LWV of Texas
August 1967

TO: State Board

FYI
7/7/67

RE: Dallas LWV special summer meeting with Dallas County legislators, Senator Oscar Mauzy, Representative James Stroud and Representative James Clark, Jr. - Reported by Elizabeth Brownscombe - July 13, 1967

An even 70 members and guests of the three Dallas County Leagues (Dallas, Irving, and Richardson) attended this very informative meeting which had been arranged by the resource committee on the Legislature item. A political reporter (Mr. Bill Hunter) from the Dallas Morning News was also present. A copy of the article he wrote about the meeting is enclosed.

The general topic of the meeting was: The Texas legislative system: how well is it functioning? what can we learn from the recent session? We had not expected that the men would be so frank, both in their initial talks on the topic and in their answers to the questions that followed. It made for a very worthwhile meeting, but it also makes it necessary for us, I think, to be particularly careful in using information derived from the meeting. Some highlights of their remarks follow.

All agreed on the tight hand that the speaker and the lieutenant governor hold on the House and the Senate respectively and that no legislation which is really opposed by either of them can be passed unless they have been caught napping, which very rarely happens. As an example of the very rare slip-up by the leadership Senator Mauzy mentioned the passage of a resolution (to create an interim committee to study urban slum conditions) which contained the names of the senators who would be the committee -- Bernal (San Antonio), Strong (Longview), Kennard (Fort Worth), Jordan (Houston), Schwartz (Galveston) and Mauzy. If the leadership had been on their toes, Senator Mauzy said, the resolution would not have passed, for two reasons: (1) because the members of the committee were named in the resolution instead of the choice of members being left to the lieutenant governor, and (2) because none of these particular senators would be appointed by the lieutenant governor except to be a small minority of a committee.

I mentioned the quote from Senator Schwartz which had been in the Dallas papers--thanks for the reminder of it, Janice--in which he said (referring to what would be passed by the legislature) that the ball game is over before the legislature even meets in January. Senator Mauzy said he'd agree with that statement because committee chairmen had been picked before the session began and they knew how various bills were to be handled. To illustrate tactics of handling he mentioned that the chairman of the State Affairs Committee set the meetings of the committee for 2:00 P.M. on Mondays and Wednesdays. The Senate was always in session at that time, and for nine weeks the committee never had a meeting.

The men emphasized many times how important the committee-appointing power of the speaker and the lieutenant governor is for controlling the legislature. Mr. Stroud pointed out how this means of control filters on down to the subcommittee since most of the House committees have the automatic subcommittee rule (whereby a bill is automatically referred to a subcommittee) and the committee chairman appoints the subcommittee.

Mr. Stoud told us about his first committee meeting when he was a freshman legislator in the 59th Legislature. The meeting was for the purpose of adopting the rules under which the committee would operate. A committee member would pull out a slip of paper from his pocket, read the rule written on it and move its adoption, and the chairman would announce that the rule was adopted. All the rules were adopted in this fashion, with various committee members taking turns in reading from their slips of paper.

Another shock to a new legislator, Mr. Stroud said, is to find that although before the session begins he had been sent a card listing the House committees and asking him to indicate his committee preferences, his preferences are not regarded by the speaker in making committee appointments.

In speaking further of committees Mr. Stroud said that a House member can stay on a committee as long as he wants--session after session--and he cannot be removed by the speaker or the committee chairman. This assures a re-elected representative of some seniority and makes it possible for him to increase his competence in the area of legislation dealt with by the committee. Mr. Stroud was appointed to the committee on Privileges, Suffrage and Elections in the 59th Legislature, and in the 60th he became vice chairman. He told us how he turned this to good account in this year's battle over voter registration laws. Mr. Stroud had introduced the League's registration bill, but committee chairman Fondren would not set a hearing for it. Mr. Fondren had a registration bill of his own for which he had to step down from the chair to ask for a hearing. Mr. Stroud, as vice chairman, then occupied the chair and would not set a hearing for Mr. Fondren's bill. The situation was a stalemate but better for the League than if Mr. Stroud had not used these tactics.

Mr. Stroud praised the League's voter registration bill. And he said that the next legislature should give us the best chance--and a really good one--of getting our bill enacted since Mr. Fondren has announced that he will not run again.

All three men spoke of the ineffectiveness of freshman legislators during the first two-thirds to three-fourths of the session because it takes that long for a man to learn enough of the rules, procedures, politics, etc. of the House or Senate to even begin to be effective. Mr. Stroud commented that in the 59th Legislature there had been no orientation; also, that the "school" held before the 60th Legislature had given some insight into how to function as a House member--some insight, but not much, he said. In response to a question as to the role of the House and Senate parliamentarians, Senator Mauzy replied that the Senate had a most competent parliamentarian but that she was useful mainly to the lieutenant governor and had gotten him out of rough spots. (I understood Mr. Mauzy to say that the lieutenant governor appoints the parliamentarian--this can be verified if it is considered worthwhile to do so.)

The legislators agreed that the "old hands" made little effort to help new members "learn the ropes", that they tended, in fact, to make the legislative process seem harder to learn than it actually is. Representative Clark seemed to speak for them all when he said that this is another way used by the leadership to retain control, and that since about 1/3 of the legislators are new at each regular session it can be quite effective.

Mr. Stroud said he thought the House was getting better gradually, session by session. He mentioned as two pieces of supporting evidence the changes in House rules which have cut the number of standing committees from 41 to 25 and which prohibit the House members of a conference committee from agreeing to inclusion in the compromise bill of matters not in the original bill. He also said that under the new House rules the standing committees are also the interim committees. Senator Mauzy added that the Senate's interim committees are appointed by the lieutenant governor separately from the standing committees.

Mr. Stroud analyzed the failure of the League's constitutional revision bill as being due to (1) the "mortal fear" (as he called it) of legislators that in a new constitution the legislature would no longer be dominant, (2) the belief of many people that what was good enough for grandfather is good enough for us, and (3) the reluctance of many legislators to assume the responsibility they would have under a modernized constitution. Now they can avoid decisions on many ticklish

matters by leaving such decisions up to the voters via constitutional amendments. It would take a very, very strong governor to accomplish revision, said Mr. Stroud, and it would also take a general understanding that revision would not be a political issue.

