

Memoranda, 5/76

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5/11/76

110M

From: Sheldon Toibb

909 25th St. N.W. Apt.B

Washington, D.C. 20037

To: Steve Stark, Issues Coordinator, Atlanta

Bill Daniel, Missouri State Chairman

Rob Firth, Atlanta

Peter Bourne, Washington

William vanden Heuvel, New York State Chairman

Robert Lipschutz, National Finance Chairman, Atlanta

I recently spoke with Bob Hadley in Atlanta who referred me to you in connection with the Governor's positions on issues of concern to Jewish Democratic voters.

A. The present status of the Governor in the eyes of Jewish voters

Back in February, I sent a memo to Atlanta stating that it would not be possible to overcome Senator Jackson's inroads among Jewish voters. I had hoped, however, that the Governor would become a strong number two with this constituency which could be increased later as the Governor's national reputation grew in stature. This has not happened. In fact, Udall is now the strong number two to Jackson and the Governor is a very weak third. The CBS-New York Times poll of April 23, shows that Jewish support for the Governor has gone from 39% in February to 15% at present. Udall received a respectable portion of the Jewish vote in the New York and Massachusetts primaries. At the very least, I mentioned pitfalls which should be avoided if the Governor was not to fall into the same position as McGovern in 1972 with Jewish voters in terms of being suspect on the issues of Israel and Soviet Jewish emigration. This has not occurred. The Governor has been under attack for his positions on these issues which even Udall has managed to avoid.

In addition, there have been some gross distortions and accusations of the Governor's record which have largely gone unanswered. As a result, they have been believed as true. Such misconceptions must be cured if the Governor is to do better among Jewish voters in Maryland, Michigan, Ohio, New Jersey and California. In fact, even carrying 20,000 Jewish voters in Omaha could prove significant in putting a quick end to a Frank Church candidacy in Nebraska.

My view is that Jewish support for the Governor could grow substantially very quickly if only more effort were attempted in this area. Jewish voters basically want a to support a winner, not a martyr, if only that winner would support them. Now that no more funds will be forthcoming from the Federal Election Commission, it is even more important to be stating more forcefully positions which will attract financial support from possible Jewish contributors.

B. The Specific Problems

1. Overall Trust

Jewish voters like a candidate with a history of support for Jewish issues and a background of amicability with Jews in general. They distrust Johnny-come-latties on Jewish issues and are suspicious of insincere ploys to attract their votes and financial support (e.g. McGovern's unsuccessful attempt to attract Jewish voters in 1972). The Governor has such a record as stated in an article in the 1/23/76 issue of the Southern Israelite. The main points of his record are:

1. A trip to Israel as far back as 1973.
2. The 1973 recipient of the Eleanor Roosevelt-Israel Humanities Award of the Israel Bond Organization.
3. Being named as an Honorary Fellow of the American College in Jerusalem in 1973.
4. Making the most significant Jewish appointments that a Governor of Georgia has ever made.

These items have not been widely disseminated. This article has been reproduced, but virtually no one in the overall national Jewish population knows of it.

2. Countering Distortions of the Governor's Record

A devastating column by Evans and Novak appeared in mid-March assailing the general attempt by the Governor and Udall to appeal to the Jewish voters and accusing the Governor of taking an insincere pro-Israel position. The widely read article was a distortion, but it was never effectively answered. As a result, facts from it were taken and put into a column by Eric Fettman in the New York Jewish Press before the New York primary. Now the assertions in the

article about a supposed Carter statement in Kyoto, Japan supporting the Ford freeze on military aid to Israel is being believed as true. What should have been done and what still should be done is an attack on the Evans and Novak position that appealing to Jewish voters by stating support for Israel is an illegitimate campaign stand. Evans and Novak are strongly anti-Israel, despite what they say, and it should be explained that Jewish Americans as well as other groups have a right to know where candidates stand on issues important to them. The Governor should then forcefully state what these positions are, showing that his record has been unfairly distorted. Finally, when such criticism comes from Jewish groups or media, such as the New York Jewish Press, a direct effort to clear up the record of the Governor with such persons or papers should be made so if even if their support is not gotten, at least the attacks will stop and the Governor would no

~~longer~~

longer be treated as a possible ~~an~~athema to Jewish voters.

3. The Soviet Jewish Emigration Issue

The March 26th editorial in the New York Jewish Press stated that the Governor opposed using Jewish emigration as a bargaining point with the Soviet Union. This is directly contrary to the Governor's own words in answering a question by the St. Louis Jewish Light in a recent issue. This latter position should be more widely publicized. Another problem is the appearance of the Governor's concern. At a recent Soviet Jewry rally before the New York primary Jackson and Udall were pictured shaking hands with each other. This picture was syndicated nationally in many dailies. The picture leaves the implicit impression that the Governor

does not deem this issue to be of importance. This impression must be ~~be~~ negated in ~~the~~ Jewish circles. The Jackson Amendment to the Foreign Trade Act prohibits giving the Soviet Union "most favored nation" trade status unless open emigration occurs. The Russians have vehemently declined to accept the trade status together with the amendment's restrictions. Three points should be made in this respect.

1. In principle the amendment is a correct statement of our foreign policy. But it has not achieved its ~~own~~ purpose as Soviet ~~in~~ Jewish emigration has gone from more than 30,000 to 10,000 annually since its passage. It should be stated that the ~~the~~ amendment alone is not the answer to the problem as more direct diplomatic negotiations over the matter are needed. The Ford Administration and Kissinger have totally refused to conduct such negotiations.

2. By criticizing the Jackson Amendment, the Ford Administration has failed to give a united front of American policy to the Soviets on this issue. As a result and in accord with the view of Soviet Jewish activists (e.g. N.Y. Jewish Press-4/16), the Soviets have been even more recalcitrant in permitting Soviet Jewish emigration.

3. Cooperative peace between the Soviet Union and the ~~the~~ U.S. is not possible as long as the Soviets stifle Jewish emigration because they are violating the signed Helsinki accords which state that both countries will respect basic human freedom and rights.

4. The Middle East Issue

a. A Palestinian State

The Jewish Press states that the Governor supports an independent Palestinian state ~~in~~ on the West Bank of the Jordan River. I do not know how this newspaper could have reached this conclusion from the Governor's remarks or even from his major speech on the Middle East. The problem is that when the governor speaks

extensively on the Middle East and Israel he almost invariably includes mention ~~of the~~ of the "plight of the Palestinians." In other nonpresidential political contexts this language is really a code phrase which is interpreted by Jews to connote the ideas of sanctioning Arab extremism and terrorism, and the overall superiority of the Palestinian claim of nationhood to the Israeli need of safe and secure borders and the right to be recognized as a nation by all Palestinian factions. This language is often quoted out of context to attack the Governor as not being pro-Israel. The use of such language is unfortunate ~~and~~ and should be limited. In addition, if and when mentioning a Palestinian state, the Governor should add that such a state can only be formed through ~~the~~ the voluntary agreement of Israel which should not include undue diplomatic pressure by the United States.

b. The United States' Role as Mediator

Criticism should be made of the Kissinger approach of unduly forcing Israel to ~~make~~ make concessions which it ~~feels~~ feels is not in its best interests. In the major speech, the Governor refers to the importance of face to face negotiations between the parties. It should be made clear that such negotiations means that the role of the United States is to mediate, not to impose a solution or concessions onto Israel. In St. Louis, the Governor said that he would not force ~~Israel~~ Israel to do something it could not fairly accept in its best interests. It should be strongly added that the decision of what is in Israel's best in the negotiations is for Israel and not for the United States to decide.

As far as the face to face negotiations are concerned, the Governor should support the Israeli position ~~that~~ that it will not negotiate with the Palestine Liberation Organization which supports the terrorist ~~activities~~ activities ~~with~~ against Israel and the destruction of the present state of Israel. The recognition of Israel along with the cessation of terrorist ~~activities~~ activities should be conditions precedent before any direct negotiations between Israel and the Palestinian ~~representatives~~ representatives might occur.

c. United States as ~~Military~~ Military Supplier to Israel and the Arab States

During the past two years the Ford Administration ~~a.~~ a. froze aid to Israel for a period and b. after promising a certain amount in ~~the~~ military aid to Israel for this year, decided he will veto any bill giving Israel any aid during the transition quarter between the 1976 and 1977 fiscal years. This amount Israel would receive if the present Senate bill were passed, which includes the original amount promised, is \$550 million less (\$2.2 billion as to \$2.75 billion) than the Administration plans to give Israel this year. On the latter point the stand should be taken that as President, the Governor would never renege on a promise of foreign aid to

Israel as Israel plans its national security according to the original promises. On the former point, the Governor has already had to explain his Kyoto statement that he would not have signed a Senatorial letter to President Ford protesting a freeze of Israeli aid. His reply that such a letter would not have been necessary with strong executive leadership and the original statement have been widely publicized by Evans and Novak and criticized ~~xx~~ by the New York Jewish Press.

This has been damaging. A simple straightforward position should be taken from now on that aid would not be frozen to Israel if the Governor were President. The Governor, as he did in St. Louis, should ~~xxx~~ continue to make mention and emphasize that he would not sell any offensive or defensivemilitary equipment to Egypt which Sadat has requested and which could be used ~~again~~ against Israel in time of war. The Udall position on Meet the Press is very ~~xxx~~ instructive on this issue. He said the U.S. cannot on one hand give weapons to Israel's defense while on the other hand undermine that defense by giving similar aid to Egypt. In addition, he said Egypt is not not in fear of Israel starting a war so such defensive equipment, as anti-tank or anti-aircraft missiles, is unnecessary. He also said Egypt needs domestic aid for its people instead of military aid. Finally, an attack should be made on ~~xxxx~~ Kissinger's promise not to request future military aid to Egypt this year ~~xxxx~~ in order to obtain Senate approval of the sale of transport planes to Israel, as it leaves open the possibility that in ~~xxxxxx~~ future years the Ford Administration may request military aid for Israel which would be inimical to Israel's interests.

d. The Future Status of Jerusalem ~~xxx~~

In St. Louis the Governor ~~xxxx~~ said that ~~xx~~ he could not foresee Israel conceding control of the Jewish religious shrines in the Old City of Jerusalem. A proper understanding of the geography of the area shows that the Governor must take a position that Israel should retain political control of all of the area Jerusalem annexed as part of the city after 1967.

1. Before the first 1947-48 Arab Israeli war, the Jews controlled Mount Scopus, the original site of the Hebrew University. This ~~xxxx~~ mountain ~~is~~ is on the side of the city and is not in the Old City of Jerusalem. Jordan controlled this area between 1947 ~~AND~~ and the 1967 war. Since 1967 Israel has rebuilt the old Hebrew University campus on Mount Scopus and has added there the Harry S. Truman School for International Peace. The Mount Scopus campus is also the site where 1000 Americans study and dorm annually on the American Friends of Hebrew University one year program. To think ~~xxx~~ that Israel would abandon any amount of control over this site and area leading up to it from the ~~at~~ center of Jerusalem

is unthinkable.

~~is unthinkable.~~

2. Since 1967 a new residential ring has been built around the new city of Jerusalem on lands held by Jordan pre-1967, e.g. Ramat Eshkol and Sanhedria. Such lands in this residential periphery would never be given up by Israel. As a result, the Governor should clearly advocate the Israeli keeping of all of Jerusalem as exists presently. There is no room for any possibility of ~~XXXXXX~~ cession or internationalizing in this area.

The most that can possibly be explored is Arab and Christian control of their own shrines in the Old City of Jerusalem. Giving away any political control in the old city would never be accepted by Israel. The religious and national security reasons to the rest of Jerusalem run too deep, e.g. the bombings in downtown of new Jerusalem. Besides, any United ~~Nations~~ Nations or international control is unacceptable in view of the U.N.'s anti-Jewish posture, e.g. the Zionism as Racism resolution. Any stand by the Governor less than this could permanently hinder the ~~XXXX~~ ascertainment of Jewish support ~~EW~~ even after the nomination as McGovern discovered in 1972.

5. Final Remarks

Even assuming that at worst the Governor only ~~x~~ gets negligible Jewish support between now and the Convention, he will need around 90% of the Jewish vote for ~~ag~~ a good result in the highly populous Northern industrial ~~xxx~~ states and California and Florida in November. The whole point ~~x~~ right now is at least to prevent from being rumored an anathema to Jewish concerns like McGovern was labelled in 1972. Once a negative impression is conveyed, a highly positive ~~XXXXXXXX~~ one can never take root. That is why the ground work must be laid now. In St. Louis, on my recommendation, the Governor met with the Editor of the St. Louis Jewish Light. According to Bill Daniel, Missouri state chairman, the Editor was very impressed. a half-hour with similar ~~xx~~ editors in Los Angeles, San Francisco, Baltimore, Washington, Omaha, Detroit, Memphis Cleveland, Cincinnati and Columbus O. could prove very beneficial. The short interviews themselves demonstrate the concern about which Jews so deeply care. Udall and Jackson met with the editors of the ~~XXXXXXXXXXXX~~ New York Jewish Press. The Governor did not. Perhaps such a ~~XXXXXX~~ would have cleared up the misconceptions and ~~x~~ avoided the criticism which eventually resulted. Secondly, in each primary state, mailings of the Governor's statements and record, e.g. Southern Israelite article, the major Middle East speech, etc. should be sent to each Rabbi in care of his synagogue or temple. The names and addresses are easily available in every Yellow Pages. These items should also be posted at key places like Jewish Community Centers and kosher meat markets. Thirdly, key speaking engagements should be arranged, e.g. the Hebrew

Union College in Cincinnati for the Ohio ~~XXXXXX~~ primary. This college is the major Reform Jewish Rabbinical Seminary in the United States. Near the end of June

after the primaries is the annual convention of the Rabbinical Council of America convention in the Catskill Mountain region in New York. A speech to this national Orthodox Rabbinical assembly could help gain undecided Jewish delegates at the Convention ~~xx~~ two to three weeks later in New York and would certainly help for November.

To date, through my efforts in the Jewish area on behalf of the Governor since January, I have seen a substantial deficiency in organization and strategy for obtaining Jewish support coming out of Atlanta. Every Jewish person I talk to doesn't know and wants to know how firm the Governor's convictions are before any final conclusions are reached. This more than Jackson has hurt the Governor as Udall's respectable support among Jews shows. More potential is there than meets the eye.

Fourthly, ads clearly stating the Governor's record and positions along with a picture from the 1973 trip to Israel should be placed in metropolitan Jewish newspapers in primary states a month before the primary in question. A substitute picture could be the one in the Southern Israelite in which the Governor is receiving an award from the Israel Bonds Organization.

Finally, as I said in January, I would like to do whatever I can for the Governor in this area. I feel that many of my warnings in my first memorandum have not been heeded. My background includes a degree in political science (political theory, international relations and labor economics) from Yeshiva University in New York, the major Orthodox Jewish university in the United States. I spent my junior year studying at the Hebrew University in Jerusalem, Israel and am very familiar with that country. My cousin the Executive Vice President of a major Organization in New York working to get Jews out of the Soviet Union. I have many contacts with the Rabbinical Council of America, The Union of Orthodox Jewish Congregations of America and the major Jewish universities and seminaries around the country.

I have other Jewish contacts from the Humphrey campaign in 1972, ~~in~~ including some in Ohio. I have a law degree from Washington University in St. Louis and am presently completing ~~and~~ advanced master of laws in labor law at Georgetown University in Washington, D. C. I feel I can do a lot more in this area than I have been afforded an opportunity to do. For one thing, I can attempt to arrange meetings with major American Jewish leaders from ^{Jewish} federations, universities, seminaries, the Jewish print media and the rabbinate. I could also speak to interested Jewish groups. I ~~am~~ eagerly await your ~~response~~ response as to what further I can do in this or any other aspect of this campaign.

May 3, 1976

To: Stu Eisenstadt

From: Dennis Bresina *DB*

Subj: Coordinating Task Force Information Needs and Issue Development in Washington

There follows a short memo prepared by someone who worked on issues in the JFK campaign. It is quoted only to be suggestive of the type of situations which are developing as a consequence of the Task Forces and the heightened increase in interest by professionals to help the Carter Campaign.

ISSUE DEVELOPMENT IN THE JFK CAMPAIGN

Experience based on observation of the JFK speechwriting staff in 1960 is that it had a dual nature. The organization was not top to bottom, but side by side. One side was the campaign following speechwriting and argumentation. The other side was issue development. Archibald Cox headed issue development.

Issue development always served two roles. The first was political recruitment of knowledgeable persons and experts, not just experts. The idea was to recruit active, concerned people who were willing to write issue papers and forward them to Cox who would keep them in his files. Cox spent a good deal of time on liaison, recruitment, and writing thank you letters to contributors. This effort won the hearts and minds of thousands of active people. It also kept the people away from the speechwriters.

The speechwriters perused the files for substantiated ideas and plans that had catchy phrases of area appeal or bloc support. The original contributor would sometimes be called by Cox for more information, or permission to quote directly.

What came of this was credibility on the approach to handling the issues. The contributors told all of their friends. The press was impressed. The press was willing to string along with a fundamentally sound issue development operations. The Washington Bureau of the New York Times and Washington Post reporters were shown the effort and came to believe more deeply in the candidate.

A very key link was made to the DNC newspaper library. This library is the major asset of the DNC (author's view, not mine). Up to 150 newspapers are processed depending on the budget. (This effort, at least prior to the upcoming convention, has been substantially curtailed for 1976).

Prior to the nomination, the JFK staff got Butler, the Chairman, to approve the library staff digging out materials upon request. After the nomination, floor space was sought that could hold both the speechwriting/issue group and the library files and staff in one very large room. The JFK people brought over 20 file cabinets of solicited papers. The library staff was directed to process the papers based on guidance from the Cox issue group. Very often direct phone lines were kept open from the travelling speech team to the research floor. This would be true for major speeches, and before and during the debates.

As it is costly to hire a staff to do research on issues, the idea of a small group doing political recruitment of experts and experienced professionals, brain picking them and then doing research is the way to get (1) ideas churned into speeches, (2) reference documents stacked up in a hurry, and (3) at a low cost.

Because of this well managed effort, JFK and Johnson never had gaffes such as McGovern's \$1000 or Reagan's \$99 billion cut.

This memo within a memo goes beyond the situations at hand. However, the following are recommended for your consideration:

1. Development of a vastly expanded resource center in the Washington office. One that is well-organized and comprehensive if it is to serve the Task Forces.

2. Further accelerated development of a system of utilizing the expertise of professionals who volunteer their time and expertise.

3. Discussions with prior campaign officials to determine more exactly how Humphrey, LBJ, and McGovern set up their issues and speechwriting organizations once it was apparent they had the votes for the convention.

The most immediate problems are the first two. They are being handled in a case by case basis but advice from the Atlanta office would be most welcome.

cc: Dick Creecy

AG. POLICY (GEN.)

SCHNITTKER ASSOCIATES

1339 WISCONSIN AVE., N.W., WASHINGTON, D.C. 20007
(202) 333-7650 TELEX: 440361 CABLE: SCHNITCON

May 3, 1976

Mr. Steve Stark
Carter for President
P.O. Box 1976
Atlanta, Georgia 30301

Dear Steve:

I enclose a summary of an agricultural statement prepared by several Congressional staff members and farm organization representatives in Washington at the request of the Democratic National Committee. It was prepared for use of the Chairman to submit to the Platform Committee, pursuant to requirements of the Democratic party procedures for this year.

This is expected to become public about the time of the Platform Committee hearing in Washington May 17-19.

It is a fairly good statement, a little short on small farmers and food questions, and perhaps short on rural development and rural communities, but otherwise reasonably balanced.

Also enclosed is a copy of a statement just issued by the "Farm Coalition," which met in Washington last week. It is very bland, but deceptive. The people behind it, listed on the third page, represent a lot of power in a number of commodity sectors.

I will be meeting with Dick Creecy of the Washington office tomorrow, to talk about these issues in the context of formation of an advisory group.

Yours sincerely,



John A. Schnittker

SUMMARY

AGRICULTURE

As a nation and people, we have been blessed with rich resources of land, water and climate. Through the wisdom of our forebears, the supporting structure of research, education, transportation and technology has been established.

This structure, when utilized to preserve and promote family ownership and operation of our farms and ranches -- the cornerstone of Democratic Party policy for more than a half century and the base of America's agricultural efficiency -- has served the nation well.

America's farm families have demonstrated their ability and eagerness to produce food in sufficient quantity to feed their fellow citizens and share with hungry people around the world. Yet, this invaluable national asset has neither been prudently developed nor intelligently used.

The eight-year record of the Nixon-Ford Administration is a record of lost opportunities, failure to meet challenges of agricultural statesmanship and of crass favoritism to the agri-business community.

Republican administrations have:

--Allowed unconscionable profiteering on food by business interests while letting prices to farmers fall;

--Mishandled our abundance in export markets;

--Failed to stop unscrupulous shipping practices by grain traders;

--Caused wide fluctuations in prices to producers, inflated domestic food prices to consumers and damaged relations with foreign buyers through vacillation and inconsistency in trade policy actions;

--Rotated executives from giant agri-business firms into key policy-making positions in USDA and back again to parent companies;

--Urged farmers to go all out in food productions, then imposed politically motivated embargo and trade restrictions after farmers responded with bountiful crops;

--Collaborated with the private grain trade to manipulate markets resulting in depressed farm prices and inflated prices to consumers;

--Proclaimed dedication to "free market" principles, but in practice interfered with free flow of farm products to market;

--Tried to masquerade policy failures by attempting to play farmers and consumers against each other.

In summary, Republican agricultural policy has spelled high food prices, low farm prices and a bonanza for commodity speculators and multi-national corporations.

With this situation crying out for change, development of new agricultural policies and corrective measures must be of the highest priority with the Democratic Party and a new Democratic administration.

Uppermost among these new initiatives is the establishment of a national food policy, clear to both producer and consumer, which should:

1. Provide an adequate food supply and reasonable price stability to American consumers;

2. Assure fair returns to farmers with minimum price protection based on costs of production for major and basic agricultural commodities - the grains, cotton, dairy products, rice, peanuts and tobacco;

3. Provide adequate programs to assure healthful foods for needy and indigent Americans of all ages;

4. Fully develop the export market potential to the benefit of producers and our national economy, with no vacillation in policies once they have been agreed upon and announced;

5. Use our food production capacity to meet international commitments and aid the needy and hungry throughout the world;

6. Safeguard against shortage or disaster by using techniques as appropriate to each commodity such as price supports, payments, acreage targets and goals, market orders, international agreements, maximum development of export markets and adequate carryover of stocks on or near the farms;

7. Require farmer and rancher input in policy determination at the highest level;

8. Reverse Nixon-Ford Administration efforts to bring disrepute to agricultural programs;

9. Negotiate to establish patterns of international cooperation to assure supplies to importers and markets to exporters at prices that are stable and fair to both producers and consumers.

