different from the other casualties it is because he is moving in a way that is uncharacteristic in the mountains: he is fighting back.

Most of those who have been victimized by the might of the energy companies, as the coal is stripped and the balance of nature is ruined, have embraced stoicism, accepting defeat rather than fighting back and risking even more disappointment at the hands of the powerful. Lewis Lowe is taking the strip miners to court, asking \$20,000 in damages and compensatory work to his befouled property. This is the third house Lowe has lived in; he was driven from the first two — both rented from a London-based strip

mine leasing company that owns most of the land around Clairfield — by floods that resulted from strip mining operations.

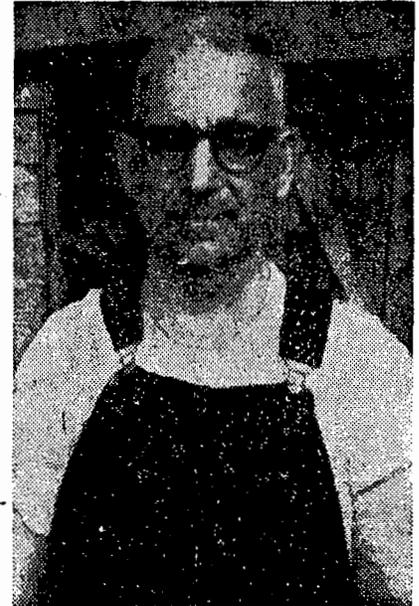
Lowe was told by operators that flooding was "the Lord's work." That line has been a standard defense of the companies, given notoriety in the Buffalo Creek dam break that killed 124 in 1972. When Lowe said that his farm had been under siege for more than 10 years, he was asked why he waited a decade to take the operators to court. He replied that 10 years were needed to find a lawyer in the mountains who wasn't in some way aligned with the coal companies. The lawyer he has now is a young attorney in nearby Jacksboro, a member of the East Tennessee Research Corp., a firm that has yet to adapt to the ways of mountain "justice."

When discussing his torment, it is noticeable that Lowe never refers to the Tennessee strip mine law, much less to the recently defeated federal bill. For Lowe, the laws and politicians are irrelevant. In more baleful ways, it works the other way, too. Following the defeat of the federal bill, when the White House lined up with the energy companies and thereby gave respectability to the kind of exploitation that has reduced much of Appalachia to rubble, a few members of the Senate tried to bring some controls in another way.

One example is an amendment to the Mineral Leasing Act, scheduled to be voted on this week by the Senate, that would require reclamation of strip mine sites on federal lands. This would be helpful in some Western coalfields but the bill would mean nothing in Appalachia where nearly all the land is owned by corporations. Thus, the mountains will continue to be abandoned, to be what Dr. Helen Matthews-Lewis of Clinch Valley College, Wise, Va., called "the show-place for the social irresponsibility of the corporate system."

The political system could be included in that indictment as well, because all too often the views of officials in Washington mimic the views of the Appalachian energy companies. When Frank Zarb and Rogers Morton went before congressional committees in the last days of the strip mine debate it was as though the issue had nothing to do with living people. Abstractions took over—the energy crisis, utility rates, project independence. Rep. Ken Hechler (D-W.Va.) voted against the bill in the end because it had lost meaning to his mountain constituents, even though Zarb and Morton went on pretending that the bill would have imposed severe restraints on the energy industry.

Harry Caudill, the Whitesburg, Ky., lawyer and writer, said recently that strip mining will end only when the strippable coal seams run out. The



By Colman McCarthy

Lewis Lowe

pressure from the energy lobby is so great that it "could buy every voter in the country if needed. And most people couldn't care less. We're a people without any land ethic whatever."

Lewis Lowe isn't a nationally respected writer like Harry Caudill, so he doesn't speak about a land ethic. But he has feelings about it. He knows that his property has been damaged and he can't get through to the damagers to get them to stop or make restitution. In a tone of fundamentalist Protestantism still strong in the area, Lowe says quietly that "strip mining is plain wrong and nothing can make it right." He fears for the future of deep mining in the area, saying that the deep mines are where the jobs are, not to mention the vast reserves of coal.

He doesn't know when the court will get to his case, except that it will be "soon." He may have to be patient. It was only after a four year court fight—waged by the citizens group Save Our Cumberland Mountains—that Tennessee officials were forced to open the way to assessing the coal companies a more equitable property tax. Merely raising life to a modest level of fairness requires immense stamina. Then, too, mountain justice can be strange. A citizen can set up a lone moonshine still and posses of law agents will hunt him down relentlessly, but a coal company can steal rivers and hills, and drive off families, and the law looks the other way. Only occasionally does someone like Lewis Lowe come along to ask that the law look his way.

October 17, 1975



The New York Times/Teresa Zabala

Some of the people who face eviction from rented homes in Hutchinson, W. Va., attending a protest meeting

Amid New Coal Prosperity, Miners Face Eviction

By BEN A. FRANKLIN

Special to The New York Times

HUTCHINSON, W. Va., Oct. 16—Thirty-two families face eviction from their ramshackle homes here to make room for a \$15-million coal processing plant—a facility planned to help meet the nation's rediscovered need for coal as a result of the energy crisis.

And while the plant promises economic benefits to the area, the proposed evictions have brought surprising bursts of anger from a people long cowed by authority and resigned to the mysterious will of "the company."

It is a classic landlord-tenant clash, but what points up the old eviction drama here is that, for the aged widows of miners, the young welfare parents and the cheerful, dirty-faced children, there is literally almost no place else in Logan County for them to go.

In recent times there would have been a glut of other shabby but sheltering coal camp "company houses" for Hutchinson's refugees to move to at nominal rents. Mine mechanization had sharply reduced the half-million-man work force that once filled the hollows, leaving hundreds of gritty, abandoned ghost towns.

But the coal companies, to reduce their taxes, tore down many rows of look-alike miners' houses as they became vacant, and most of the mountainous central Appalachian coal fields—a region whose timbered, steeply sloping terrain reduces the habitable, flat acreage along creek and river bottoms to only 5 per cent of the total area—there is a long-term housing crisis here.

When prosperity returned to the coal industry in the late nineteen-sixties, it did not rub off on home construction, and a result has been an effusion of aluminum and plastic "mobile homes" that fill trailer courts and perch on cinder blocks wherever the mountainsides allow. But there are not enough of them, so trailers are chiefly sold at \$8,000 and up, instead of being rented.

Many people cannot afford to sign a long lease or a mortgage, or lack the confidence to do so. And many banks refuse to make mortgage loans at terms less attractive than they can get on government bonds and other out-of-state investments. As a result artisanship has fled. Home builders, carpenters, plumbers and electricians are few.

But what has finally killed home construction here—and killed the hopes of Hutchinson's residents—is demand for coal.

The coal industry is booming and congratulating itself now more than ever for its foresight in buying up at yesterday's prices almost three-quarters of the 291,725-acre total area of Logan County. There is even less disposition now than in the past to sell land for housing that may interfere with mining. Say Temer Rivenbark, a Logan County home builder: "You can't find a house lot here to buy for love or money."

10 Top Landowners

For the 108 people facing eviction in Hutchinson—a tumble-down, junk-filled, 60-year-old coal camp owned by the Dingess-Rum Coal Company—it is an irony that their landlord and nine other corporations own 220,494 of Logan County's 291,725 acres and apparently will release none of their coal-

land holdings even to house the manpower that must mine it.

A year ago The Huntington Herald-Dispatch compiled a list of the company-held acreage for a series called "Who Owns West Virginia?" The list was headed by the Bethlehem Steel Company (36,359 acres), the Island Creek Coal Company (32,381), the Georgia-Pacific Corporation (30,778) and the Dingess-Rum Coal Company (30,742).

Others are the Aherst Coal Company, the Pardee Land Company, the Cole and Crane Trust, the Kelley Hatfield Land Company, the W. W. McDonald Land Company and the Giant Chessie System (the merged Baltimore & Ohio and Chesapeake & Ohio Railways).

One of the persons facing eviction is Nora Triplett, a wiry 73-year-old widow who lives in the Hutchinson Coal camp with her daughter, Irene, on \$262.40 a month from her miner-husband's Social Security benefits and a United Mine Workers union pension. Her trouble began when Dingess-Rum sent her a form letter on Sept. 8.

Mrs. Triplett said that a day or two earlier she had paid her \$38 monthly rent. The form letter from Jack D. Kelly, the Dingess-Rum superintendent of housing, said:

"This area has been leased to a major coal producer for the installation of a coal processing plant, and all houses in this area will have to be removed. Please be advised to look for other housing facilities. This is very urgent. We are giving you 30 days to move."

Since then the deadline has been extended to Nov. 1.

Search in Three Counties

"My daughter went all over Logan County," Mrs. Triplett said yesterday. "My sister went all over Cabell County, and

my brother went all over Lincoln County, and they couldn't find nothing. I can't pay high rent and I can't drive a car. So I have to be close to go to the store. These coal people don't care for us people any more than a park of dogs."

Dingess-Rum offered relocation help "for as many as we can." But the catalogue of affliction, age, incapacity and poverty in Hutchinson is long, imposing the severest demands.

There is George Edison, a 68-year-old retired miner whose wife, Mvrtle, has been at home, confined to bed, for three years with "tumors." The neat Edison household is being kept by Mr. Edison's two widowed sisters, Bertha, 75, and Opal, 64.

"If I can go somewhere, I'll go," Mr. Edison said. "But I never yet heard of a house to rent that would suit this situation."

Mrs. Rose Murak, 62, a miner's widow, has lived for 43 years in the same house, marked now for wrecking like the already-flattened Andrew Perry house next door.

"Now everything is turned upside down," she said. "We've put more than 600 miles on the car looking and can't find nothing."

Her unmarried daughter, Annabelle, lost her job as Hutchinson's postmaster last Friday. The post office, too, is owned by the land company and is to be razed.

Raymond Noe, at 55 still a working miner, was evicted from another Dingess-Rum house across the road a year ago. The Noes, 10 of them, have lived since then for \$48-a-month rent in a 13-room, paintless, two-story clapboard building that was once a coal company boarding house for single miners.

"I'm tired of running from these people," Mr. Noe said. "I got no prospects unless I find something to buy."

Protests against the eviction have grown as the behind-the-scenes corporate players in Hutchinson's drama have become visible. Dingess-Rum coal, which sent out the eviction notices, is the owner of the coal lands that would require the new coal processing plant but will not do the mining. It is leasing the land to the mining companies, the Elkay Coal Company and its parent, the giant Pittston company of New York City.

It was Pittston whose mine-waste dam burst in February, 1972, upon Buffalo Creek, a Logan County hollow a few miles from here, sweeping 125 persons to their deaths and destroying thousands of houses.

A month ago, Ray Albright, the principal of the nearby Dehue Elementary School, wrote to Representative Ken Hechler, a West Virginia Democrat, of his neighbors' "disgust at Pittston—they weren't satisfied with tearing a third of

the county at Buffalo Creek, now they want to try for the other two-thirds."

Mr. Hechler convened a protest meeting in the Dehue school last night. The Congressman and Arnold R. Miller, president of the United Mine Workers, denounced the coal companies for what Mr. Miller called their "inhumanity" in not at least giving the Hutchinson tenants more notice, or more time now, to vacate. Tenants added their criticisms, several in tears.

Mr. Kelly, the Dingess-Rum housing superintendent, insisted that "these weren't cruel house eviction notices, like you've been led to believe. Dingess-Rum has never set anybody out for less than a justifiable reason."

Finally, calling the meeting "a media event" staged by Mr. Hechler, Edward J. Wood, an official of Elkay Coal, nevertheless agreed that "if circumstances warrant, an extension of time may be worked out on a case-by-case basis."

Colman McCarthy

Evicting the Families At Rum Creek

WASHINGTON POST

October 7, 1975

RUM CREEK, W. Va.—Earl Hannah, a roof-bolter in a local deep mine, received a form letter the other day from the Dingess-Rum coal company on whose land his home sits. "Please be advised to look for other housing facilities. This is very urgent. We are giving you 30 days to move."

The "dear-tenant" letter didn't inform Mr. Hannah, nor the other 31 families in the neighborhood scheduled to be run off the company's land, why this eviction is "very urgent." But it is unlikely that a citizen exists in the mountains and hollows of this area in the coalfields of southern West Virginia who doesn't know that the second coal age has begun and that the companies, under a patriotic banner declaiming coal as the answer to the so-called energy crisis, are going to act as if the mountain people counted for nothing. The company that is pushing out the 32 families in Rum Creek—with winter coming at that—plans to tear down the houses to make way for a \$15 million coal processing plant of the Pittston Company. It was Pittston that gave this area the 1972 Buffalo Creek disaster, taking the lives of 125 citizens and making 4,000 homeless. That infamous event made national news. But it is a mistake to think that the evictions at Rum Creek are caused by any mentality except the ever-hovering one of the companies that justifies pushing around people, houses and land in the pursuit of coal.

The story of the Rum Creek evictions (the 32 families were to be out by Oct. 9, but have extension to Nov. 1) is important because it is a part of an ongoing and ominous pattern beginning to be seen in the Appalachian coalfields. People are being made homeless precisely when land is becoming acutely scarce for anything but corporate interests. Logan County, the location of both Rum Creek and Buffalo Creek, has 292,000 acres but 220,000 of those belong to 10 companies. The Huntington Herald-Dispatch reported a few months ago on the exact nature of this 20th century colonialism: "Absentee landlords own or control at least two-thirds of the privately held land in West Virginia." Even as they

exploit land they already control, the companies seek more. The newspaper cited a state report estimating that 500,000 new acres a year are being leased to corporate landlords.

But are they landlords or overlords? Corporate policies in West Virginia are such that it is easy to find other communities in the mountains where working men, widows, disabled miners and children were forced to abandon their homes. Last year in nearby McDowell County, 21 families in Eureka Hollow had their leases cancelled to make way for a strip mine operation on the slopes above their homes. In the cold, sterile language of the eviction notices, one company told its Eureka tenants: "You have the privilege of moving the house or any material within." This attempt at largess contains a cruel irony because many of the citizens can do nothing but seek refuge in mobile homes on company land. Thus, when the next notice comes to move on, the eviction will have a more merciful appearance: The steeled structures can be rolled down the roads for the "privilege" of another temporary refuge.