Representative Clark said that it is most shocking to a new legislator to discover the inability of the legislature to do the job the legislators have been sent to Austin to do. In the House the major causes of this inability, he said, are the powers of the speaker, the committee system, the lack of adequate facilities for impartial research, the working against the deadline of the 140-day session, and the continued malapportionment of the House.

As an illustration of many of his points he told us of his experience as a member of the State Affairs Committee. He said that any bill the speaker wants to have an effect on is assigned to the State Affairs committee. Of the 1300 bills (approximately) introduced in the House, 229 were assigned to State Affairs. Among them were measures on such intricate and highly specialized subjects as revision of the workmen's compensation laws and establishing a dairy regulating commission. The daylight saving time bill also went to State Affairs. For staff the committee had one 23-year old woman. The meetings of the committee went on until 4:30 in the morning. Under these circumstances of an immense number of important, complicated bills, no staff to do impartial research, and the 140-day deadline, the only thing a legislator can do, Mr. Clark said, is to start talking to lobbyists for all sides, in the hope of balancing out the information and coming to a creditable decision. Mr. Clark emphasized that in this process the public interest is very seldom represented. On workmen's compensation, for example, Mr. Clark consulted with the appropriate section of the Texas Bar, and lobbyists for the Texas Manufacturer's Association and for the AFL-CIO, all of whom have a special interest in workmen's compensation. There was no one representing the public interest, said Mr. Clark.

Representative Clark said he had been wholeheartedly proud of the air pollution control bill and considered it a real achievement by the legislature. However, it turns out that the bill exempts from its provisions cotton gins and all agricultural processing plants, including lumber mills and furniture factories. More than 30% of all Texas manufacturing is classed as agricultural processing, Mr. Clark said. The bill also sets the air pollution maximum as 8% of the solids customarily produced in the process, whereas other states set the maximum at a small fraction (I think he said 1/5) of 1%. Regarding the question that he expected we were no doubt thinking as to why he had not known what he was voting on, Mr. Clark said the answer was that it was impossible to know all that was in each bill that comes to a vote. An impartial bill analysis service, covering all bills, is the best assurance that legislators will know what is in the measures they vote on. The present analysis service is excellent, he said, and a step in the right direction, but it needs to be expanded if it is to correct the situation.

The legislature is still malapportioned, Representative Clark said, with urban interests still less represented than rural. Also rural districts keep sending the same people back to the legislature, year after year, who thus acquire seniority in influence and legislative know-how. There is a membership turnover of about one-third between legislatures, and a very large part of this is in the urban membership. For example, said Mr. Clark, of the Dallas County delegation of 9 in the 1965 House only 5 are in the 1967 House, and only one of the county's delegation (Representative Atwell) has served in the House for more than two terms. Rural domination is evidenced by the fact, Mr. Clark said, that only one of the 20 major committees of the House is chaired by an urban representative (Revenue and Taxation, chaired by Representative Atwell of Dallas County).

All three legislators agreed that each representative from Dallas County should be elected from a separate district of the county instead of all 14 by the whole county.

(Dallas County senators are elected by districts.) Mr. Stroud said that about 30% of the House is elected at large as are Dallas County representatives. All three said that a House member can more effectively represent 1/14 of Dallas County's people than 14 House members can represent the whole county. (Representative Clark estimated that if the county were divided into single member districts each representative would have about 70,000 constituents. He said that campaign financing could be less difficult than it is under the present plan of centralized financing for all 14 campaigns, because, for example, he would expect to obtain more support than now from his particular portion of the county and could also receive support from other parts of the county.) If House members from metropolitan areas are to be as influential in the legislature as they should be under redistricting, they must be re-elected again and again, and this is most likely to happen if districts are single-member rather than multi-member, Mr. Clark said.

Asked what they thought about a unicameral legislature, all three said they did not favor it. They mentioned that there is a definite advantage to two Houses because each can check the other.

All of the men emphasized the following changes in the legislature as being the most important to achieve:

(1) annual sessions of unlimited length,
(2) seniority to some extent in the committee system so as to build experts, and
(3) greatly increased facilities for impartial research.

In addition, Senator Mauzy said that the Senate should be completely a part of the legislative branch of state government, with its presiding officer elected by the senators themselves. He pointed out that the lieutenant governor is a member of the executive branch and should not, therefore, preside over a legislative body.

Questions about the Legislative Council brought unanimous praise of the executive director of the council, Mr. Robert Johnson, and the staff. The council itself is a completely political body, the legislators said, closely associated with the speaker of the House and the lieutenant governor, who appoint the other members and are also themselves on the council. The set-up imposes limitations on research, the legislators indicated, and a separate state agency would probably be the best means for supplying the needed increased facilities for impartial research.

In discussing representation of the public interest by lobbying, the legislators commended the League. Our testimony at hearings on voter registration and constitutional revision was mentioned especially, with the comment that we supplied information and a point of view that legislators had not received from any other source. Questioned as to how we might be more effective the legislators said for us to do more of what we are already doing. Mr. Stroud spoke also of the necessity of knowing the arguments of the other side as well as or even better than we know our own.

* * * * * * *

Note: I think of the above report as background information which is valuable for us to have in coming to a better understanding of legislators and what goes on in the legislature. Some of the information, suitably re-worded, may be eligible for inclusion in state League material on the legislature.

* * * * * * * * * * * *

6/1/67

Dear Helen:

Our departure from Dallas is on Saturday the 3rd--three days earlier than I'd figured on--so I'm having to cut all the corners possible, including many that I hate like everything to cut. Answering your "brainstorming" questions is one of these--I'm enclosing an answer to your page 4 question, but that's the limit of what I can do. (By the way, your idea of brainstorming via writing is a very good one, I think, and your including duplicates is a great help to efficiency.)

We return from New England the night of Sunday, June 11th. I could meet you at your motel the afternoon of the 12th, but that would mean postponing your trip and, frankly, I wonder if I could contribute enough to a discussion to make a change in your plans worthwhile since I'll not have been thinking about the Texas legislature for quite a time.

Yours,

E.

P.S. Do let the committee know your Iowa address, please — that is, as soon as you get up to receiving T & D mail again!