To meet America's food and fiber needs and strengthen the time-honored institution of family farming, the Democratic Party in its agricultural policies must also:

1. Reaffirm its support for the Capper-Volstead Act, which permits farmers to organize and bargain collectively;

2. Curb the influence of non-conglomerates which, through the elimination of competition in the marketplace, pose a growing threat to farmers;

3. Reinstate a sound, locally-administered soil conservation program;

4. Install a reasonable food reserve program maintained principally by farmers with rules for acquiring, holding and release of stocks well known to all and fair to both producer and consumer;

5. Provide for adequate credit tailored to the needs of young farmers;

6. Eliminate tax shelter farming and revise inheritance tax provision so that young farmers may retain an inherited farm if they wish to, rather than having to sell all or part of it to settle estate.

SUMMARY

RURAL LIFE AND DEVELOPMENT

To improve the quality of life in rural America, where many people live at subsistence levels, the Democratic Party must reassert its traditional concern for the basic life support programs so badly needed by thousands of rural communities -- programs which the Nixon-Ford Administration have slashed, downgraded and attacked in various ways.

Democratic programs must include:

1. Fully adequate levels of insured and guaranteed loans for the rural electrification and rural telephone programs;
2. Decent rural housing;
3. Adequate educational opportunities commensurate with today's needs;
4. Adequate health facilities and professional personnel to operate them;
5. Critically needed community facilities such as water supply and sewage disposal systems now lacking in thousands of communities;
6. Jobs with a level of income for self-sufficiency;
7. Financial and technical assistance to enable families to earn adequate incomes and to participate in community life.

The Democratic Party should pledge itself to fully implement the Rural Development Act of 1972, which has been blunted in every way possible by the Nixon-Ford Administration.

News Release

FARM COALITION WANTS FIELD HEARINGS ON AG POLICY

Washington, D. C., April 30, 1976 -- Ten field hearings to give farmers a chance to present their views on long-range agricultural policies should begin in late May or early June, the National Farm Coalition told the leadership of the House and Senate Agriculture Committees this week.

Fred V. Heinkel, Coalition Chairman, told the Congressmen the Coalition, which represents more than one million farmers through their general, commodity, and cooperative producer-organizations, feels such action is needed now due to the simultaneous expiration of almost all commodity legislation at the end of the 1977 crop year and the time element of the new May 15 deadline for Committee action under the Budget Act.

The Congressional leaders concurred with the need to move ahead on consideration of long-range farm legislation and expressed interest in the idea of holding field hearings.

The Coalition, in its two-day Washington meeting, also adopted positions on other important agricultural issues.

Unanimous approval was given to establishing a National Food Marketing Commission to analyze and appraise the U.S. food marketing system along the lines proposed in legislation sponsored by Representative Joseph Vigorito and Senator Hubert Humphrey. In addition, the Coalition voted to oppose any legislation giving further authority over farm cooperatives and collective bargaining under the Capper-Volstead Act to the Federal Trade Commission or the Department of Justice. Coalition members feel farmers' activities under Capper-Volstead are being unfairly attacked.

On farm exports, the Coalition decided to support amendments to prohibit the Federal Government from restricting foreign sales through "voluntary" restraints and to give producers prior notification and the opportunity to comment before restraints are imposed.

One issue considered critical to Midwest farmers is the need to replace the deteriorating Lock and Dam No. 26 on the Mississippi River at Alton, Illinois. A lock breakdown could seriously hinder the movement of grain, and the Coalition voted to support immediate Congressional authorization to construct one 1200-foot lock and dam with a 12-foot depth. Also recommended was authorization to construct an additional lock of similar size as needed in the future.

Additional positions adopted included:

To urge Congress to modernize and update estate tax provisions needed to preserve the family-type of agriculture and small business in the United States;

To recommend the Secretary of Agriculture make a quarterly adjustment to maintain the dairy price support level at 80 percent of parity as of July 1, 1976;

To call upon the Administration to administer our international trade programs, including Section 22 of the Agricultural Adjustment Act, the Countervailing Duty Act, and the Export Administration Act in a manner which prevents damage to the income of American farmers and domestic markets;

To support legislation, comparable to the Senate-passed Food Stamp Reform Act, to provide adequate diets for the needy and elderly of our country.

END

ATTENDANCE
 NATIONAL FARM COALITION MEETING
 Quality Inn/Washington, D. C.
 April 26-27, 1976

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Ed Krielow	Jennings, Louisiana	National Rice Growers Assn.
Robert Handschin	St. Paul, Minnesota	Farmers Union Grain Terminal Assn.
Ray Wax	Newman, Illinois	National Assn. of Farmer-Elected Committeemen
Robert L. Melbern	Gatesville, Texas	National Assn. of Farmer-Elected Committeemen
Hubert W. Baker	Mr. Zion, Illinois	Soybean Growers of America
Cleo A. Duzan	Oakland, Illinois	United Grain Farmers of America
Gerald Cain	Jonesboro, Illinois	United Grain Farmers of America
Ed Marsh	Washington, D. C.	National Wool Growers Assn.
L. C. Carpenter	Columbia, Missouri	Midcontinent Farmers Assn.
Russell C. Schools	Capron, Virginia	Virginia Peanut Growers Assn.
Neal R. Bjornson	Washington, D. C.	National Milk Producers Federation
Melvin Sprecher	Sauk City, Wisconsin	Land O'Lakes, Inc.
Richard H. Magnuson	St. Paul, Minnesota	Land O'Lakes, Inc.
Jerry Rees	Washington, D. C.	National Assn. of Wheat Growers
Bob Frederick	Washington, D. C.	The National Grange
Carl Schwensen	Washington, D. C.	National Assn. of Wheat Growers
Willis Rowell	Edgewood, Iowa	National Farmers Organization
Charles L. Frazier	Washington, D. C.	National Farmers Organization
Hilton Bracey	Portageville, Missouri	Midcontinent Farmers Assn.
Walter W. Goepfinger	Boone, Iowa	National Corn Growers Assn.
Shirley Greene	Fredericksburg, Virginia	Virginia Corn Growers Assn.
Alvah F. Troyer	La Fontaine, Indiana	Soybean Growers of America
Fred Heinkel	Columbia, Missouri	Midcontinent Farmers Assn.
E. A. Jaenke	Washington, D. C.	Secretary, National Farm Coalition 452-8018



Jimmy Carter

Presidential Campaign

For America's third century, why not our best?

May 4, 1976

To Stu Eizenstadt
From : Doug Huron
Re: Legality of Racial Discrimination by Private Schools

The Constitution (Fifth and Fourteenth Amendments) directly prohibits racial discrimination in public schools by both the Federal and State governments, as well as their instrumentalities. There is no explicit constitutional ban on such discrimination by private schools. There are, however, laws, regulations, and court decisions which effectively prohibit such discrimination, but the Federal government has a limited role in enforcing these laws.

I. TERMINATION OF FEDERAL AND STATE FINANCIAL ASSISTANCE

Title VI of the Civil Rights Act of 1964 prohibits discrimination in any Federally assisted activity. If a private school receives any Federal assistance, it may not discriminate. In fact, most private elementary and secondary schools receive little or no federal aid, and Title VI to date has had no impact on their admissions policies. (There is a question whether racially discriminatory private schools may utilize such services as bookmobiles provided under Title I of the 1965 Elementary and Secondary Education Act.) On the college level the impact has been somewhat greater, as courts have ruled that VA educational benefits may not be granted to veterans attending such racially exclusionary institutions as Bob Jones University.

Like the Federal government, the states may not provide direct or indirect aid to segregated private schools. In the farthest reaching case, Norwood v. Harrison, 413 US 455 (1973), the Supreme Court ruled that a state could not even supply textbooks to students attending racially discriminatory private schools.

Neither Title VI nor the Supreme Court's decision in Norwood affirmatively requires nondiscriminatory policies by private schools. A private school can discriminate, but if it does it is not eligible for Federal or State assistance.

II. IRS REGULATIONS

Regulations issued by IRS exclude discriminatory private schools from tax exempt status. Similarly, contributions made to such schools are not tax deductible. (Interestingly, the IRS regulations apply only to schools and not to other charitable institutions, e.g. orphanages or hospitals. There is no logical basis for the distinction, and IRS will probably ex-

P.O. Box 7667 Atlanta, Georgia 30309 404/897-7100

pand its regulations in the future.) The IRS regulations simply represent a particular application of the general point already discussed: The Federal government may not give assistance to private segregated schools. Tax exempt status is a form of assistance, and it may not be provided.

IRS enforces its regulations by requiring statements of assurance of non-discrimination from private schools. The agency has not engaged in any systematic effort to determine whether such statements are accurate.

As is the case with direct Federal and State aid, the IRS regulations in themselves do not prohibit racial discrimination by private schools. As far as the IRS is concerned, if a private school can get along without tax exempt status, it can continue to discriminate.

III. FEDERAL LAW DIRECTLY PROHIBITING DISCRIMINATION BY PRIVATE SCHOOLS

In Jones v. Mayer, 392 US 409, the Supreme Court ruled that 42 U.S.C. 1982, a reconstruction statute which had lain dormant for a century, prohibits private racial discrimination in the sale and rental of real and personal property. The statute in question in Jones has a twin, 42 U.S.C. 1981, which guarantees to "all persons...the same right...to make and enforce contracts... as is enjoyed by white citizens." Since Jones lower Federal courts have consistently read 1981 as barring private contractual discrimination, particularly in the context of employment contracts.

Now in Runyon v. McCrary the Supreme Court must decide whether 1981 applies to the contractual relationship between a student (or his parents) and a private school. If so, then the statute directly prohibits private schools from excluding prospective students on a racial basis. (See my memo of April 24 on Forthcoming Supreme Court Decisions.)

The Solicitor General, hardly a radical, has urged the Court to read 1981 as banning racial discrimination by private schools, and I believe the Court will so rule. Such a decision would apply whether or not a school has received any Federal or State assistance. That is, there would be no way for a school to "opt out" from coverage of the law.

It should be remembered, however, that the Federal government (i.e. The Justice Department) has no independent statutory authority to enforce 1981. At present, suit may be brought only by individuals who feel aggrieved, not by the government. This will remain true regardless of The Supreme Court's decision in Runyon. (Newspaper stories stating that the government was awarded damages by the lower Federal court in Runyon are simply erroneous.)

CONCLUSION

Governor Carter may accurately state that:

- 1) The law prohibits Federal or State assistance -- including the granting of tax exempt status -- to segregated private schools, and that the Federal government has a responsibility to see that no such assistance is extended;
- 2) Depending on a forthcoming Supreme Court decision (Runyon v. McCrary), Federal law may directly prohibit discrimination by private schools, but the Federal government has no role in enforcing

the law in question (42 U.S.C. 1981). Enforcement is left to private individuals.

In view of such considerations as the limited resources of the Federal government, the present enforcement scheme - - in which the government focuses on public school discrimination and simply sees that private segregated schools do not receive Federal assistance, while private individuals but not the government sue private segregated schools receiving no assistance - - probably makes sense and should be continued.

(Note: I obtained most of the information in this memo from former colleagues at the Civil Rights Division of Justice.)

c.c. Morris Dees



Jimmy Carter Presidential Campaign

For America's third century, why not our best?

MEMORANDUM

TO: Mary Dublin Keyserling
From: Mary E. King *M.E.K.*
Subject: Women's Speech
Date: May 6, 1976

Suggested areas to be addressed or mentioned in the speech on women's issues:

- I. Richness and diversity of contributions of American women
- II. International Women's Decade
 - A. United Nations
 1. World Plan of Action
 - B. Non-governmental
 1. U.S. National Women's Agenda
- III. ERA
- IV. Economic Issues
 - A. Employment and unemployment
 - B. Significance of women in labor force to the economy and their families
 - C. Social Security
 - D. Income tax
 - E. Child Care (major mention in children's speech)

- V. Women as Leaders and in Politics
 - A. Review of progress
 - B. Campaign
- VI. Women in Business
 - A. SBA
 - B. Credit (enforcement of ECOA)
- VII. Health Issues
 - A. Rape
 - B. Family Planning
 - C. Primary Care
- VIII. Education
- IX. Enforcement of laws and executive orders forbidding sex discrimination
 - A. EEOC
 - B. OFCCP
 - C. HEW
- X. Other Issues
 - A. Women Offenders
- XI. Carter Program
 - A. Task Force
 - B. Appointments
 - C. Rosalynn Carter's interest in day care
- XII. Women in the future of our nation
 - A. Quality of Carter leadership

A number of individuals have offered help on particular sections, e.g., Marge Gates on rape, Janice Mendenhall on enforcement, Catherine East, Edith van Horn of the UAW, and there are others who should be asked to review the first draft.

TO: Steve Stark
FROM: Richard Rosen
DATE: May 11, 1976

Dear Steve,

These are the likely issues for the West Coast concerning energy and environmental policy. If you need additional information, please let me know.

California and Oregon have many overlapping concerns, but there are some differences between the two states. Oregon is likely to exhibit a more hostile attitude towards growth in general, and energy development in particular. Most of these issues are quite divisive and unlikely to attract some voters without alienating others. Therefore, positions need only be enunciated if direct questions are raised:

- (1) The entire issue of power plant expansion is tied to the impact of power plants on park and recreational areas (with particular reference to the impact on air which is presently clean and permits high visibility). The building of unnecessary power plants should be deplored, and the construction of required new plants should be done in a sensible fashion to protect park and recreation amenities.
- (2) Certain new energy technologies can be supported, particularly geothermal and refuse to energy programs, provided that these projects are economically sensible and environmentally sound.
- (3) Encourage increased mining of coal (particularly deep mined rather than strip), but emphasis should be placed on exporting coal, rather than burning it as fuel on the West Coast.
- (4) Encourage construction of deepwater port to accept tankers with liquid natural gas and generally support gas as an

Steve Stark
Page Two
May 11, 1976

environmentally clean fuel. Coal gasification can also be encouraged under (2).

- (5) Support efficiency program for automobiles to lessen pollution, while avoiding the issue of control over driving and parking of automobiles, particularly in Los Angeles.

Issues to be avoided:

- (1) Avoid the issue of expansion of hydro power. The impact on the riverways is too controversial.
- (2) Avoid the pesticide issue.

The California Nuclear Referendum is the issue likely to be raised most. Present stand on avoidance of reliance on nuclear power, without supporting moratorium, and while encouraging stricter controls, seems quite adequate.

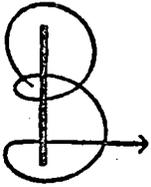
Next week I will forward you something in more detail on national energy and environmental problems. I'm sorry I couldn't get over to the Law School to see you last week.

Best regards,

Richard H. Rosen

Richard Rosen

last-minute added
important person



BETTY BERZON 8560 Hollywood Boulevard Los Angeles, California 90069 (213) 654-2420

May 7, 1976

Charles Hill Graham
Jimmy Carter Presidential Campaign
Northern California Office
115 Sansome Street #700
San Francisco, California 94104

Dear Charlie:

I received your material on Jimmy Carter today. I've read it all and you've convinced me. As I told you on the phone my main concern was with Carter's deep involvement with Christianity. Richard Reeves' article did indeed make a difference to me. He is a journalist I highly respect. I've met him and he has the utmost credibility for me.

So, I'm saying yes, I will endorse Jimmy Carter's candidacy. I will also try to be helpful in any way that I can as other time commitments permit.

I understand Carter will be in Los Angeles on May 20 and 21 and I would like very much to meet him if that can be arranged.

It would be helpful to me to know the content of the three public statements he's made on gay rights if that information is available.

I will be thinking about other women you might add to your list. I will talk to a few I have in mind as soon as possible.

Incidentally, I am not a Ph.D. and these initials should not be used with my name. I do have an M.S. degree and you can use those initials with my name if that means anything to you.

Thanks for sending the material.

Sincerely,

Betty Berzon

:kk

IN HOUSE AGRICULTURE

1607 28th St., N.W.
Washington, D.C. 20007
May 6, 1976

Mr. Steve Stark
1795 Peachtree Street
Atlanta, GA 30309

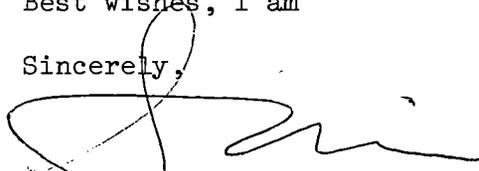
Dear Steve:

Enclosed hereto is a detailed position paper and a summary in connection with tobacco as requested by you in the agricultural committee meeting last Saturday.

I will not be able to attend your meeting in Dallas next Friday but Mr. Frank R. Ellis will stand in for me.

Best wishes, I am

Sincerely,



SMITH BAGLEY

CC: Bobby Smith
P.O. Box 593
Winder, GA 30680

TOBACCO ISSUES

Summary: Tobacco is produced by 600,000 farm families in 23 states, most of it on small family-sized farms. The present tobacco program is based on effective production controls and Federal price supports at levels set by law based on returning to the growers at least the cost of production. Under the program which has evolved over the past more than forty years, growers must approve continuation of the program by at least two-thirds majority every three years. In fact, they consistently vote for continuation of the program by more than 95%. It is proposed that the position be "That so long as the growers continue to support the tobacco program as they have in the past, keeping production in line with demand, with minimal or no losses to the federal treasury, I shall support its continuation." It should be added that there are unique reasons for the existence of the tobacco program and the federal price supports, namely, no one has yet found a way to assure a free market when you have 600,000 small sellers and only 6 major buyers.

"As to the cigarette and health controversy, I believe the approach taken to date by the government of advising people of the facts in so far as they are known, and allowing individuals to make their own free choice, is a sound approach in a democratic society. I do think we should take due cognizance of the fact that cigarette taxes produce \$6 billion per year at the Federal, State and local levels in tax revenue, \$2 billion for the tobacco farmers and \$1 billion per year net surplus to our balance of trade."

Finally, you should know (although you might not want to say publicly) that despite the widespread belief that smoking is a health hazard, definite evidence is lacking.

Recent research concerning environmental factors (asbestos, food additives, vinyl chloride, DES, etc.) is leading to a reassessment of the role of smoking in the causation of disease. In private many scientists will admit to the need for some objective scientific research. Industrial unions are becoming sensitive to the diversionary tactic of generating a tobacco smokescreen to cover up environmental and occupational factors.

Tobacco - A Controversial Subject

Not since the days of the Volstead Act - Prohibition - and then the repeal of the 18th Amendment has a product approached a level of controversy equal to the ongoing attack against tobacco and tobacco products, principally cigarettes.

There are three elements involved in this raging debate:

1. The position taken by self-appointed spokesmen for the medical profession, various health organizations such as the American Cancer Society and that group of laymen or "causists" who are determined to structure life to fit their pattern of how it should be.

2. Then there is the position taken by the tobacco industry, namely that it believes that no one knows whether cigarette smoking causes disease, much less how it might cause it.

3. And lastly there is that 40-45 percent of the U.S. population over 18 years of age that continue to smoke despite the alleged health hazard.

Over the past twelve years, or since issuance of the first U.S. Surgeon General's Report on Smoking and Health, it has appeared at times that the medical profession might really be unified in the conclusion that smoking was guilty of the indictments charged. Yet, as the years have progressed, medical voices, highly respected in the profession, are now being heard to question the validity of these charges. Until today we have doctors in America and abroad that are engaged in heated debate on the subject. That a controversy continues is obvious. The bravery of these questioning doctors cannot be overemphasized when it is placed alongside the super-powerful "peer review" system that prevails. Today the gigantic, sprawling, floundering U.S. Department of Health, Education and Welfare wields great power in the medical world. With its financial grants and contracts for research,

its funds for construction of medical facilities such as schools, hospitals, and health centers and its power to support or extinguish the hopes and dreams of scientists across the breadth of the land, there is little wonder that voices in protest have been so muffled over the past decade.

With a country so divided on a subject, the best answer is "Freedom of Choice."

In the absence of resolution of the medical dispute we should not ignore the economics of the matter.

To those who are not students of the subject, the economics of the tobacco industry are astonishing:

Farm Land

Tobacco growing was America's first industry. Its production and sale to the mother country assured the economic health--in fact, the very continued existence--of Jamestown, the first permanent colony in what is now the United States. Tobacco supported loans for necessary supplies in the war for independence. The need for river transportation for tobacco from the newly settled lands in the midwest hastened the Louisiana purchase.

U.S. tobacco production has expanded from the few hundred pounds John Rolfe grew and shipped to England in 1612 to the present level of two billion pounds per year, bringing \$2 billion to 600,000 farm families. These families are dependent on tobacco for all or a good part of their livelihood.

Tobacco is produced in 23 of the 50 states. It has been designated by the Congress as a basic agricultural commodity and in 13 states ia a major farm crop. It springs from a seed so tiny that a teaspoonful will plant about 1.5 acres.

The U.S. is the largest producer and exporter of tobacco in the world. One third of the U.S. crop is exported, in leaf and manufactured products, most going to the European Community, although Japan is America's biggest individual tobacco customer. In 1974 the difference between exports and imports represented a positive net contribution of nearly \$1 billion to the U.S. balance of payments.

About 96% of the nation's farm tobacco is sold at auctions in 175 markets in 12 states. The other 4%, largely cigar leaf, is sold directly from the farms or by farmers' cooperatives.

In 1974, there were 865 auction warehouses operating at the markets in Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Kentucky, Tennessee, West Virginia, Ohio, Indiana and Missouri.

Manufacturing and Retail Level

Cigarettes are manufactured by six companies in the United States. Total sales are running over 600 billion cigarettes yearly, at an over-the-counter cost of \$14 billion. The unit sales increase is between 1 and 3 percent yearly, which is about the same as the worldwide sales picture.

The U.S. and Canada have the highest per-capita consumption rate in the world, followed approximately by Australia, Switzerland--where there has been a smuggling problem into Italy, Japan and the United Kingdom. The U.S. per-capita figure has risen from 64 packs per person (over 18 years) annually in the 1920s to the current 207 packs. An estimated 40-45 percent of the American population over 18 smokes cigarettes.

Cigarettes are one of the most highly taxed consumer products in the U.S. They have added \$105 billion to the treasuries of the federal government and states and municipalities since the first cigarette tax in 1864.

The current tax intake is almost \$6 billion a year, more than half going to the states and cities. State tobacco taxes range from 2 to 21 cents a pack. Local governments have levied taxes ranging from 1 to 10 cents. Because of this price differentiation, cigarette bootlegging across state lines has become a major problem in many areas. In New York City, for instance, it has been estimated that one-half the cigarettes sold have been brought in illegally to avoid taxes and that the city is losing \$100 million yearly in tax revenues.

Taxes represent three times the gross receipts of the tobacco farmer and double the retail price of cigarettes, which range between the average 35.8 cent per pack cost in North Carolina to 57.6 cent cost in Connecticut. Without taxes, the average retail price would be less than 20¢ per pack.

Why should the Federal Government support the prices and control the production of tobacco? To prevent overproduction and stabilize a market where 600,000 farmers sell their tobacco to six major buyers. Farmers have voiced overwhelming (over 95%) support for this Federal program in referenda held every three years for the last forty. It has been the most successful farm program in U.S. history. Its elimination could endanger the livelihood of millions of rural Americans.