All of this is happening to a people for whom land has a cultural and emotional meaning that few outsiders ever understand. Mountain families go back to the Scotch-Irish settlers who came to central and southern Appalachia to establish independence from the British in the coastal areas. Land meant independence, symbolically and economically. This reverence for land and roots persists until today, except now it is not the British from whom independence-by-land is sought, but the new colonial masters within the boardrooms in Pittsburgh, New York and other distant places.

As the powerless of West Virginia are increasingly separated from their land, it is rare for a voice of authority to be heard in protest. But not everyone with a voice is docile. Beth Spence, the young publisher of The Logan News—a spunky weekly—wrote recently that the "belief by miners that the operators put production above them is reinforced every time an unsafe condition

is maintained at a mine or a miner is forced to buy a company house or get out by sunup or whenever people are displaced as a result of a new tippie being built."

More than a few of these tipples will be going up. West Virginia's coal production will jump an estimated 54 per cent by 1985. Such news can only mean more homelessness in the coalfields. Where will people live who are displaced by the new coal processing plants and the new strip mines? Are they to become gypsies? Corporate officials and their political sympathizers in Charleston and Washington work hard to devise ways to get around already weak strip mine laws, but little of this attentiveness goes to thinking about ways to serve the displaced. One who tried for an answer was Rep. Ken Hechler. His district covers Logan County and he is one of the few of the state's political figures to denounce the eviction policies of the companies. But his struggle is a lonely one. In July, Hechler wrote to HUD and told its officials of the area's severe housing shortage and lack of rental property. He asked if a few of HUD's empty mobile homes at Buffalo Creek might be used for some displaced families from the Accoville Hollow. HUD replied that the law did not allow it and therefore Logan County is not an "eligible donee."

HUD's interest in obeying the law will put no roof over anyone's head this winter in Rum Creek. The fate of these 32 families isn't known for now. But it is known that countless other families in this region will be getting their eviction letters soon. Solutions are not unknown. With company profits high, taxes on the extracted minerals need to be levied, the money going back to the towns for housing. Even if it isn't in the nature of a coal company to show public compassion for those whose lives it dominates, it is at least in the company's own interest to get involved in housing for those increased numbers who will dig the coal in the coming boom. Not to do so is to continue an Appalachian war that is turning more and more mountaineers into refugees.

P. O. Box 1007
Blacksburg, Va. 24060

ACTION ALERT MEMO TO: Appalachian Coalition
FROM: R. B. Lloyd & Joseph Tiller
SUBJECT: Urgent Support for Override of Veto of Strip Mining Bill

I - On May 20, President Ford vetoed the Strip Mining Bill.
On June 10 Congress will seek to override the veto.

II - To help you can do the following:

- A - Write, telephone or telegraph those Congressmen in your State listed on enclosed sheet. Urge them to vote to override the veto.
- B - Mobilize letter-writing, telephone, etc., campaigns urging others--everyone you can think of--to do likewise. If members of groups or organizations, get word to the membership.
- C - How to mail or telephone
 1. Representative _____, House Office Bldg, Washington, D.C. 20515
 2. Senator _____, Senate Office Bldg, Washington, D.C. 20510
 3. Telephone: (202)224-3121; ask for desired representative or Senator.

* * * *

MIS-STATEMENTS AND MISREPRESENTATIONS OF THE FACTS

A - The President vetoed the Strip Mining Bill for the following stated reasons:

1. 36,000 jobs would be lost
2. higher utility bills
3. greater dependence on imported oil
4. coal production would be reduced
5. regulatory delays
6. the reclamation fee is an unnecessary increase in coal costs
7. State ban of strip mining on Federal lands
8. reclamation of privately owned, abandoned coal lands

B - THE FACTS ARE:

1. Even the Department of Interior admits job loss estimated figures are "unreasonable". They were not based upon specific site investigation and there is every indication of double-counting. It seems small operators working on steep slopes have computed twice their annual output to the total impact figures. (Impact on all small mines, 22 million tons; on steep slopes, 16 million tons--these have been added together)
2. Electric utility bills have increased drastically in the past 18 months because imported oil costs have increased by 500%. Where coal competes with oil for utility use, coal prices have kept pace with oil cost increases. During that time, however, coal operating costs have only increased by 30%. Consequently, coal which sold for \$8 per ton 2 years ago now sells for \$22 to \$30 on the spot market. The profit margin on that ton of coal may be as high as 500% above 1973 profits. Therefore, with the huge profit increase coal companies can internalize the additional reclamation costs and the fee without passing them on to the consumer. (Stripmined coal is able to play the open market, and therefore frequently costs more than deep-mined coal which is locked into long-term contracts.)

3. Greater dependence on imported oil assumes that there will be a significant reduction in coal production. The fact is there should be virtually no loss in coal production. There will still be about the same amount of stripped coal. (In Pennsylvania, with a similar law, strip mined coal has actually increased.) Any losses can be made up by increased deep mining and strip mining on less steep slopes. (Strippable coal in Appalachia represents less than 1% of the total recoverable reserves.) Maximizing coal production from existing deep mines (4 full shifts) alone can increase production in excess of 75 million tons.
4. Under the Pennsylvania law, which was used as a model for the Federal Bill, strip mined coal production has increased, and the number of small operators has not decreased. Internalizing more of the social and environmental costs of stripmining has not hurt the coal industry in Pennsylvania.
5. There is no reason for regulatory delays. The bill is designed to increase Federal and State cooperation. Only if industry chooses to bring litigation would it be delayed.
6. The reclamation fee is 35¢ per ton for strip-mined coal; 15¢ per ton for deep-mined coal. At \$25 per ton of coal, that represents an increase of only 1.4% in the cost of coal. This should easily be internalized by the coal industry without passing any increase on to the consumers. Even if it is passed on, it is a far cry from the doubling of coal costs that industry people claim. Furthermore, these are real costs which remain and must be picked up by all Americans.
7. Section 523 (c) of the Strip Mining bill allows the Secretary of the Interior to enter into agreements with States where coal is located, to provide a joint Federal/State Program.
8. The Abandoned Land Reclamation program aims to encourage reclamation of small, rural tracts of abandoned strip-mined lands owned by private land-owners to retain the land and put it into productive condition. This would encourage and support small agricultural ventures and help eliminate continuous adverse effects, not only on these tracts of land, but on surrounding areas as well.

WE SHALL OVERCOME :

A Report
REFLECTING THE NEED FOR PHASE-OUT OF STRIP MINING

Prepared for
The Federal Energy Administration

(This report was prepared by The Rev. R. Baldwin Lloyd, member of the Coal Industry Advisory Board to the Federal Energy Administration; Co-Chairman of the Appalachian Coalition & the National Coalition Against Strip Mining; and Director of the Operation Coal Project of the Commission on Religion in Appalachia)

In Appalachia, suffering, hardship, increasing danger to life--even death, property loss and damage are a daily reality to increasing tens of thousands of people. For ten years people in the mountains have struggled to stop abuses to people and to land. What State laws there are have done little to alleviate or correct the severe problems caused by strip mining. The problems today are far worse than they were even five years ago. As strip mining accelerates, more and more people are adversely affected and thousands of mountain acres are laid to waste. No one knows the full extent of the costs or losses left behind, which costs are a part of the price of mining not reflected in the price of coal on the market. (For report of the human impact, see my testimonies given to the House and Senate Interior and Insular Affairs Committees, 1973)

In the Midwest, the Great Northern Plains, and the Southwest of our country, the loss of millions of acres of agricultural lands for farming and grazing are threatened. At a time when world and domestic hunger face us, when we are faced with a serious food crisis, it is incredible to think that we in this country would risk or allow the possibility of 3 to 5 million acres of agricultural land to be disturbed by strip mining.

In the Southwest and the Great Northern Plains, the water system that supplies one-third of our nation--in arid or semi-arid land where water is critically needed for agricultural purposes and for the towns and cities of the region--stands to be severely threatened. The demands for mining, coal gasification plants and utilities, for other related industries, new towns, etc. will tax water resources far beyond limits of available supplies.

In the Southwest and Great Northern Plains, American Indians and Chicanos experience new forms of exploitation by coal, oil and utility companies. For example, the Hopi Indians for 1000 years have prospered on the Great Mesa, a semi-arid region, and without the use of irrigation or chemical fertilizers. The civilization has prospered because they have understood the need to live in harmony with our God-given natural resources--a lesson we in this country desperately need to learn before it is too late. Now their sacred lands are being destroyed by strip mining. We need to hear their prophetic warning--that when the Great Mesa is disturbed, civilization will be destroyed. There is no greater threat to our nation than the pending destruction of our surface land and water resources--all of which can be a blessing to endless future generations if cared for and cherished--but which will be a curse to our nation once it is lost. The incredible fact is that in the name of "energy crisis" and "quick and cheap coal" we are rushing into a program having little or no idea what the immediate consequences will be, much less the long-range consequences.

We in this country are taking this uncertain, if not insane course when we do not have to strip mine. Government (Bureau of Mines and Council on Environmental Quality) and coal industry reports clearly state that there is coal enough to be deep mined for 400 to 700 years at present production rates. In Appalachia alone there are 80 billions tons of recoverable low-sulfur-content coal that can be economically deep mined. (According to the Federal Power Commission's National Power Survey, 1969) That alone is enough coal to meet present total annual production needs for 130 years.

New dollars for coal development should be spent in eastern coal fields close to existing jobs and consumer markets to open new deep mines. Deep mines mean more jobs--3 to 4 times as many as strip mining--which is a very important consideration in light of present employment needs. Deep mining can be far more efficient than strip mining--up to 90% of our coal can be recovered by longwall and shortwall mining systems. Deep mining is, by 1974 Mine Enforcement and Safety Administration, Department of the Interior figures, as safe as strip mining. Deep mining safety records are improving while strip mining records are worsening.

Additional capital to open new deep mines in Appalachia can be provided by the extraction of methane gas in Appalachia's deep mine coal reserves. This clean-burning, high BTU methane gas is in sufficient quantity to increase our nation's natural gas supply by 80%, according to the Bureau of Mines. This would supply clean fuel for the urban Northeastern states. It would also make for much safer deep mines.

If the United States is ever to develop an economically stable, safe and healthy coal industry, it will be to the degree that efforts are made to concentrate on the development of our deep mines. Such efforts will do much to supply adequately our nation's coal energy needs for hundreds of years to come, and will do much to "save our land and people."

February 27, 1975

65 Westrow St
Manchester, N.H. 03104
Oct. 6, 1976

Dear Mr. Carter:

I am taking the liberty of sending to you;

#1: a draft of my term paper of an
Essay: "Politics or Ethics", Inequality in Society;
with references. (I received a B-)

#2. "Communication and Interaction" for
which I received an "A."

#3. An article from Penthouse of Oct. 1974
titled, "The Old Shell Game", which seems to
be continuing

In addition I would like to refer you to
a book, "The Corrupt Society" by Robert Payal
and Published by Praeger 1975, and in this
book I would like to refer you to pp 237-278 incl.,
especially from the bottom of pp 252 to the top of
pp 254 where Nixon and Kissinger were
involved in sending the Navy to Pakistan
with 'Nuclear Armed Weapons', but fortunately
the war ended before they had arrived.

Recently Mr Kissinger has gone to E. African countries in an attempt to prevent revolution, "Question" "What right does he have to on the behalf of the U.S.A. to interfere with internal affairs. Between Pres. Ford and Sec. Kissinger the U.S. has made the Middle East into an armed arsenal.

Another question I have is, "How can Pres. Ford grant former Pres. Nixon a full pardon when Nixon had not been charged, indicted, tried and either found guilty or not guilty.

Recently you have been brought into the news media on your stand on "abortion". Pres. Ford was not brought to bear on that subject. An abortion should not (in my opinion) be a concern of municipal, state or Federal Gov't, nor by courts unless it involves malpractice - or - abortion by an unlicensed 'quack'. An Abortian is a woman's right after proper consultation with a licensed practitioner, and possibly or probably with her husband. In the case of a juvenile it should be with parental consent and again a licensed practitioner. The whole program is Doctor-Patient confidential the same as Lawyer-client relationship.

Today there was a funeral for Officer Arthur Miller here in Manchester. He was killed by a 15 year old juvenile. I can against him off for good behavior for someone sentenced, especially for murder.

I would have typed this but my typing is no better than my writing. The drafts of my two papers I enclosed because I think they may be relevant in the future to you as president. The Farm Paper on 'Politics and Ethics' only covers the electrical conspiracy but if an working now on some others.

In closing I wish to say for my wife and myself, "you will make a good President and we will be there for your 'Inaugural Parade'."

Very Sincerely Yours

Percy E. Wood

P.S.

I did not intend to brag about my team papers but I love my country and after 22 years Army service

Essay: POLITICS AND ETHICS

I. Inequality in Society

Over two thousand years ago the Greek philosopher Aristotle made the observation that human populations tend to be divided into three main groups. The very rich, the very poor, and those in between. It seems that little has changed since that time; an upper, a middle, and a lower class are still identifiable in nearly every society, including our own.

An unequal society is one in which the social rewards of power, wealth, and status are unevenly distributed among the members. It is sometimes possible for someone to enjoy one of these rewards without the others: a person may, for example, have status but no power, or power but no wealth. But in practice these three characteristics are usually very closely related- the rich tend to be powerful and to have high status, and the poor tend to be powerless and to have low status. The uneven distribution of these social rewards is often self-perpetuating because the more privileged groups can use their power, wealth, and status to retain and strengthen their position, while the less privileged groups have few rewards. Inequality is particularly unjust when it is passed on within particular groups from generation to generation because it prevents people from making full use of their talents and

arbitrarily deprives them of the opportunities that are so freely available to others.

Our nation was founded on the belief that all men are inherently equal, and even today it remains an important part of the American creed that every citizen should have at least equal opportunity for personal advancement and fulfillment. But, in practice, the United States falls far short of this ideal. We are a very unequal society. Our practices are often inconsistent with our expressed values, and many severe social problems result.