May 23, 1967

To: Leg. Committee (Joor, Martin, May Ramey, Brownscombe, Boller, Carter, Wackerbarth(Calif.), Kyre)

From: Duckwo@th
Re: Brainstorming

One of the most frustrating things aboutworking with the F & I, etc. is th inability to have face to face meetings with free exchange of ideas. This is particularly true because all of you have the brains and the background information. Ideas cross my mind as I work at this "alone"which I am sure a meeting could consider, dispose of or improve. Therefore, I am using th memo as a clearing house for ideas - not necessarily carefully thought out which I would like for you to comment on. Even if briefly and informally, please record your reaction on one copy and return to me soon. If you sti a carbon in between the two sheets you will have a copy for me and one to keep. I will tabulate the results and try to get them to you with the Legislature Committee Agenda. In this way our meeting the first week of June will be more likely to accomplish something concrete. Time is runnin out!

Glen Boller plans to be present at the committee meeting. Elizabeth Brown combe cannot be. I wish it were possible for Margaret Carter and Joan Kyr to make a flying trip to Houston for it. Do you suppose the LWV will ever be that affluent? Although the State Board schedule has not yet arrived I suspect our committee will meet June 6. I am thinking that perhaps I can make connection with Elizabeth after she returns from Mass. on my way to Iowa about the 10th or 11th of June. If it takes me as long to recover from this board meeting as it did the last - it will be later than that. I can go through either Dallas or Fort Worth on Interstate 35. If I coul think of something to do with my kids, perhaps Elizabeth, Margaret and I could meet (by the swimming pool of the motel?) and I could pass along th decisions and discussion at the committee meeting.

Space is for comments from Elizabeth and Margaret. Please don't any of the rest of you use it to say you can't be at the committee meeting!

Attached are some questions which my local committee has helped me buil up from all those who have sent suggestions for discussion questions. W must have the discussion questions for F & I # 1 ready to submit to SO by Board Meeting. We should have consensus questions ready by that time for board approval. This will be hard to do when the other two F & I are not written yet. Could we decide to get approval for only some of them and poll the State Board by mail for the remainder? Or could we have rough drafts of all F & I ready by June 6 to help us build consensus questions? Or even outlines of the third one would help.

Did you note the front page article in the Oct. '66 SLPR concerning the Ohio newsfilm outfit whose offer of a taped interview was turned down by a Dayton TV station? It was an interview with a visiting expert who pointed out that legislatures are hampered by lack of information (and interest) by the public. The reason it was turned down, "No one is interested in state government."

Since this attitude does seem to prevail, I hope we can make the F & I, and all of the materials, as interesting and colorful as possible. Therefore, I am thinking in terms of bright colors for the bands, as well as color in the chapter headings. This may seem a minor detail to those of you who are geared to program content - and will read something on the legislature regardless of what it looks like. But we are competing after all with reams of printed material which is being done by experts - live and in color! Since we are hoping to modernize some of the legislative process, I hope we use positive thinking in our approach to its study. The color code in the state office for the Legislature Study is gray. Wouldn't you know? But couldn't we use color for the covers of the Leader's Guide #2? My neighbor says orgage is appropriate for Texas (she's a TU alum).

FACTS & ISSUES # 2 - Outside Influences on Legislation
Glen Boller has done such an excellent job of this that she has me stumped. I hate to cut any of it! But as Elizabeth points out, it is almost the same length as the F & I # 1. Just a wild suggestion - will you tell me what you think? Could we have F & I #2 in the same form as the STATE LEGISLATURE PROGRESS REPORTER? The section on THE GOVERNOR could be on the third fold out sheet in a pastel colored background to blend with the color band? This would have to be discussed with Florence Ziegler, Publications Chairman, and all the St. Bd., as this would have to be price higher than the others. Please comment below.

I believe that the 4-page Facts & Issue should be retained. Even a 4-page F & I can leave one in a haze because it contains so much information. A 6-page F & I would become full-fledged resource material, in my opinion, and that's not what a Facts & Issues is for. An F & I is a summary sort of publication and a teaser (if we can manage it) which will inspire readers to do some more study on the subject....Your brainstorming is catching--it occurs to me (re F & I #2) that there seems to be an honest difference of opinion as to the effect the governor in Texas can have on legislation--Benton is an exponent of one side and McCleskey of the other, I gather--although there appears to be general agreement that most of his power is informal. Therefore, how would it be to present this difference of opinion and, in effect, leave the question undecided in the F & I. This would be an interest-arousing device, I think, and a good thing to do.

Joan Ramey writes that the preliminary state board schedule puts the Leg committee meeting at night from &:05 to 8:15, June 6. I'm disappointed. Do you suppose you might be able to stay the night, Glen?

Florence Ziegler asked if I could make up a flier to distribute with the first F & I similar to the sheet from national Jan. 1967 on The China Puzzle or the one Helen Hausman wrote for "You Belong" (blue - also Jan. 1967). I will not have time to do this. Joan Ramey would you have time to play around with that idea after the dust settles from the St. Bd. meeting? It seems as if it would be right down your alley. If you don't, we will just have to let it go till later, unless someone else can find time.

Glen Boller (original) Helen Ramey 6/1/67

File

July 13, 1967

To: Duckworth, May, Ramey, Martin, SO, Boller, Kyre, Jordan, Wackerbarth
From: Brownscombe
Re: Titles

For F& I #2 my first and second choices are:

1. The Role of the Governor and the Lobby

2. The Influence of the Governor and the Lobby

And if there are to be separate F & I's on the governor and the lobby my title choices are "The Role of the Governor" and "The Role of the Lobby", respectively.

For F & I #3 my first and second choices are:

1. Organization and Procedure

2. Framework and Functioning

In all the above choices I've kept in mind that THE TEXAS LEGISLATURE will be in large print on the color band across the top.

7/10/67

Legislature Item Committee

Mrs. F. L. Duckworth (Helen)
c/o R. W. Wortman
[redacted]

Mrs. Darol K. Ramey

Mrs. Francis B. May

Mrs. Herbert C. Martin V.P.