May 10, 1976

TO: David Moran, Issues Staff, Atlanta

FROM: Charlie Graham, Staff, San Francisco (telephone 415/563-1955)

RE: Gay People in California, and "The Family Lobby"

I don't know if you are aware of The Family Lobby, formerly The Coalition of Christian Citizens, which tried in 1975 to reverse the new consensual sex law. They stopped their referendum effort when gay groups moved against them. First, the gay groups threatened to challenge the signatures on their petitions; second, they promised to cause an IRS investigation of the tax-exempt status of the churches involved in this political effort.

In the newest ADVOCATE there's news of a repeated threat to gay people from the Family Lobby, as attached.

Nevertheless, I think my suggestions in my message to you earlier today remain valid. Perhaps they are even more valid,

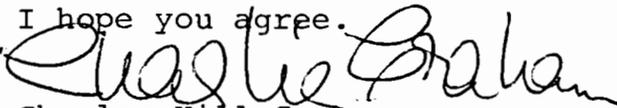
(1) If the Family Lobby gets enough signatures, gay organizations can still challenge them, and can still bring down the IRS on the churches involved, probably reversing the effort.

(2) If this doesn't work, public opinion itself may defeat the Family Lobby bill in November. But public opinion may split painfully over the fundamentalist/civil libertarian issue and I don't think Carter wants to get caught in this bind.

If Carter postpones taking any stand on the gay rights issue until the fall, he might end up defensive against the pro-Family Lobby stand expected covertly from the Republican nominee.

But if Carter speaks out modestly now, politely in favour of his Women's Agenda position on "privacy in relationships between consenting adults", he may be able to defer this fight. Gay people will remember his support; and the fundamentalists will know that he supports them in other ways but that he simply won't take a stand on this one.

I hope you agree.


Charles Hill Graham

cc: Ray Baisden, Bob Bush, Ben Goddard, John Lovell, Franklin Mullen,
Paula Watson

attachment

THE ADVOCATE
San Mateo, California
(Gay People's biweekly)

national distribution - 80,000

May 19, 1976
(distributed May 10)

Sex Initiative May Make Ballot

The Family Lobby announced at a Sacramento press conference in late April that they have gathered about 90 per cent of the 312,000 signatures needed to place their "sexual offences" initiative on the California general election ballot.

The announcement by the ad hoc coalition of fundamentalist Christian groups means that California voters may be deciding the fate of the newly-enacted decriminalization of consensual sex when they go to voting booths in November. The initiative specifically would reinstate the criminal sanctions on sexual conduct that were in effect before this year, again making sodomy, adulterous cohabitation and oral copulation between consenting adults illegal.

The recent announcement has Golden State gay politicians scurrying to form new battle lines against a threat that seemed long dormant. A group calling itself the

Coalition of Christian Citizens (CCC) last year attempted to put assembly member Will Brown's hard-won sodomy repeal (AB 489) on the ballot before the measure could become law on Jan. 1, 1976. Their efforts met defeat in July when CCC supporters could not muster the needed signatures. The coalition, however, regrouped itself late last year under the name of the Family Lobby, a name which would not alienate those not aligned with the fundamentalist orientation of the lobby's kingpins.

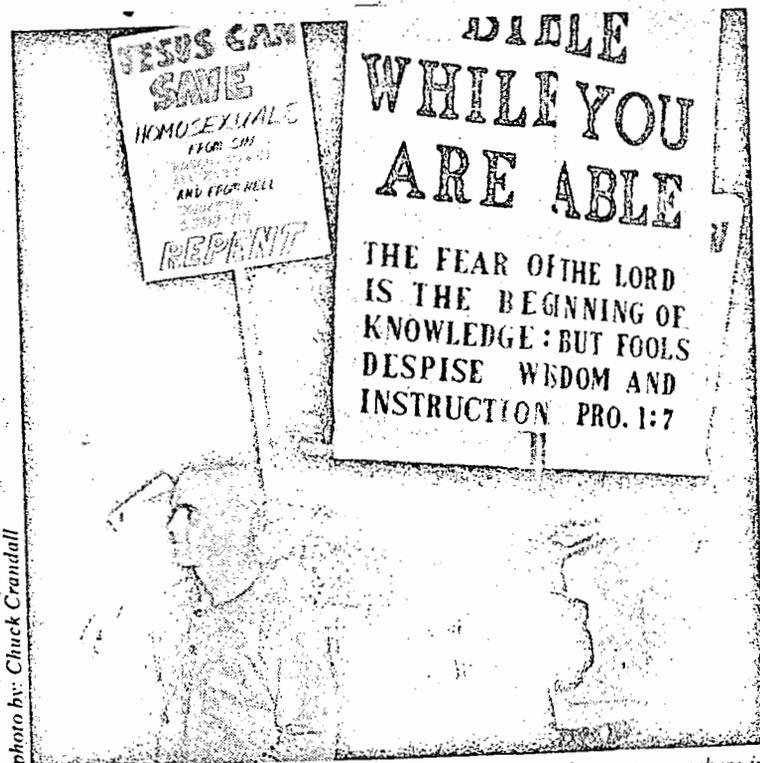
According to former CCC organizer and current lobby spokesperson David Depew, the highly publicized slave bust in Los Angeles last month helped spur the lobby campaign toward the finish line it now nears. Says Depew, "That incensed so many people that it helped us immeasurably." Depew also said that the loudly-touted Lavender World's Fair in Pomona created a backlash of initiative signers.

"They were going to have an Easter sunrise service which, of course, was an abomination," Depew, a Los Angeles attorney, told The ADVOCATE.

Depew estimates that the group has collected 280,000 signatures, only about 32,000 short of the number necessary to make the ballot. A spokesperson in the Family Lobby's central Fresno office said that more than 100,000

petitions now are circulating in California. The lobby is gearing toward an early May completion of its drive so that officials will be able to confirm the validity of the signers by the legal deadline of June 25.

Said San Francisco gay politico Jim Foster, "Everybody better get clear on what this really means. If this initiative wins, we probably won't see more consensual sex legislation in this state for the rest of our lives. This is it." Foster estimated that supporters of the now-threatened "Sexual Bill of Rights" will have to raise between \$800,000 and \$1 million to conduct the necessary campaign to turn back the initiative.



Constant companions: these anti-gay protesters seem to show up everywhere in... This photo was taken at slave auction number 400.

May 10, 1976

TO: David Moran, Issues Staff, Atlanta

FROM: Charlie Graham, Staff, San Francisco (telephone 415/563-1955)

RE: Gaining Gay People's Support in the California Primary
and beyond

David, here is some background material for Jimmy Carter on the gay issue in advance of his California visits. I may be able to expand and improve on these items in later days.

GOAL:

Carter can win as many gay votes as possible with an assertive pro-gay rights stand. A conservative estimate in the primary is that 500,000 of the 3.5 million votes are from gay people.

Also, he can gain support among civil libertarians, feminists and others to whom his pro-gay rights stand will demonstrate his attractiveness.

These people's dollars, endorsements and volunteer time can come to Carter also.

METHODS:

1. Carter can reaffirm in a highly visible way the commitment to gay people's rights he has already voiced. I suggest he do this at a press meeting in both San Francisco and Los Angeles. A suggested text is attached (Attachment A). He should also use the statement in his remarks at the major fundraising dinners in each city. The gay community will consider his making this statement before any less public or impartial audiences as a cop-out.

2. Carter should confer with 2 or more acknowledged gay leaders in San Francisco and Los Angeles for serious discussion of this issue, and these talks should be publicised in the gay press afterward. The tone of these meetings should be that Carter is continuing his education on American people's needs from government, and he has asked these distinguished community figures to advise him on the issue. Suggested attendees at these meetings are listed on Attachment B. These meetings could be merged and held in either city.

2.

3. Carter should affirm his commitment to support gay rights planks at the Convention, and to support gay issues in the fall election. Both George McGovern and Jerry Brown are remembered negatively for backing off gay people's issues once their nominations became assured. Carter has an opportunity to reinforce his stand by promising and demonstrating persistence.

4. On either the May 20-22 visit, or another trip before the June 8 primary, Carter should attend gay fundraising or other functions in Los Angeles and San Francisco.

BACKGROUND ON THE GAY VOTE

Centered in San Francisco and on the west side of Los Angeles, California's gay population has become increasingly politicized and organized since the early 1960's.

The Los Angeles gay electorate supports Ed Edelman and related candidates, and is already becoming active in the Carter campaign.

San Francisco's gay electorate, however, is more drawn to the Moscone/Burton/Hongisto machine, which is endorsing Jerry Brown. Governor Brown has no special hold over San Francisco's gay voters. His lack of initiative or persistence in gay issues, among others, earns him only soft support. Brown campaigned in 1974 saying he would sign the consensual sex law if it came to him, and he eventually did; but no other pro-gay efforts in Sacramento are credited to him. Two San Francisco pro-gay people political figures are staying apart from Jerry Brown's effort; they are Willy Brown, a gay people's hero for managing the consensual sex legislation which passed, after 5 years, in 1975; and Dianne Feinstein, gay people's second choice for Mayor in 1975.

Strong pro-gay rights statements from Carter will loosen Brown's influence in San Francisco considerably, and will strengthen the Los Angeles effort.

BACKGROUND ON RELIGION AND GAY PEOPLE

Religion is a contentious issue for gay voters. The Bible and many churches' apparent condemnation of homosexual activity is dealt with by gay people in three different ways.

First, the Bible and church involvement are rejected outright by many gay people.

Second, others agree with contemporary theologians of several denominations who believe the biblical injunctions against sexuality are misinterpreted. For example, new translations suggest that the real reason for Sodom's destruction may not have been God's dismay over same-sex affection, but rather the city's inhospitality to strangers. Gay people within established churches are lobbying for these points of view.

3.

Third and finally, growing numbers of gay Christians seeking traditional church environments with supportive theology and programs are joining the Metropolitan Community Church, the country's fastest-growing religious denomination, predominantly gay, and founded by the Reverend Troy D. Perry in Los Angeles. Perry has endorsed Carter. M.C.C. dwells more on Jesus' supportive affirmations than the injunctions of the Old Testament. Current communicants nationally exceed 100,000.

In explaining himself to the gay electorate in California, Carter need not apologise for his personal attraction to religion. However, he ought to admit that Old Testament sexual theory doesn't have to be everyone's way of life, and that it's possible to reject religion and Christianity altogether and still be a complete person. It may be difficult for Carter to adopt this either-or approach to faith, but I'm convinced he can be damaged severely with gay people and others unless he does.

NEGATIVE STORIES ABOUT CARTER AND GAY PEOPLE

I know four negatives about Carter that could lose votes from gay people:

(1) In the May 3 U.S. NEWS AND WORLD REPORT, in the article about candidates and religion, Carter is quoted as saying that he agrees with the majority of Americans who believe that same-sex sexuality "is contrary to Biblical teaching".

(2) The May 10 TIME Carter cover story says Ruth Stapleton cures homosexuals with religion. So-called cures are very contentious among gay people who don't believe they are sick to begin with; also there is no evidence of such cures having lasting effect; and finally, they are sexist. The article's reference is costing the campaign major contributions, according to gay fundraising volunteer Newt Dieter.

(3) In an early 1976 issue of THE ADVOCATE, the nation's major gay biweekly, Carter is mentioned as saying that he does not support sex outside of marriage.

(4) An ex-McGovern writer named Mixen, now working on Capital Hill, has told a story around Washington that in discussing employment with Carter in late 1975, Carter said negative things about gay people, including that he (Carter) didn't know what to do about them, didn't know what a final solution could be, perhaps hospitalization, but that Carter said, "I sure would like to win that San Francisco vote!" This story could be traced through Gary Aldrich, Legislative Assistant to Senator Alan Cranston (D-Calif.), 202-224-8134.

4.

(5) Mark Seigel, editor of Pennsylvania Gay News, reportedly says that toward the end of a series of gay people's, ex-Schapp supporters, approaches to Carter for his stand on gay needs, Carter turned to a Pennsylvania legislator and said, "What, is this entire state full of fags?" Mark Segal's phone is 205-248-2248.

In dealing with these and any other alleged anti-gay remarks from Carter, early feeling here is to rise above them; for Carter to neither confirm nor deny, saying, for example, "This is one of a number of issues on which I've had to educate myself as the campaign has progressed. I may have insulted or embarrassed people during my learning process and if so I'm sorry. But I am ready to tell you what I feel about gay people, and what I am going to do for them now and as President...", and then Carter would explain his program as suggested in Attachment A.

POSITIVE MATERIAL ABOUT CARTER AND GAY PEOPLE

I Know four positives about Carter that will gain votes from gay people:

(1) He endorsed the Women's Agenda, an eleven-point feminist plank with two pro-gay points (Attachment C). His endorsement letter (Attachment D) included "I would like to help you implement these goals in the future... Your support for my effort to seek the office of President of the United States will not be forgotten, and I will not let you down." His endorsement letter was sent to groups behind the Agenda, including the National Gay Task Force.

(2) He spoke affirmatively at Ed Edelman's luncheon in Los Angeles March 12 on the gay rights question. (David Moran is arranging for a transcript of these remarks.)

(3) Carter spoke affirmatively before a U.C.L.A. audience, also on March 12, on gay rights (David Moran is arranging for a transcript of these remarks.)

(4) Carter spoke affirmatively on Tom Snyder's TOMORROW SHOW about gay rights (see Attachment E). I'm adding a note here to say that, on Snyder's show and elsewhere, Carter is focussing too much on blackmailing closet gay people in high security positions. If a healthy environment for human sexuality is encouraged by his administration, blackmail as a sanction against expressing affection will cease to be a problem. I suggest he rise above the security issue (which few gay or non-gay people can unravel) and stress "... supportiveness in all non-coercive expressions of affection and sexuality ..." which gains him lots of support for its humaneness.

Gay people are especially pleased that, as in (2), (3) and (4), Carter will speak about gay issues to general-interest audiences, and not just to gay activists.

5.

NO. 11111111 "A"

Of course, there are issues other than the gay rights struggle that will gain Carter support from gay people.

They include Carter's stands on tax reform (and especially the status of the single taxpayer), full employment, privacy and mental health. Carter can move readily from a gay rights remark into "other issues that relate to gay people as well as to all Americans ...".

David, please let me know what more I can do to help.

Sincerely,


Charles Hill Graham

attachments:

- A - Draft Suggested Statement From Jimmy Carter About Gay Rights Issues
- B - Gay People Carter Should Confer With In California, for Input and for Gay Media Attention
- C - Women's Agenda
- D - Carter 4/20/76 Letter To Groups Supporting Women's Agenda
- E - Carter on 3/19/76 "TOMORROW SHOW"
- F - California Democratic Council Democratic Platform Recommendations, February, 1976 on Civil and Human Rights, including Gay Rights

cc: Ray Baisden, San Francisco
Bob Bush, Los Angeles
Ben Goddard, San Francisco
John Lovell, Los Angeles
Franklin Mullen, Los Angeles
Paula Watson, Atlanta

ATTACHMENT "A"

Charlie Graham
415/563-1955
May 10, 1976

DRAFT SUGGESTED STATEMENT BY JIMMY CARTER ABOUT GAY RIGHTS ISSUES

Carter:

I want to talk for a moment about the dignity of human relationships.

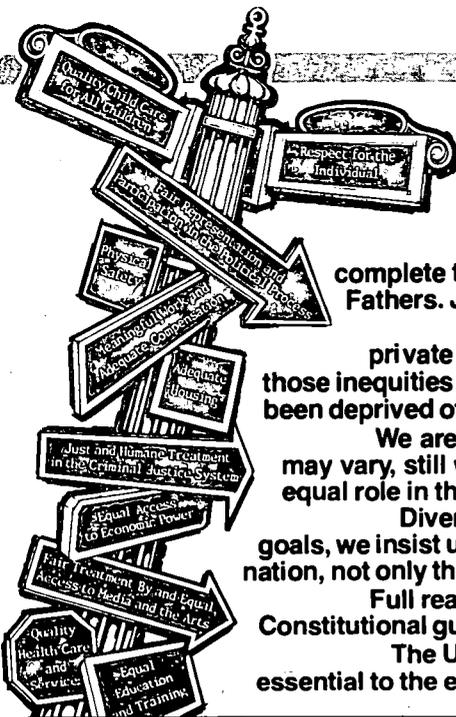
When Rosalynn and I chose to marry, all our friends and relatives were excited and pleased. It's part of the American culture to take pleasure when a man and a woman fall in love.

I'm sorry that not all close relationships between people in this country receive that kind of support. Closeness between people of the same sex is frowned upon. I want us Americans to be more appreciative and understanding of others' ways.

I agree with the goals of many of the liberation movements, ~~and~~ ^{in that} ~~that~~ I believe in the right to privacy of relationships between consenting adults. And I want to extend civil rights legislation to prohibit discrimination based on affectional or sexual preference.

These goals are also supported by over 80 nationally based women's and other organizations, preparers of the U.S. National Women's Agenda, of which I am happy to have been an early endorser. I'm also glad to have spoken publicly in favor of the needs of our friends and relatives whose affectional preferences may be different from mine or yours.

You see, I believe our people are our most precious possession. I want to ensure that our Government does not restrict the talents or abilities given by God to one single person.



U.S. NATIONAL WOMEN'S AGENDA

Preamble We, women of the United States of America, join together to challenge our Nation to complete the unfinished work of achieving a free and democratic society, begun long ago by our Founding Mothers and Fathers. Join us as we commit our lives, hearts, energies and talents to the attainment of this goal.

In creating the first National Women's Agenda, we are making explicit demands on our Government, and on the private sector as well. Firm policies and programs must be developed and implemented at all levels in order to eliminate those inequities that still stand as barriers to the full participation by women of every race and group. For too long, the nation has been deprived of women's insights and abilities. It is imperative that women be integrated into national life now.

We are women with interests and roots in every sector and at every level of society. Although our programs and goals may vary, still we have agreed upon issues which must be addressed as national priorities so that women will play a full and equal role in this country.

Diverse as we are, we are united by the deep and common experience of womanhood. As we work toward our common goals, we insist upon the protection of this diversity, and call for the simultaneous elimination of all the insidious forms of discrimination, not only those based on gender, but also on race, creed, ethnicity, class, lifestyle, sexual preference, and age.

Full realization of our Agenda also requires commitment to peace as fundamental to a free society, and attainment of the Constitutional guarantees of equal rights. Without these, women's rights in the society will be neither guaranteed nor preserved.

The U.S. National Women's Agenda declares full equality under law, as embodied in the Equal Rights Amendment, to be essential to the equality of opportunity and access for women in all aspects of life, including specifically:

I. FAIR REPRESENTATION AND PARTICIPATION IN THE POLITICAL PROCESS

- ⊙ Election of legislators who support the principles set forth in the U.S. National Women's Agenda
- ⊙ Encouragement for women to run for elective office, and provision of the necessary resources for women candidates
- ⊙ Appointment of increased numbers of women to political positions
- ⊙ Provision of opportunities for women and girls to develop and exercise leadership skills
- ⊙ Systematic preparation and examination of all legislation taking into account its effects on women
- ⊙ Rapid development and enforcement of laws and regulations to open the political process to all citizens
- ⊙ Commitment to and enforcement of equal access and affirmative action rules within political parties
- ⊙ Education of women regarding the political process and how it affects their lives

II. EQUAL EDUCATION AND TRAINING

- ⊙ Enforcement of federal, state and local laws which guarantee equal access to and treatment in all educational, vocational and athletic programs and facilities
- ⊙ Development of nondiscriminatory educational and vocational guidance programs, with equal access for all students
- ⊙ Elimination of sex role, racial and cultural stereotyping at every level of the educational system, and in educational materials
- ⊙ Inclusion of realistic curricula on health and human sexuality throughout the educational process
- ⊙ Equalization of financial aids and research opportunities
- ⊙ Equity in funding from private and public sources for organizations providing programs, opportunities and services for girls and women
- ⊙ Development of continuing education programs to meet the needs of varying life patterns, and to assess and give education credits for appropriate life experiences
- ⊙ Increased numbers of women on faculties, administrations and policy making bodies, at all levels of educational systems

VI. QUALITY HEALTH CARE AND SERVICES

- ⊙ Support for and expansion of convenient and responsive medical and mental health services available without regard to ability to pay
- ⊙ Implementation of the legal right of women to control their own reproductive systems
- ⊙ Expansion of private and public health insurance to provide for women's special needs
- ⊙ Increased attention to and support for research into new drugs and medical procedures which have special significance for women
- ⊙ Increased attention to and support for research into the safety of all drugs and procedures which have special significance for women
- ⊙ Establishment and implementation of informed consent as the right of every patient
- ⊙ Examination of present mental health services and programs in terms of impact on women

VII. ADEQUATE HOUSING

- ⊙ Elimination of discrimination in the rental of housing
- ⊙ Elimination of discrimination in the sale of housing, and in granting mortgages, insurance and other credit requirements
- ⊙ Provision of private and public funding programs to assure adequate supplies of low and middle income housing

VIII. JUST AND MILDARE TREATMENT IN THE CRIMINAL JUSTICE SYSTEM

- ⊙ Repeal of laws which treat women and men differently within the criminal justice system
- ⊙ Equalization of services for women and men offenders
- ⊙ Provision of comprehensive health programs and medical facilities for women in institutions
- ⊙ Creation of effective rehabilitation programs which permit expansion of economic

LETTER TO GROUPS SUPPORTING "THE UNITED STATES NATIONAL WOMEN'S AGENDA",
AN ELEVEN-POINT PLATFORM PROPOSAL TO THE DEMOCRATIC PARTY ON THE
NEEDS OF WOMEN AND GAY PEOPLE, AS RECEIVED BY THE NATIONAL GAY TASK
FORCE, NEW YORK, JEAN O'LEARY, LEGISLATIVE DIRECTOR

April 20, 1976

Dear Friend,

As a candidate for the Democratic nomination for the Presidency of the United States, I am fully committed to equality for men and women in all aspects of life. Full equality under the law as provided in the Equal Rights Amendment is essential to equal opportunity for women in the United States.

I see the creation of the United States National Women's Agenda as a landmark and am writing to you because I know your organization also supports the agenda. I was the first Presidential candidate to endorse the agenda as circulated by the Democratic Women's Agenda. For the first time, women in large numbers, representing a diverse array of organizations, have agreed to support specific goals to achieve basic rights for over half its population. The agenda displays unity and concern for issues and policies that are beneficial to all women and men.

I am deeply supportive of all eleven goals of the agenda and will use the influence of my office when elected to make these goals a reality. My congratulations are extended to all the women's groups which have contributed to the planning and support of the agenda and to the task forces which are now being formed. My wife Rosalynn visited the headquarters of the Agenda in New York in March to learn more about its problems. I would like to help you implement these goals in the future.

Enclosed is a copy of my statement on women's rights and an excerpt from "Women Today", in which some of my positions on women's issues are explained. In taking a stand on these issues, I have considered seriously the hopes reflected by the Agenda. When I am elected I will do everything in my power to banish discrimination against women. Your support for my effort to seek the office of President of the United States will not be forgotten, and I will not let you down.

Sincerely,

/s/

Jimmy Carter

CIVIL AND HUMAN RIGHTS

We all are given rights as American citizens, intertwined with those of others, that must be protected. All people must be brought into the mainstream of American life.