Examine some social problems that are closely linked to inequality. Consider first the problem of government and corporations—those huge organizations that dominate our society. Compared with ordinary citizens, the officials who control these organizations exercise enormous power—but on whose behalf do they use it, and to whom are they accountable? Also look at the problem of poverty in the most affluent society in the world. While super-rich millionaires manage, quite legally, to pay little or nothing in taxes, millions of other Americans live on incomes officially regarded by the federal government as being insufficient to maintain minimum standards of nutrition, clothing, and housing. How can such poverty exist in the midst of such plenty? Also examine a problem that has bedeviled our society since the first contact between white settlers and the American Indians, race and ethnic relations. The

United States is composed of many different racial groups, but members of one of them -the whites- enjoy disproportionately more power, wealth, and status than members of any of the other groups. Why is it that inequality seems to be linked to such an irrelevant factor as the color of a persons skin? Also take a look at education because our schools are supposed to provide a channel for social mobility, a means through which a disadvantaged child can gain access to the wealth, power, and status that others enjoy. But the reality of our educational system is very different: the more affluent a childs family is, the better the education that the child receives; the poorer the family, the worse the quality of the education is likely to be. Finally, look at the problem of sex roles. For generations, it has been taken for granted by the great majority of men and women alike that women are innately inferior to men and that both sexes are born with very different abilities and personalities to complement their physical differences. This view is now being challenged vociferously, yet arbitrary discrimination on the grounds of sex still persists. Why do sexual inequalities remain?

As we look at each of these problems of inequality, it will become clear that they cannot easily be solved. Inequality is rooted deep in the structure of American society, and powerful interests are as willing to defend the status quo as militant elements are to attack it. But it should be remembered that social inequality and its consequences are not a part of the natural order. Inequality is not inevitable: it was created by society, and so, in principle, it can be modified by social action in any way that we wish $\frac{1}{2}$ if we have the will to make such changes.

II. THE NATURE AND SCOPE OF THE PROBLEM

Our lives in America are dominated by large private and public organ-

izations. Private organizations, primarily business corporations, supply most of our consumer needs: health services, banking facilities, clothes, automobiles, television, newspapers. Public organizations, mostly government agencies, provide social services and regulate our lives by offering education and welfare, issuing permits, recording births and deaths, collecting taxes, administering laws. Our lives, and indeed our entire complex civilization, are inextricably dependent on large organizations. Yet these organizations, originally established to satisfy our needs and improve the quality of our lives, are often experienced as oppressive. They seem unresponsive, impersonal, inefficient, and often arrogant. And the suspicion exists that the major organizations in our society sometimes work in concert to advance their own institutional interests rather than those of the people. The lack of public accountability of these large organizations has become a major social problem in American society.

Large organizations are termed formal organizations to distinguish them from more informal groups, such as a local club or a gathering of friends. The essence of a formal organization is that it is structured according to a rational design in order to achieve a specified goal with maximum efficiency. In most cases this structure is a bureaucratic one, in which there is a hierarchy of officials, all with circumscribed spheres of authority and all working at specific tasks in order to maximize the efficiency of the organization as a whole. To the individual who deals with these organizations, they often seem exasperatingly slow and inefficient, hidebound by red tape and petty regulations. But they remain more effective than any other form of social organization as a

means of coordinating large numbers of people to achieve particular objectives. Taxes, for example, could hardly be collected by informal methods: it is only through a system of complex rules and a hierarchy of officials, each with a specialized function, that the massive task is possible at all.

Formal organizations are inseparable from the modern state. Before the rise of the first nation-state in Mesopotamia, they were unknown in human experience. But as soon as a centralized authority arose and attempted to coordinate policies to achieve social goals, the formal organization developed. The concept was spread throughout Europe by the Romans, whose army - an outstanding example of a formal organization - conquered the known world by routing the numerically superior but in formally organized armies of opposing peoples. After the political revolution in France and the Industrial Revolution in England highly sophisticated bureaucracies were developed to meet the new demands for industrial production and government services. Today, it is impossible to imagine society without formal organizations.

Yet millions of Americans are disturbed by the fact that these organizations have only a limited responsibility to the public. As the size of our population has increased and as our society has become more complex, new types of organizations have emerged to meet new social needs. But the development of social controls over these organizations has not kept pace with the increasing size and power of the organizations themselves. Many formal organizations exert great influence in society, but the means are lacking to hold them responsible to the public they are supposed to serve. Large corporations dominate the econo-

my and make decisions that affect the very nature of our society, but they are privately owned and the ordinary citizen has little influence over their affairs. Government bureaucracies and programs have proliferated and grown to such an extent that the elected representatives of the people often have little effective control over them: the task of supervising the vast range of bureaucratic activities is too immense. Especially when technical matters are involved - as in the affairs of the Pentagon - congressional expertise is often inadequate to the task of making informed judgments, with the result that more and more power over important decisions passes to trained government experts in specialized fields. These experts, sometimes termed "technocrats," make more and more of the day-to-day decisions that Congress has neither the time nor the specialized knowledge to questions.

Government and corporations are widely distrusted in America. The presidencies of Lyndon Johnson and Richard Nixon were marked by a public feeling that their administrations were deliberately and systematically lying to the people. Corporations are believed to be more concerned with their own profit than with the quality and price of their product or with the truth of their advertising. And there is a pervasive sense that government bureaucracies and private corporations have become so isolated from public accountability that they have lost sight of the interests of ordinary people. Corporate interest groups lobby in Washington, seek passage of legislation to serve their own ends, influence the appointment of officials, and often seem to have more say in the councils of government than the voters. A recent poll showed that three out of five college students believe that "big business

has taken the reins of government away from Congress and the Administration." and a University of Michigan survey showed that nearly 60 percent of all Americans think that "government is run by a few big interests looking after themselves."

III. THE GROWTH OF BIG GOVERNMENT

The federal government employs more than 3 million civilians, and is growing bigger all the time. The total number of people who work for the federal, state, and local governments is nearly 13 million. A quarter of a century ago, government at all levels employed some 6.4 million workers with an annual wage bill of \$ 43 billion, but the annual wage bill is \$ 226.9 billion today and is expected to reach \$ 560 billion by 1980. In that year the number of civilian government employees will exceed 18 million Americans. (2)

Big government has come under attack from both liberals and conservatives, although for different reasons. Conservatives have resented the huge federal bureaucracies because they consume tax dollars - often wastefully - and because their very existence seems to imply continuing efforts to meddle in society, to centralize control in state and federal authorities, and to interfere with the free enterprise system. Liberals have resented the bureaucracies because they believe that many of them, particularly the Pentagon, have become self-perpetuating juggernauts that are no longer under democratic control and that squander resources that could be better used elsewhere.

The inefficiency and duplication of effort of the government is almost legendary.

It is virtually impossible to obtain an accurate count of just how many Federal grant programs exist. Some estimates go as high as 1,500. Despite impressive attempts by individual legislators and by

the Office of Economic Opportunity, there is still no agreement on a comprehensive list....

Nine different Federal departments and 20 independent agencies are now involved in education matters. Seven departments and eight independent agencies are involved in health. In many major cities, there are at least 20 or 30 separate manpower programs, funded by a variety of Federal offices. Three departments help develop our water resources and our agencies in two departments are involved in the management of public lands. Federal recreation areas are administered by six different agencies in three departments of government. Seven agencies provide assistance for water and sewage systems. Six departments of the government collect similar economic information- often from the same sources - and at least seven departments are concerned with international trade. (3)

During the decade that ended in 1971, there were only four states in which jobs in private industry increased at a faster rate than jobs in government. (4) One reason for this growth is that Americans are demanding an even greater range of services from their government. But once a department or agency is established, it is difficult to abolish. Members of its staff develop a vested interest in keeping their jobs and programs going and in increasing the range of their activities and the size of their budgets. If a social problem emerges, such as drug addiction in the sixties, the immediate response is to establish federal and state programs to confront the problem. But the resulting bureaucracies seem to become self-perpetuating, and continue to grow and extend their areas of jurisdiction even when the original problem is checked or disappears. Matthew P. Dumont observes of the government bureaucracy: "It is a vast, indestructible mollusk that absorbs kicks and taunts and seduc-

tions and does nothing but grow." (5)

IV. THE NATURE OF BUREAUCRACY

The most influential analysis of the nature of bureaucracy was written by the German sociologist Max Weber at the beginning of this century. (6) Weber saw the bureaucratic form as a specific example of the process of rationalization - the process by which logical, calculated rules and procedures are substituted for spontaneous, traditional, informal methods. Weber regarded rationalization as the dominant process in the modern industrial world, and he viewed it without enthusiasm. The world, he felt, was being "diesenchanted" and in the process the finest human values were being subordinated to a quest for technical proficiency. Bureaucracy was a particularly disturbing form of rationalization because, unlike the rationalization of, say, industrial production, which is based on the calculated arrangement and organization of mere machinery, bureaucracy involves the rationalization of human beings, who are calculatedly and systematically subordinated to the technical requirement involved in meeting impersonal goals.

According to Weber, a bureaucracy is the most efficient possible means of coordinating people to achieve a given objective. The typical bureaucracy has the following basic characteristics:

1. There is a division of labor among the various officials. Each individual has specific, specialized duties to perform and has a strictly limited range of duties.
2. There is a hierarchy of authority, pyramidal in shape. Each official takes orders from above and then supervises and is responsible for his immediate subordinates.
3. An elaborate system of rules, regulations, and procedures guides the day-to-day functioning of the organization. All decisions are based

on these rules and on established precedents.

4. Officials treat people as "cases," not as individuals. They remain emotionally detached from these "cases," so that their rational judgement is not distorted by sympathy for particular people.
5. Employees tend to make a lifelong career of service in the organization. Promotion is supposedly based on merit or seniority or both, but not on favoritism or other criteria that might be used in an informal group.
6. Bureaucracies contain a specialized administrative staff, whose duties are to keep the entire organization functioning by maintaining files, records, accounts, and internal communications.

Weber saw the growth of modern bureaucracy as inevitable, indeed, as essential for the existence of democracy. Unless there is a system of rules, regulations, and carefully designed procedures to handle administration and redress public grievances, the rulers have a free rein to exercise a capricious authority. Favoritism and despotism can only be checked by laws and bureaucratic procedures which are inviolate and universally applicable. Yet Weber perceived an inescapable paradox: although bureaucracy is necessary for democracy, it also tends to subvert the democratic ideal. The very existence of bureaucracy means that the individual citizen has less and less control over his life; he or she is subject to more and more regulations and interference by organizations that assume an impetus of their own and are less and less accountable to the public. The pursuit of equality in society inevitably means the rise of great regulatory bureaucracies to regulate the economy and social services, but the freedom of the individual to do as he or she pleases often suffers in consequence.

Although Weber acknowledged the necessity of bureaucracy as a prerequisite for the attainment of democracy and equality, he also

viewed the process with foreboding. He held out only one hope: the existence of the phenomenon he called charisma. To Weber, charisma is a specifically irrational force associated with people and movements, which sweeps through the established order. A charismatic leader, for example, owes his influence to the extraordinary characteristics that people attribute to him, not to his position of authority in some formal organization. Similarly a charismatic movement, such as the Hell's Angels or the Jesus Freaks, derives its appeals from its unusual qualities and not from any formal, rational organization or program. Weber believed that rationalization often has unintended consequences and tends to produce irrational outcomes that were never envisaged. For example, rational rules that are fair for general cases may be irrational and unjust in particular cases - as when a needy person is refused welfare because of failure to meet some trifling requirement of the established regulations. Weber believed that highly routinized, rationalized situations might produce, as an unanticipated outcome, irrational, charismatic reactions. The emergence of a youthful counterculture in the sixties can be seen as one such unforeseen charismatic reaction to a highly rationalized, bureaucratic society.

V. THE IRON LAW OF OLIGARCHY

Why is it that organizations so often seem unresponsive to the interests of the public and of their own members? One answer was provided by Robert Michels, another German sociologist and a friend of Max Weber. Writing soon after World War I, Michels came to the conclusion that any organization would inevitably become an oligarchy, that is, it would be ruled by the few at the top of the hierarchy. His thesis has come to be known as the "Iron Law of Oligarchy".

Michels was a socialist and had been deeply disturbed to find that the new socialist parties in Europe, which had supposedly democratic

structures designed to give the mass membership control over party affairs, seemed to be dominated by their leaders no less than the older, aristocratic parties. In both cases, it seemed, authority was exercised almost exclusively by the leaders, and the constitutional arrangements of the socialist parties permitting participation by the mass membership did not make the slightest difference. Michels came to the conclusion that democracy and large-scale organization were inherently incompatible:

It is organization that gives birth to the domination of the elected over the electors, of the mandatories over the mandators, of the delegates over the delegators. Who says organization says oligarchy. 7

Why should this necessarily be so? Michels points out that if a social group is to have any realistic hope of achieving its objectives over any length of time, it must be organized. The sheer problems of administration of the group and its activities necessitate some kind of bureaucracy, which in turn must be hierarchically organized because immediate, day-to-day- decisions cannot be made by large numbers of people. Some power must be delegated to the officials at the top of the hierarchy. Hence the dilemma of modern man: the very organizations on which his society depends can function effectively only if power resides in the hands of the few people who control them.

There are, contends Michels, several reasons why the mass membership cannot exercise effective control over the organization. He points out that the leaders achieve their position precisely because they have superior talents for persuasion, organization, public speaking, and manipulating opinion. They are people who are adept at getting their own way and winning support for their views. Once they are in leadership positions, their capacity to influence others is naturally enhanced;

they have access to information and facilities that are not available to people lower down in the hierarchy. The leaders also tend to promote junior officials who share their views in preference to those who do not, so that the oligarchy tends to become a self-perpetuating one. The leaders are strongly motivated to retain their positions and promote the policies they believe in, and utilize all their power and influence for these purposes. The masses, on the other hand, tend to revere and trust the leaders, and place far more credence in what they say than in statements from lesser officials. The mass membership is much less sophisticated and is prepared to allow the leaders to exercise their own judgement on most matters. Moreover, in contrast to the full-time leaders, the ordinary members have only a part-time commitment to the organization and have neither the time nor the knowledge to keep a close check on leadership initiatives. Michels did not see the leaders as necessarily evil, power-hungry, or dishonest men. They might be people of the very highest ideals, shaping the organization and its policies in a selfless way for what they believe to be the best interests of the people. But the very structure of organization can have little influence on their decisions.

Michels thesis has disturbed many social scientists for decades. His "iron Law" should not be too uncritically accepted, however, for there are certain checks on the abuse of authority which he overlooked. In most organizations there are competing oligarchies, such as the different factions in American political parties. If the dominant oligarchy becomes out of touch with popular sentiment, another may take advantage of the situation and displace the established leadership, as happened when the McGovern forces seized the Democratic presidential nomination from the party establishment in 1972. Furthermore, if the leaders depart too far from the wishes of their subordinates, there may

be mass defections from the organization as members switch their allegiance to some other competing organization or interest. It must also be remembered that organization has its positive aspects: without organization, many desired social objectives could not possibly be achieved. It does seem clear, however, that the very structure of organizations limits the possibility of popular control over their affairs, whether it is control of corporations by stockholders or of government bureaucracies by voters.