Mrs. E. R. Brownscombe
State Office

Mrs. Jack Wackerbarth OFF-BOARD (Eloise)
[redacted]

Mrs. George C. Boller OFF-BOARD (Helen)
[redacted]

[redacted] Mrs. Martin Kyre OFF-BOARD (Joan)
[redacted]

Mrs. Duane Jordan OFF-BOARD (Carolyn)
[redacted]

P R O P A G A N D A - H O W T O E V A L U A T E I T

The Education Committee of
The Women's Alliance

The First Unitarian Church of Dallas
Texas

Price $.25

September 24, 1967

To: State Office c.c. Martin, May, Brownscombe, Ramey
From: Duckworth
Re: Enclosed copy for Discussion Guide and Bibliography for Phase II
The Texas Legislature

This was pounded out during hurricane and tornado watches, high water excitement and two children plus husbandhhome unexpectedly for three days. If it has mistakes they will just have to be, as it is so late now I will not take time to circulate it to the committee. (Committee members: please don't comment unless there is something drastically wrong that would bring disgrace down upon our heads. If you see this sort of thing, phone me collect (if you can get through) and I will try to rectify it, if possible.)

We are fine - came through the whole hurricane ordeal with damage so trivial in comparison to othersdthat I don't even mention it. The poor Valley people - they are the ones who are hurting. Victoria's Finance Drive was scheduled for Thursday, rescheduled for tomorrow, and may now fall flat. They had good publicity and you never know - maybe contributors will be looking for a sympathetic ear.

Joyce: I believe the Discussion Suggestions will go on two pages - one sheet mimeographed on both sides - when it is single spaced. The bibliography can follow along - the sections do not have to be on separate pages. I did this just for my own convenience.

The covers could be colored mimeograph paper. I would prefer orange or something in the orgnge family, if you have it in the office. Failing that - any color will do which will make it distinguishable from the first Leaders' Guide. I will try to send a cover suggestion in the next day or so. On it should go:

THE TEXAS LEGISLATURE
Discussion Guide and Bibliography - Phase II

League of Women Voters of Texas
1841 Bingle Road
Houston, Texas 77055

Price 35¢

We could eliminate the drawing of the State Seal and outline of Texas for the sake of expediency.

LWV of Texas - September 1967

DISCUSSION SUGGESTIONS
Phase II
Study of the Texas Legislature

INTRODUCTION AND REVIEW OF PHASE I

In 1966 at the State Convention Texas League members selected EVALUATION OF THE ORGANIZATION AND FUNCTIONING OF THE TEXAS LEGISLATURE as a new study item. The first year was spent studying the Texas Legislature as it is by exploring textbook information about the structure and the functioning of our state's lawmaking body. ~~Two~~ Texas League members observed with new understanding the 60th Session of the Texas Legislature. Before, during, and after this lively session changes in this process were discussed in the legislature and in the press. Clippings of these movements toward change are valuable resource material for the League's evaluation of the legislature.

A quick catch up is in order for members of the resource committee who are new or who missed the discussions last year. The LEADER'S GUIDE AND BIBLIOGRAPHY and the materials from the Legislature Kit from last year could be reviewed. Some selections from the Kit are necessary for Phase II. For instance, "Texas Lobby Control and Related Legislation" will be vital for use with Facts and Issues #4, "The Influence of the Lobby", which will be published in October. In addition new League members should be given some background to make Phase II more meaningful to them. ~~This has been~~ Some Leagues are using a VOTER article, ~~in some Leagues~~, a film on the Texas Legislature (see bibliography), or a summary before the discussion of Phase III.

PHASE II

The ~~goal~~ purpose of this second year is to compare the Texas Legislature with legislatures of other states and to evaluate changes which have been proposed ~~in~~ to increase efficiency and general improvement in the legislative product.

In this part of the study your Local League discussions are in the spotlight. This will be a "grass roots" consensus. From free wheeling discussions in local groups as they delve into the possibility of modern-

izing the legislative branch of state government, the state board will try to define areas of emerging consensus.

You let us know the results of your discussions by filling out in triplicate the Discussion Questions and Report Form which will be sent to Local League Presidents with each Facts and Issues and sending it to the State Office as soon as your disucssion is completed. Early return of these forms will speed the compilation of the results and our report back to you. The deadline for return of all four is February 1, 1968. As is pointed out on each form, the questions are only a starting point from which your resource committee or local members can raise other questions for discussion and evaluation.

Tools available to help you cultivate "grass roots" will be the four Facts and Issues which will cover: 1) aids for the legislators, 2) the influence of the governor, 3) the framework and the functioning of the legislature, 4) the influence of the lobby. These publications are intended as every member material so that all those participating can be informed and active in helping to guide the course of consensus. Other uses of these publications in the community for those who share your interest in the Texas Legislature will occur to your committee. In addition to the accompanying bibliography, you will wish to utilize direction toward possible consensus areas from programs with your legislators, newspaper clippings gathered by your committee during the 60th Legislature, the STATE LEGISLATURE PROGRESS REPORTER (being sent directly to Legislature Chairman), and the summary of C.E.D. recommendations being sent to each person on the Texas LWV mailing list.

Planning by the Legislature and Resource Committee will be needed to cover this amount of material in the meetings available during a program-making year. Many Local Leagues have planned all day workshops, Legislature Learn-Ins, and general membership meetings with legislators during which they question their lawmakers concerning possible streamlining of the legislative process. You may wish to consider covering only two or three of the Facts and Issues in depth in discussion units. The areas to be covered should be suggested to the Local Board by the Legislature Committee. Breaking a Discussion Unit into Buzz groups to discuss various sections of the Facts and Issues would allow coverage of a wide range

of subjects mentioned in the Facts and Issues. Groups of from four to eight members discussing a small manageable area could bring their conclusions back to the main group with recommendations for possible further in depth consideration by the entire membership at a later meeting. Or their discussion, which should have a leader and a recorder, condensed and distilled by the small group could lead to some conclusions in a shorter length of time when reported back to the entire discussion unit.

INTRODUCTION TO BIBLIOGRAPHY

Several considerations have entered into the presentation of an extensive, but by no means complete, list of reference material. Listing ofmaterials which contribute various types of information will allow for flexibility in pursuing the kind of background needed to develop the emerging consensus areas your League discovers. Since library facilities vary considerably in local communities, many items are listed in the hope that each League may find at least a few additional readings to supplement the Facts and Issues. The interest in strengthening state government, which leads to emphasis on legislative reform, is a recent development. Thus you will find some of the material listed will be MAINLY ~~merely~~ background which will help in understanding the current literature.