Specific proposals we support include, but are not limited to:

WOMEN: ° Our past positions on women's rights and particular stress on immediate passage of the Equal Rights Amendment.

° Establishment of clinics to provide contraceptives, family planning, abortion, maternity guidance, and postnatal care of mother and child.

CHILDREN: ° Establishment of child care programs with full family participation including health, social service and early childhood education.

° Funding of legislation designed to meet the special needs of the retarded and the physically handicapped child.

AMNESTY & VETERANS: ° Universal and automatic non-punitive amnesty for all who as a matter of conscience violated laws by protesting or not participating in the Vietnam war.

° Additional funding of veterans hospitals to allow the extension of programs, increased staff, improved facilities and guaranteed medical services for veterans and their families.

° Instituting retraining and employment programs that meet the needs of the veteran.

EMPLOYER RESPONSIBILITY: ° Passage of legislation making an employer who violates laws pertaining to wages, working conditions or payroll records in employment of aliens, liable for actual and punitive damages.

* GAYS: ° Rights of all persons to define and express their own sexuality and to choose any lifestyle that does not infringe on the rights of others; addition of gay men and women to the protection of the 1964 Civil Rights Act; upgrading of less than honorable discharges from the armed services for reasons of homosexuality to honorable, with retroactive benefits; elimination of bars to immigration of gays, security clearances, and service in the armed forces.

ELDERLY: ° Social Security benefits to reflect the changes in the national standard of living.

° Housing assistance for the elderly, and property tax exemption for citizens over age 65.

° Federal standards for nursing and rest homes.

AMERICAN INDIANS: ° Efforts of Native Americans to protect their land and strengthen their self-determination, and demands of the National Congress of American Indians for a separate Indian housing agency.

SINGLES: ° Elimination of tax inequities victimizing single persons.

MAY 10 1976

Issues and Problems of Handicapped People

Allison

I TRANSPORTATION

A. Problems

1. Poor and/or non-existent models
2. Excessive cost to individual
3. lack of Regulatory response to needs

B. Reasons

1. persistent opposition by Transportation Industry
2. ineffectual leadership by Government
3. limited understanding of needs by designers
4. inflation of cost by 3rd Party payor systems
5. misuse of "safety concern" as prohibiting factor

C. Solutions

1. stronger legislation and regulations to mandate totally accessible Transportation
2. assumption of vigorous leadership role by Federals
3. uniform National standards on Transit design which reflect the need of all disability groups
4. enforcement of those standards by the Architectural and Transportation Barriers Compliance Board

II CIVIL RIGHTS

A. Problems

1. Discrimination in
 - a. = opportunity
 - b. public accomodations
 - c. housing
 - d. voting
 - e. education
 - f. mobility
 - g. services

B. Reasons

1. Historic attitudes
2. Superstition
3. lack of legislation
4. poorly enforced legislation
5. programs which foster dependency
6. no acceptable legal comprehensive definition of handicap or disability

C. Solutions

1. inclusion in 1964 Civil Rights Act
2. Full enforcement of sections 501, 502, 503, and 504 of the Rehab Act of 1973
3. Legal Representation (see legal services)

III. Environmental Design

AKA Barrier Free Environments

AKA Architectural Barriers

A. Problems

1. varying standards
2. poor enforcement
3. lack of research for specific disabilities
4. lack of professional cooperation

B. Reasons

1. Poor interface between disabled and non-disabled people
2. very limited understanding of problems by professionals and building industry
3. poor leadership by Government
4. poor leadership by providers
5. weak current legislation

C. Solutions

1. one uniform National Standard which reflects the need of all disability groups
2. strict enforcement of that code
3. specific curricula in Schools of Architecture and Design
4. apply Code to all Publically used Buildings
5. enforce above through '64 Civil Rights Acts and section 504 of '73 Rehab Act
6. make Architectural and Transportation Barriers Compliance Board a Regulatory Agency under an Administration on Handicapped Individuals in the Office of the Secy. of HEW

IV Housing

A. Problems

1. Accessibility
2. usability
3. lack of sufficient Housing programs
4. emphasis on institutionalization
5. entrance into existing programs are income related not disability related
6. "special" housing often placed in isolated areas

B. Reasons

1. lack of understanding of Housing needs
2. no consistent housing policy
3. no leadership in government
4. poor leadership by Providers
5. no comprehensive planning based on needs and interrelated with the service sector
6. societal reluctance to integrate disabled people

C. Solutions

1. Development of a clear National Housing Policy
2. expansion of Current Community and Housing Development Act for Housing units and Community services
3. nationwide action plan for de-institutionalization
4. Housing Policy based on disability needs
5. provision for adequate mortgage financing
6. linkage of Office of Housing for Handicapped and Elderly HUD with Administration on Handicapped Individuals HEW
7. make OHHE directly responsible to HUD Secy.

V. Education

A. Problems

1. poor quality
2. segregation
3. poor enforcement of Right to Education
4. poor transportation services
5. insufficient support services
6. inaccessible schools
7. limited post-secondary, trade school, and post graduate opportunities
8. questionable rehab services support practices

B. Reasons

1. resistance to mainstreaming by professionals
2. poor interaction between Rehab and Education
3. poor testing and evaluation policy
4. ignorance of problems by professionals
5. prejudice of general society
6. feeling that services belong in realm of charity

C. Solutions

1. national mainstreaming policy
2. funding for making schools accessible and usable
3. increased support services
4. a cogent and rational transportation policy

5. post-secondary, trade school, and post-graduate support
6. placement of all educational programs in HEW under Administration on Handicapped Individuals

VI Employment

A. Problems

1. discrimination
2. limited training
3. non-inclusion in vital legislation
4. poor enforcement of affirmative action
5. architectural barriers
6. poor and costly transportation
7. poor rate of advancement on job
8. discriminatory civil service requirements
9. over-reliance on sheltered workshops
10. poor educational background
11. lack of initial workforce entry support services

B. Reasons

1. false "safety consideration" fears
2. general attitudes of society
3. poor government leadership in private sector
4. inadequate strategies on provider level

C. Solutions

1. mandated inclusion of handicapped and disabled in CETA based on disability
 - a. comprehensive manpower programs
 - b. public service employment
 - c. apprenticeship
 - d. Job Corps
 - e. work incentive program
 - f. research, development, and evaluation
 - g. employment service
2. full enforcement of sections 503 and 504 of Rehab act of '73
3. tax relief for employment related transportation in absence of accessible public transit
4. tax relief for private enterprise for barrier free work sites

VII. RECREATION

A. Problems

1. limited opportunities for independent enjoyment
2. inaccessible public facilities
3. inaccessible private facilities
4. poor and costly transportation
5. segregated participation
6. general attitudes

B. Reasons

1. poor leadership by government and professionals
2. little public recognition of problems
3. little funding support

C. Solutions

1. legislation assisting recreation providers in creating barrier free environments
2. inclusion of protections under 64 Civil Rights Act.
3. increased support funding for transportation services for recreation providers

VIII. AIDS AND DEVICES

A. Problems

1. cost
2. quality control
3. repair
4. lack of information

B. Reasons

1. low production
2. captive market
3. lack of information for regulators
4. poor communication methods by producers
5. inflated prices

C. Solutions

1. tax relief for consumers
2. increased support by rehabilitation services
3. regulations for consumer protection
4. increased consumer notifications of technology advancements

IX. ACCESS TO SERVICES

A. Problems

1. different systems fail to communicate with one another
2. service delivery systems frequently do not deal with the whole person
3. rivalry between systems and providers are detrimental to clients
4. too many layers of bureacracy
5. gaps in service
6. overlap in service
7. different systems can and do impede other systems
8. either por or no consumer input into systems/service decision making

B. Reasons

1. self-perpetuating bureacracy growth
2. over reliance by private providers on government funds
3. services for disabled defined by non-disabled
4. services evolve in an uncoordinated context
5. services have refused to deal comprehensively with problems outside of their scope but having direct impact on their goals
6. limited success due to evaporation of funding through bureacracy
7. self-imposed limitation of goals

C. Solutions

1. consolidation of services in administration on handicapped individuals in office of secretary of HEW
2. mandated consumer involvement in decision making
3. strictly enforced affirmative action programs at all levels of service delivery
4. mandated linkage and coordination between transportation, housing, employment, education rehabilitation and medical services etc.
5. analysis of current systems productivity
6. increased CILS
7. elimination of disincentives from various systems

X. LEGAL SERVICES

A. Problems

1. dearth of services
2. lack of expertise in areas of disability
3. current programs often tied to means test
4. architectural barriers

B. Reasons

1. lack of leadership by government and providers
2. lack of concern and leadership by legal profession especially civil liberties organizations
3. over dependency by consumers on provider organizations

C. Solutions

1. specific legislation mandating legal services
2. presidential leadership vis a vis the legal profession

XI. COMMUNICATIONS

A. Problems

1. poor organization in presenting information
2. media concentration on "charity" aspect
3. service systems explain themselves inadequately
4. poor coordination of systems information

B. Reasons

1. poor understanding of population and their problems
2. definition of issues by nondisabled
3. little central coordination of information

C. Solutions

1. consolidation of information output by administration on handicapped individuals
2. output to media from consumers

OVERVIEW

The disabled population numbers some estimated 28 million (including 10-11 million severely disabled) in this country. Their needs are provided by a collection of service systems (health, rehabilitation, income maintenance, employment, recreation, housing, home support, transportation, education) which:

1. have limited objectives
2. promote dependency through disincentives
3. are uncoordinated
4. do not inter-communicate
5. have little consumer input into decision making
6. are inaccessible to client/consumer
7. are often defeated in reaching their goals by environmental realities

8. are promoted by non-disabled professionals
9. rarely attack discrimination and myths about disability
10. are under funded and under staffed
11. have few legal services available
12. do not deal with environmental realities
13. have been poor advocates and leaders
14. have "suspect" cost/benefit ratios
15. are riddled with excessive bureacracy
16. rarely translate research into action

I have not dealt with the problems involving health, research, advocacy, and income maintenance (SSI, SSDI) on purpose, since it would have meant a delay in this paper reaching you. This outline was put together in part with disabled people in a brainstorming session held last week. The items within may raise more questions than they answer. Nevertheless, they do represent a consensus of the status quo as it relates to the individual.

May 13, 1976

Memo

To: Steve Stark

From: Morris Dees

Enclosed is a legal memo on the pending Supreme Court case dealing with intergration of private schools. The memo was done by Joe Levin.

cc: Hamilton Jordan
Jody Powell
Stu Eizenstadt
Rex Granum

Pending Supreme Court Case
ON Desegregation of Private School

Presently pending in the United States Supreme Court is the case of Runyon v. McCrary. This litigation was brought pursuant to 42 U.S.C. 1981, commonly known as one of the statutes comprising the Civil Rights Acts of 1866. (Recodified in 1871 as Section 1981.) It provides that no person may refuse to contract on equal basis with any other person because of race. It has been held to apply only to denial of equal contract to blacks. The statute is an enabling act passed in order to aid in the implementation of the thirteenth amendment prohibition against slavery and does not require state action to sustain a cause of action — private acts are covered.

Section 1981 is a companion statute to Section 1982 (also one of the 1866 Civil Rights Acts). Section 1982, however, applies only to private discrimination against blacks in the sale or lease of real estate. Section 1981 applies to refusal by a white to contract on an equal basis with blacks. This has been interpreted to include an independent remedy for all racial discrimination in employment, Sanders v. Dobbs House, 431 F.2d 1097; refusal to allow a black admission to a private segregated law school, Amerson v. Jones Law School, C. A. No. 3343-N (M.D. Ala. 1972); and the refusal to admit blacks to a private segregated barbering school, Grief v. Specialized Skills, Inc., 326 F.Supp. 856 (D.C. N.C. 1971).

The U. S. Supreme Court has never specifically dealt with the application of 1981 to private schools. However, in Jones v. Alfred Mayer Co., 392 U.S. 409 (1968), the Court held that 1982 did apply to private acts of discrimination against blacks in real estate transactions, and, more importantly, made clear that 1981 also was applicable to such private acts. The U. S. Circuit Courts of Appeal have been consistent in their application of Section 1981 to private acts of discrimination when blacks are denied the right to equal contract. And, again in 1973, the Supreme Court in Tilman v. Wheaton-Haven Recreation Association, 410 U.S. 431, indicated its support of this position.

The legal issue presently before the Court is whether or not 1981 may be used to desegregate a private school. An affirmative answer to this question will most certainly depend upon whether or not the Court believes the thirteenth amendment's prohibition against slavery outweighs the first and ninth amendments' right of free association, a right which is unwritten, but implicit therein as interpreted on many occasions by the Supreme Court.

I have no doubt but that the Court's past pronouncements on 1981 and 1982, coupled with the universal Circuit Court interpretation of 1981 as applying to private acts, will prevail and that private schools will be held subject to desegregation under 1981.

Possible positions for the Candidate:

1. Supreme Court has already effectively foreclosed the issue in prior decisions and the law of the land (a la abortion) must be obeyed regardless of personal opinion.

Risky because Court may surprise us all and reverse.

2. We should all await the outcome of the Supreme Court's decision which can be expected before July. Then we're all bound to obey the law of the land.

That's a "no position" position and I think heavily subject (and rightfully so) to criticism from blacks and civil rights whites.

3. Blacks should legally and morally have the right to attend private segregated schools. Vast networks of cheap, low-quality private academies should not be allowed to replace the old whites-only public school system. It destroys the very fabric of our society, interferes with existing school desegregation plans by creating all-black schools and diverting the strength of the more politically powerful white community into the private system, and prolongs the day when whites and blacks will co-exist harmoniously. Against the history of segregation in the South and the rest of the nation any freedom of association in schools based on racial consideration must be subordinated the greater right of blacks and society generally to be liberated from badges of slavery and vestiges of servitude.

x ~~SEC~~ T 42 Sec 1981 (Civil rights act of 1866 that gives blacks equal right to contract)



ARGUMENTS BEFORE THE COURT

Schools and Colleges

Private Schools; race discrimination; 42 U.S.C. § 1981; applicability

Private schools defended their right to reject applicants on the basis of race in argument before the Supreme Court last week. Two Virginia schools and an organization of Southern independent schools seek reversal of a Fourth Circuit ruling that their refusal to admit black children is a violation of 42 U.S.C. § 1981, a statute derived from Reconstruction era legislation giving all persons the same right "to make and enforce contracts . . . as is enjoyed by white citizens." The often heated debate centered upon the question whether the statute, which has been broadly construed by the Court in recent years, applies to the actions of private schools at all. (*Runyon v. McCrary*, No. 75-62; *Fairfax-Brewster School, Inc. v. Gonzalez*, No. 75-66; *Southern Independent School Association v. McCrary*, No. 75-278; *McCrary v. Runyon*, No. 75-305)

Mr. Louis Koutoulakos of Arlington, Virginia, appeared on behalf of the Bobbes School, a private institution located in the Virginia suburbs of Washington, D.C., with 155 students in kindergarten through second grade. Citing the Civil Rights Cases, 109 U.S. 3 (1883), for the proposition that private discriminatory acts are not prohibited by the Constitution, he argued that Section 1981 should not be applied to force a private school to enter into a contract against its will. Observing that it takes two parties to make a contract, Koutoulakos stated that blacks are not denied contractual rights when whites refuse to deal with them.

Mr. Justice Stewart: "If a school—your client—will never make an offer of contract to a Negro, so that he can't accept the contract, isn't that depriving the Negro of the right to make a contract?"

Koutoulakos replied that he has "never seen a contract forced on any individual absent a mutuality of minds." Conceding that it may not be a "nice right," Koutoulakos asserted that an individual has a right to refuse to do business with blacks.

FREEDOM OF ASSOCIATION

Koutoulakos contended that the First Amendment right of freedom of association should govern this case rather than Section 1981. Pointing to recent Supreme Court decisions recognizing parents' right to direct the education of their children subject to reasonable state regulation necessary to promote health, safety, and welfare, he argued that both the parents' and the schools' free association rights may be jeopardized by an adverse decision. Koutoulakos stated that "common sense" teaches that "this country is based on two things—the right to be left alone and the right of individual liberty." These rights, he added, transcend the Bill of Rights. They're "God-given rights." Thus, he submits, the First Amendment right includes the right of a parent to select and a private school to maintain a racially segregated environment for the education of children.

The private school in this regard is like a private club, he suggested. While indicating that he personally disagrees with the policy of racial exclusion, the lawyer stated that he appeared before the Court "to support the individual's right, his right of privacy, his right to freely chose his associates," in much the same way as Mr. Justice Marshall "used to be in the old days supporting individual rights."

Mr. Justice Marshall, however, reminded Koutoulakos that the Supreme Court rejected just such an argument in a case involving all-white primary elections, where as attorney for the NAACP he successfully challenged the practice. Mr. Justice Marshall observed: "I can remember the argument like it was yesterday. They said it was a right of association; it was like a country club. This Court just threw that argument right out the window."

Koutoulakos maintained that the private schools by limiting their admissions are asserting a "God-given right" in a democratic society, like the right to invite someone into your

home. Mr. Justice Marshall rejoined: "A school is not a home."

Mr. Justice Rehnquist, referring to laws prohibiting employment discrimination queried why the private schools' right to exclude students because of race was any different than an employer's insistence that he had the right to hire whomever he chooses. The Chief Justice raised a similar point, presenting the hypothetical question of whether an employer building an interstate highway could refuse to hire blacks. Koutoulakos asserted that absent any specific statutory prohibition, the employer would have that right. Mr. Justice Stewart, however, pointed out that such discrimination is impermissible under Title VII of the 1964 Civil Rights Act.

Andrew A. Lipscomb of Washington, D.C., representing Fairfax-Brewster School, a suburban Virginia private elementary school with 77 students, began with the statement that "Section 1981 doesn't restrict private schools from rejecting students on the basis of race." His argument was based on what he conceives to be the restrictive nature of the Thirteenth Amendment's language that "neither slavery nor involuntary servitude . . . shall exist within the United States, or any place subject to their jurisdiction," and the intent of Congress in enacting Section 1 of the Civil Rights Act of 1866, the precursor of Section 1981.

LEGISLATIVE HISTORY

Quoting from the legislative history of the 1866 Civil Rights Act, enacted to implement the Thirteenth Amendment, Lipscomb stated that Congress never intended that statute to force private schools to accept blacks against their will. He noted that when the bill was originally introduced in the 39th Congress it contained the provision: "That there shall be no discrimination in civil rights or immunities . . . on account of race, color, or previous condition of slavery or involuntary servitude." This language was omitted from the final version of the Act. This clause, Lipscomb stated, created consternation in Congress that they were going beyond their Thirteenth Amendment authority. Much of the debate, he added, centered on the question of whether the language could be interpreted to re-

quire black and white children to attend the same schools.

Mr. Justice Stewart: "Were they talking about public or private schools?"

Lipscomb: "No, they made no distinction. The idea of blacks and whites attending the same schools was the basis of the objection."

The Chief Justice asked when the idea of school attendance as a contractual right came up. Lipscomb replied, "I believe this Court has held that it's a contractual right."

Mr. Justice Stewart: "Only by reason of statutes making it a right to attend school?"

Lipscomb continued that by enacting the statute Congress was seeking to remove the legal impediments for blacks to own property and form contracts. It was argued that the legislative history of the bill demonstrates that Congress intended to counteract the so-called "Black Codes" adopted by former slave states after the Civil War requiring freedmen to work for "common wages given to other laborers". Compulsory employment contracts were among the evils the bill sought to correct, he contended. The Chief Justice: "Would the sophisticated lawyers in Congress speak of the right to attend a private school in contractual terms?"

Lipscomb: "I don't believe they did."

The Chief Justice: "What about the requirements for school and college admissions. Could they be spoken of in terms of contractual rights?"

Lipscomb: "Conceivably, your honor."

Contrasting the "sterile language" of the Thirteenth Amendment with the "magnificent" concepts of the Fourteenth Amendment, Lipscomb contended that the Thirteenth Amendment "has no room to grow." It abolished slavery and its incidents, nothing more, he asserted. The limited nature of the Thirteenth Amendment prohibition, he argued, limits congressional power to reach purely private actions.

The Chief Justice: "What about Congress' ability to abolish the 'vestiges' of slavery through appropriate legislation?"

Lipscomb: "The discrimination recognized by people at that time was the disability of Negroes to own property and make contracts."

PUBLIC SCHOOLS

Continuing his argument, Lipscomb noted that public and private schools are quite different. Private schools are not held to be public accommodation. They can do things that public schools cannot, he added, especially in terms of religious instruction and discipline. "Just because they're listed in the 'Yellow Pages'

of the phone book, private schools shouldn't be compelled to accept students they don't want," he stated. Comparing private schools to lawyers, Lipscomb remarked: "Just because lawyers are listed in Martindale-Hubbel, they can't be required to accept clients they don't want."

George F. Leonard of Washington, D. C., argued on behalf of the Southern Independent School Association, a group representing approximately 375 private schools located in the South, which intervened in the court below. In his opening remarks Leonard stated that the factual discussions of whether discrimination in fact took place don't affect the intervenor. He conceded that the schools he represents do in fact discriminate against Negroes because of their color. He stated, "We do it. We have stipulated that the majority of our schools have such limitations on admissions."

Leonard said that the issue in the Fourth Circuit was whether an otherwise qualified black child is entitled to be admitted to any private school he wants to attend. Leonard expressed the opinion that this question is too narrow and that the actual issue should be: "Is any child of any color entitled to attend any school of his choice?" Expanding on this idea, he questioned whether a Jewish child could attend a Catholic school, a boy could attend an all-girls school, student of Chinese descent attend a Mexican-American school.

Leonard stated: "Every parent with school age children in this country may select the school which they believe will develop their child into the kind of adult they want him to be."

Mr. Justice Rehnquist: "There are some limitations on this right — such as accreditation."

Lipscomb agreed, citing the decision of the Tennessee Supreme Court proscribing the handling of poisonous snakes as a religious practice.

Citing the Court's opinion in *Rodriguez v. San Antonio School District*, Leonard acknowledged that there is an "amorphous" right to education. This right, he asserted, is probably limited to teaching the ability to "read, write, and do simple sums."

Mr. Justice Rehnquist: "Why isn't a state or Congress free to say that just as important as reading and writing is learning in an integrated environment?"

Leonard: "That's just the point I'm trying to make."

Mr. Justice Rehnquist: "I won't distract you."

As Leonard continued his presentation, Mr. Justice Rehnquist asked, "Would you agree that the question is how far the state can go?"

Leonard responded by pointing to a Wisconsin law that every private school in the state must be integrated. However, he added, "I believe that there are things of a fundamental academic nature that the state can't take away." He pointed to the example of the Amish student permitted to leave school and get equivalent instruction in the home. Comparing the parent's right to educate their children according to their beliefs to the mandatory pregnancy discharge cases, Leonard stated "You can't fix an absolute line of above and below which you can't go."

ALL BLACK SCHOOLS

Leonard questioned whether a child is entitled to an integrated education. He cited statistics indicating that 250,000 black children attend private schools. Mr. Justice Marshall questioned whether any black schools exclude white students. Leonard named one private North Carolina institution with such a policy.

Mr. Justice Marshall: "Are there any other black schools that exclude whites?"