VI. THE ABUSE OF POWER: THE ITT CASE

Serious charges of the abuse of corporate power have been leveled against the International Telephone and Telegraph Company (ITT), a vast multinational conglomerate owning hundreds of companies in diversified industries all over the world. It is alleged that ITT not only attempted to corrupt the U.S. government, but also sought to bring down the democratically elected government of another country, Chile, in order to promote its own economic interests. The case has been carefully documented by Anthony Sampson in his book The Sovereign State of ITT. 8

In 1968 Harold Geneen, the president of ITT, after having engineered an impressive series of corporate mergers, attempted to bring about the greatest merger in American history by taking over the Hartford Insurance Group, one of the largest

insurance companies in the world. The directors of Hartford were considerably less enthusiastic about the merger than ITT but after ITT had applied what Geneen himself described as "inexorable pressure" in the form of financial inducements, the Hartford representatives capitulated under pressure from their stockholders. But the proposed merger was vigorously resisted by Richard McLaren, the chief of the Justice Department's anti-trust division, on the grounds that such a merger would reduce the economic competition necessary for effective free enterprise and would, therefore, not be in the public interest. A court case resulted, which the Justice Department was determined to take to the Supreme Court if necessary .

Suddenly, however, the Justice Department decided to drop the case against ITT. Coincidentally, Sheraton hotels, an ITT subsidiary, made a \$ 400,000 pledge to the Republican National Convention in San Diego- the largest sum ever given by any corporation for such purposes. A clearer indication of the relationship between the two events emerged in February 1972, when muckraking Washington columnist Jack Anderson obtained and published a secret internal ITT memo written by the corporation's congressional lobbyist, Dita Beard. She wrote: "I am convinced.... that our noble commitment has gone a long way toward our negotiations on the mergers coming out as (Geneen) wants them. Certainly the President has told Mitchell (then attorney-general) to see that things are worked out fairly. It is still only

Mc Larens mickey-mouse we are suffering.....Please destroy this, huh?" A storm of controversy broke in Washington, and senators demanded an immediate interview with Dita Beard, who promptly fell ill and was removed to Colorado for a prolonged convalescence. When seven U.S. senators traveled to her bedside to put their questions to her, she claimed to be too ill to answer them, but did designate the senators as "a bunch of little bums." Both ITT and the administration denied any collusion in the matter. When Richard Kleindienst, who as acting attorney general had finally ordered the court case dropped, was asked at his Senate confirmation hearings whether any pressure had been applied on him from the White House, he emphatically denied the accusation. This was an outright lie, as was discovered in 1974, when under court subpoena President Nixon surrendered White House tape recordings in which he specifically instructed Kleindienst to drop the case.

Meanwhile, columnist Jack Anderson obtained further copies of internal ITT memos which indicated that corporate executives were attempting to prevent the election of the left-wing Salvador Allende Gossens as president of Chile and if necessary to bring down his democratically elected government. One internal ITT memo to Harold Geneen suggested these tactics against Chile:

- (1) Banks should not renew credits or should delay doing so.
- (2) Companies should drag their feet in sending money, in

m king deliveries, in shipping spare parts, etc.

(3) Savings and loan companies there are in trouble.

If pressure were applied, they would have to shut their
coors.

Another memo, addressed to an ITT director who had
previously headed the Central Intelligence Agency, recounted preliminary steps to bring about a military coup in
Chile:

Today I had Lunch with our contactand I summarize
for you the results of our conversation. Approaches continue to be made to select members of the Armed Forces in
an attempt to have them lead some sort of uprising - no
success to date

Another paper recorded a telephone message from a high ITT
official to the administration:

Mr. Geneen is willing to come to Washington to discuss
ITT ~~officials~~ interest and we are prepared to assist ~~him~~
financially in sums up to seven figures.

A final paper recorded that:

Late Tuesday night Ambassador Edward Korry finally
received a message from the State Department giving
him the green light to move in the name of President
Nixon. The message gave him maximum authority to do
all possible ... to keep Allende from taking power.

Salvador Allende's government was eventually overthrown by a military coup in which Allende himself was murdered. The new Chilean regime quickly attracted international notoriety for its brutal suppression of civil liberties and systematic torture of political opponents.

In 1974 a Senate investigation discovered that the U.S. Central Intelligence Agency had spent at least \$8 Million in an effort to bring down Allende; the money had been used for such purposes as financing opposition groups and bribing legislators to vote against Allende's programs. The acts of this sordid alliance between American government and corporations have done the United States immense damage throughout Latin America.

Sampson considers that the ITT case highlights the need for new forms of controls over the activities of the multinational corporations; they are not inherently good or evil, but have emerged so rapidly that there has been no time for the development of appropriate social regulation:

Without need of much plotting, the multinationals have achieved over the last twenty years, with the opening up of world communications, a position of sudden dominance; they have found a vacuum and filled it. Their skills and technology have brought new benefits, and paved the way for others to follow; but they have also produced a serious

imbalance between their centralized drive and the fragmented and confused state of the countries and communities with which they deal. This imbalance should be gradually rectified, as the nations catch up with the new state of the world, and begin to come together to form their own communications and controls. But in the meantime the multinationals must open themselves up, and allow themselves to be inspected and questioned, if they are not to find themselves in a bitter conflict with their hosts. 10

To what extent are major decisions in America made by a small elite of influential citizens? The issue was raised by the radical sociologist C. Wright Mills in his book *The Power Elite*, published in 1956, and has been debated by sociologists ever since. Mills argues that corporate capitalism requires long-range, highly coordinated decision-making. It cooperates to this end with other institutions, primarily governmental, that can guarantee the stable conditions in which corporate interests will be maximized. The "power elite" is not really a conspiracy, and the individual within it have not necessarily sought to attain power and influence; they simply happen to be at the top of the great organizations which dominate society:

The power elite is composed of men whose positions enable them to transcend the ordinary environments of ordinary men and women; they are in a position to make decisions having major consequences. They are in command of the major hierarchies and organizations of modern society. They role

the big organizations. They run the machinery of the state and claim its prerogatives. They direct the military establishment. They occupy the strategic command posts of the social structure, in which are now centered the effective means of the power and the wealth and the celebrity which they enjoy. 11

A federal judge yesterday granted ITT ~~and~~ request to protect from public disclosure documents pertaining to an alleged \$3.8 million in payments to foreign government officials.

Judge George Hart issued the order in U.S. District Court after hearing arguments from attorney John H. Schafer, who was defending ITT from subpoenas issued by the Securities and Exchange Commission.

Schaefer said Lockheed Aircraft Corp. is "a prime example" of what happens when papers dealing with bribes, kickbacks and payoffs are exposed to the public.

Governments are falling all over the world. Holland is in peril. The Japanese government is about to fall." said Schafer. 12

This power elite, according to Mills, is composed of men of very similar background. They are mostly native-born Americans of American parents; they are from urban areas; and except for the politicians, they are mostly from the East. Most are Protestant and a high proportion have attended Ivy League colleges. The members of the power elite tend to share the same attitudes and values and to know one another on a personal basis. They sit together on corporation

boards and government commissions, forming an informal "interlocking directorate." At this level, decisions made in one area tend to affect interests in other areas, and there is a strong incentive for a coordination of activities and policies to reflect this community of interest.

Mills contends that there are three distinct levels of power and influence in American society. At the top of the hierarchy is the power elite, ~~the complex~~ which operates invisibly but makes informal decisions on the most vital matters of public policy. The second level consists of a diversified plurality of interest groups which operate visibly but make decisions of lesser importance, primarily through the lobbying and legislative process in Congress. At the third and lowest level is the mass society, consisting of almost powerless individual citizens who have little direct influence over decisions and who often are unaware that decisions are being made at all.

Other sociologists have challenged Mills thesis, David Riesman, for example, acknowledges that power is unequally shared in American society, but strongly denies that there is any coordinated power elite. 13 He suggests instead that there are two levels of power in American society. The upper level consists of a balanced plurality of "veto groups"-strong interest groups that protect themselves by blocking efforts of other groups that encroach on their interests. No one group determines policy; in fact, the locus of influence shifts from issue to issue, and in the long run no one group is favored over the others. At the second level is the

unorganized public, which Riesman believes is not so much dominated by the groups as it is sought as an ally in their campaigns. The difference between the two views, then, lies in Riesmans denial of the existence of a coordinated elite that exercises a largely unrestrained power in its own interests.

But whichever view one accepts, it does seem that major decisions are not in the hands of the ordinary citizen, but rather in those of organized groups. Many of these groups have been highly successful in achieving their aims, which they press in Congress through the use of professional lobbyists -- experts in persuasion who deluge congressmen with propaganda, favors, proposed legislation, or organized letter campaigns. One interest group whose congressional lobbying has been markedly successful is the oil industry, which has succeeded in preventing a tax reform that would eliminate the "oil depletion allowance," a tax loophole that results in oil companies paying only about 6 percent of their income in taxes compared to about 40 percent for other corporations. The American Rifle Association has been successful in preventing several attempts at gun control legislation, which it has fought with funds derived largely from weapons manufacturers. The American Medical Association, representing the countrys physicians, has prevented the intruduction of socialiyed medicine through strenuous campaigns that have include successful efforts to

to unseat legislators favorable to the proposal. These campaigns of concerted lobbying are not the only techniques that have been used by large organizations to influence the political process. Although most organized interests adhere strictly to legal means of promoting their objectives, the Watergate scandal uncovered at least two dozen cases in which leading American corporations had made illegal campaign donations - often to candidates of both parties - presumably in the hope of achieving political favors.

Whether or not one accepts the contention that there is a "power elite", there can be little doubt that the oligarchies of major interest groups exercise a disproportionate power in American society. G. William Domhoff suggests that this power is likely to be exercised primarily in the interests of those who wield it:

However much the power elite may try to take us into account they have - like all of us - biases, implicit assumptions, and narrowed outlooks based upon their upbringings and their occupations. ~~This is~~ The power elite set priorities and the wealth and well-being statistics suggest that they set them for the corporate rich. 14

Yet it should not be forgotten that, in the long term, the power in a democracy resides ultimately in the electorate. This knowledge serves, to a great extent, to inhibit the gross abuse of power and influence by privileged groups.

pp ~~206-211~~ 1-7 a

1. Richard J. Barnet, Ronald E. Muller, and Joseph Collins,
"Global Corporations: Their Quest for Legitimacy",
in Exploring Contradictions: Political Economy in
the Corporate State, eds. Philip Brenner, Robert
Borosage, and Bethany Weidner (New York: Mc Kay, 1974) p.72
- pp 7 b 2. U.S. News & World Report (June 19. 1972) p. 78
- pp 8 3. Richard M. Nixon, "state of Union Address, Jan. 22.1971
"quoted in the New York Times (March 25. 1971)
4. U.S. News & World Report (June 19. 1972) pp. 78-79
- pp 9 5. Matthew P. Dumont, "Down the Bureaucracy" Trans-action,
vol. 7., no 12 (October 1970).
6. Mark J. Green, "T e High Cost of Monopoly "TheProgressive, 36
(March 1972) pp. 15/19
7. Thomas Ford Hault, Sociology for a New Day (New York: Random
House, 1974) p. 245
8. Gabriel Kolko, Wealth and Power in America (New York: Praeger 1962)
pp. 60,68
9. John Kenneth Galbraith, T e New Industrial State, 2d rev. ed.
(Boston Houghton Mifflin, 1971)
10. Morton Minty and Jerry Cohen, America, Inch: W o Owns &Operates
the United States (New York: Dell. 1973)
11. Theodore Roszak, The Making of a Counter Cult re (Garden City
N.Y.: Doubleday, 1969) p.16
12. Quoted in Barnet, Mueller, and Collins, "Global Corporations:
T eir Quest for Legitimacy," p. 73.

COMMUNICATION AND INTERACTION

As an example of a plan, I shall outline one that Harry (sic) might present to a judge. I am talking about the time when Harry robbed the liquor store at age twenty-two. In asking for approval of his plan, he would not want to say that he was out of his mind on drugs when he committed the robbery. Claiming mental incompetence would not be to his benefit, because the judge might well think he would soon be back on drugs. He would have to show that he had a place to live with some people who cared for him. Given the Community Involvement Center, he probably could find someone through the center or he might live in a halfway house attached to the center. At the present time, under regular probation, he would have to find a family or a friend or his own family who would give him a place to live. In my experience, most probationers can find somewhere to stay, but it is rarely a good place. For Harry's rehabilitation plan to be acceptable, a good place to live would be a requirement. He would, however, have much more help in finding such a place than he does now.

It would be good for Harry to show that he had reestablished a relationship with his mother and with his younger brothers and sisters and that as part of his plan he was going to take some responsibility for his family. He would have to show that he was accepted in a training program or that he had a good plan to find

a job. He might even have found a job already. If he was going into a training program, he would need a plan to find part-time work. In my experience, most men are able to find work if the choice is clear; work or jail. As a part of his plan, he might use some of his pay to repay his robbery victim in part. If repayment was part of the plan, the victim might testify on Harry's behalf. This occasionally occurs today and would be more common if more victims were repaid.

To help make his plan acceptable to a judge, a chronic failure like Harry can include some voluntary service to the community. Many of our community resources, such as parks, beaches and hospitals, need volunteer workers. Our schools need night watchmen to prevent vandalism. Harry could volunteer to work through his Community Involvement Center. At present, a probationer who wishes to do volunteer work is usually unacceptable because of his record. If such work were available and supervised as part of the Community Involvement Center program, men like Harry could be used. His plan would also show how he planned to use some of his spare time. For example, he might join a bowling league.

To emphasize the point that I have made repeatedly- that prison is not rehabilitation- I shall quote a letter printed in the Los Angeles Times in the spring of 1971. The letter was written by John Severnson Watson, editor of the San Quentin News, the Newspaper of San Quentin (California) Prison. As a preface to the letter, he says:

Let me clarify a few points: 1) I'm the author of the article, 2) I'm a "lifer", 3) I've got no one but myself to blame for being here.

However, none of the above comments changes the accurate point of view expressed. No one who has ever done "time" can dispute the accuracy of the statements made on rehabilitation.

Nothing succeeds like failure. Disbelievers of that comment can check the size of the payroll for the California Department of Corrections.