BIBLIOGRAPHY FOR PHASE TWO
A Study of the Texas Legislature

The basic bibliography for Phase One in the LEADER'S GUIDE is also basic reference for Phase Two. It will not be repeated here. Many items in this list may not be available at you local library, however they are listed for convenience of resource committees who may wish to study certain phases of particular interest to their League in depth.

BOOKS

Jewell and Patterson, THE LEGISLATIVE PROCESS IN THE UNITED STATES; 1966; Random House, Inc., New York; $7.95
Gives a comprehensive survey of the American legislative systems - Congress and the state legislatures. This recent volume was suggested in the June State Board Report and is excellent for those who wish to study thoroughly the legislative process.

Adrain, Charles R., STATE AND LOCAL GOVERNMENTS; Second Edition; 1967; McGraw-Hill Book Co., New York
An analysis of politics at the state and local levels. Chap. 7 - Intergroup Activity and Political Power; parts of Chapter 10 pertaining to the governor's legislative role; Chapters 13 and 14 on Legislative Organization and Functions, Legislative Behavior and Apportionment.

Bosworth, Karl A., THE FORTY-EIGHT STATES - THEIR TASKS AS POLICY MAKERS AND ADMINISTRATORS; 1955; American Assembly, Graduate School of Business, Columbia University, New York
Evaluates size, quality of legislators, pay, study committees, and Legislative Councils, party research bureaus, committee organization and practice, committee chairmen, sessions.

Easton, David, A SYSTEMS ANALYSIS OF POLITICAL LIFE; 1965; John Wiley & Sons, Inc. New York

Jacob and Vines, POLITICS IN THE AMERICAN STATES; 1965 - A comparative Analysis; 1965; Little Brown and Co., Inc., Boston, Toronto
Thorough coverage of political participation, interest groups and the politics of important state programs.

Kaufman, Herbert, POLITICS AND POLICIES IN STATE AND LOCAL GOVERNMENTS; 1963; Foundations of Modern Political Science Series; Prentice-Hall, Englewood Cliffs, New Jersey
Chapters on Intergovernmental Relations; The Architecture of State and Local Political Strategies; Everyone is in Politics.

Keefe, ~~William J.~~ and Morris, ~~Allan~~ THE AMERICAN LEGISLATIVE PROCESS; 1964; Prentice Hall, Inc., Englewood Cliffs, New Jersey

Key, V. O., Jr., AMERICAN STATE POLITICS: AN INTRODUCTION; 1956; Alfred A. Knopf, Inc.

Lockard, Deane, THE POLITICS OF STATE AND LOCAL GOVERNMENT; 1963, 5th Printing, 1966; The Macmillan Co., New York
Emphasis on Political Dynamics

MacDonald, Austin F., AMERICAN STATE GOVERNMENT AND ADMINISTRATION; 1961; Thomas Y. Crowell Company, New York, 6th Edition
Chapter 2 - Organization of State Government

Maddox and Fuquay, STATE AND LOCAL GOVERNMENT; 1966; Second Edition; ~~1962; The D. Van Nostrand Co., Inc., Princeton New Jersey. (1962 Edition listed in Bibliography for Phase I.)~~
Political Science Series; D. Van Nostrand Co., Inc., Princeton New Jersey. (1962 Edition listed in Bibliography for Phase I.)

Marx, Herbert L., Jr., STATE AND LOCAL GOVERNMENT; 1962; The H. W. Wilson Co., New York; The Reference Shelf Series, Vol. 34, No.3
Gives readings from periodicals including one on Unicameral and another on Compacts and Authorities

Morlan, Robert L., CAPITAL, COURTHOUSE AND CITY HALL; 1960; Houghton Mifflin Co., Boston
Readings in American state and local government

Swarthout and Bartley, PRINCIPLES AND PROBLEMS OF STATE AND LOCAL GOVERNMENT; 1958; Oxford University Press, New York
Sections on evaluation and proposed improvements in state government

Trippett, Frank, THE STATES: UNITED THEY FELL; 1967; World Publishing Co., Cleveland; $5.95
From the book jacket, "Life in an American state legislature makes Alice in Wonderland seem like an exercise in normality. In this barbed and witty but never really unkind portrait,... examines the performance of these venerable political bodies

and records their foibles.

Zeller, Belle, AMERICAN STATE LEGISLATURES; 1954; Thomas Y. Crowell, New York

A study by a committee of the American Political Science Association; comprehensive with figures.

Zimmerman, Joseph F., STATE AND LOCAL GOVERNMENT; 4th Printing, 1965; College Outline Series; Barnes & Noble, Inc., New York; paperback $2.25. Available in college bookstores .

Gives concise information; contains a Model State Constitution; Tables on terms and compensation, representation, sessions, legislative procedure, standing committees, hearings; bibliography

AREAS COVERED BY FACTS AND ISSUES

"Aids for the Texas Legislator"

Barber, James D., THE LAWMAKERS: RECRUITMENT AND ADAPTATION TO LEGISLATIVE LIFE; 1965; Yale University Press, New Haven

Fite, Harry H., THE COMPUTER CHALLENGE TO URBAN PLANNERS AND STATE ADMINISTRATORS; Technical and Management Series; Vol. 2; Sparton Books, Washington and New York; Macmillan and Co., Ltd., London

Siffin, William J., THE LEGISLATIVE COUNCIL IN THE AMERICAN STATES:; 1959; Indiana University Press, Bloomington; 266 pages

Frank, Elke, LAWMAKERS IN A CHANGING WORLD; 1967; Prentice-Hall, Englewood Cliffs, New Jersey, $4.95 (cloth). $1.95 (paperbound)

"The Influence of the Governor"

Ransome, Coleman B., THE OFFICE OF GOVERNOR IN THE U.S.; 1956; University of Alabama Press, University, Alabama

Gantt, Fred, Jr., THE CHIEF EXECUTIVE IN TEXAS: A STUDY IN GUBERNATORIAL LEADERSHIP; University of Texas Press, Austin, 1964; $6.50
Listed in Phase I bibliography but repeated here since it is valuable reference.

Rich, Bennett M., STATE CONSTITUTIONS: THE GOVERNOR; 1960; National Municipal League, State Constitutional Studies Project, No. 3;
(See later listing under National Municipals League for ordering information.)