Leonard: "The Black Muslim schools would do for that."

Mr. Justice Marshall: "You're wrong. Leonard: "When I filed the briefs."

Mr. Justice Marshall: "As of today you're wrong. Are the black Muslim schools religious schools?"

Leonard: "No."

Mr. Justice Marshall: "You're wrong."

Leonard then mentioned 11 parochial schools located in Mississippi that excluded whites.

Mr. Justice Marshall: "Can you imagine white students applying to go to an all black school in Mississippi?"

Leonard: "Yes I can."

Mr. Justice Marshall: "What I'm objecting to is your comparison of all-white with all-black schools."

Mr. Justice Stewart: "Do you rely on the Religious Clause of the First Amendment?"

Leonard: "No, we do not. That's no part of my argument."

Leonard noted that the Solicitor General and organizations representing 90 percent of the private schools in the United States appeared as amicus curiae opposing the stance taken by the intervenor. He continued that 10 percent of the children in the United States attend private schools with 90 percent of that number attending religious schools. These schools are segregated in a religious sense but integrated in a racial sense. In short, he concluded, 99 percent of the schools in the United States are racially integrated while one percent are not. Yet, he continued, there are enough of these

schools located throughout the country where parents if they want can send their children.

Mr. Justice Rehnquist: "Do your opponents rely on state action?"

Leonard: "It wasn't raised below." He further indicated that tax exemptions have been removed from the private schools.

Leonard questioned whether the discrimination issue wasn't receiving too much attention. He stated: "In a country which is essentially pluralistic—where the food you eat and the clothes you wear are all determined by your race and social class—there is discrimination in every element of life." He continued that an element of choice in selection of a school is usually available to all students, black or white.

Mr. Justice Stewart: "Isn't the only issue in this case whether the statute prohibits the actions challenged here and whether the statute is constitutional as applied?"

Leonard responded that if Section 1981 is applicable, "there is nothing more."

Mr. Allison W. Brown, Jr., of Washington, D. C., appearing on behalf of two black students who were denied admission to the private schools, stated that the case revolves around two questions: (1) "Does Section 1981 apply to the contracts at issue? (2) Is there a First Amendment prohibition which restricts this application?" Brown argued that the language of the statute doesn't need an expansive reading. "The words are clear."

CONTRACTUAL RIGHTS

Insisting that there is no reason to exclude private schools from operation of Section 1981, Brown pointed out that Section 1981 and its "companion statute" Section 1982, giving "all citizens of the U. S. the same right * * * as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property," are derived from the Act of May 1870, which re-enacted the 1866 Act. Section 1982, he stated, was upheld by the Court as a proper exercise of congressional authority under the Thirteenth Amendment. These sections, he added, warrant a like construction and prohibit discrimination by private parties. Citing *Jones v. Mayer Co.*, 392 U. S. 409 (1969), Brown argued that all persons have "the same right" as whites. By maintaining their racially discriminatory policies, he argued, the defendant schools plainly denied black families "the same right" to enter into contracts of enrollment for their children that is offered whites.

Mr. Justice Rehnquist: "Don't you

think there is any significance in the difference in introductory language between Sections 1981 and 1982?"

Brown: "The 1981 language was added in 1870. It was designed to encompass aliens. Section 1982 is limited to citizens of the United States."

Mr. Justice Rehnquist: "What provision of the 1870 Act was the reenactment Section 1 of the 1866 Act?"

Brown: "Section 18 in verbatim form with certain modifications."

Mr. Justice Rehnquist: "Then it is not verbatim."

Brown, responding to the argument made by the private schools that application of Section 1981 involves coercion in making a contract, stated that *Jones v. Mayer Co.*, *Tillman v. Wheaton-Haven Recreation Association*, 410 U.S. 431 (1973), and *Johnson v. Railway Express Agency*, 421 U.S. 454 (1975), have settled the question whether prohibiting the denial to blacks of the same enrollment rights available to whites creates a "compulsory" contract. It was argued that a school that makes a public offer to accept students for enrollment and has its offer accepted can hardly call itself an unwilling contractor, since by making the offer it signifies its willingness to enter into a contract. The effect of Section 1981, it was asserted, is merely to prohibit a school from making race or color a condition of its offer. Further, Brown argued on the basis of the 1964 Civil Rights Act that a person has no constitutional right to discriminate.

Brown disagreed with his opponents' contention that in enacting the 1866 Act Congress anticipated the school problem. Brown noted that in the House debates on the statute Congressman Bingham, who objected to omitting the "civil rights" provision on the basis that it would interfere with the state segregation statutes, felt that it should be dealt with as state action to be handled by the Fourteenth Amendment then being drafted. Further, he added, "there is really no evidence in the legislative history what kind of contract Congress had in mind." This Court, he stated, has held that the language of the statute is broad enough to cover admissions to amusement parks, guest privileges in private swimming clubs, employment contracts, private barber trade schools, private law schools, and insurance policies.

The Chief Justice: "Suppose a community established a school located on property not covered by diplomatic immunity with a requirement for admission that one or both parents be Spanish speaking. Does Section 1981 reach it?"

Brown responded that if the limitation is only to Spanish speaking persons Section 1981 would not cover it. But, he added, if it was limited to

persons of Spanish descent there would be some problem. He stated, "Section 1981 only applies to racial discrimination."

The Chief Justice: "In operative effect it covers racial groups?"

Brown: "Yes."

Mr. Justice Powell: "By limiting it to racial discrimination does it signify that you disagree whether [the statute] would apply to all-girl or all-boy schools?"

Brown: "It's limited only to racial discrimination."

Mr. Justice Stewart: "The only cause of action under Section 1981 is for racial discrimination?"

Brown: "That's correct."

Mr. Justice Powell: "Is it applicable to all-boy or all-girl schools?"

Brown: "No."

Mr. Justice Stewart: "Are there any cases under Section 1981 for other than racial discrimination?"

Brown: "We have found none."

Mr. Justice White: "Is [Section 1981] a Thirteenth Amendment piece of legislation?"

Brown: "I think it is your honor."

Mr. Justice Rehnquist: "Didn't *Johnson v. Railway Express Agency* say it's a Fourteenth Amendment piece of legislation?"

In response to a question from Mr. Justice Stevens whether it was logical to apply Section 1981 to private schools and not to public schools, Brown asserted that when the original section was enacted the joint committee of Congress was engaged in drafting the Fourteenth Amendment, which would cover state action.

Mr. Justice Stevens: "What you are saying then is that it is a 'badge of slavery' to discriminate in private schools but not in public schools?"

Brown: "Yes, that's the way you have to read it." Brown also pointed out that not all states in the 1830s had public schools.

Addressing the First Amendment issue, Brown concluded that the schools cannot assert an institutional right of privacy or a "selective right of exclusion." Both defendant schools, he asserted, advertised in the phone book and solicited in the communities where they are located. He stated: "It is well known that these schools attract white persons in integrated school systems." He stated that these schools are open to every white person in the community and, citing *Tillman*, he insisted that the schools have no "plan or purpose to be private." Race, he argued, is the only factor that constitutes an absolute bar to admission in these schools.

Sixteen states, Brown noted, have laws prohibiting discrimination in private school admissions. "It would be a surprise to those places if this Court were to say it's all right to discriminate on the basis of race," he stated.

Turning to the parental right of privacy asserted in the case, Brown emphasized that the cases from which the right of privacy arise don't necessarily involve invasion of privacy but mere interference with the individual's ability to act freely. Without disputing the basis of a claim of parental right in the upbringing of children, he referred to the state's power to impose standards on the manner in which the schools are operated. The states, he concluded, can regulate in the constitutional sense that children attend schools, which the state feels serve the child's best interests.

ATTORNEYS' FEES

Mr. Roderic V. O. Boggs, Washington, D.C., raised additional issues regarding the award of attorneys' fees to the plaintiffs, which was reversed by the Fourth Circuit, and the applicable statute of limitations in Section 1981 actions. Boggs noted that the federal district court had awarded plaintiffs \$2,000 in attorneys' fees without argument before the Supreme Court's decision in *Alyeska Pipeline Service Co. v. The Wilderness Society*, 44 LW 5561 (1975). The Fourth Circuit thus found the "private attorney general theory" relied on by the district court inapplicable and reversed

the award of attorneys' fees. His clients, Boggs contends, are entitled to attorneys' fees under the "bad-faith exception." This bad faith, he argues was exhibited in the manner in which witnesses for the private schools asserted under oath that they do not deny admission on the basis of race.

Mr. Justice Marshall: "You are talking about witnesses. Bad faith goes to parties. Didn't they assert a First Amendment right—a constitutional right?"

Boggs: "Yes."

Mr. Justice Marshall: "It is pretty hard to assert a constitutional right and find bad faith."

Boggs rejoined that bad-faith tests must distinguish between deceptive litigation conduct and an assertion of a constitutional defense. These schools, he argued have extended this litigation unduly. This court, he maintained, is particularly sensitive to bad faith in discrimination cases. Under *Newman v. Piggie Park Enterprises*, 390 U.S. 400 (1968), attorneys' fee awards are appropriate if defendants maintain a vexacious defense. The proper procedure, he concluded, would be to remand the case to the district court for a determination of the bad-faith issue.

court of appeals err in substituting its judgment of facts for that of trial court in reaching its conclusion that defendant's conviction cannot stand?

SOCIAL SECURITY

No. 75-1197. *Mathews v. De Castro*.

Ruling below (USDC NIll, 403 FSupp 23, 44 LW 2190):

Social Security Act's provision of wife's insurance benefits for married, but not divorced, wife under 62 who has wage-earner husband's dependent child in her care violates Fifth Amendment.

Question presented: Is Congress constitutionally required to make wife's insurance benefits available to divorced wife of retired or disabled wage earner on same basis as if she had remained married to wage earner?

Summary Action

ELECTIONS

No. 75-1146. *Bradley v. Lunding*.

Ruling below (Ill SupCt, 1/19/76):

Trial court's decision holding unconstitutional Illinois State Board of Elections Regulation that provides that group nominating petitions shall be considered as one number in lottery to break ties for first positions, is overruled. (Appeal dismissed.)

No. 75-1356. *Driskell v. Edwards*.

Ruling below (USDC WLa, 1/15/76):

Selection of delegates to state constitutional convention, sole purpose of which is to draft new state constitution for submission to voters for their approval or rejection, need not comply with one man, one vote principle. (Judgment affirmed.)

ENVIRONMENTAL LAW

No. 75-1316. *Whitman v. City of Canton, Ohio*.

Ruling below (Ohio SupCt, 44 OhioSt2d 62):

State law that requires municipality to fluoridate municipally-owned-and-operated water supply, unless exempted from law by special election held within 120 days after law's adoption, is valid exercise of state police power. (Appeal dismissed; cert. denied.)

TRANSPORTATION

No. 75-1165. *American Trucking Associations, Inc. v. U.S.*

Ruling below (USDC DistCol, 10/20/75):

Substantial evidence supports Interstate Commerce Commission's finding of "special circumstances" to warrant approval without restrictions of railroad's application under Section 5 of Interstate Commerce Act for acquisition of motor carrier. (Judgment affirmed.)

Review Denied

ANTITRUST LAWS

No. 75-1311. *Pacific Coast Agricultural Export Assn. v. Sunkist Growers, Inc.*

Ruling below (CA 9, 526 F2d 1196):

Federal district court did not abuse its discretion when, after jury verdict in private antitrust action was returned against agricultural cooperative, it refused to order cooperative's dissolution and refused to enjoin cooperative from selling oranges in Hong Kong for six years.

No. 75-1325. *Sunkist Growers, Inc. v. Pacific Coast Agricultural Export Assn.*

Ruling below (CA 9, 526 F2d 1196):

SUMMARY OF ORDERS

At the session of May 3, 1976, the Supreme Court granted review in two cases and summarily disposed of four others. By other orders, the Court denied review in 32 cases. Review was also denied in 35 cases in the 5000 series, which was formerly the Miscellaneous Docket.

Grant of review, as used in the following summary of orders, is evidenced in appeal cases by the Court's action noting probable jurisdiction or postponing the question of jurisdiction to the hearing on the merits; in certiorari cases, by the granting of certiorari. In all cases where review is granted, oral argument will follow.

Disposal by summary action is evidenced in appeal cases by a per curiam order affirming, reversing, or vacating the judgment below or dismissing the appeal; in certiorari cases, by a per curiam order granting the petition for certiorari and simultaneously affirming, reversing or vacating the judgment below.

Denial of review relates only to certiorari cases and is evidenced by denial of certiorari.

The summary below lists the cases on the Appellate Docket in which the Court granted review, took summary action, or denied review. As to each

case, there is given (1) its number and title; (2) a citation to the lower court's opinion or order; (3) the ruling of the court below; and (4) the principal questions presented if the case is to be argued.

Other orders appear only in the Journal.

Review Granted

CRIMINAL LAW AND PROCEDURE

No. 75-871. *Manson v. Brathwaite*.

Ruling below (CA 2, 18 CrL 2290):

Narcotics defendant is entitled to habeas corpus relief from state conviction that followed trial at which undercover agent who had only fleeting, late night opportunity to observe defendant, testified about out-of-court identification that resulted from unnecessarily suggestive single-photo showup; undercover agent's fleeting opportunity to observe defendant, coupled with number of "buys" agent made from different suspects and defendant's plausible alibi defense, raises serious questions about reliability of agent's in-court identification; reliability standards announced in *Neil v. Biggers*, 409 U.S. 188, 41 LW 4054 (1972), apply only to showups held before *Stovall v. Denno*, 388 U.S. 295, was decided.

Questions presented: (1) Did court of appeals apply proper standards in determining that evidence presented at trial that was based on impermissibly suggestive photographic identification rendered defendant's conviction invalid notwithstanding evidence serving as basis for reliable in-court identification? (2) Did



Ad

Jimmy Carter

Presidential Campaign

For America's third century, why not our best?

MEMO

To: Steve Stark, Stu Eizenstat, Milt Gwirtzman, Bob Havely
From: Mike Miller
Re: California Issues

May 13, 1976

THE ARTS PLANK

As I mentioned in my my previous memo, the artistic community (including all those involved in motion pictures and television) is stressing the need for the Democratic Party to address itself to the Arts in a plank to be added to the platform at New York.

I had an opportunity to discuss the Arts plank with Kathleen Nolan, President of the Screen Actors Guild, and she provided me with a simplified copy of the proposed plank. She also indicated those issues which she thought were bottom line. I am enclosing a copy. Those elements marked by checks or crosses are the things Ms. Nolan considers most important.

A statement by Jimmy in support of the artistic community would be helpful. An endorsement of the principles - as opposed to the precise language - embraced in the Arts plank would probably give us a big boost against Jerry Brown in California.

Support from the artistic community here is important because:

- (1) The entertainment industry in California is either the third or fourth largest single industry in the State.
- (2) The endorsement and support of certain members of the industry is critical to our fund-raising effort here.
- (3) A supportive statement from Jimmy would do much to belay the currently widespread image of Carter in the minds of Californians that he is some tobacco road redneck.

Obviously, there are provisions in the Arts plank that Jimmy would be reluctant to support precipitously --- indeed, there might be some he would not wish to support at all. Moreover, some of the public considers the California entertainment industry to be made up of nothing but pill-popping porno producers. However, a carefully-worded statement --- perhaps

P. O. Box 1976 Atlanta, Georgia 30301 404/897-7100



quoting John Kennedy on the Arts, and/or referring to the extraordinarily high unemployment rate in the motion picture industry ---- would be something we could live with.

*Helped w/
recording and
m. p. industry*

I want to emphasize that I have no connection whatsoever with the industry - I'm a former teacher - but it seems to me that, on balance, this is a route we should seriously consider. The risks involved are minimal. The potential benefits in California are enormous.

THE SOUTHERN CALIFORNIA JEWISH COMMUNITY

We have been making substantial efforts to sell Jimmy Carter in the Jewish neighborhoods here, and we have had a modicum of success. With Jackson and Humphrey de facto out of the race, the Jewish vote in Southern California is fluid.

To help us in the Jewish Community, we need three things:

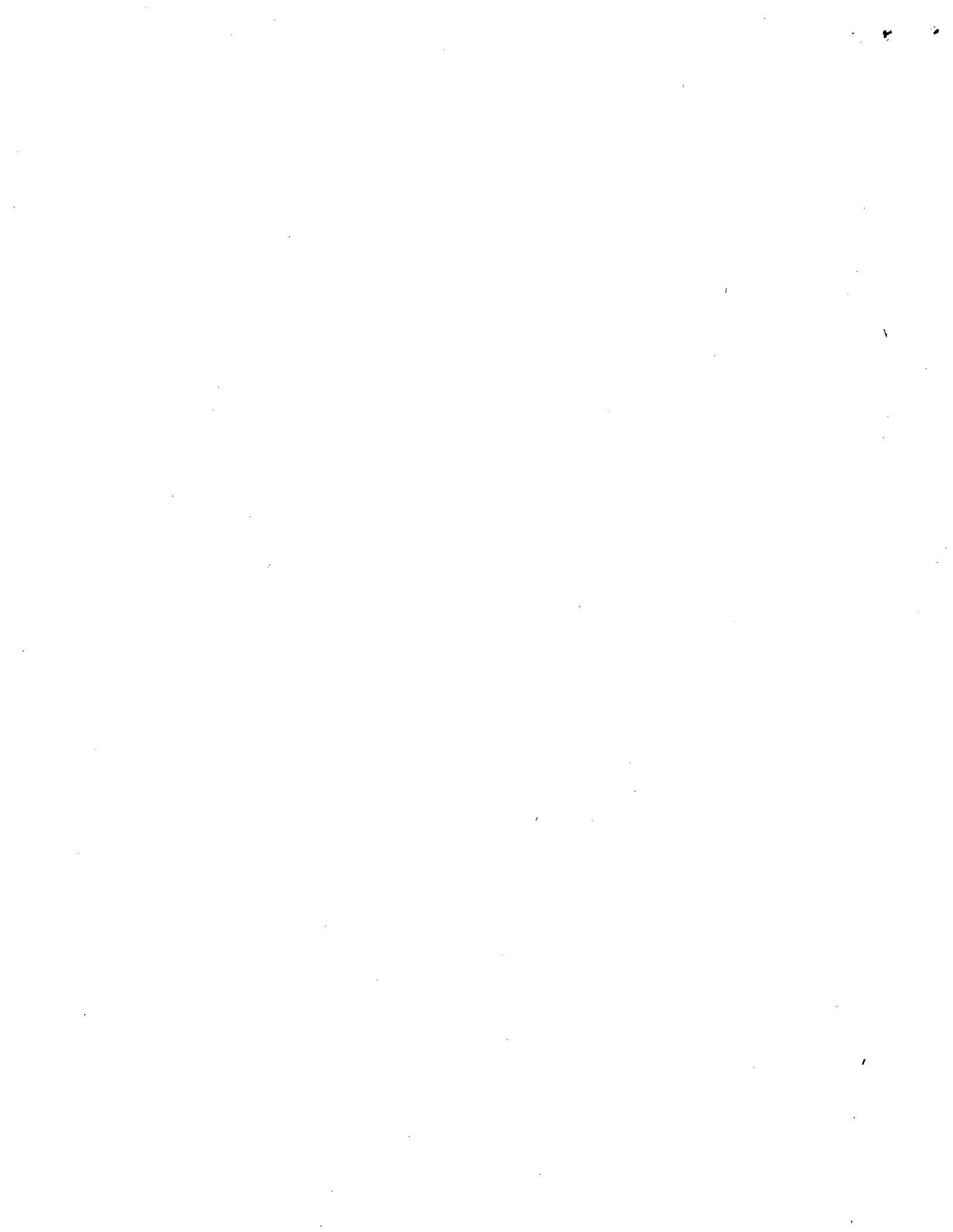
(1) A statement from Jimmy that he favors a Geneva-like conference between the Arabs and the Israelis. This is consistent with his previous Middle East statement, in which he referred to "face-to-face" negotiations.

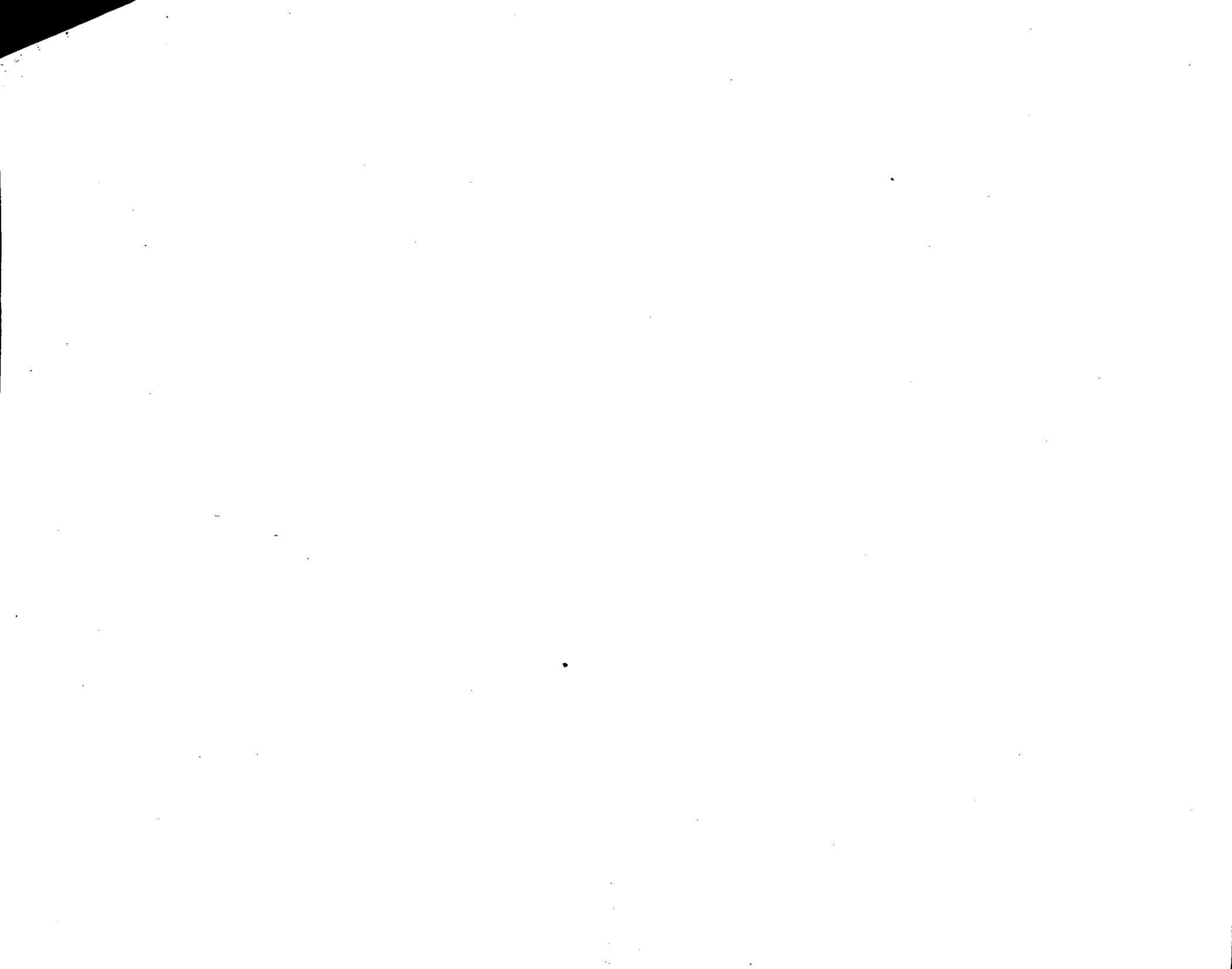
(2) Some statement which condemns the Arab blacklisting of American firms.