In the letter itself, Mr. Watson says:

Rehabilitation is being sentenced to state prison for treatment and punishment and finding out there is little if any of the former and a lot of latter.

Rehabilitation is going before disciplinary court with no prior infractions and being told you're conwise. Or going to the same committee with half a dozen minor violations over a two year period (e.g., a pound of butter found in your cell with five peanut butter priors) and being told you're an obvious nonconforming and rebellious individual.

Rehabilitation is living, eating, sleeping and working with the dregs of society and yet being expected to improve your outlook on life and solve your hangups.

Rehabilitation is being sentenced to the Adjustment Center, because of past disciplinary infractions, to a "program". There is no program but isolation. There is no adjustment except for the worse.

Rehabilitation is seeing your enemies gettin parole dates and swallowing hard. Its seeing your best (and maybe only) friend get a "date" and having mixed emotions you're glad for him and sad for yourself because you know you're really going to miss the guy.

Rehabilitation is trying to control the self-contempt for being in the prison environment and losing the battle.

Rehabilitation is seeing the daily incompetence and inefficiency of some of the free people working here the same people who are supposed to be setting the correct example for you on the road to being a good citizen.

Rehabilitation is having a prison official take a sincere interest in you and your future and wondering if this one plus will offset the dozen negative factors in your everyday life.

Rehabilitation is having the judge, the jury and the professional staff at the Guidance Center strongly recommend psychiatric treatment during your incarceration and seeing the head shrinker once a year for 30 minutes.

Rehabilitation is being paroled, reporting to the parole officer promptly, and being told at the start of the conversation that if you make one false move you're on your way back to prison.

If more people were allowed to attempt rehabilitation under the present system, more probation and parole officers would be needed. In direct financial terms, they are a good expenditure for the state because probation or parole costs less than 10 percent of the cost of prisons. California recently completed two large juvenile reformatories that will not be opened because they are not yet needed. A state subsidized probation program has been so successful that for the first time in twenty years there is no need for more juvenile prisons. Present probation, even with overworked probation officers, is usually better than 60 percent successful. The case overload leads to many failures in probation, however, because it is difficult for the probationer to

get involved with his officer. Reducing caseloads will make probation more effective and save even more money. To back my claim of the value of treating the criminal in the community, let me again quote from the Presidents Crime Commission:

The correctional strategy that presently seems to hold the greatest promise, based on social science theory and limited research, is that of reintegrating the offender into the community. It means avoiding as much as possible the isolation and labeling effects of commitment to an institution. There is little doubt that the goals of reintegration are furthered much more readily by working with an offender in the community than by incarcerating him.

To see how these suggestions would work with a different kind of offender, consider a bank clerk or a bank officer who has embezzled a large sum of money. A far more common crime than most people suspect, embezzlement causes much greater monetary loss than robberies and burglaries cost together.

In the trial, there would be no mitigating circumstances admitted as evidence, no character witnesses, and no lesser plea. The accused man would be found guilty of grand theft. As Harry had done, he would ~~be~~ apply for rehabilitation and present his plan. Despite a successful skill and a good plan, he might still be sentenced to prison because embezzlement is a crime that is tempting to many people who feel failure and who want more money than they have, Although putting the banker in jail is not beneficial to him, it does show the community that something was done, and it might be a deterrent to those tempted to try embezzling. Bankers are rarely sent to jail; if more were, even for a short term, the amount of embezzlement would be reduced. If knowing that other people have been sent to

prison is a deterrent to anyone, it is a deterrent to people who have experienced some financial success but who are dissatisfied because they want more.

Sometimes a man is insane at the time he commits a crime. Under my suggested procedures, he would be found guilty. If he was now sane, as is often the case, he would prepare his own request for rehabilitation. If he was still insane, his attorney or even the prosecutin attorney might ask for rehabilitation because the man could not prepare the plan himself. The rehabilitation plan would consist primarily of receiving psychiatric treatment, Treatment would be available in a specialized facility or in a community facility such as I describe in the next chapter. The man would not be sent to prison, because almost no psychiatric treatment is available there; there are only 50 full time psychiatrists for the 400.000 prison inmates in the United States. The public would be assured that he would get the treatment he needs rather than, as sometimes occurs now, his being found not guilty by reason of insanity. Lawyers often plead that the accused person was insane at the time of the crime but that he is now sane. Some people who have committed crimes are thus found not guilty and freed. Most, however, got to a state hospital for a period of time to make sure they are sane: if they are, they are then released.

To illustrate the last point, let me quote a portion of an article from the Los Angeles Times, January 19, 1971, about the trial at Fort Benning, Georgia, of Lieutenant William Calley, who was accused of mordering 102 villagers at My Lai:

Judge Kennedy agreed the sanity board would consist of three Army psychiatrists who served in Vietnam and whose qualifications are endorsed by the American Psychiatric Association. Under Army regulations, it must examine Calley and decide whether, at the time he is alleged to

have gunned down women, children and old men, he was "so far free from mental defects, disease or derangement as to be able.... to distinguish right from wrong... (and) adhere to the right."

The board's report will get to Judge Kennedy, with whatever Calley told of his actions at My Lai kept away from the prosecution lest it unfairly enhance its case. If the board finds Calley was incapable at the time of doing right, Kennedy could drop the case, and Calley would be free. The Army sends mentally disturbed soldiers to its hospital at Valley Forge, Pa., but it is already overcrowded. Chances are, Calley would simply walk of into civilian life.

If Calley is found to have been responsible for choosing the right, as well as knowing it from wrong, the trial would go on in a battle of psychiatrists - Calley's versus the sanity board- and the jury would consider that testimony with all the rest. Its impact might never be known, since jurors need not say what persuaded them.

I believe the procedure described in the article is wrong. It attempts to use psychiatry incorrectly. It is not possible for a psychiatrist (or anyone else, for that matter) to determine whether or not a man was incapable of knowing what he was doing or, even further, whether he would distinguish right from wrong. The best that a psychiatrist can do is to state that in his opinion the present mental condition of the offender is such that he has a chance for successful rehabilitation and that psychiatric treatment would increase the likelihood of success. Almost all other use of psychiatry in both criminal and civil trials usually becomes little more than a personality and prestige contest between psychiatrists cast in adversary roles. Rules for insanity such as *McNaughten* (the accused was incapable of distinguishing that what he did was wrong) and *Durham* (the crime of the accused was a product of his mental illness) are now used to avoid guilt by claiming insanity. Such pleas would not be allowed in my suggested system

of a facts-only trial and a formal probation hearing. Guilt would be determined by behavior. The only question asked would be whether or not the accused committed the crime. If he was found guilty, the only question to be resolved is whether or not he is a good candidate for rehabilitation.

I believe that with extremely rare exceptions, usually produced by drugs or a toxic disease, people always know what they are doing when they commit an act, criminal or not, that involves others. Never have I personally concountered a person who had done anything involving others under the influence of drugs or under the influence of evotional instability who did not knwo what he was doing at the time he was doing it. I discount almost all of the arguments that criminal behavior should be excused on the basis of insanity, the influence of drugs, or other psychological circumstances. Even the stress of poverty, revenge, or jealousy, which may lead to crime and then be used to excuse or partially excuse the crime, is mor valid as evidence for rehabilitation, assuming the situation now has changed for the better, than as evidence for a persons being found not guilty. I believe that a person can become so involved with imself that he does not care what he does; in dhis condition, he may commit a crime. Lack of caring, however, would not be a good argument at the rehabilitation hearing because a man who was so detached and so noncaring that he committed a serious crime would notbe a good candidate for rehabilitation. In fact, the shoe would be on the other foot; it would be more likely that the prosecution would state that his insanity was evidence that he should be sent to a competent, closef mental hospital rather than to the community. The defense would tend to downplay his insanity to bolster his claim that he is ready for community rehabilitation. When a man who does not care what he is doing and tries to deny reality is sent to prison, the prison authorities would decide whether the prison has a good program for him or whether he

should be sent to a mental hospital.

Even in sensational trials such as those of Jack Ruby and Sirhan Sirhan, the accused would be treated more fairly using the system I have suggested than he is now. Guilt would be established on the facts. Conflicting psychiatric testimony and political considerations would be reserved for the probation hearing; they would be used much less than they are now because many of these arguments would make a judge less likely to agree to an attempt at rehabilitation than he would otherwise. It is neither rehabilitative for the criminal nor protective to society to clear a man of murder by reason of insanity as we sometimes do now.

As I have said, only about 15 percent of the people in prison need to be there because they are dangerous to society. Perhaps a few of the remaining 85 percent serve as an example to others to deter crime, but none receives benefit from his punishment. There is some evidence that, partly by their past record and partly by their present behavior, we can identify the dangerous 15 percent. These men would be denied release to the community and sent to prison as they are now. Whatever danger we may undergo when we fail to identify a dangerous man would more than be balanced by the others rehabilitated without prison who might have become dangerous after a term in prison.

We may persist in incarceration of persons who do not need institutional control. We can take a minor property offender and help him to develop into a more serious offender by unnecessary and long incarceration as surely as if we conducted vocational training in hate, violence, selfishness, abnormal sex relations, and criminal techniques. (1)

The wide publicity given anyone who commits a serious crime while on probation or parole has served to continue the fear in the minds of many

that it is not safe to let criminals leave prison. We need a good system of public relations for prisoners who succeed and an understanding of the danger of the despondent failures who are eventually released after many years of punishment with, in their minds, little or no choice other than to prey on the community.

If the plan emphasizing rehabilitation that I have described were in effect, prison population would drastically drop. Prison programs could be better than they are in the present prison, however, no matter how much the prisons are improved.

These suggested procedures could be adopted by a city, county, or federal court on a trial basis. There is no reason to believe that what we are doing now is better; there are many valid reasons to believe it is far worse.

pp 240-248

1. California Youth and Adult Corrections Agency: "The Organization of State Correctional Services in the Control and Treatment of Crime and Delinquency." 1967.

Now going into communication Probes I would like to go back to the class session of Feb. 10. 1976 which reflected the importance of "two way" communication, over "one way" communication and refer to the following two examples:

*my class in
"Interpersonal &
group therapy
Dynamics"
Culver's Valley
Branch, D.M.H.*

Many juveniles, despite rather extensive sexual experiences, may be incredibly naive in many aspects of biological import. Sessions in group therapy with both boys and girls in institutions seem to confirm this observation. For example, David Dressler reports how astonishingly childish were some of the notions juvenile parolees had regarding sex. At one time a youthful parolee stated he didn't drink coffee because "it gets you syphilis." When asked to explain, he added: "Yeah. You drink coffee and you get noivous. Coffee leads to smoking; smoking leads to drinking; drinking leads to goils; and goils give you syphilis. No coffee for me." 2

The effects of widely divergent parental attitudes toward sex are evident in the conversations of children from kindergarten onward. One rural mother told a parent group recently that while she was in the hospital having a new baby she left her kindergartner in the care of a friend who was about seven months pregnant. The little girl, observing her shape, asked whether the babysitter was going to the hospital soon too, and was told, "Not for a couple of months yet" The casual response was "Oh, I guess you were jumped two months later." We may grant that this child's parents might want to spend some time with her discussing the elements of love and tenderness unique to human mating, but one cannot doubt that this young lady had a firm grasp on what are often called "the facts of life."

Contrast this with the experience of another girl of the same age who was staying with her grandmother while her mother had a baby, and said to her, "Grandma, I know that babies grow inside of their mother, but how do they ge out?" To which hergrandmother replied, " I think its terrible to fill childrens heads with filth like that." The little girl persevered: "But Grandmother, you must know how they get out; you had Mommy." The answer (and this was in the 1960s, not the 1990s) was this: " I found your mother in a cabbage patch and thats where she found you, too. Now lets hear no mor about it. 3

2. pp 100-101; Juvenile Offenders; Dr. Clyde B Vedder

Publ. Charles C. Thomas

3. pp 25,26 The Individual, Sex, and Society, Siecus Handbook for Teachers and Counselors Johns Hopkins Press, 1969

JIMMY
CARTER
WALTER
MONDALE



Leaders, for a change.

Issues

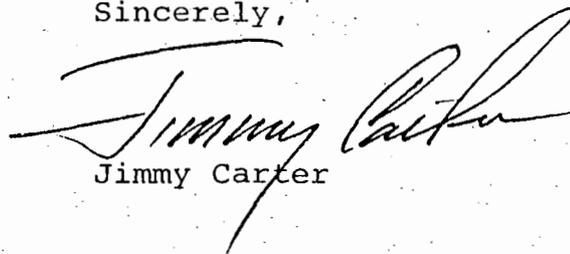
October 23, 1976

To Robert Cairns

The expertise of the Society will be
invaluable to me!

I appreciate your generous offer and
support. We will be contacting Dr. Quigley.

Sincerely,



Jimmy Carter

JC:scs



JIMMY
CARTER
WALTER
MONDALE



Leaders, for a change.

*Signed
Walter Mondale*

October 18, 1976

To Charlie Hammer

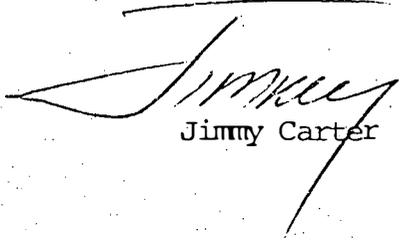
Please accept my apology for the delay in response to your letter.

It is crucial that the advice of the scientific and professional community of this nation be actively and permanently sought by elected officials as we evolve national policy dealing with the complicated, unpredictable and rapidly changing technological problems of our modern world.

I especially appreciate your remarks regarding the Office of Science Advisor to the President. I think this office should be upgraded immediately to provide a permanent and high level relationship between the White House decision-making process and the scientific community.

Please continue to let me know of these matters which are of interest and concern to you and your colleagues.

Sincerely,



Jimmy Carter

JC:scs

P.S. I trust that your international fame as "liberal for Carter" is as beneficial to you personally as your already distinguished professional reputation.



August 19, 1976

The Honorable Jimmy Carter
Plains, Georgia 31780

Dear Jimmy,

Because of the national publicity I received as a "liberal" for Carter and a member of your Iowa Steering Committee, the members of the physics community became aware of my involvement in your campaign. As a result, during my visit to the Aspen Center for Physics (Aspen, Colorado) this summer some of the most eminent physicists in the world expressed their concerns to me regarding the health of the physical sciences in the United States. These opinions support my own overview, namely that federal support for the basic sciences and science management by federal bureaucracy, Energy Research and Development Administration (ERDA) in particular, is a national disgrace.