"The Framework and the Functioning"

Abernathy, Byron Robert, CONSTITUTIONAL LIMITATIONS ON THE LEGISLATURE 1959; Governmental Research Center, University of Kansas, Lawrence

Davis, Clarice McDonald, LEGISLATIVE MALAPPORTIONMENT & ROLL-CALL VOTING IN TEXAS, 1961-1963; Institute of Public Affairs, University of Texas, Austin; 1965; Public Affairs Series #66

Eulan, Heinz and Sprague, LAWYER IN POLITICS; 1964; Bobbs-Merrill Co., Inc.

Ray, Joseph Malchus, TEXAS LEGISLATURE: ONE HOUSE OR TWO; 1937; The University; Austin, Texas

Davis, J. William, THERE SHALL ALSO BE A LIEUTENANT GOVERNOR; 1967; Institute of Public Affairs, The University of Texas, Austin; Public Affairs Series Number 73; $3.00 (paperback).

"The Influence of the Lobby"

Burdette, Franklin L., LOBBYISTS IN ACTION (HOW STRINGS ARE PULLED) National Capitol Publisher, Inc., P. O. Box 7706, Washington 4, D. C.

Crawford, Kenneth Sale, THE PRESSURE: KTHE INSIDE STORY OF LOBBYING IN AMERICA; 1939, J. Messner, Inc., New York
About Congressional lobbyists.

Fenton, John H. PEOPLE AND PARTIES IN POLITICS: UNOFFICIAL MAKERS OF PUBLIC POLICY; 1966; Scott, Foresman, 1966

Holtzman, Abraham, INTEREST GROUPS AND LOBBYING; 1966; The Macmillan Co., New York
Case studies and original research on the origin and tactics of interest groups in America, with comparative glimpses of interest groups in British and Italian political systems. Explores ways groups seek to promote policies they favor.

Lane, Edgar, LOBBYING AND THE LAW, University of California Press, Berkeley, California, 1964. $6.50
Listed in the first Leader's Guide but repeatedhhere because it is considered especially helpful.

Taft, Charles P., "Lobbying: What Does it Consist of? Where Does it Fit into Our Processes of Government?; Grass Roots Series, Center for Information on America, Washington, Conn. 06793 35¢. Pamphlet.

PERIODICALS

ANNALS OF AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
Schermerhorn, Gertrude L.; "Lobbies & Pressure Groups: A Lobbyists Point of View"; Jan. 1938
A LWV lobbyist feels lobbyists of the right sort are needed. The people share in the blame for poor legislation.

CHRISTIAN SCIENCE MONITOR
Strout, Richard L., "Legislative Reform"; May 12, 1965
..one of state government's most pressing needs.."We can't go on like this."

COLLIERS
Velie, Lester, "The Secret Boss of California"; Aug. 20, 1949
About Artie Samish, considered "Mr. Legislature", who was lobbyist for the liquor and other industries ~~among other interests~~.

COMMENTARY
Morris, Willie, "Legislating In Texas": November 1964

FARM JOURNAL
Bledsoe, Stewart, "I spent a Winter in Politics"; Jan. 1966
A look at legislative duties through the eyes of a rancher

HARPER'S
Janson, Donald, "House Nebraska Built"; Nov. 1964
Believes unicameral in Nebraska is economical

NATION:
Beetle, David H., "Legislatures; The 100 Year Lag"; Nov. 7, 1966 - About legislative pay raises, groups striving to help, unicameralism, politics of legislatures.

NATIONAL CIVIC REVIEW
Miller, James Nathan, "Hamstrung Legislature"; April 1965
(Reprinted in READER'S DIGEST, May 1965)
Brydges, Earl W., "The Electronic Solon: July 1965
Anderson, John, Jr., "On Behalf of the States"; Jan. 1966
Freshmen Legislators Briefed in Calif. Page 23
D'Alemberte & Fishburne, "Why a Second House?"; Sept. 1966
Katz, Harold, "Challenge, Opportunity"; Sept. 1966
Editorial: "How Many Lawmakers?"; Oct. 1966
D'Alemberte, Talbot, "The Ombudsman"; Dec. 1966
Legislative Orientation in Calif., Page 636
Editorial: "The More Things Change.."; March 1967
Proposals Increase for Ombudsman, P. 149
Voters Lack Knowledge of State Legislators, P. 153
Citizens Groups View Legislature, P. 169
"For Stronger States" (Excerpt from Modernizing State Government)
Hamilton, R. H., "Hawaii Creates First Ombudsman, July 1967,
Veto and Governor of North Carolina, P. 406

SATURDAY EVENING POST
Arnbrister, "An Octopus in the State House,"; Feb. 12, 1966

SATURDAY REVIEW
Littlewood, Tom, "The Trials of Statehouse Journalism"; Dec. 10 1966 - A look at state legislatures from the press table - often called the "fourth house".

SENIOR SCHOLASTIC

"State Legislatures: A Battle for Survival?"; March 25, 1966

STATE GOVERNMENT

Horack, Frank E., Jr., "Unicameral Legislatures Are Effective" April 1942

THE TEXAS OBSERVER

"The Legislature and Our Changing Times"; April 14,1967
Suggest reform of legislative procedures in Texas

"Speaker's Day Not What It Used to Be"; April 28, 1967

TIME

"The States - In Bad Shape"; Aug. 4, 1967, P. 19

U.S. NEWS AND WORLD REPORT

"When a State Tries to Clean Itself Up"; Feb. 7, 1966; P. 16

WALL STREET JOURNAL

Otten, Alan L.,"Lift for Legislatures; Citizens Groups help Statehouses; Drive to Overcome Defects; July 1, 1966

WESTERN POLITICAL SCIENCE QUARTERLY

Shumate, Roger, "The Nebraska Unicameral Legislature; Sept. 1952
An analysis of success, criticisms, defenses

OTHER RESOURCE MATERIALS

PUBLIC AFFAIRS COMMENT

Soukup, James R.; "Lobby Regulation in Texas"; May 1958

Johnson, Floy M.; Legislative Reapportionment in Texas: Unfinished Business"; November 1966