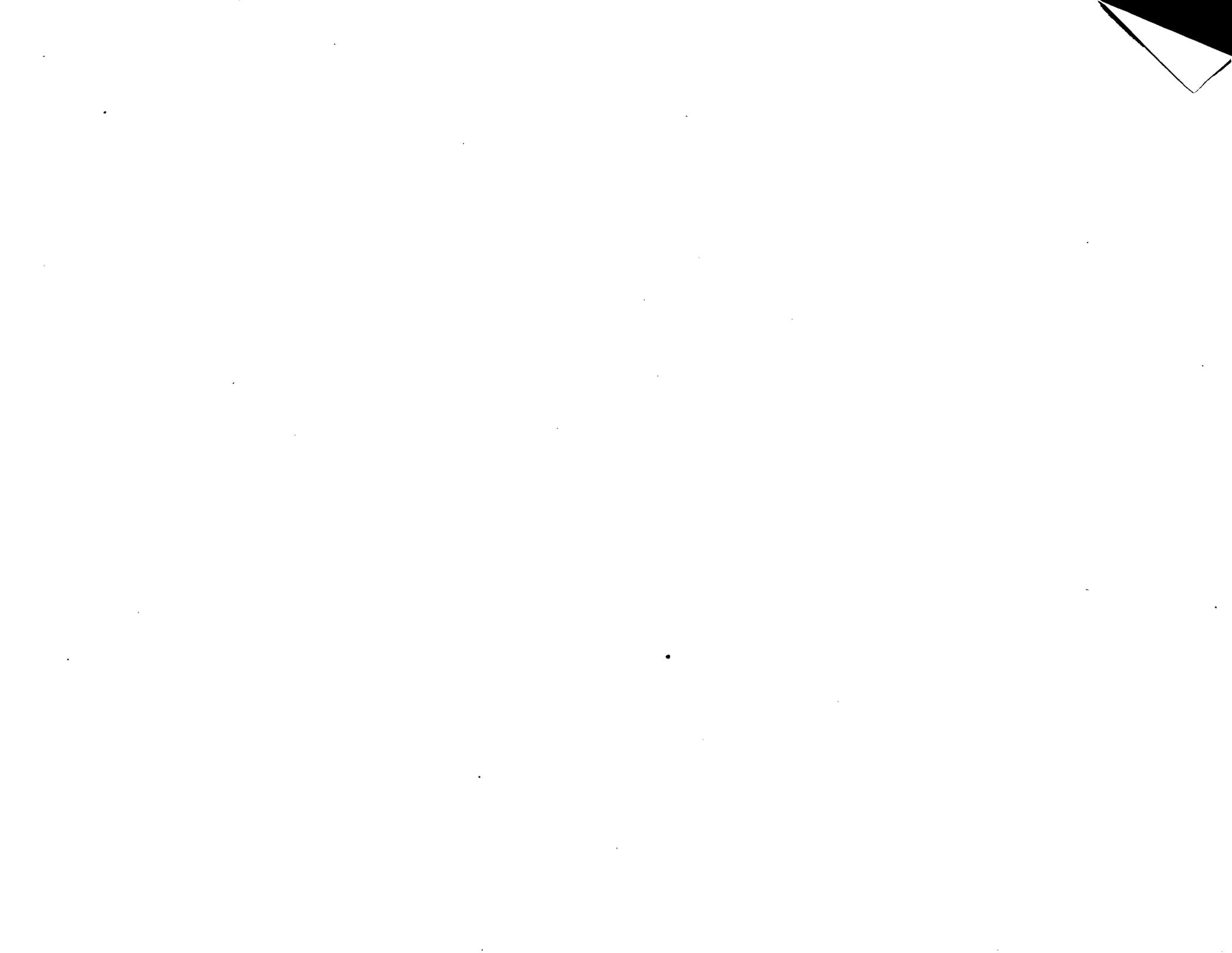
(3) A clear statement that explains the difference between the quota system and affirmative action programs. The quota system is poison in the Jewish Community.

ODDS & ENDS

OFFSHORE OIL DRILLING - Jimmy will undoubtedly be asked his views on this subject. Keep in mind that the environmentalists are still paranoid about the Santa Barbara oil spill of 1969.







IN HOUSE MEMOS

May 14, 1976

MEMORANDUM FOR STEVE STARK

Some time during the next 30-60 days, and probably before the Convention, the world agricultural sector will assume a direction for the year:

- Good crops nearly everywhere, with declining prices to farmers, and improved chances for food price stability (helping the economy! and the incumbent?), or,
- Bad weather in several key countries, putting the world's food sector on edge, causing early buying, raising farm prices, threatening higher food prices late this year and next year. (This pattern has dominated the mood of the agricultural sector the past 2 weeks, as mild drought develops in several countries.)

It would be timely to be prepared to say something on food and agriculture by July 1 (possibly in an address on the economy) but perhaps not necessary to say it, if no issues have risen, or no natural forums found.

If the weather and crops were to turn very bad soon, the question of early export controls versus future inflation would face both the President and the Candidates, and it would be a difficult one. I believe the Administration would limit exports in 1976, until about September. If that issue were to arise after September, I believe the President (assuming he is their candidate) would let farm prices rise, and worry about inflation later.

Pray that these questions do not arise.

cc: Lawrence Klein
Dick Creecy

John A. Schwitzer
(10/16)

To the telegraph

IN HOUSE ENVIRONMENT

May 16, 1976

FOR STEVE STARK FROM JOE BROWDER

Steve, here is a draft for the planning editorial. I'll definitely be in California for about ten days starting May 20, reachable through B. Haller.

-0-

Planning -- particularly planning as a discipline to help give direction to public spending programs -- has been counted on as one of the tools required to build the modern American economy. In recovering from the Great Depression, in defining new federal responsibilities for production of food and energy and for management of money and resources, in accelerating federal spending for defense, transportation, and housing, planning has promised to help make private capital and public policy work together for greater social and economic equity.

It hasn't worked that way. After investing billions to carry out federal housing programs, the federal government is the nation's worst landlord. Although four fifths of all travel time in America is spent within local communities on short trips for work, shopping, and recreation, federal transportation planning has given overwhelming emphasis to subsidizing travel between large cities. More billions of tax dollars have been spent to plan and build flood control dams that drown America's best farmlands and rivers while encouraging urban development in lowlands most subject to continued flooding. American citizens need energy and jobs, and America is blessed with an abundance of high quality coal, widely distributed throughout our industrial regions, but Project Independence planning would divert energy investment and energy production to low-grade coals in the remote agricultural lands of a few federally controlled regions of the West.

Planning has become, to many Americans, a way of rationalizing the irrational. This doesn't mean that planning should be abandoned, but that we rethink what we expect from planning and how we want to accomplish it. Planning has not responded to the real strength of American society, to our diversity and our ability to find many good solutions to common problems. Instead, planning has too often come to mean the search for a single best solution. Then, reinforced with the carrot and stick of federal subsidy and regulation, planning becomes the supposedly objective explanation of why one solution must become the housing policy, the transportation policy, the energy policy for all America.

Reconciling the need to plan with the need to respect diversity will be easier if we honestly recognize the abuses, conceptual and political, that have turned planning into an instrument for centralized and inefficient economic and political management.

First, we should learn to distinguish between planning to prevent the spread of damage, and planning to encourage the growth of opportunity. The uniformity, consistency, and certainty required to stifle a wrong are just as suffocating when applied to a multitude of rights. A person, a corporation, a city or a country should be stopped from throwing garbage into the neighbor's back yard. But planning that leads to a one-and-only way of treating waste turns pollution control from a law enforcement program into a public works porkbarrel project. Instead of genuinely encouraging the growth of opportunity in the pollution control industry, federally subsidized sewage treatment programs have frustrated innovation in pollution control, while reinforcing wasteful development patterns that damage our economy and our environment.

Why has planning produced so many wrong answers? Probably because our natural suspicion of public authority over private lives has made planning politically credible only in times of emergency, when people are more willing to temporarily delegate what they believe to be the mechanisms of managing their lives. But because emergency planning is predicated on the surrender of economic and political standards that would be, in a free society, held sacred in times of normalcy, crisis planning is inherently incapable of describing or providing the needs of a healthy, prosperous, tolerant society.

Our Interstate Highway system was originally promoted as a national defense transportation network. Economic decay in our cities, brought about in large part by the success of the highway building program, became a crisis solvable through the physical destruction that was called Urban Renewal. A sudden national awareness of our environmental problems produced the single-minded federal sewer subsidy program, and lured still more development and investment away from our cities. Our need for more reliable energy sources has been portrayed as the gravest peacetime threat ever faced by the United States, a threat that requires, like all the other crises in transportation, housing, space, defense, and resource management, extraordinary sacrifices. Who can argue about losing a neighborhood to a national defense highway, or complain about a homestead strip-mined away for Project Independence? Who can question the economic absurdity of electric utility rates if the industry is faced with a capital crisis, or have more than passing regret for dead miners if the energy crisis

Most Americans can, should, and do question such sacrifices. Most people are smarter than most planners, or at least than most plans, give them credit for. When our institutions and leaders, public and private, gives us a highway crisis, a missile crisis, a space crisis, a housing crisis, a timber crisis, an environmental crisis, an energy crisis, a capital crisis, and myriad lesser crises, all accompanied by planned reactions to the emergencies, people begin to doubt both the wisdom and the motives of those who perceive the crises and those who plan to solve them. In recent years, the crises have bloomed and faded and been replaced so quickly that government agencies, Congressional Committees, and private consulting and planning firms have hardly been able to change their organizations' names fast enough to keep up.

There are twenty-three federal agencies, administering one hundred twelve programs, that have a direct or substantial indirect impact on the way land is used in the United States. Most of these programs will affect the twenty-seven thousand new households that will be formed in this country each week between now and 1985.

There is little communication, much less coordination, among these federal programs. Yet suspicion and cynicism about crisis-oriented planning killed the federal land use planning legislation in this Congress. Like it or not, planners should face up to the lack of public trust in the planning process, admit there is good reason for the lack of confidence, and join an effort to restore both the real and apparent values of planning.

Such an effort won't be successful unless planners, public and private, deal honestly with the political abuses that have grown out of planning's theoretical confusion. It is politically painful to set standards that prevent one enterprise or jurisdiction from damaging other interests. It is politically tempting to ease the pain by offering to help finance the enterprises or jurisdictions being regulated. So do planners, who, after all, work for politicians, help communities solve problems, or help the companies and agencies stepping forward for their share of the problem-solving money.

The question need not always pose a conflict. If people need housing, and other people need jobs building houses, government incentives to housing development can serve both interests. But while serving the people who need housing will inevitably benefit homebuilders, the reverse is not true. More planners need to be able to tell the difference, and more leaders of business and labor need to learn to respect the value, to themselves and everyone else, of planning that serves communities and consumers rather than developers and suppliers.

Still, the desire to compensate for regulation by offering rewards, coupled with the crisis atmosphere that surrounds most major federal planning programs, biases government problem-solving toward a quick-solution approach that is usually characterized by a heavy emphasis on money and hardware. Canals and dams, urban renewal, interstate highways, energy parks, and similar visible concentrations of capital and resources are offered as the best ways to deal with problems that have many possible solutions.

The alternative approaches are often doomed, however, by government sanction or subsidy of the large-scale standardized programs. Priority for the massive projects generates special-interest constituencies with such a stake in continuation of specific systems that innovations, in housing or energy or transportation or farming, become a threat to existing investments. Enterprises already getting the lion's share of public subsidy pressure planning agencies to discourage meaningful investment in new programs, and the agencies become authoritarian in defense of established priorities.

Failures in the favored programs are paid for by applying stronger standards of efficiency and productivity to those programs that don't have effective political constituencies. So energy conservation and more productive ways of making power independently of the electric utility industry are ignored by federal planners who propose enormous subsidies to utility growth. Solar energy receives only token federal support, while costly nuclear and synthetic fuel systems promoted by major corporations are given top priority by federal planners. Rural America is presently caught in a similar efficiency squeeze, with the abandonment of hundreds of country post offices and thousands of miles of branch railroad lines.

How many of the fiscal problems of New York and other American cities can be traced to borrowing practices stimulated by the race for participation in federally-favored public works spending programs? How many of those programs have delivered the housing, transportation, and community development promised by the project planners? If the same planning process determines our new national programs for production of energy and food, will the results be any better?

Planners, and planning, are essential if our communities and our country are to survive in a complicated world. Planning can help us be honest about the consequences of policy. It can help us be equitable in sharing both the benefits and the adversities sure to come with transitions in energy and resource price and supply. It can help us understand whether a course of action will truly remedy an economic or social injustice, or will merely favor one of many interests that profit from public decisions.

Threats to our health and safety, to Constitutional rights, to resources we all depend on, can be met only if the rules of protection are clearly spelled out, and enforced without favor. But when the line is crossed between preventing an anti-social act and encouraging positive social and economic action, planning must become tolerant. The narrow focus that pinpoints a problem also limits the search for answers. Broadening our vision is required, not just out of compassion for interests that are damaged by insensitive planning, but out of respect for the genuine economic, social, and political values that flourish only in a diverse society.

jbb

May 17, 1976

MEMORANDUM FOR THE RECORD

FROM: Barry Carter

SUBJECT: Meeting with Steve Stark on Saturday, May 15.

Larry Weiler, Fred Wyle, and I met with Steve Stark on Saturday, May 15, to discuss nuclear disarmament and other issues. The meeting started at 5:00 p.m. and lasted a little over an hour.

After some introductory comments by Stark, both Larry Weiler and I noted that Jimmy Carter's speech on nuclear policy issues in New York last Thursday had been excellent. We saw the excerpts in The New York Times, and found that the speech not only clearly addressed some pressing issues, but did so in a thoughtful and innovative way. Speeches like this would do much to dispel the allegations that Carter was fuzzy on the issues. Weiler said that one of his colleagues at Stanford, Sid Drell, had likewise read the speech and been impressed. (Drell had wanted to attend this meeting, but had a schedule conflict. He had given some materials to Weiler which he passed on to Stark.)

We then considered a draft talking paper which I had prepared after consulting with Weiler. (See attached.) Stark indicated a special interest in Proposition 15, the nuclear power initiative (which, if passed, would impose a delay on nuclear reactor construction). After a brief discussion of the actual provisions in the proposition (a copy is attached), the following points were made:

1. There is tremendous public interest in the proposition. While most prognosticators believe the initiative will lose, polls indicate that the public is about evenly split and feelings run very high on both sides. The supporters of the proposition are especially intense. Supporters are found

particularly among white middle-class liberals and moderates interested in the environment. On the other hand, opposition is particularly strong among those who favor rapid growth, the labor unions, and apparently minority groups because of the belief that the initiative would substantially increase energy costs and slow development in the state.

2. Interest in the proposition will become even more intense in the next few weeks because of the large campaign chests on both sides. As of a few weeks ago, opponents of the proposition had apparently collected over \$1.5 million while the proponents had about \$500,000; even more contributions are likely.

3. The state legislature is considering three state bills which would impose a number of safeguards on reactor development, but which are not as stringent as the proposition. Although the bills recently encountered some procedural setbacks, they are apparently not yet dead.

4. Governor Brown is supporting the bills, but has avoided taking stands on the ballot proposition. He will probably continue to avoid taking any stand.

5. Jimmy Carter should probably avoid coming out for or against the proposition since it is such a divisive matter. His choice really seems to be whether to back the bills in the legislature or to somehow avoid taking a specific stand on both the proposition and the bills. In the latter case he should develop broader positions such as he enunciated in his New York speech. There was considerable discussion about the details of a possible Carter position.

6. Stark was encouraged to contact Charles Warren, the state Assemblyman who has been handling well the hearings on the legislative bills and who is generally well-regarded for his work here. Stark might also contact Mason Willrich at the University of Virginia who has done a long paper on the legal implications of the initiative, apparently concluding that it is unconstitutional because of federal preemption.

Everyone agreed with the statement in the draft talking paper that nonproliferation should be top priority issue, partly because Proposition 15 has sensitized some California voters to the dangers of proliferation.

need to get control of other bureaucracies in Washington, so too should his Administration seek to run the Pentagon more effectively. If he does that, he will have more options in deciding what and how to negotiate in the arms control area.

II. SALT

- The U.S. should try to reduce the levels on offensive missiles which were reached at Vladivostok - i.e., each country was allowed 2,400 strategic delivery vehicles (bombers and missiles), of which 1,320 could have MIRV's.
- Testing of strategic cruise missiles should be delayed. Getting some limits on these missiles is essential.

III. Nuclear Testing

- The U.S. and Soviet Union should adopt a five-year ban on nuclear tests for both weapons and peaceful purposes.
- The U.S.-Soviet agreement to ban underground nuclear tests above 150 kilotons is "wholly inadequate."

IV. Nonproliferation

- This should be a top priority issue. Many countries are on the verge of going nuclear and the U.S. must act quickly if anything is to be done. Moreover, except for domestic nuclear energy questions, this is possibly the nuclear issue of greatest interest to U.S. voters.
- A good start is Jimmy Carter's recent proposal for a voluntary moratorium by all nations on the purchase or sale of nuclear fuel enrichment and reprocessing plants.

V. Proposition 15 - The Nuclear Initiative

MORRISON & FOERSTER

ONE POST STREET
SAN FRANCISCO 94104
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TELEX 94-0154 CABLE MOFO

622 WEST SIXTH STREET
LOS ANGELES 90014
(213) 626-0800

May 17, 1976

Mr. Richard Creecy
Carter for President
2000 P Street, N.W.
Room 400
Washington, D.C. 20036

Dear Dick,

Three of us met on Saturday afternoon with Steve Stark and discussed nuclear disarmament and other issues. Besides Stark, there was Larry Weiler, Fred Wyle, and myself. Wyle was a Deputy Assistant Secretary of Defense (International Security Affairs) from 1965-69, working with Paul Warnke. Larry Weiler and I invited Fred Wyle to provide, frankly, a somewhat different perspective than the ones we represent.

Larry had earlier called Herb York but York was unable to come up from San Diego. I had talked to Harold Brown's secretary, but he already was scheduled to attend a Cal Tech alumni function on Saturday; you should probably be able to reach Brown when he is back East on one of his many trips there.

Enclosed is my brief report on the meeting. Incidentally, as indicated in the report, Larry and I both thought that Jimmy Carter's speech in New York last Thursday on nuclear power and other issues was eloquent, thoughtful, and innovative.

On further reflection, I still cannot think of any scientist whom I can personally recommend for the nuclear disarmament group other than ones we have already discussed, such as Dick Garwin, George Rathjens, Sid Drell, Pete Panofsky, and Paul Doty. I do, however, have the perfect candidate for your energy issues group, a group for which you said you needed some new and imaginative people.

As for SALT, everyone agreed that the numerical levels agreed to at Vladivostok were too high. Fred Wyle, who said that he was probably more cynical about the SALT process than either Weiler or me, suggested that Jimmy Carter should try to get away from the "numbers game" since reducing the Vladivostok ceilings by a few hundred was hardly great progress. He did not, at this point, clarify what the best alternatives were. He gave Stark a four-page memorandum which he had quickly prepared that afternoon.

There was further discussion on SALT, but no real conclusions were reached. Weiler thought that the U.S. could still try to obtain much more stringent controls on MIRV's.

On the more general subject of U.S.-Soviet relations, I noted that Elliott Richardson had apparently considered making a broad defense of detente, looking not only at SALT but also at its implications for world trade and the Mideast. For instance, East-West trade has grown rapidly and is now about 3 to 1 in the U.S.'s favor. Most of what the U.S. exports is agricultural products and not high technology goods. At the same time we import mainly industrial raw materials from the Soviets, materials which we have to import anyway. These benefits from the U.S.-Soviet relationship are being forgotten today in the Ford Administration's defensive stance against Reagan's rhetoric. Weiler thought that one should emphasize the SALT talks as the centerpiece of detente. I said that Jimmy Carter might develop the discussion on a broader scale that also includes trade and the Middle East, pointing out that detente, though not always working in the U.S.'s favor, was on balance beneficial. Fred Wyle disagreed. He thought that, by our sales of agricultural products to the Soviets when they faced shortages, we were allowing them to devote more resources to their military forces, especially their conventional ones, and to other areas which were contrary to our interests. Wyle did not make any suggestions on how we might restructure our relationship with the Soviets.

There was some general discussion about Governor Brown and other matters, and then the meeting concluded.

To: Mr. Charles Kirbo

5/17/76

This may be important, at least
maybe someone should pour some
"baby oil".

ORO
/ml

Ovid R. Davis

HANDWRITTEN LETTER FROM LEWIS M. BRANSCOMB

April 29, 1976

Dear Paul:

I am under the impression that you have been helping Jimmy Carter, in your personal capacity, and I have been trying to do the same for several months. On the chance that you may be plugged in more effectively than I am, I want to share a serious concern about his campaign organization on the off-chance you can speak effectively to the right people.

My concern: notwithstanding Carter's reputation as a good manager - as Naval Officer and Governor - his campaign staff seems to be caught up in petty jealousies, in bureaucratic ineffectiveness and in an inability to evaluate people that can be very destructive to Carter's effectiveness as candidate and as President.

Examples - to convince you - not to be quoted indiscriminately:

I offered - in December 75 - to lay the groundwork for a Scientists and Engineers for Carter organization - nationally. Carter wrote me and said to proceed, working through Steve Starke in Atlanta. Anne and I had Steve in our home overnight; I wrote a White Paper on Science Policy I have heard nothing. Carter's issues staff - now in Washington - told my wife my help is not needed. Meanwhile



an individual named Art Purcell has printed letterhead "Scientists and Engineers for Carter" and is soliciting members. He has no one on his masthead. I inquired and discovered some unsavory things about how he operates - it reminds me of the young Nixon people all over again. One person of good judgement described him as "dangerous". I don't know if Carter even knows that Purcell's outfit exists - but Carter's Washington office certainly does.

Other examples involve poor judgement in people - for example involving Julius Edelstein of C.U.N.Y. in New York as an "enemies" advisor. Edelstein is an over-bearing, over-ambitious and under qualified New York City politician.

The Carter Washington office hired a man from Westchester County, apparently without looking into his qualifications. He was totally ineffective in the primary campaign.

Anne's help - she was organizing top-notch people across the country to contribute to policy on the major issues with Jimmy's personal encouragements - he's been explicitly rejected by the Washington staff. We have spent perhaps a thousand dollars on phone calls and travel - not to speak of Anne's lost legal time, and must now tell our friends across the nation their input will not be requested by the Carter organization. Anne is an old hand at this petty jealousy in national campaigns (she worked McGovern's headquarters) and can fight her own

But it is appalling to learn that Carter's people are working with such little effectiveness compared to McGovern.