Our concerns are as follows:

1. Inadequate funding of basic research. This has had or is having three deleterious effects.
 - A. The work is not being done.
 - B. The loss of scientific talent to other fields through
 - a. Underemployment of trained scientists
 - b. Choice of other professions at the college level.
 - C. The loss of world leadership in the physical sciences.
In itself this is not bad since we are not interested in scientific olympics, but it is bad since it emphasizes the fact that our technology is in danger of slipping behind that of other countries and it is our technology upon which much of our standard of living is based.
2. ERDA Management.
The complaint here is with the top policy makers in ERDA. ERDA simply is not geared to solving energy related problems from a basic research point of view. In fact basic research in solar energy, coal liquification and gasification, and nuclear energy is hindered by policy and bureaucratic structure. Equally disturbing is the information that only the poorest scientific talent is going into nuclear weapons research and nuclear

page 2
August 19, 1976

energy research as related to power reactors or their waste products.

3. The Office of Scientific Advisor to the President.

This office has been vacant in recent years. Scientists feel they have been removed from the White House as an information and idea pool upon which the President can draw. In a nation with severe technological problems, such as ours, this office can and should be one of the most important, especially for a president with technical training such as yourself.

If you would like to be briefed in depth on these matters (assuming you have not already been) I would be glad to suggest names of eminent and respected scientists who can give you an objective overview. In any event, I will see you in Des Moines either on August 24 or 25. Perhaps we can discuss this further at that time.

Sincerely,



C. L. Hammer
Professor of Physics

CLH/mjd



DEPARTMENT OF THE NAVY
NAVAL SHIP RESEARCH AND DEVELOPMENT CENTER
HEADQUARTERS
BETHESDA, MARYLAND 20034

ANNAPOLIS LABORATORY
ANNAPOLIS, MD 21402
CARDEROCK LABORATORY
BETHESDA, MD 20034

IN REPLY REFER TO:
8 October 1976

Governor James E. Carter
1 Woodlane Drive
Plains, Georgia 31780

Dear Jimmy:

You were great! you looked, acted and sounded like a President, the secret in the debates is obviously the inner calmness and control that you possess and project. This was also apparent when Dick Yeatman, Bob Keating and I saw you in Washington.

I appreciated your recent letter. I am glad the information on possible federal professional unionization and review of the world situation was of value to you. I also hope we have the opportunity to get together soon.

Among the many things you have on your mind are moving the economy and long range planning. The United States should exploit its world advantage in high technology and agriculture. The DOD, NSF, and Department of Commerce are doing some interesting work on transferring government technology to U.S. Industry production. I started some of this effort about 6 years. Much DOD technology has domestic use. Unnecessary administrative barriers make transfer difficult. (See enclosure). We are presently developing a Long Range Plan for the Navy Laboratory/Center System (10 major Laboratories employing about 25,000 personnel and spending \$1.3 billions/year. This is really a worthwhile endeavor. I will be sending you some information on this soon. All agencies should have plans showing what they are going to do, why they are doing it and what the U.S. will get out of it. The public has a right to know what they are buying-before they buy it.

Looking forward to seeing you soon, perhaps at the 30th.

Your USNA '47 Classmate

C.M. SCHOMAN

3600 Pimlico Place
Silver Springs, Md 20906

P.S. After 25 years career federal service, half at supergrade level I know you are absolutely right about the confusing effect of short term executives on government operations. Anyone can make change - the challenge is to make things better.

JIMMY
CARTER
WALTER
MONDALE



Leaders, for a change.

October 20, 1976

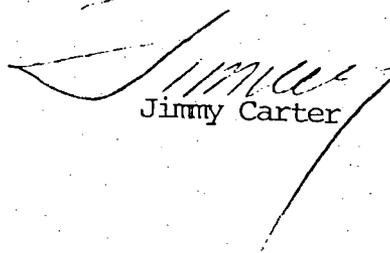
*Issued
Stewart*

To Charles Schoman

I am pleased with the debates, and look forward to victories on October 22nd and November 2.

I'll be interested in seeing the Long Range Plan you're working on. It will be helpful to me.

Your friend,


Jimmy Carter

JC:scs



JIMMY
CARTER
WALTER
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Leaders, for a change.

James N. Stewart

20 October 1976

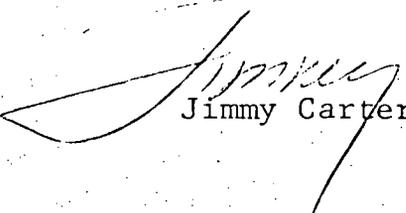
To Alan McGowan

I appreciate your letter of August 20, and I am sorry that I was not able to respond prior to your September 20 speech. We received 45,000 letters in Plains this summer, and it has taken us several weeks to work through the backlog.

I share your belief that it is crucial for public officials to seek the advice of the scientific community in the evolution of national policy. The day has long passed when political leaders could make effective policy decisions independently and turn to scientific leaders only for assistance.

I look forward to working with you to create a better working relationship between the scientific community and those who establish national policy.

Sincerely,

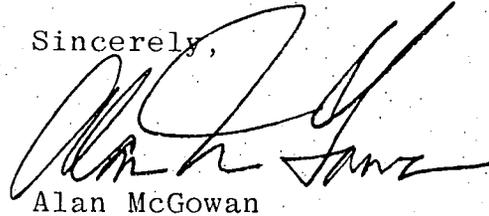

Jimmy Carter

JC/mw

Jimmy Carter
page 2

It is a matter I view with some concern. Science policy has been badly conceived and science itself badly misused during the Nixon and Ford administrations, and I am eager to see a dramatic improvement. If you would care to make any statement about this, it would be very helpful. I would be happy to discuss it with you further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan McGowan".

Alan McGowan

AM:fnr
enc.

SCIENTISTS' INSTITUTE FOR PUBLIC INFORMATION

49 East 53 Street, New York, NY 10022 212/688-4050

Noel Sterrett

Handwritten initials and scribbles.

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August 20, 1976

Jimmy Carter
Plains, Georgia 31780

Dear Mr. Carter:

Some recent disturbing developments in the area of science and public policy have come to light, and I would like to discuss them with you.

As you know, the Kennedy bill to establish a Presidential Science Advisor has been put into effect, with Dr. H. Guyford Stever as the Advisor. Recent reports in the NEW YORK TIMES, as well as conversations with people in Washington, indicate that one of the first things this office will engage in is a trial of a "science court," a device with the declared purpose of reducing dissension in public policy issues where science is concerned. I am enclosing some material on the science court for your information.

The idea is highly controversial, although its proponents have so far avoided discussing it with the many in opposition. I am speaking at a meeting on September 20th sponsored by the Department of Commerce, and as far as I know, I am the only person speaking in direct opposition to the establishment of the court. This will probably be an important forum, by the way, and I would welcome your views before then.

The idea is being forcefully pushed during a very short Science Advisor's administration (reports indicate that no matter who wins in November, Stever will not stay on past January as Science Advisor). One wonders if it is not being pushed very hard now to present a fait accompli to a new administration, and therefore have a very strong and undue influence on science and public policy in the next few years.

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Official Publication:
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Julian McCaull,
Publisher

COLLOQUIUM ON THE SCIENCE COURT

PROGRAM

SEPTEMBER 19

5:00 to 10:00 p.m.

Registration — Xerox Center, Leesburg, Virginia

6:00 p.m. Informal Mixer

7:00 to 8:00 p.m. Buffet Dinner

SEPTEMBER 20

8:00 a.m. Registration continues

9:00 a.m. to 5:00 p.m. Sessions

INTRODUCTION

Betsy Ancker-Johnson, Assistant Secretary for Science and Technology, U.S. Department of Commerce

SESSION I

The Science Court — Its Potentialities and Its Problems

Chairman

Arthur Kantrowitz, Chairman of Avco Everett Research Laboratory

Speakers

Richard O. Simpson, Former Chairman of U.S. Consumer Product Safety Commission

Margaret Mead, American Museum of Natural History

LUNCHEON

Chairman

Philip H. Abelson, Editor, SCIENCE

Speaker

Russell E. Train, Administrator, Environmental Protection Agency

SESSION II

The Science Court — Its Potentialities and Its Problems (Continued)

Chairman

Donald B. Straus, President of Research Institute, American Arbitration Association

Speakers

Alan Mazur, Professor of Sociology, Syracuse University

Alan McGowan, President of Scientists Institute for Public Information

John Noble Wilford, N.Y. TIMES, Robert Cowan, CHRISTIAN SCIENCE MONITOR, Phillip Boffey, SCIENCE

6:00 p.m. Informal Mixer

7:00 p.m. DINNER

Chairman

Frederick Seitz, President, The Rockefeller University

Speaker

H. Guyford Stever, Science Advisor to the President

SEPTEMBER 21

9:00 a.m. to 5:00 p.m. Sessions

SESSION III

Science Court Procedures

Chairman

Gerard Piel, Publisher, SCIENTIFIC AMERICAN

"THE FOOD ADDITIVE CONTROVERSY"

Howard Bauman, Vice President, Science Technology, Pillsbury Company

James S. Turner, Attorney, Swankin & Turner

"THE NUCLEAR POWER CONTROVERSY"

Hans Bethe, Professor Emeritus, Cornell University

John Holdren, University of California, Berkeley

LUNCHEON

Chairman

Betsy Ancker-Johnson

Speaker

The Honorable Elliot L. Richardson, Secretary of Commerce

SESSION IV

Summary Discussion

Chairman

Arthur Kantrowitz

5:00 p.m. ADJOURNMENT

PROGRAM

COLLOQUIUM on the SCIENCE COURT

Sponsored by

U.S. DEPARTMENT OF COMMERCE
Commerce Technical Advisory Board
NATIONAL SCIENCE FOUNDATION
AMERICAN ASSOCIATION FOR
THE ADVANCEMENT OF SCIENCE

September 19-21, 1976

Xerox International Center for Training
and Management Development
Leesburg, Virginia

August 13, 1976

SCIENCE COURT

by Alan McGowan

The value -- and cost -- of science to society has undoubtedly been contemplated and discussed from the time cave men first discovered the uses of fire. This debate has been recognized as an integral part of our civilization, since Lavoisier and Priestly destroyed the "phlogiston" theory of burning and in so doing launched the enterprise we now call science. It was left to Sir Francis Bacon to articulate what science really was, at least to the scientists; it took the explosion of the Hiroshima and Nagasaki atomic bombs for the whole world -- scientists and nonscientists alike -- to realize the awesome power of this relatively new enterprise on the scene of human civilization, and its portent for evil as well as good. Ever since, there has been a deepening awareness of the cost/benefit equations relating science to the rest of society.

The value of science to society is manifold. First, and foremost, are the technological gains that scientists make. In fact, the chief justification for the ever increasing cost of science is the benefit derived from its technical spin-offs -- whether it be a cure for cancer, a new vaccine, a new technique for mining coal, or ways of bringing entertainment into one's own home. The fact that all these advances carry with them costs as well, simply underlines their importance to us all, and the necessity for examining the cost/benefit equation carefully.

Civilized society derives a fundamental value from science, however, which although recognized and discussed, is but poorly understood. All scientists bring a strong sense of optimism to their work -- the sense that the problems they are tackling can be solved if only the right combination of luck, insight and perseverance is available. Although as physicist Gerald Holton has pointed out this sense of optimism carries with it a cost, as well, its real strength is the sense of purpose that it gives to man -- the sense that we can solve our problems and that we can and will expand our horizons.

This is almost a truism -- especially when we realize that this optimism is very often translated into the realm of technology, the thought that there is a "technological fix" for every problem. But, science is far broader than technology, and includes, for example, social science, which deals in great detail among other things, with the relationship of scientists to themselves and to the rest of society. Seen in this way, scientific optimism has a great value: if there are new social inventions needed, we have the ability to create them.

There is another, related value of science which should be recognized. Thomas Kuhn has given us great insight into the scientific process by writing about the use of "paradigms" in the development -- both in evolution and revolution -- of science. His work, as well as that of others, in the sociology of science explores and explains as well, general human intellectual development. Although it would be a grave mistake to think that science is the only relevant discipline, neglecting the parallel and equally important contributions of the arts and humanities,

science does play a crucial role and should be understood in this light.

This is all made possible, in part, because of the diversity which characterizes scientific work at its best. Although the Kuhnian paradigms mold and influence science, the "puzzle solving" involved in all disciplines is absolutely necessary for the revolutionary advances in science which highlight the fundamental value of the scientific enterprise. Whether one agrees with Kuhn's analysis is unimportant; what is important is the realization that the diversity of science permits it both to shed light on the world in general and allows scientists to make the basic advances in our thinking of which they are sometimes capable.

Into this milieu has come an idea for a new social invention. The idea, in actuality some ten years old, was recently brought to light again in an article in the AMERICAN SCIENTIST by its originator, Arthur Kantrowitz, and embodies in a recent Task Force Report by a panel convened to consider the newly formed President's Science Advisor's Office. This idea calls for the creation of a science court, or, as Kantrowitz prefers it to be called, an Institute for Scientific Judgment, which would assist in the public policy decision making process when scientific facts are involved and in dispute. The Institute would have "Case Managers" responsible for presenting the contending sides of the issue, and an independent panel of judges, knowledgeable in the area in question but with no prior involvement in the issue, who would make a decision on the "case". The exact nature of this "decision" is not yet clear, since various

definitions are presently under discussion and there are differences of opinion. For example, Kantrowitz's article suggests that the panel of judges decide whether or not the SST represents a threat to human health via the depletion of the ozone layer and consequent increase of the incidence of cancer. More recently, however, it was suggested that the Institute only decide which "facts" were agreed to by both sides and which were in dispute; the distinction seems academic but is, nonetheless, probably important.

The need for such an Institute, in Kantrowitz's view, is demonstrated by the fact that decisions involving science and public policy are made every day. These decisions are often surrounded by a great deal of controversy, and are often made poorly. Frequently, according to Kantrowitz, society can afford neither the time nor the money to finance the research needed to resolve the dispute.

It is currently proposed that the science court be tried as part of the newly established President's Science Advisory's Office. The Task Force referred to above labels the first attempt an "experiment", notwithstanding that there are neither controls nor ways to develop them. It is, therefore, not an experiment, in the sense that the Task Force Report intended to convey, but rather a demonstration.