~~Davis, Clarice McDonald, "State Legislative Malapportionment and Roll-call Voting in Texas" 1961-1963; May 1965~~

Mooney, O. M., "The Digital Computer: Its Development and Its Use in Texas State Government"; Sept. 1967

Single copies of PUBLIC AFFAIRS COMMENT are free on request;
Write to: Institute of Public Affairs, Austin, Texas 78712

Publications Available

Citizens Conference on State Legislatures
Suite 204 - 910 Pennsylvania
Kansas City Missouri 64105
(Make checks payable to them, prepaid please)

April 1967 - Compilation of Recommendation Pertaining to Legislative Improvement in the Fifty States - $1.25

April 1967 - A Survey of Legislative Services in the Fifty States - 2.15

May 1967 - State Constitutional Provisions Affecting Legislatures - 1.25

Committee for Economic Development
711 Fifth Avenue, New York, N. Y. 10022

July 1967 -"Modernizing State Government" $1.00

Council of State Governments
1313 East 60th Street, Chicago, Illinois 60637

1967 - "American State Legislatures: Their Structures and Procedures" $3.00

1961 - "Fiscal Services for State Legislators"

1966 - "The Final Report of the 29th American Assembly" Columbia University

National Municipal League
47 East 68th Street, New York, N. Y. 10021

STATE LEGISLATURES PROGRESS REPORTER - periodic newsletter reporting problems and progress - To get your name on the mailing list, write requesting it - mention you are LWV.

MODEL STATE CONSTITUTION - 1963 2.00

Study groups of Leagues of Women Voters are entitled to an educational discount of fifty per cent on orders of five copies or more of any ~~of~~ ~~our~~ materials. Publications List available upon request.

LEAGUE OF WOMEN VOTERS

Publications on State Legislatures:

"The California Legislature: Facts for Citizens", 15¢, 4 pages
LWV Calif., 126 Post St., Rm. 512, San Francisco, Calif. 94108

"Under the Golden Dome: A Guide to the Georgia Legislature", flip format, LWV Georgia, 3121 Maple Dr., N. E., Suite #2, Altanta, Geo 30305 - 25¢

"A Closer Look at Idaho's Constitution: The Legislature", Mrs. Don Batten, Publ. Chrm.,LWV Idaho, 34 Yale St., Pocatello, Idaho 83201 10¢

"Unicameral Legislature" 20¢; Feb. 1966, AND
"A Study of State Legislative Districting"; Nov. 1965; LWV Iowa 203 Brick & Tile Bldg., Mason City, Iowa 50401

"The Maryland General Assembly", 25¢ Revised 1967; LWV Maryland, 5 State Circle, Annapolis, Md. 21401

"The Unicameral Legislature"; 10¢; 25 for $1.25; LWV Missouri 6374 Delmar Blvd., St. Louis, Mo. 63108

"The Great and General Court: The Legislature of the Commonwealth of Mass."; 15¢; Nov. 1965; LWV Mass., 120 Boylston St., Boston, Mass 02116

"Unicameralism vs. Bicameralism"; 15¢; 1962; LWv Neb., Mrs. Don Abernethy, Publ. Chrm., 707 So. Blaine St., Grand Island, Neb. 68801

"Let's Look at our Legislature"; 20¢; 1960; LWV New York, 451 Park Ave., So., N. Y., N. Y.

"A Look at the Legislature"; 35¢, Pub. No. S1,1Jan. 1967; LWV Washington,7615 Sand Point Way, N. E., Seattle, Wash. 98115

LWV of Texas:

THE TEXAS LEGISLATURE - Leader's Guide and Bibloigraphy - 43¢
Texas Legislature Kit - OCT. 1966
Supplementary Legislature Kit - SEPT. 1967 - 75¢
Facts AND Issuses - THE TEXAS LEGISLATURE
#1 - Aids For the Texas Legislator" 15¢
#2 - The Influence of the Governor" 10¢
#3 - "The Framework and the Functioning" 15¢
#4 - "The Influence of the Lobby" 15¢

October 2, 1967

To: Leg. Committee- Brownscombe, May, Ramey, Martin and Wackerbarth (Ft. Worth)
From: Duckworth
Re: Enclosed suggestions for Legislature Kit

At this point I again need a quick response from you and then only if you feel some part of the enclosed open to criticism. Since you are all so busy - reply only if you have a suggestion for change. Ruth Joor tells me L.L.'s are screaming for the Leg. Kit. Could you drop me a quick note by this weekend?

The least expensive quotation in Houston is 7¢ per sheet with material on both sides. This allows us, with present plans, 5 such sheets. Already collected are Districting maps - 15¢; Hamstrung Legislatures - 5¢; and the Nebraska study on unicameralism - 10¢ (or possibly 15¢ - I haven't heard from them).

I spent an extra day at the National Legislative Conference in San Antonio when I learned that President Johnson would speak to the State Dinner. It was an excellent experience - I will write a report when I have time.

If people will just let me alone and let me work, I will get F & I #3 to the Publishing Editor tomorrow. The next Legislature Chairman should be moved to a desert island.

Sorry about the quality of copies - hope you can get the "gist" of the articles.

Wednesday, Oct. 4, 1967 P.M.

Dear Helen:

Here I am taking time out from area conferences for the legislature item--tsk,tsk--but I do want you to know that Bobby Graham shares my very complimentary opinion of the legislature kit and says you've "done a phenomenal job and are to be greatly commended" for the articles you've assembled for the kit.

In pursuing my quest of Richard Morehead articles I read Bobby the headings, by-lines and enough of the kit articles to give her the gist, and she compliments you on the wide selection that is included. The scrapbook which our Legislature Committee has been keeping has one or two evaluation-of-the-legislature articles by Richard Morehead which Bobby thinks she can detach from their pages and send you for making a Zerox copy of. I told her I thought the articles for the kit could be reproduced from a Xeroxed copy of the newspaper article, and I hope I'm right, for she wants the original articles back as soon as may be.

I got Bobby on my first try this afternoon, which causes me to reflect that, although I still think wistfully of your desert island idea, it would be pretty hard to communicate via notes sealed in bottles and cast adrift in the ocean currents.

Yours,

E.