The Branscombs continue to support Carter's campaign. After conversations with me a number of top corporate executives have contributed. My daughter worked her heart out as a Carter Delegate in the primary. But it is clear that under present conditions I must withdraw from any more initiatives to offer active support. Perhaps later things will sort themselves out.

In the meantime, if you feel that someone mature, responsible and closer to Carter should see this letter, you may pass it on as a genuine effort to be helpful. You know I've served 20 years in government and have no ambitions or axes to grind.

Yours,

(signed) Lewis

IN HOUSE



Jimmy Carter Presidential Campaign

For America's third century, why not our best?

May 17, 1976

Dear Task Force Member:

Let me again thank you for offering to serve on Governor Carter's Transportation Task Force.

By the first week in June we would like to announce the formation of the Task Force and present a statement outlining the Governor's general views on transportation policy. A draft of such a statement, which has not been reviewed by Governor Carter, is enclosed for your analysis and comment.

We will attempt to revise the statement in accord with your comments. But the goal is not a document which is phrased exactly as everyone would like, but one which is sufficiently representative of your individual views to allow the Task Force to move forward in detail.

Our hope is that the Task Force can meet occasionally to discuss key issues. We view the Task Force as a vehicle through which the members, individually and collectively, can present their views on transportation to the Governor.

Once the committee has been announced, we would hope to follow with perhaps five or six major position papers on different areas of transportation policy. We would also expect that you would be thinking in terms of more specific programs that would be appropriate should Mr. Carter be elected.

Some of you are in the process of providing us with specific views on transportation issues. As they are received, those papers will be circulated to members of the Task Force.

I would appreciate it if you could provide us with your written comments on the proposed statement by May 24th.

P. O. Box 1976 Atlanta, Georgia 30301 404/897-7100

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.



Carter Campaign
Transportation Task Force

May 17, 1976
Page 2.

Due to prior commitments, I will be resigning from the campaign on May 22nd. Orin Kramer, who will be based in Atlanta, will assume the role of National Task Force Director, effective May 23. The Washington office will continue to assist in coordinating the task forces under Mr. Kramer's direction. You should address your comments to Mr. Kramer at the Carter for President Headquarters, 1795 Peachtree Street, N. W., Atlanta, Georgia, 30301. His telephone is 404-897-7106(7).

I have very much enjoyed working with you and want to again thank you for your valuable assistance.

Sincerely,



Richard Creecy
National Task Force Director

RC:ras

Enclosure

Dear ~~Task Force~~ ^{Task Force} Members;

Let me again thank you for offering to serve on Governor Carter's Transportation Task Force.

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~~I~~ have very much enjoyed working with you and want to again thank you for your valuable assistance.

Sincerely,

~~Richard~~ Richard Creevy
National Task Force Director

May 18, 1976

MEMORANDUM FOR STEVE STARK

Milk Price Supports

I oversimplified a bit yesterday when I called you about the current quarterly review of milk supports--in saying that Secretary Butz must consider whether or not to raise the support level from \$8.13 per 100#, by the % increase in farmer costs the past 3 months, and that if Governor Carter is asked about this, the answer is "yes". It is more complicated.

This review is broader: the Secretary may at any time, raise the support level to a higher % of parity.

In this case, public views have been solicited by June 1, regarding milk support level after July 1. Governor Carter could:

1. Urge an increase to 80 percent of July 1 parity, to offset cost increases; but that would be only 1-2%, or from \$8.13 to perhaps \$8.30. That will not do after talk of 85 and even 90% of parity in Wisconsin.
2. Urge the Secretary to use this opportunity to raise the support level to 85% of parity--which was, as I recall, your firm position in Wisconsin. Milk supports would rise July 1 from \$8.13 to around \$8.80 per 100#.
3. Urge 90% now! This carries a risk on the consumer side that you would have to weigh.

In California, everything is different, including milk. California has its own marketing order program for drinking milk, and produces almost no surplus milk for the support program, so the above is not very relevant there.

I have a man working on California farm labor questions, and hope to have a memo soon.

Gas

TO: Hamilton Jordan
RE: The Rhode Island situation
FROM: George Hand
5/19/76

The Brown victory in Maryland has changed the look of the Rhode Island campaign. At this writing, Senator Church backed by Senator Pell is probably still Governor Carter's most serious competition for delegates. Pell has mobilized senior citizens groups, and senior citizens traditionally provide upwards of 80% of the voters in Rhode Island primary campaigns. Efforts must be made to co-opt as much as possible of this support (media spots aimed at the elderly are needed).

Psychologically speaking, however, Brown is now the big ~~threat~~ threat. His public reception in Rhode Island was as enthusiastic as in Maryland. As in Maryland, his campaign is hampered by his lack of a delegate slate. He is aiming for the uncommitted slate, much of which favors Carter (or at least did before Tuesday night). Opinion is divided here as to how much actual time and money Brown is investing in the state. But any figures pale into insignificance viewed against his warm reception here and his victory in Maryland.

Only one thing is clear: Rhode Island must now be taken more seriously than before. The number of delegates at stake is not impressively large (a maximum of 18 elected generally with four additional elected by the delegates). But Rhode Island is, in the final analysis, a "northern industrial state" and also a New England state, and Carter has fared poorly in the latter category. Psychologically, a victory there represents "momentum." Of the three primaries that ^{only} Governor Carter will probably do best there.

Rhode Island Carter workers are troubled by the fact that they "do not have a handle" on the city of Providence proper. Carter support appears weak there, but no one knows for sure. The local Democratic party apparatus is split and incapable of providing effective leadership and support (probably a blessing in disguise). There are similarities to Philadelphia: the Governor's campaign has been doing well in the state generally but outside help will be required on both the strategic and the tactical levels in order to crack the state's most important city. Strategically, more enthusiastic union support and/or the endorsement of a major elected official (such as Senator Pastore) are required. Tactically, an infusion of additional, experienced campaign workers will be needed.

Rhode Island is a labor state (both industrial and teachers), "conservative" on "social" issues and "liberal" on economic issues. Labor is lukewarm toward Carter, at least in part

because it views him as fuzzy on the issues. The Governor's economic policy positions are virtually unknown here (even among Carter people), and media spots are needed to correct the situation (up-dated issue flyers are also needed). Labor would be friendlier if it knew where he stands, particularly on such matters as unemployment, energy (especially his position on divestiture in the oil industry), and social services.

Over and above the standard economic and social issues that affect the state in standard ways, there is an issue of special significance to Rhode Island that presents the Governor with a unique opportunity, and that is the Navy issue. Proper exploitation of this issue could serve the Governor well nationally as well as locally.

Locally, the former naval presence still looms large both materially and psychologically. Many of the issues of concern in the state are reflected in this area and can be dealt with tangentially without the Governor leaving an impression of vagueness and lack of commitment.

Nationally, the Governor appears to have been thus far reluctant to exploit to the fullest his Navy background. Rhode Island could provide the occasion to do so.

The Nixon administration pullout of the Navy in 1973 directly terminated some 20,000 civilian jobs. Subsequently the state has been hampered in its efforts to redevelop the facility by federal red-tape and the government's insistence on retaining the use of an air-strip here, a docking facility there, and so on. Governor Carter could win many friends doing nothing more than promising the state a clear go-ahead to develop the property as it sees fit. The possibility of additional federal encouragement would be welcome.

President Kennedy suggested back in 1963 that Melville Station would make an ideal nuclear submarine refitting base. The Groton area is over-crowded and is not as good a natural facility as Melville. The idea is still attractive to the state.

Electric Boat, with operations at Quanset Point and Groton, Connecticut, is the state's largest single employer, with 2500 and 3500 employees respectively (many at the latter are Rhode Island residents). An early morning handshaking visit to Electric Boat followed by a luncheon address to, say, the Metal Trades Council, would give the campaign a significant boost. If possible, a joint appearance of the Governor with senior naval and congressional people concerned with the nuclear submarine program would assist his candidacy still more.

Many retired naval personnel and their families reside in the state and, of course, face problems similar to those of senior citizens elsewhere.

The potentially disastrous effects of the Navy pullout on local school systems has been temporarily and partially offset by the Pell amendment on impacted areas funding. A word of support in favor of the federal commitment to education implicit in the Pell amendment would have a more specific resonance in this context without in fact being specific.

Of the major issues facing the state -- energy, unemployment, the elderly, and education -- only the energy problem fails to emerge from a discussion of the Navy situation. And even this base might be touched by association with a projected image of "Jimmy Carter, nuclear engineer and candidate best qualified to make the hard decisions necessary to solve the energy problem."

Two local political personalities bear mention in closing.

Speaker of the Rhode Island House, John Skiffington, has recently declared publically for Carter. He is a leader of the uncommitteds and has already been unsuccessfully approached by Brown. A courtesy call is in order if one has not yet been made (401-762-2873).

There is unanimous agreement that the Governor should be prepared to deal with questions regarding Governor Noel's recent remarks on racial questions, and that Governor Carter has to be diplomatic in the extreme. Many of those offended by Noel's remarks would also be offended by too pointed criticism from an "outsider."

For further details, I can be reached during the day at 617-362-2131, X286 or X345, and during the evening at 617-261-5396.

May 31, 1976
Schedule III

MEMORANDUM

TO: Richard Weinstein
Director, National Citizens for Carter

FROM: Joyce Starr
Special Advisor

RE: Jewish-audience radio and television programming: Ohio and New Jersey

OHIO

The only Jewish-audience media programming which could be of service to the Carter campaign originates in the Cleveland area. There are no programs at all specifically aimed at Jewish audiences in Columbus, while Cincinnati does have both a radio and television show, but these are strictly public service/religious focus and could not accommodate discussion of political issues. (WGUC-FM, University of Cincinnati, Rabbi Albert Goldberg-MC; "Dialogue," an interfaith Sunday morning television show with a regular panel of clergyman)

In Cleveland:

The Jewish Community Federation of Cleveland puts on several radio talk shows per week. I spoke with Ted Farber, Director of Public Relations for the Federation. He thought it would probably be impossible to incorporate political programming, given the public service status of their programs. However, he will check further. Farber lead me to Phil Neuman, WXEN-FM, who has a two hour talk show called "The Jewish Program" which airs every Monday through Friday 9am - 11am. Neuman told me he was trying to get in touch with the various candidates to offer program time. He had not yet made contact with the Carter office. Jackson was scheduled to appear on the program, but cancelled out for obvious reasons. WXEN is strictly an ethnic station, with the Jewish audience one of the largest groups represented in their listenership. The Neuman program reaches approximately 900,000 listeners. I suggest this would be an excellent vehicle for reaching Jewish voters, probably the best in the largest area of concentration. (Both Neuman and Farber recommended putting resources into the Cleveland Jewish News which reaches approximately 20 - 25,000 families.) One advantage with the Neuman program is that Carter could probably dominate the schedule. The week of May 31st is already heavily programmed, but Neuman would be willing to make some changes if he hears from us by the beginning of next week. The cost is \$200 per hour. The format is call-in; one hour of the Governor's time could be used very effectively in making his views known to large numbers of Ohio voters. We could also plug in ^{Jewish} representatives of the Governor. I recommend purchasing two hours of time, perhaps one on Memorial Day when the workers are home and a second later in the week.

TALKED N. Neuman again pm - he would like to bring in the television stations if we put shows on. Also suggest we buy a show on WABQ, the Black station in Cleveland - could tape a show the same day and run it Sunday, June 6th anytime between 2pm and 6:00 pm \$125 per 1/2 hr. (Both are in the same building)

NEW JERSEY

The Joseph Jacobs Organization is the group in New York City that handles the bulk of Jewish media advertising. Jacobs represents most of the country's Jewish newspapers, (approximately 80%). They also produce two radio programs on WEVD in New York aimed specifically at Jewish audiences. These programs also reach about 25% of the New Jersey listenership. I spoke with Bruce Baff, Director of Sales for Jacobs. He sent me a package of information of their newspaper distribution and rates (attached). Radio rates are as follows:

- 1 - 12 5-minute spots \$80.00
- 1 - 12 10-minute spots \$77.50
- 1 - 12 15-minute spots \$125.00

I have more information on the rates if we need it. WEVD hits Northern New Jersey. South New Jersey doesn't have any ethnic radio stations. However, Neuman from Cleveland used to work at WOND in the Atlantic City area. WOND is the #1 station in the market. Neuman suggest we be in touch with Paul Wilcox at the station who can help us get some good spot time. (He will do the same for us with his station in Cleveland -- he likes Carter.)

NOTE: MEMO FOR AREA
The only other programming which reaches into New Jersey comes from New York, primarily the Board of Rabbis. I talked with the Public Relations woman at the United Jewish Appeal and she says *these* programs could *NOT* accept political spots or discussion of issues without jeopardizing their fund-raising status.

Two small programs in New Jersey that I have not yet checked out -
Vineland WWBZ-AM
Voice of Israel
Sunday, 10:00 am

Princeton WPRB-FM
Sha'at Shalom
Hillel Society
Sunday, 5:00 pm

SCHNITTKER ASSOCIATES

1339 WISCONSIN AVE., N.W., WASHINGTON, D.C. 20007

(202) 333-7650 TELEX: 440361 CABLE: SCHNITCON

Steve Stark

I want to stop
in Atlanta one day
soon - - to see who
I've been talking with
for the past year

John Schmitt

May 21, 1976

MEMORANDUM FOR STEVE STARK

The following provides background information on the farm labor law and situation in California, and further background on the 40-year exclusion of agricultural workers from the National Labor Relations Act.

1. There is a rather incredible farm labor situation in California now. In the spring of 1975, Governor Brown took an extraordinary initiative to obtain a new California Farm Labor Act which he signed in June 1975. The Board was appointed, funds were allocated and it began to function in September last year. During the following five months the Board conducted over 400 elections, more than the National Labor Relations Board did in its first two years. The original budget of \$1.3 million was depleted much sooner than expected because of this activity. Without funds, the Board folded in February 1976; its staff is gone and only two members of the five person Board remain. When the Board ceased to function, more than half of the labor election outcomes were uncertified, and there was a mountain of unfair labor practices and other charges pending.
2. The failure to get further funding was both technical and political, but mostly political. An emergency appropriation of the type required must have a two-thirds majority in the California legislature and this failed because rural Democrats who had supported enactment of the law in the spring of 1975 wanted some minor amendment as a condition of their support of the further appropriation. They opposed the appropriations because early operations of the Act brought a lot of surprises and therefore new opposition from Democrats. Petitions for elections have been more numerous than expected; they covered areas where farm employers were not expecting unionization; most elections went in favor of unionization. Thus legislators heard from farm constituents who had been neutral or asleep when the law was originally enacted.
3. By April this year, the United Farm Workers, which has been the major supporting interest in getting funds for the Board, abandoned Sacramento in favor of

a direct initiative on the ballot in November. This initiative would reenact the prior legislation with some pro-union embellishments, and would provide funding. Meanwhile there is no Act and no board to certify some of the past elections. So there is no new collective bargaining, no renewal of contracts, and no further unionization.

4. Governor Brown's role in the failure to get funding is a puzzle. It was he who got the legislation through and he claims it as one of his greatest accomplishments. It is basically good legislation and he deserves credit. But once it was achieved, why did he abandon it? Even before he took up running for President, his efforts to obtain funding from the legislature were half-hearted. This failure of follow-through on the part of the Governor could be a major point of reference in Governor Carter's campaign in California, because it certainly appears that Brown's style is to begin things and then lose interest in them.

5. It is probably important to keep in mind that despite the impasse over the California Farm Labor Law, the United Farm Workers remained with him, as I understand their position, and is at the moment providing assistance in the Oregon primary. Thus Governor Carter may need to appeal to the other constituency. If he does do so on this issue, he should do it without opposing the right of farm workers to organize and the need to have farm workers covered under protective labor measures nationally.

BACKGROUND ON THE HIRED FARM LABOR FORCE

Hired farm workers are most widely used in California, Arizona, Texas, and Florida, but are used seasonally everywhere. Their situation continues to be one of poverty. Their average income in 1974 from farm work was \$1,447; their average employment was 87 days and their average earning per day was \$16.60. The number of migratory workers has declined somewhat in recent years; they are now 8% of total hired farm workers. Their annual earning in 1974 was only \$1,688.

These averages are pulled down by the seasonal and casual employment of large numbers of students, housewives and others who are not full time in the labor force. But the employment and earnings record of men whose principal job is on farms, and are in their occupational prime is still substandard. Males in the age category 35-54 are about 1/8 of the hired farm labor force. One fifth of the males in this age category were extremely casual--they worked less than 25 days at farm work, and at the other extreme, only one-third worked 250 days or more. Males in the age category 25-34 have the highest earnings per year, \$5,203. Thereafter, earnings decline with age, ending with \$1,614 for those 65 and over. Farm wagework may be temporarily not too bad for schoolboys and muscular young men but it is aggravated grief for the aged.

The lot of the hired farm worker is not improving with the technological revolution in agriculture. Despite the fact that farms are becoming much larger, farm operators and family members do more than half of the nation's farm work--as a national average. Industrialized farming areas as in California are exceptions. But the number of regular and year round workers and the proportion of the nation's farm work they do continues to decline.

Wage Rates

During the past 20 years wage rates per hour of farm labor have more than doubled but they still are only about half of the wages paid in industry. The 1975 average farm wage was \$2.45 while the national average nonagricultural production wage was \$4.54. The lowest farm wage, \$2.08, was in the East South Central Region (Standard Fed. VI). The minimum wage law for agricultural labor was discriminatory--its level was low and its exclusions were extensive; in consequence, it has had no practical effect whatever in most states and very little in the low-wage states.

Unemployment Insurance

As was characteristic of New Deal legislation, farm workers were excluded in NLRB. Several efforts at the national level have not produced normal coverage. The 1970 legislative effort passed in the Senate, failed in the House and ended up with another study of the situation. A few states, notably Minnesota and California, have enacted mandatory coverage of farm labor. National action is needed.

Collective Bargaining

The "temporary" exclusion laid upon farm laborers when the National Labor Relations Act was passed in 1935 has now passed its 40th anniversary. Nothing presently happening in Washington offers any assurance of realizing Rep. Connery's 1935 hope: "If we can get this bill through and get it working properly, there will be the opportunity later, and I hope soon, to take care of the agricultural laborers...." Some states, notably Hawaii and California have enacted farm labor relations laws. But that of Hawaii is limited in coverage and that of California lies administratively prostrate for lack of operating funds and the lack of appointees to its Board. The general picture that prevails then is that, as a class, farm laborers are not only denied the benefits of most social programs but they also are denied rights of protection to try to do anything for themselves through collective bargaining. This should be remedied.

MEMO TO: Robert Lipshutz & Stuart Eizenstadt

FROM: Dick Weinstein

DATE: May 26, 1976

RE: Actions taken since Wed. May 19, 1976 meeting in Washington, D.C. with Weinstein, Eizenstadt, Toibb, Pollard, Starr (the latter 3 being special assistants on the questions discussed). Assignments attached.

1. Ads were placed in all of the Anglo Jewish papers in New Jersey and Ohio with the modifications from the Maryland ad recommended by Eizenstadt. Copy of the Maryland ad annexed hereto as Schedule I.
2. Contacts were established by Toibb, Starr and Weinstein with various individuals capable of working within the Jewish community between now and primary date. List of contacts, telephone numbers and person contacted annexed hereto as Schedule II.
3. Joyce Starr pursued her assignments and has submitted a report, copy annexed hereto as Schedule III.
4. Allan Pollard pursued his assignments, submitted a draft of a proposed talk and demographic data which includes list of delegates and alternates to the 1972 convention with proper Jewish names from Ohio and New Jersey; population statistics relating to Jewish population in the U.S.; a list of all Jewish organizations religious and secular. One copy only annexed to Lipshutz report, as Schedule IV.
5. RSW met with ADL in New York including top volunteers and professional leadership to discuss their willingness to clarify New York Magazine piece. Subject of Agnew response came from those meetings. (RSW long involved in ADL activities at State and Regional levels in Conn. etc.) Further contact if required should be made through Benjamin Epstein, National Director who was most helpful.

RSW met with Rabbi Alexander Schindler, Chairman of the Conference of National Jewish Organizations and Chief Executive of the Reform Rabbis in America. Schindler is a close friend of RSW's partner and known personally to him for some years. Schindler agreed to send immediately through his office at the Union of American Hebrew Congregations, to all Reform Rabbis in America who are associated with him, a memorandum which I am certain will be helpful on the general subject of religion in the campaign.

RSW contacted David Haaken, Regional Director for Ohio of the Union of American Hebrew Congregations. Haaken is a friend and agreed to write a personal letter on personal stationery to all Reform Rabbis in Ohio and in New Jersey to the extent that he knows them (N.J. is not part of his district).

Page 2
May 26, 1976

RSW contacted Rabbi Burkin of Connecticut a conservative Rabbi active in conservative Rabbinical leadership (brother-in-law of one of RSW's associates). Burkin is communicating by telephone with all of the conservative Rabbis known to him in New Jersey and Ohio at this time. He is willing to give further assistance if requested. Purpose of the telephone call is to inform and allay concerns.

Some suggestions:

1. Rabbi to Rabbi contact by telephone from Rabbinical leaders in Georgia who know Governor Carter might be helpful.
2. See to the circulation of the New York Post article on Jimmy's cousin.
3. Seek as many speaking engagements for informed Jewish leaders who are associated with the campaign in Ohio and New Jersey in order to dispell some of the concerns -- e. g. Governot Licht, Congressman Levitas.
4. Proceed forthwith with the establishment of store front and state organizations in Ohio and New Jersey.

Women

Jimmy Carter Presidential Campaign

MEMORANDUM

TO: Reviewers
 FROM: Mary King *M King*
 SUBJECT: Women Speech
 DATE: May 26, 1976

- (1) Send for Sec. to Bull
- (2) No mention abortion or family planning

Enclosed is a very rough first draft of the women speech. It still requires a great deal of work -- addition and subtraction as well as rewriting. It is being sent to you now for policy consent review.

Please call me collect at (202)234-0660 or Mary Anderson at (202)296-2730 with your comments as soon as possible.

Announcements of The Committee of 51.3 Percent are planned for the same day as the speech. We still do not have firm arrangements on the scheduling because of the need to maintain as much flexibility as possible.

This draft needs to be treated confidentially.



DRAFT

More than eighty years ago in his book of enduring fame, "The American Commonwealth", James Bryce wrote:

"It has been well said that the position which women hold in a country is, if not a complete test, yet one of the best tests of the progress it has made in civilization."

Comparing different societies, he concluded that in every case civilization's advance had been accompanied by greater freedom accorded women and "by a fuller participation on their part in the best work of the world".

Bryce believed American women, at that time, were the most advantaged in the world and enjoyed the greatest measure of equality. He attributed this to our democratic concept that all "men" are free and equal and possessed certain inalienable rights and which, he asserted, we held "with the pride of discoverers" and "the fervor of apostles". "This root idea of democracy cannot stop", he said, "at defining men as male human beings any more than it could stop at defining them as white human beings".