The separation of value judgment, which scientists no less than others are prone to make frequently without being aware of it, from fact is indeed an important issue, and one which has often troubled the scientific community. In June, 1965, the AMERICAN SCIENTIST published a report by the Committee on Science

and the Promotion of Human Welfare of the American Association for the Advancement of Science, which had discussed the issue for years. The report, "Integrity of Science," called attention to both the difficulty and the need of separating fact from value judgment, and pointed out that scientists were able to make this separation only by making their work public and by allowing for discussion among their peers. The report called for scientists to do the same for the public at large. It stipulated that it was the social responsibility of scientists to share the knowledge that society had given them the opportunity to develop. The resultant discussion and sometimes controversy, would facilitate the separation of fact from value judgment and would enable the public to make the political and social decisions -- based on their own value judgments, not necessarily those of the scientists -- using the facts as an information base.

The science court poses many problems. Beyond the mechanical difficulties of getting adequately trained "judges" who at the same time have no previous involvement in the issue -- a difficulty in itself enough to destroy the idea of the court -- the concept flies in the face of science itself. As has been pointed out previously by Dr. Barry Commoner (an early Chairman of the AAAS Committee on Science and the Promotion of Human Welfare, and now Chairman of the Scientists' Institute for Public Information, an organization which grew out of the deliberations of the AAAS Committee), the way to resolve scientific disputes is more data, not cutting off research and making a decision based on inadequate information. Yet the very essence of the court is to make decisions in cases where

society cannot afford the time or the money to do the work necessary to resolve the dispute. It is hard to see how such an Institute will help society make more informed, and therefore in the long run help it make better decisions.

A second fundamental difficulty lies in the attempt to impose the legal model on scientific disputes. The methodologies of both the scientific and legal professions have been well worked out to meet their different needs, and it should be no surprise that their methodologies are different. Although there are problems in each model, they cannot be solved by merging the two systems. The binary (yes/no) system called for in the legal process is rarely, if ever, applicable in scientific disputes, even those related to public policy. Forcing science into the binary mode would only ensure that many wrong decisions will be made, for the correct decision -- a third or fourth alternative -- would often not be included in the binary mode.

However, many people will believe that the "correct" decision will have been made, which is the heart of the problem. Kantrowitz says that the success of the court will depend on the extent to which its judgments are accepted. Obviously, otherwise why have a court? Contradicting himself, he then continues that this is in no way meant to close off research. Unfortunately, it will in fact do just that. No administrator of scarce research dollars will be inclined to finance a proposal that is intended to challenge the decisions made by a science court. Yet the essence of science -- and what leads to the important Kuhnian revolutions -- are just such challenges. Society can in no way

benefit from a device which reintroduces, as Commoner has said, "authoritarianism" to science.

The imposition of the legal, adversary model on the scientific process destroys the diversity which is so important to the development of science itself as well as its value to society. The adversary model assumes loyalty to a "side" with no requirement to give any evidence which might in any way benefit one's adversary. This is contrary to the spirit and procedure of science, and it is hard to see any real benefit. The imposition of this model will only polarize attitudes, harden positions, exclude third and fourth positions which might be the real answers, and put serious hurdles in the development of solutions.

It is important to remember that the "experiment" proposed is not an experiment at all, but a demonstration. Careful attention will be paid the first time the demonstration is tried. I predict that all will work smoothly and that it will be declared a "success". The judges and the case managers will all be chosen with great care, and competent, well-known people will, of course, be in charge. Such will, however, not be the case with the subsequent attempts to replicate the model and serious mistakes will ensue.

In short, the science court will not work, even for those who think it a good idea. Although it may be possible, the first, or even the first few times, to select the people with the necessary skills to be case managers and particularly the judges, it will not be possible to do that as a matter of course. The "working" of the science court is so dependent on

a few key people that it is bound for failure in the normal carrying out of the idea -- which is, after all, the real test of an idea. There are, therefore, apt to be horrendous judgments made, which will nonetheless have the force of the original demonstration judgment. Worse still, if the science court concept is adopted, the majority will think that the problem of the relationship of science and its works to the rest of society has been solved, whereas, in fact, it will have been exacerbated and a real solution delayed.

There is remaining, of course, the very real issue of feeding scientific information into the proceedings of the body politic, by giving that information to the public, which includes, of course, the Congress, the Executive branch in its various forms, the Judiciary, and state and local governments. This issue was examined in the AAAS report, and is one with which the Scientists' Institute has wrestled since its inception in 1963. From the thorough discussion on the science court and its ramifications, has come a very good suggestion for future work, for which I am indebted to Dr. Margaret Mead (also a former chairman of the AAAS Committee on Science and the Promotion of Human Welfare and a past President of the Scientists' Institute.)

There now exists a large body of experience accumulated in the attempt to establish a working relationship between science and the body politic. Events just before, during, and immediately after the war: the continuing discussion of arms control; the environmental movement; the growing awareness of so-called 'genetic engineering', and its impact on society;

all these and others have involved a number of scientists, other professionals, and politicians in the exchange of ideas between science and politics. Presumably there has been a great deal learned; the suggestion is, therefore, to conduct systematic interviews with the people who have been most deeply involved. The list would undoubtedly be very long; it should obviously include the previous President's Science Advisors, such as Jerome Wiesner, Geroge Kistiakowsky, Edward David, and should certainly also include those doing what Jerome Ravetz has called "critical science", such as Barry Commoner, Rene Dubos, Margaret Mead, Linus Pauling and a host of others.

The purpose of such a study -- it probably should be funded by the National Science Foundation, or some other appropriate body -- would be to abstract from all the experiences some common ground or ideas, so that we learn better what we are, lacking this study, in a groping way trying to do. If this idea develops the way it should, the whole discussion of the Science Court will have been worthwhile.

The Science Court Experiment: An Interim Report

Task Force of the Presidential Advisory Group
on Anticipated Advances in Science and Technology

There are many cases in which technical experts disagree on scientific facts that are relevant to important public decisions. Nuclear power, disturbances to the ozone layer, and food additives are recent examples. As a result, there is a pressing need to find better methods for resolving factual disputes to provide a sounder basis for public decisions. We accordingly propose a series of experiments to develop adversary proceedings and test their value in resolving technical disputes over questions of scientific fact (1). One such approach is embodied in a proposed Science Court that is to be concerned solely with questions of scientific fact. It will leave social value questions—the ultimate policy decisions—to the normal decision-making apparatus of our society, namely, the executive, legislative, and judicial branches of government as well as popular referenda. Similar proposals have been made by several authors, and those which have come to the attention of the Task Force are listed in the bibliography.

In many of the technical controversies that are conducted in public, technical claims are made but not challenged or answered directly. Instead, the opponents make other technical claims, and the escalating process generates enormous confusion in the minds of the public. One purpose of the Science Court is to create a situation in which the adversaries direct their best arguments at each other and at a panel of sophisticated scientific judges rather than at the general public. The disputants themselves are in the best position to display the strengths of their own views and to probe the weak points of opposing positions. In turn, scientifically sophisticated outsiders are best able to juxtapose the opposing arguments, determine whether there are genuine or only apparent disagreements, and suggest further studies which may resolve the differences.

We have no illusions that this procedure will arrive at the truth, which is elusive and tends to change from year to year. But we do expect to be able to describe the current state of technical knowledge and to obtain statements founded on that knowledge, which will provide defensible, credible, technical bases for urgent policy decisions.

The basic mechanism proposed here is an adversary hearing, open to the public, governed by a disinterested referee, in which expert proponents of the opposing scientific positions argue their cases before a panel of scientist-judges. The judges themselves will be established experts in areas adjacent to the dispute. They will not be drawn from researchers working in the area of dispute, nor will they include anyone with an organizational affiliation or personal bias that would clearly predispose him or her toward one side or the other. After the evidence has been presented, questioned, and defended, the panel of judges will prepare a report on the dispute, noting points on which the advocates agree and reaching judgments on disputed statements of fact. They may also suggest specific research projects to clarify points that remain unsettled.

The Science Court is directed at reducing the extension of authority beyond competence, which was Pascal's definition of tyranny. It will stand in opposition to efforts to impose the value sys-

tems of scientific advisers on other people. As previously stated, the Science Court will be strictly limited to providing the best available judgments about matters of scientific fact. It is so constricted in the belief that more broadly based institutions should apply societal values and develop public policies in the areas to which the facts are relevant.

It is proposed to do a series of experimental Science Court cases on important policy issues. It is expected that the early procedures will be faulty and that considerable procedural development will be necessary before the results of the proposed procedure are persuasive. During its experimental development the Science Court will also surely suffer from difficulties associated with its lack of standing that would not be present in a developed institution. It is hoped that, in addition to the direct contributions a developed Science Court might make toward creating a more reliable base for policy decisions, the experiments will stimulate creative thinking about other methods for dealing with major controversies.

Procedures

Issue selection. The word *issue* is used in this article to refer to a decision pending before a governmental agency. These decisions will frequently involve important social values as well as controversial scientific facts. We will, below, describe a procedure through which questions of scientific fact can be separated from value-laden issues. Some examples of issues under consideration are: Should fluorocarbons be banned because of their impact on the ozone layer? Is Red Dye #40 safer than Red Dye #2? Should water supplies be fluoridated? We do not at present intend to use the nuclear power issue as a subject in the initial experiments with the Science Court concept. Later it is hoped that a developed Science Court will be able to contribute to the making of public policy even on as divisive and pervasive an

The task force is composed of three members of the presidential advisory group—Dr. Arthur Kantrowitz, Avco Everett Research Laboratory, Inc., Everett, Massachusetts 02149 (chairman); Dr. Donald Kennedy, Stanford University, Stanford, California 94305; and Dr. Fred Seitz, Rockefeller University, New York 10021—and the Honorable Betsy Ancker-Johnson, U.S. Department of Commerce, Washington, D.C. 20230; Mr. David Becker, National Academy of Sciences, Washington, D.C. 20418; Dr. Edward Burger, Georgetown University Medical Center, Washington, D.C. 20007; Mr. William Cavanaugh, American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103; Dr. Russell C. Drew, National Science Foundation, Washington, D.C. 20550 (executive secretary); Mr. William Holt, U.S. Department of Commerce; Dr. Paul Horwitz, Congressional Fellow, U.S. Senate, Room 431, Washington, D.C. 20510; the Honorable Lawrence Kushner, Consumer Products Safety Commission, Washington, D.C. 20207; Professor Allan Mazur, Syracuse University, Syracuse, New York 13210; Dr. Joel Primack, University of California, Santa Cruz 95060; Mr. Sheldon W. Samuels, AFL-CIO, 815 16th St., NW, Washington, D.C. 20006; the Honorable Richard O. Simpson, Consumer Products Safety Commission; Mr. Donald Straus, American Arbitration Association, 140 West 51 Street, New York 10020; Mr. David Swankin, Swankin and Turner, 1625 Eye Street, NW, Washington, D.C. 20006; Dr. Myron Tribus, Massachusetts Institute of Technology, Cambridge 02139; and Mr. James S. Turner, Swankin and Turner.

issue as nuclear power. Issues to be examined in the experiments will be selected by the Task Force responsible for the experiments according to three criteria:

1) Issues must be relevant to policy and must have technical components that are both important and apparently disputed.

2) Issues allowing easy separability of facts from values will be favored for the experiments.

3) Issues will be favored for which informed and credible case managers can be obtained. To simplify the process, it will be valuable to choose an issue in which two case managers can fairly represent all facets of the controversy.

Funding. Frequently the opposing parties to a technical controversy have vastly different resources available to them. We see no way to eliminate such inequalities, but it is certainly imperative that each side be provided with sufficient funding to prepare an adequate presentation for the Science Court.

Considerable doubt has been expressed about the wisdom of seeking funding directly by a government agency involved in the issue. It is argued that, although money could be given without strings, there might be an implication that the next time the Science Court came for funds the agency's decisions would depend on whether the first ruling was "acceptable." Therefore, it has been suggested that initial funding come from the National Science Foundation (NSF). In addition to the NSF, there would be considerable advantage in having a variety of funding sources for the Science Court experiment, including private foundations or business sources. In every case assurances must be had that no strings are attached.

It is important to have involvement of an agency in whose jurisdiction the issue falls so that it can help in formulating the issue, advise on the procedure, and provide necessary power to compel release of relevant information.

Selection of advocates: Once an issue has been selected and funding obtained, the next step is to choose the adversaries, specifically a chief adversary for each side, whom we call the "case managers." Two procedures are currently under consideration.

1) The Science Court or a collaborating agency issues Requests for Proposals (RFP's) for case managers. Each submitted proposal should exhibit that the bidder has the expertise and constituency to speak for one side of the issue and name its case manager. For ex-

ample, a group such as the Union of Concerned Scientists, the Sierra Club, or Friends of the Earth might be a reasonable bidder to represent the antinuclear power side of that issue. It might form an alliance with a scientific institution such as a nonprofit analysis group, with individual consultants, or both. In any case, the objective is to exhibit that the bidder can provide the best case for its side of the issue. Combinations of groups opposing nuclear energy would be encouraged, and the RFP would point out that such coalitions will be favored to receive the contract. In this example, the Atomic Industrial Forum might well bid to represent the side favoring nuclear energy, though conceivably it would choose to join other scientific groups.

The scientific credentials and constituency of the proposers will be examined carefully by the Science Court, the collaborating agency, or both, and a selection will be made by processes similar to those used in selecting contractors for other purposes. The two chosen case managers will then be funded to participate in the procedure outlined below, perhaps on a time-and-materials basis or by some other suitable contractual mechanism.

2) When an issue is clearly polarized, the case managers might be found by polling the interest groups involved on each side.

Selection of judges and referees. It is currently envisioned that the Science Court with consultation from appropriate scientific societies and organizations will produce a list of prospective judges certified as unusually capable scientists having no obvious connections to the disputed issue. These will then be examined by the case managers for prejudice. After acceptance, a panel of judges, say, three for the first experiment, will be formed.

In addition to the panel of judges, there should be a referee, selected by the Science Court, who is concerned with the implementation of agreed procedures in a scientific setting. For discussion we propose that the referee should be a scientist advised by legal counsel, so that full responsibility for this procedure can be retained by the scientific community.

Several questions are still under discussion concerning these functions. One is whether the role of referee should be undertaken perhaps by a chief judge advised by legal counsel. This might simplify the organizational structure and centralize the authority necessary to maintain an orderly procedure. Another question has been raised as to whether

the prospective judges should be selected by "elite" institutions such as the National Academy of Sciences. It might be advantageous to have some prospective judges chosen by random selection from competent members of the various professional societies.

Transition from issue to factual questions. As was pointed out above, an issue selected for a Science Court experiment will be an issue that is before a government agency. It is most important that the issue be stated in a manner as close as possible to the actual decision which must be made by the agency. Thus, we propose to prevent selection of a part of the issue which might prejudice the result. For example, the issue would not be, "Are nuclear power plants explosive in the sense of an atomic bomb?" but, "Should a specific nuclear plant be licensed or not be licensed?" The broader question will provide the case managers with an opportunity to state all the scientific facts which they consider important to their case. Selecting the narrower issue concerning explosive potentialities would be prejudicial because a negative answer (conceded, we believe, by most participants in this dispute) would be prejudicial without affording case managers a full opportunity to develop the facts basic to their opinions.

The selected issue will probably be a value-laden, controversial matter. It is proposed that the Science Court go through a process by which factual questions under dispute can be isolated. The first step is the formulation by the case managers of a series of factual statements which they regard as most important to their cases. Factual statements must conform to the definition given earlier—they must be results or anticipated results of experiments or observations of nature. This definition excludes statements such as "if X occurs, then Y may occur." Such a statement is valid even if the probability of the occurrence of Y is infinitesimally small, so the experiment required to refute the statement is impossible. An acceptable version of the statement must specify a finite probability which could be refuted by a possible experiment.

After the statements have been examined by the referee or the judges to be sure that they are confined to statements of scientific fact, the statements will be exchanged between case managers. Each side is then invited to accept or challenge each of the opposition's statements. Since the statements are drafted in the knowledge that they will be subjected to sophisticated challenge, it is

hoped that exaggeration and vague language will be deemed counterproductive. Therefore, many or even all of the statements made may not be challenged. In this case, the Science Court procedure will have been extremely successful in coming forth with an accepted series of factual statements.

Challenges. The case managers will examine the lists of statements of fact made by their opponents and decide which they can accept and which they challenge. The challenged statements will first be dealt with by a mediation procedure in which attempts are made to narrow the area of disagreement or to negotiate a revised statement of fact that both case managers can accept. If this procedure does not result in an agreed upon statement, the challenge will be the subject of an adversary procedure.

Adversary procedures. Several important aspects of the adversary procedure are still being worked out. First, it must be decided to what extent the experimental Science Court will be able to compel disclosure (employing legal powers vested in the collaborating government agency) of scientific information by subpoena, discovery, or other such processes. A second important matter under discussion is the relative desirability of keeping the rules of procedure flexible enough to allow a more rapid development of fair and effective procedures versus the probable necessity of fixing the rules before the case managers agree to accept the Science Court procedure. We propose now to have the initial rules agreed upon by the case managers and changed only with the agreement of both case managers during the experiment or at the start of a new experiment.

The adversary proceeding will begin with a case manager's putting forth his substantiation of a challenged statement in the form of experimental data and theoretical calculations. This evidence will be subjected to detailed scrutiny conducted in the tradition of a scientific meeting but with the added discipline of adhering closely to the challenged statement. It is important to recognize that the applied rules of evidence will be the scientific rules of evidence and not the legal rules of evidence. Thus, ad hominem attacks will be ruled out. There will be no necessity to prove the expertise of a witness, since his statements will be open to detailed challenge. We are unaware of any codification of the rules of scientific evidence, and intend to proceed at the outset on the simple statement that we will observe the rules that are traditional in the scientific commu-

nity. On the other hand, we have a great deal to learn from the legal community on procedures. For example, the Science Court should not proceed unless representatives of both case managers are present. It should preserve the right of each case manager to cross-examine completely the positions taken by his adversary.

Considerable discussion has taken place regarding the degree to which the challenge resolution procedure should be conducted in writing or orally. The advantages of a written procedure are that (i) it might make it easier to guard against such dramatic presentations as often obscure the merits of a case in oral procedures; (ii) it might make it easier to avoid the difficulties of "heavy" legal procedures; (iii) it might well be more acceptable to the scientific community and more consistent with its traditions.

On the other hand, some members of the Task Force insist that an important part of the procedures should be oral. The advantages are that (i) the process could go forward more rapidly; (ii) an oral presentation makes public observation and public scrutiny easy, and this is essential for credibility.

The complete proceedings of the Science Court will be open to the public, with special provisions for the protection of proprietary information when necessary. However, the judges' deliberations after hearing the evidence should be conducted in private as in legal procedure.

An initial trial procedure is being drafted. However, the Science Court should not be bound by precedents but should continuously seek to refine its procedures to produce factual statements of the highest presumptive validity consistent with time constraints.

Results of the Proceeding

The primary results to be expected are a series of factual statements which will be arrived at in two ways. First there will be the statements of fact made by the case managers and not challenged by their opponents. A second group of results will be the opinions of the judges regarding statements that were challenged. Some or most of these statements of fact will be qualified with statements about probable validity or margins of error. An important secondary consequence will be the lines drawn between areas where scientific knowledge exists and where it does not exist. Since important knowledge that is lacking will be pointed out, judgments of the science

court will suggest areas where new research should be stimulated. In almost all cases the boundary between knowledge and ignorance will continuously shift, and revisions to take account of new knowledge may have to be made frequently when issues of great national importance are at stake.

It bears repeating that the Science Court will stop at a statement of the facts and will not make value-laden recommendations.

Evaluation of the Experiment

Any attempt to evaluate the outcome of this experimental adversary procedure is susceptible to bias. A prime entry point for bias is the initial decision of what it is about the project that will be evaluated. If it was decided to examine only those features of the adversary process that seem, a priori, trouble free, then the evaluation is likely to come out positive; conversely, if attention is limited to troublesome features of the process, then the overall evaluation will almost certainly come out more negative. Therefore, it is essential to examine all those aspects of the experiment which are crucial to an informed decision on whether or not it "worked."

It seems useful to evaluate the operation of the Science Court separately from the effect of the judges' decision. By "operation" we mean the behavior of the Science Court's principals—case managers, judges, and referee. By "effect" we mean the alteration (if any) of attitudes and behavior of people outside of the experiment—regulatory agencies, industry, the mass media, legislators, interested citizen groups, and the wider public.

Operation. At a minimum, we need to know whether the various principals fulfilled their assigned roles. Did they stick to questions of fact, avoiding value issues? Did the case managers agree on the selection of judges? Did they perceive themselves, and were they perceived by the other principals, as having made credible cases for their sides? Was the referee successful in keeping the other principals to the codified procedures? Were the codified procedures themselves satisfactory? Did the principals perceive that the judges reached reasonable and unbiased conclusions?

The evaluation should be as objective as possible, but we must recognize the great potential for a biased selection of small bits of data from the volume of experimental data, and also for a biased

interpretation of data. Perhaps it would be useful to use three evaluators: one intending to present objective conclusions, one whose intent is to provide a positive picture of the experimental result, and one whose intent is to provide a critical picture. Ultimate evaluation of the experiment will benefit from exposure to these three diverse viewpoints.

Effect. At a minimum, we need to know whether partisans perceive that "their" case manager did a credible job in making the case. Do they consider the procedures of the Science Court to be fair, even if they feel that their side lost? Do partisans change any of their attitudes or behavior as a result of the Science Court findings? Do regulatory agencies or other relevant governmental bodies take actions that appear to be based on the findings? Do they take contrary actions? Do the mass media provide accurate coverage of the debate and do they accept the findings? Are members of the wider public aware of the experiment? If so, do they understand the procedure, and do they know the Science Court findings? If so, do they express opinions that are consistent with the findings, even when they held contrary views prior to the hearing?

Future Plans

The next proposed step in developing the Science Court is to conduct a meeting (2) devoted to two topics. First, it would be useful to have a discussion in depth in which proponents and opponents of the Science Court will have an opportunity to state and debate their positions. Such a debate would bring to light opportunities to improve the concept and its acceptability. Second, it is proposed to have a series of sessions in which people who have been active in scientific controversy surrounding issues such as food additives, nuclear power, and fluorocarbons help to criticize and develop the rules of procedure for the Science Court. It is currently contemplated that partisans from each side of the issues used will be present and that these sessions will afford an opportunity to see whether indeed the active opponents in these vigorously contested issues can agree on rules for an adversary procedure. This would help to visualize the problems which would be encountered when an attempt is made to negotiate agreed procedures between two case managers for the Science Court experiments.

It is our hope that following this meet-

ing enough understanding and procedural development will have been achieved to justify a series of experiments.

Notes

1. We use the expression "scientific fact" to mean a result, or more frequently the anticipated result, of an experiment or an observation of nature.
2. This meeting will be held on 20 and 21 September at the Xerox Center, Leesburg, Va. For further information contact Mrs. Florence Feinberg, U.S. Department of Commerce—Washington, D.C. Telephone: 202-377-5065.

Bibliography

- D. L. Bross, *Health Phys.* 26, 581 (1974).
W. J. Cavanaugh, *The ANSI Councils: A Democratic Route to Technology Assessment* (American National Standards Institute, New York, 1976).
J. B. Conant, *Science and Common Sense* (Yale Univ. Press, New Haven, Conn., 1951), pp. 337-339.
K. W. Ford, *Vital Issues* 25 (No. 6), (1976).
A. Kantrowitz, testimony before the Subcommittee on Government Research of the Committee on Government Operations, U.S. 90th Congress, 1st session (16 March 1967), *Congressional Record*, 8 June 1967, p. 15256; *Science* 156, 763 (1967); *Am. Sci.* 63, 505 (1975).
D. W. Kean, private communication.
J. R. Killian, statement before the Subcommittee on International Organization and Disarmament Affairs, Senate Committee on Foreign Relations, 11 March 1969.
M. Levine, *Am. Psychol.* 29, 661 (1974).
B. J. Lubseroff, *Chemtech* 1, 513 (1971).
A. Mazur, *Minerva* 11 (No. 2), 243 (1973).
I. I. Mitroff and M. Imhoff, *IEEE Spectrum* 10 (No. 3), 62 (1973).
I. I. Mitroff and J. A. Nelson, *J. Am. Soc. Inf. Sci.* 25 (No. 4), 252 (1974).
R. O. Simpson, speech before the Fourth Annual Briefing Conference of the Product Safety Letter, 3 June 1975.
M. Tribus, *Astronaut. Actonaut.* 10, 4 (1972).
R. L. Wolf, *Phi Delta Kappan* 57, 185 (1975).

Note: The enclosed article was received after the Sciences draft was written, but is included as the most up-to-date description of the science court idea.

2000

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Dear Carter issue people:

There is a real scarcity of specific info on Carter out here. The Northern California office has a little bit and we have copies of what they have. In the meantime, we're hunting!

Could you do two things:

- 1) Send Mary Kaufman
751-38th ave
San Francisco 94121
info on Carter as Governor
- 2) send me some Carter issue stuff -
some specific issue papers for
handing out

We get questions on

Education

Energy

mid. East polim

Health

Taxes

and then questions on more "meat"
to the handout - that the guys
write glossy.

Thank,

Wendy Jaquet Issues Person
1236 Market St
San Francisco 94102

↑
JAA
JOEL
STERRET

7 Rutland Street
Cambridge, Mass. 02138
(617-492-6459)
October 3, 1976

Jimmy Carter for
President Campaign
P.O. Box 1976
Atlanta, Georgia 30301

Dear Governor Carter;

In recent years a new approach to the question of how to obtain solar energy has advanced rapidly. This is the idea of using satellite power stations (SPS's) to collect the sun's energy in space by solar cells or other methods. Having collected this energy, it is converted to microwave and then beamed to a rectenna on earth where it is converted into electricity and fed into the power grid of the nation. For FY77, \$5 million has been budgeted for research on SPS's, half by NASA and half by ERDA. I am the economist who has done most of the economics on one of the major variants of the SPS concept -- namely, what is popularly known as space colonization. This approach is discussed in more detail below. At this point I would like to emphasize that if our current estimates are correct (a freely admitted big "if" at this stage of research), then space colonization offers a way of providing a large-scale, inexhaustible, pollution-free source of solar energy at a price which is less than that currently paid for nuclear energy. Congressman Udall and Governor Brown have already expressed support for research on space colonization. The purpose of this letter is to gain such support from yourself.

Space colonization avoids the high launch costs of materials from earth by making all but a few high technology components of SPS's from lunar materials. This is very attractive from an economic viewpoint because a pound of lunar material can be taken from the moon at a cost that is two orders of magnitude less than that for a pound obtained from earth. The reasons for this are two-fold. First, the energy required to move a pound of material into space is a factor of 20 less for lunar as compared to earth material because of the lower lunar gravity. Secondly, there is no atmosphere on the moon which allows one to use what are called mass drivers there while such devices are impractical on earth. A mass driver consists of a long track upon which bucket-like devices containing pellets of lunar material are accelerated by electrical power. When the pellets reach the end of the track they are slung into space while the buckets remain behind to be used again. This is much more economical than the use of rockets. Space colonization gets its name from the fact that the conversion of raw lunar materials into useful components for SPS's requires significant amounts

of equipment and labor located in space. These are housed in a habitat or space colony. Our current estimates of the cost of space colonization power is 10.8 mills per K.W.H. This compares favorably with a cost of nuclear power in 1974 of 15 mills, which does not include a correction for the environmental harm which that form of energy causes. In the distant future we expect that colonies will have a virtually closed ecological system and will contain the amenities necessary to allow a space worker's dependents to live there at a high standard of living. Economics drives us in this direction because in this manner the costs of food and the like, which is initially supplied to the colony from earth, and the costs of crew rotation can be eliminated.

Obviously space colonization is a big undertaking. If it occurs, the benefits will not only be in the energy sector but will also provide a major manufacturing capacity in space which can be used to obtain a list of benefits which is too great to enumerate at length here. In particular, current estimates indicate that the first colony can be partially used to manufacture additional colonies at a greatly reduced cost leading to rapid profitable expansion on a pay-as-you-go basis. Eventually a significant fraction of humanity could be living in space. At that time the first colony may be looked upon as the most important event to have occurred within this century -- some have said within the last two millenia. But space colonization has already picked up opposition from its major competitor, nuclear power. It is expected that as the program continues its rapid growth that this opposition will intensify. After all, billions of dollars are at stake. For space colonization to become a reality, strong, intelligent, practical and yet visionary leadership is required at the Presidential level. It is for this reason that I thought that the concept may be of particular interest to you.

I
M.A.R.

Sincerely yours,

Mark M. Hopkins

Mark M. Hopkins
Department of Economics
Harvard University