In the many decades since Bryce wrote these words, the position of women in our country has improved immensely. But a democratic society should be measured not so much by the

DRAFT

progress it has made as by the distance it still has to go to achieve the progress of which it is capable. In these terms we are challenged as a nation quickly to remove the barriers which still impede the full contribution of women and deny them the equality to which all our people are entitled. The promise of democracy will not be fulfilled until we can truly say "all men are created free and equal", and mean by "men" - "all men - all women - all mankind".

I want to talk today about some of the most urgent goals for the progress of women in the United States which we should set for ourselves and of the plans for action which I would carry out as President to speed their achievement.

^{1. Employment}
One of the most significant social changes of our times has been the very rapid entry of women into the nation's labor force. Over the past twenty-five years the number of women workers has more than doubled. Today, the thirty-eight million women in the labor force represent more than two out of every five wage and salary earners. Over 55 percent of our women between the ages of 16 and 65 are gainfully employed. Their contribution to the economy and to the living standards of their families has become basic to the American way of life.

Women work for the same reasons men do. They have brains and hands to use and find fulfillment in realizing their

potentials. Like most men, most women work primarily because of economic need. Seven out of ten gainfully employed women are single, widowed, separated or divorced, or have husbands who earn less than \$10,000 a year.

Yet the hard fact is that we have relegated to women the least skilled, the least rewarded and the least rewarding work to be done. Over three quarters of all women are in jobs which, for the most part, are labelled "women's work" such as clerical, sales, and service occupations, teachers other than in colleges and universities, registered nurses, and operatives such as sewers, ironers, laundry and dry cleaning workers, most of whom are relatively poorly paid. In consequence of their concentration at the bottom of the job ladder, women who work year round and full time have median earnings only 57 percent those of men similarly situated. And despite the fact that discrimination in employment on the basis of sex was prohibited by Federal law more than ten years ago, the earnings gap, which is a measure of where women are in the occupational structure, has been widening in recent years.

The fact that unemployment hits women a much harder blow than men is of serious concern to them and their families.

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Last year the unemployment rate for women was 9.3 percent compared to 7.9 percent for men. Women's excessive unemployment has not been just a product of the recession; unemployment among women has averaged 28 percent higher than among men over the past twenty years, and has averaged 35 percent higher during the past seven Republican Administration years. Discriminatory practices always accelerate in recessions. Women are the last hired and the first fired. Many who need and want full time work are put on part time. Mobility up the job ladder slows down.

Unemployment among women is closely linked with the problem of poverty. In about half of all families in poverty are headed by women and the number of such families is higher today than it was in 1959.

Nothing would do more to improve employment opportunities for women than an expanding economy which would assure jobs for all women and all men who wish to work. I am committed to the ~~goal of full employment and the implementation of that goal~~ ~~to the policies and programs set forth in the Full Employment and Balanced Economic Growth Bill introduced by Senator Humphrey and Congressman Hawkins, and which would, if enacted, enable us to use our human and material resources wisely and well.~~

DRAFT

There is no higher priority on our domestic agenda than to bring unemployment down as rapidly as possible to the low rates we are entirely capable of sustaining over long periods of time. Let us not forget that under the Truman Administration unemployment was brought down to less than three percent and I regard this as an entirely feasible goal, ~~achievable within three or four years~~. And this accomplishment, which I intend to duplicate, was not accompanied by inflation. As unemployment decreased during the Truman years, consumer price rises diminished and during the year joblessness was at its lowest, consumer prices actually rose less than one percent.

In the Kennedy-Johnson years, as in the Truman Administration, when sound, people-oriented economic policies governed our domestic affairs, our annual rate of economic growth was high. It averaged nearly 5 percent a year. Sound economic growth mean jobs. Unemployment was drawn down in each succeeding year and without inflation. And during these years, from 1961 to 1969, jobs for women opened up at almost twice the rate as in the preceding eight years of the Eisenhower Administration. Sound economic growth means higher incomes for our families.

DRAFT

It means progress in the war against poverty. During the brief period, 1961 to 1969, poverty was cut by more than 40 percent.

What we did to achieve economic advances in the Truman, Kennedy, and Johnson years we can do again and will do again under my leadership. Our nation simply cannot afford to continue the disastrous economic policies of Presidents Nixon and Ford. During the last seven years, economic growth has been dismally low, averaging only 1.6 percent a year. This is what had produced the highest unemployment since the Great Depression and the steepest rate of inflation since the Civil War. Low rates of economic growth mean not only unemployment and inflation, they mean lower living standards for our people. Last year, the average weekly wage of production workers with three dependents was less than it had been ten years earlier, measured in dollars of constant purchasing power. And the number of people suffering the acute hardships of poverty was actually higher than when Nixon took office. Women, whether they are employed or full time homemakers bear the brunt of family income decline.

DRAFT

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*Too much on
economy - not an
economic paper*

I believe in the great American economic potential and I am committed to its realization. The healthy rate of economic growth I am determined to achieve will not only spell an end to the high rates of unemployment and inflation from which we are still suffering; it will bring about the higher incomes for our families to which we all so rightfully aspire. And when family incomes rise, our Federal, state and local governments enjoy the higher revenues we need so urgently to meet our human needs.

Under my leadership I am confident we can reduce ~~and~~ unemployment to 3 percent ^{by} 1981, ~~as mandated by the Humphrey/Hawkins Bill.~~ The economic growth rates that would make this possible would, I estimate, assure us of Federal government receipts of about \$150 billion, higher than they would be were the Nixon-Ford economic policies to be continued.

Increased Federal revenues of this magnitude would make it possible for us to meet our human needs which have been sorely neglected over the past several years. A small part of the additional revenue would help finance the national health insurance program to which I am strongly pledged. With a very small share, we would be able to expand and improve child day care services - a responsibility we have been shamefully disregarding in recent years. Our welfare and social security programs could be considerably improved; housing and community development could be speeded; additional revenue would help expand our

outlays for education and go far toward clearing our polluted land, air and waters. The increased government revenue within our power to achieve in the four years ahead, would enable us to achieve all this and more; and it would make it possible for us to balance the national budget.

What a contrast this would be with the past seven years when funds allocated by the Congress to meet human needs have been impounded by the Nixon-Ford Administrations on a vast scale; when social and health services have been callously short-changed; when budget deficits have soared to staggering levels.

I want to talk in more detail about some of the major goals we must achieve when are of particular concern to the women of our country and which will be achievable in an economy vigorously on the move again.

First, with respect to women's employment opportunities, nothing would do more to open up more jobs to women than the full employment policies which I intend to follow. But more than job opportunities are essential if women are to share equitably in occupational and income advance. We must wipe out discriminatory employment practices.

Title VII of the Civil Rights Act, passed in 1964, prohibits discrimination in employment based on sex as well as race, color, religion and national origin. The Equal

Employment Opportunity Commission which has the responsibility for enforcing fair hiring practices in the private employment sectors must be completely overhauled. It is now under numerous investigations by Committees of the Congress and the Justice Department, following the disclosure of audits that contain charges of mismanagement, irregularities and alleged criminal misconduct in the Agency's field offices.

It has been reported that the Agency has fallen so far behind in processing complaints of discrimination that a backlog of more than 130,000 cases has piled up, with the average complaint pending for more than two years. The EEOC's Chairman, who refused to act on the audits, has recently resigned.

An intensive review would immediately be instituted after I take office, not only of present practices under Title VII, but also under the Executive Orders directed toward the elimination of employment discrimination in the Federal Civil Service and on the part of contractors with the Federal Government.

I am aware that the U.S. Civil Rights Commission has recommended the consolidation of all Federal equal employment enforcement agencies in a new agency to be called the National Employment Rights Board, which would be given litigation and administrative authority and would enforce, as a new consolidated ~~agency~~ agency, one law banning job discrimination in the private sector on the basis of sex, color, religion, age and

handicaps. I am completely in accord that coordination is essential. All agencies concerned with discrimination must speak with one voice. Whether this could best be accomplished through a consolidated agency is a matter which will need to be studied in more depth. I am pledged to the reorganization of the Federal Government and it may well be that a "~~super~~" agency of the type the Civil Rights Commission has recommended would fit ~~right~~ in with my plans for consolidation of the federal government.

We must speed its elimination with all the power at our command, not only in the private sector but in government service as well. I am particularly concerned with the lack of progress women have made in Federal employment in recent years. The first woman to serve as a Cabinet member was appointed 43 years ago. Why have there been only two women in similar posts in subsequent years?

Women will serve at the Cabinet and sub-Cabinet level in my Administration and I shall not make token appointments. I will name women to Ambassadorial and other appointive posts in substantially increased numbers. There is an army of highly competent women, eager to serve in every field of human endeavor, on which I intend to draw.

I am ~~shocked~~ ^{disturbed} that there are so few women at the higher levels of the Federal Civil Service. The latest figures available show that women were only 2 percent of the nearly 10,000 employees in the three highest Civil Service employment grades. Within three months after taking office I pledge to

better the excellent record of President Johnson who, in January 1964, stated and carried out his intention to appoint, within 30 days, upwards of 50 women to high level Federal positions.

At a dinner on March 4, that year, while honoring the late Mrs. Eleanor Roosevelt, President Johnson said, "This great lady would have understood that our determination to enlist women in this administration is no sporadic, election year objective. It will be a continuing aim, not because it is politic, but because it is sound."

That aim is sounder than ever before and I intend to pursue it.

2. Child Care

The child day care issue is another matter of great concern to women about which I wish to speak in fuller detail. I have mentioned how rapid has been the overall increase in the employment of women. Few people seem to realize that no group of women has more actively sought jobs than the mothers of young children. They, especially, need the money. They have moved into the labor force, during the past fifteen years at a rate four and a half times more rapidly than women in general.

Today, more than 6-1/2 million children under the age of six have working mothers. "Who will take care of the children when mother works?" is a very difficult question

for the average family to answer, these days. There are very few households which include a female relative available to care for the children when the mother must be on the job. The full time household worker is rapidly disappearing from the scene, and ~~relatively few~~ ^{many} families can't afford ~~the~~ ^{such a} ~~minimum wage she now must be paid.~~ ^{person in any way} Good day care, of the quality working parents want for their children, is beyond the means of a large percentage of families and, even if within their means, is hard to come by. Licensed or approved family day care homes and centers have a combined capacity to provide care for only about a million children, including those of preschool age and those of school age who need after-school supervision. Public subsidies of day care to bring services within the reach of those unable to purchase them or able to pay only part of the cost, have been extremely limited. While an excellent bill to augment such funds was passed by very substantial margins by the Senate and the House of Representatives nearly five years ago, it was vetoed with a ~~crucial~~ ^{heartless} message by President Nixon who denied the existence of need. And the continuing threat of a Presidential veto has thwarted subsequent legislative action. The inadequacy of Federal funding has had sad consequences for literally millions of little children and their families.

Because it is so clearly in the public interest that no child be neglected, I favor ~~Federal appropriations to~~ expand and improve child day care services. Care should be

available without cost for children with employed mothers in low income families. For those families with incomes between low and moderate levels, and able to meet part of the costs, subsidized fees should be scaled to the ability to pay. I will, ~~when~~^{if} elected, recommend legislation to implement my policy.

*Put in
employment
section*

Another important adjustment needed to alleviate inequities in the job market and which I strongly encourage is the availability of part time jobs and flexible work schedules. I would support legislation which would increase such opportunities not only for housewives but others as well, especially the elderly and the handicapped. It is important that the Federal Government itself, serve as a pace setter and example to private employers in this area.

*mention
proposals in
economic paper
for incentives*

I have, on occasion, been asked by women whether I would sign the "Displaced Homemakers Act" into law if it were passed by the Congress. My answer is "yes." I am firmly committed to equal opportunities for women and men in all aspects of life. The "Displaced Homemakers Act" would help end discrimination against a segment of our national work force that makes valuable contributions to the welfare and economic stability of the nation. I have great concern for the women who chooses to stay home and devote full time to caring for their families. They are among the most vulnerable members of our society. With divorce rates on the rise and frequent early widowhood,

*Strengthen
language*

DRAD

many homemakers without marketable skills are compelled to go it on their own, and have a difficult time. Legal protection for them is almost nonexistent. This bill would establish nationwide model program centers to provide legal counselling and services for individuals who have worked in the home for a substantial number of years and are having difficulty in finding employment. Therefore, I see the passage of the "Displaced Homemakers Act" as valuable in helping to meet two of our national goals: our priority to provide jobs for every American who wants work and our national effort to end discrimination against women.

Social Security

*Wipe out discrim.
small profit aid
programs*

Another highly important change necessary to eliminate discrimination against women, and which I will strongly recommend, is the amendment of the Social Security system to assure equitability of benefits to women and men.

When the Social Security system was adopted more than 40 years ago, only 14 percent of married women worked. Today the majority of them are job holders and are no longer totally dependent, economically, on their husbands.

The women in my family have almost always worked. My mother was a registered nurse, and at the age of 68 joined the Peace Corps. My mother-in-law was a seamstress and post-mistress of our town. My wife has been the manager of our family business. I am very much aware of the inequities of

the Social Security system, both in the high percentage of a woman's income paid into the system, and the unequal benefits received.

The payroll tax that finances Social Security takes a larger slice out of the paycheck of the low-income worker in relation to his or her ability to pay. Anyone earning over \$50 a quarter pays 5.85 percent to Social Security. Since women are clustered at the lower wage levels, and since women's earnings average so very much less than men's, this has an adverse effect on women.

Another consequence of the disproportionate concentration of women in low paid and part time jobs, and of the interruption of their employment by household responsibilities, is that their Social Security benefits are much lower than men's. The average monthly Social Security payment received by retired women workers at the end of last year was \$ in contrast with \$ received by men. And percent of the women beneficiaries, as compared to percent of the men, received less than \$130 a month--the minimum amount to which an eligible person, without Social Security, is now entitled under the Federal Welfare program.

These marked discrepancies are not caused by the Social Security system itself but result (as I have emphasized) from the relatively disadvantaged position of women in the labor force. Greater access to jobs and an end to unemployment discrimination is basic to correct this disadvantage.

But there are, nonetheless, clear inequities in the Social Security system, some of which affect women and others which discriminate against men, which can and should be dealt with.

Let me cite a few illustrations. Working wives contribute to the system and earn their own benefit rights. On retirement, they are entitled to those benefits or to half their husbands--whichever is larger. Often the earned benefits are smaller and in such cases, their contributions to the system over the years give them no greater entitlements than wives who have never been employed. They have reason to feel they are entitled to something for the contributions they have paid. Further, even if a working wife's earnings entitle her to a benefit somewhat larger than she would have received as a dependent, she will have paid a disproportionately high tax for that extra amount.

Another type of inequity is this: A retired man and wife, both of whom have worked, may receive less in benefits than a single earner family in which the breadwinner had the same total earnings and paid no more in social security taxes. Still another: A retired man and wife, both of whom have worked, may have paid more in social security taxes and nevertheless receive less in social security benefits than a single family which had lower total earnings.

person whom

Men, too, have a stake in needed Social Security changes. Elderly husbands and widowers are not eligible for benefits unless their wives were furnishing half or more of their support at the time of their wives' retirement or death, whereas widows and wives are presumed to have been dependents and hence to be eligible for benefits.

Many other examples might be offered which further illustrate the need for a careful review of our Social Security system to eliminate discriminatory elements. These are not easy issues to resolve and have been under active study for many years by numerous Congressional Committees and experts in this field.

~~A candidate for the Presidency should not be expected to offer technical solutions to each and every complicated, technical problem which confronts our nation. What should be expected of him is awareness of problems, concern for their solution and commitment to action at the earliest~~

opportunity. I am fully aware, I am deeply concerned, and I am strongly committed to action on the basis of the soundest recommendations I can obtain from the most competent experts I can bring together in this highly specialized field.

After taking office, I will appoint a Commission of such experts to present specific recommendations with respect to needed improvements in our social security system so that we may move speedily ahead toward income adequacy and equity with respect to our senior citizens.

Time does not permit me to deal today with many additional issues of special concern to women. There are many, and I will speak to them on other occasions. But there is one of great moment on which I wish to make my position entirely clear. I am firmly committed to the ratification of the Equal Rights Amendment.

ERA

The Equal Rights Amendment reads, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It is strange, indeed, that there should be any opposition to so clear, so straightforward, and so just a principle. The Amendment was approved by the House of Representatives in October 1971 by a vote of 354 to 23, and by the Senate by an 84 to 8 margin, and was sent to the States for ratification. It has now been ratified by 34 States and requires the approval of only 4 more to become part of the Constitution. My wife and I have been strong supporters of the ERA. As Governor of Georgia I ^{urged} ~~promoted~~ its passage. I have, throughout my campaign consistently and unhesitatingly advocated its ratification. I will use my every influence as President to spur action on the part of the states where approval is still required.

Equal rights and equal opportunities for women ~~for men~~ are imperative national goals. I will continue to work with all the power at my command for their realization.



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

May 27, 1976

To: Mr. Steven Stark
Jimmy Carter for President
Box 1976
Atlanta, Georgia

From: Charles M. Haar
Chmn., Jimmy Carter Task Force on Housing,
Land Use and the Environment

Re: California Proposition 15: A Middle Ground

Theme: A leader owes the electorate data and debate in advance of fear.

A citizen's initiative would have never been necessary had the California constituency some sense that its government was proceeding to develop nuclear energy as a safe resource.

The proposition grew out of political disillusionment as well as scientific disagreement. The public does not trust its leadership in terms of technological candor or sound energy policy.

The chore of translating scientific data into reassuring human terms is, by definition, a leadership job. A California governor could have done that job but did not.

MEMORANDUM

May 28, 1976

TO: Stu Eizenstat
FROM: Mike Chanin
RE: Crime Task Force

Apparently Ham Jordan wants to put Dr. Edward J. Rouse of the National Justice Committee on your crime task force, if you have one. Although Dr. Rouse is black, I am not sure from his resume that he has any real expertise and I believe that he is just looking for a job later on. However, if you do have a crime task force, then he might be considered.

MHC.

/mm

MEMORANDUM

May 28, 1976

TO: Stu Eizenstat
FROM: Mike Chanin
RE: Bill vanden Heuvel's recommendation of
 Jerry Miller for a corrections and juvenile
 justice task force

I do not know if you have a crime task force. Although the crime issue is off the front pages somewhat, the question of dealing with crime and the failure of the correctional system is still a hot one.

To my knowledge, Ford has not done anything and doesn't even have a policy. Maybe you should set up a crime task force to see if some sort of a policy can be developed for the Governor. If you do, then Jerry Miller, who is Commissioner of Office of Children and Youth, Department of Public Welfare, Commonwealth of Pennsylvania (717-787-6010) ought to be on it.

MHC

MEMORANDUM

TO: Staff

FROM: Vicki *Vicki*

DATE: May 31, 1976

We are accepting NO invitations after June 8th until the primaries on that day are over. If you have requests for the Governor's time, they should be given to the following people:

Marcel Veilleux - invitations after June 8 but before convention on July 12.

called lunch 1500

Jody said ok.

Becky Hopkins - invitations during convention week.

Judy Nadler - invitations after the convention.

Some people have been taking invitation files from my office and not returning them. If you have some reason to use them, see Judy Nadler. These files are not to leave 1795 Peachtree and must be returned the same day you get them.

The schedule through June 8 is finalized. I have attached a schedule of cities. If you have any questions, contact the following (each person is in charge of the schedule for that entire state):

California	Kent Brownrich	San Francisco	(415) 421 1641
New Jersey	Scott Douglass	East Orange	(201) 678 9054
Ohio	Ellis Woodward	Columbus	(614) 221 4814

If any changes have to be made, they must go through those people.

Remember all telephone calls for Governor should go to Landon Butler.

*WEA
June 28*

MONDAY, MAY 31, 1976

Providence, Rhode Island

Cleveland, Ohio

Sacramento, California

(This information is not for
the public -- requests for
the schedule should be referred
to press office)

TUESDAY, JUNE 1, 1976

Sacramento, California

Oakland (Berkeley)

Long Beach

San Diego

Los Angeles

WEDNESDAY, JUNE 2, 1976

Los Angeles, California

San Francisco

Fresno

Cleveland

THURSDAY, JUNE 3, 1976

Cleveland, Ohio

Cuyahoga Falls

Akron

Canton

Dayton

FRIDAY, JUNE 4, 1976

Dayton, Ohio

Columbus

Toledo

Newark, New Jersey

SATURDAY, JUNE 5, 1976

Paterson, New Jersey
Union City
Newark
Union (not Union City)
New Brunswick
Scotch Plains
Princeton
Newark

SUNDAY, JUNE 6, 1976

Elizabeth, New Jersey
Union
Englewood
Youngstown, Ohio

MONDAY, JUNE 7, 1976

Cleveland, Ohio
Los Angeles, California

TUESDAY, JUNE 8, 1976

Atlanta, Georgia

TO: Steve Stark

FROM: Patt Derian

FOR: Jimmy Carter

April 30

RE: Georgia Indigent Legal Services/ Georgia Legal Services

1- They're suing the state Medicaide program.

(It charges 25¢ per persription; \$2 a clinic visit; \$25 per hospital admission to people who get \$34 per month welfare payments. This absurd procedure costs as much to administer, accounting, etc as it collects; more importantly, it has a chilling effect on eligible poor people who then delay recieving early or timely treatment and hold off til they are seriously or fatally ill. As a consequence the program is underutilized and contributing to the health problems of the poor.)

2- The Georgia Medicaide program was allowed to try the payment method under a section of the legislation that allows an "innovative" program to "improve" services. The suit contends that it does not improve them.

3- In response to the suit- the Georgia legislature's appropriations bill withdrew its annual contribution to the legal services agency. (Under Title XX, 25% of the legal services funding has come from the legislature as matching money.)

4- While the intent of the legislature was to end the legal services progra the legislation drawn was defective and it is possible for private funding sources to supply the matching money. This effort is in the works. (Only needed til end of Sept. when national legal services will be funded)

5- John Cromartie, director of Georgia Legal services, needs support and encouragement. A call from Gov. Carter would be very important. And any assistance he can give is needed.

6- They're not asking the campaign for money.

711
1

To be televised
to Atlanta

May 28, 1976

TO: Stuart Eisenstat

FROM: Zbigniew Brzezinski *ZB*

SUBJECT: Two Urgent Action Items

1. Interview with Maariv. I enclose herewith Maariv's questions and proposed responses by Jimmy Carter. Could you please clear these with him, call me back as soon as you can, and I will then give to Maariv the authorized responses.

2. Speech on U.S.-Japanese relations. There is a real need for the Governor to become more specific on issues. Accordingly, Gardner and I are recommending that the enclosed draft on U.S.-Japanese relations (prepared by Charles Stevens, who taught formerly at Harvard and Columbia, and which was revised by me) be used by the Governor as a speech, to be delivered in the course of the California primary campaign. The speech contains several newsworthy items. Moreover, it would be well-received in Japan and hence later on we will get a positive feedback from there as well.

Finally, the speech would foreshadow the major speech on trilateral relations to be delivered later in June in New York.

3. Let me know finally about June 23rd.