October 5, 1967

To: Martin c.c. Brownscombe, May, Ramey, Wackerbarth, SO
From: Duckworth
Re: Progress Report on Legislature Item

Please forgive my long silence. Received your note and enclosures mailed October 3 and I realized I owed you and everyone else on the committee a report.

F & I #3 went to the Publishing Editor October 3. It needs to be copy edited. I did not make copies for the committee because I felt it was futile if the material is to be changed again in editing. If you feel the committee should have copies of what I sent in I can Thermofax them. I changed the opening paragraph to incorporate some of the flavor that I received at the National Legislative Conference and also to hook the body of material to the title. I changed and left out a great deal of material on Committees since Dick Cory noted that some of it was incorrect. Also checked some of the material on the senate with Bill Patman. In addition, there were too many lines and I had to cut the material somewhere to make it equal in amount with what we got on #1.

I am working now on typing #4. At committee meeting and up until now my plan was to simply retype what Glen sent us in two parts (you all received it at Board Meeting), and let the Publishing Editor rework it. Bless Glen! Just before she left she sent me some suggestions from under the hair dryer for summarizing the effectiveness of Lobby Controls.

Now I am thinking second thoughts on this plan. Ruth Joor writes that there is criticism of our statement in #1 that the Texas Research League is called by critics a "tool" of the lobby. Also that the second paragraph on P. 5 for my final draft beginning "Events before and during the 1967 session...." has been deleted because it might be controversial. If we are going to eliminate things that are possibly controversial, perhaps you all should take take a good look at Glen's drfts of #4 for possible controversial areas. It is going to be rough to write a F & I on Lobbying that will be non-controversial. My judgement on the subject is apparently not what we should rely on. I have Janice's memo on 9-18 and will delete the part about corporation executives getting their campaign money back in some legal manner.

For the same reason I am thinking second thoughts about the clippings I sent you for the Kit. Rereading my memo, I guess I almost dared you say no and that is not really what I meant. Most of my memos are written under great stress and in later reading I find I really didn't say what I wanted to say.

(1)

By way of further report, I need to tell you that I have thanked all of the off-board members either by letter, or in the case of Glen, by a long distance phone call. For the sake of expediency I did not make carbons. I have added Eloise again since she is back in Fort Worth and since I value her opinion so highly. (2) I memoed to the Area Conference Committee that I hoped they could use F & I #2 as content instead of #1, which I think will have been too well covered by L.L.'s by then. (3) I have received two long distance phone calls from worried Legislature Chairman about what to do without the F & I's. Longview called during the hurricane, Corpus Christi called on October 3. (4) the National Legislative Conference was a great experience - we need to get more of the slant of what is practical politically along with the ivory tower approach, I've decided. I'.ll write a report when I have time. Mary Ann Harvey from Austin and Bobbye Graham from Dallas were just great. They are both "in depth" girls and have a

good background on the legislature besides a tremendous interest in it.

Facts and Issues #2 will be sent from the SO on Monday along with the Discussion Guide and Bibliography plus of course, the discussion questions for #2. This means the L.L.'s will be getting them about the middle of the week.

KIT

What goes in this will probably depend on what gets into the SO first. Here are my second thoughts:

Already in the SO
1. Districting maps (House, Senate, and Congress) 15¢
2. Hamstrung Legislatures (National Civic Review 05¢

Ordered but not in yet:
3. Unicameralism vs. bicameralism (LWV Neb.) 10¢
4. Legislature Article from Model St. Constitution reproduced - 1 sheet - both sides of sheet 07¢
5. "Pre-Session Conferences" article from STATE LEGISLATURES PROG. REPORTER Jan. 1967 07¢ or maybe free
6. Booklet on U. of Pittsburgh Legislative Service Program (Data Processing) free (I hope)
7. New House Rules (Mimeographed SO) 06¢

Assortment of articles to supplement Facts and Issues
(Thermofax copies sent to you)

F & I # 1 - "Legislators Fare Better Than Other State Workers on Retirement Benefits" Houston Post August 6, 1967
"State Solons Work Longer, Paid Better"
San Antonio News September 15, 1967
"A Look at Texas Research League" Garth Jones 07¢
Victoria Advocate December 23, 1966

F & I #2 - "Special Sessions and Veto Power Available as Governor's Weapons" Garth Jones
Victoria Advocate May 10, 1967

F & I # 3- "Conference Committees Under Fire" Garth Jones
Victoria Advocate January 5, 1967 07¢
* "Legislators are Getting Tired of One-Man Control" Bo Byers, Houston Chronicle
May 28, 1967

F & I # 4 - " Ethics Codes Weak in Legislatures"
Russell Lane Victoria Advocate May 18, 1967 07¢

Also would like to include "The Need for Overhaul" by Stuart Long - a report on the National Legislative Conference as it relates to Texas. * means those article I will omit if I can get a good "in depth" article from Bobbye Graham (Dallas) by Richard Moorehead of the Dallas Morning News.

Hate to be out on this limb all alone. If you see any pitfalls, please alert me.

aid—it opens opportunities for blackmail at some future date when the creditor may have to choose between losing his investment or making political concessions; it provides capital strength to Communist countries and helps them to extend aid and credits, even for arms, to the developing world.

The United States urges a firm agreement for a 5-year credit limit within NATO. Great Britain and Norway, advocating 12- to 15-year credits, object to a NATO agreement as futile since it would not include such important banking and trading nations as the Swiss and the Swedes. Actually most NATO countries have gone along with the 5-year limitation but, with visions of more lucrative trade, they look hopefully over their shoulders to see who will start the credit snowball rolling.

CHARTING OUR COURSE

Where are we going and how do we get there? Our present course is wind-blown and erratic. Storm signals are out at home and across the Atlantic. Shall we sail with the allied fleet or alone?

What should our East-West trade policy be?

Bucking the Waves—a policy of bloc quarantine—a total trade boycott?

We are in a life-and-death struggle with Communism, say the advocates of isolating the Sino-Soviet bloc. Barring war, the fight is in the politico-economic field. Why bolster their economic position in any way? Being barred from needed imports—and anything a totalitarian government imports is strategic, per se—the Soviets will run into serious economic crises and be forced to divert resources from their military build-up to meet the basic needs of their people.

Such a policy must rely on the full cooperation of the NATO countries. But without a clear and present threat, would this be possible? Even if possible, would such a course be effective? Kremlinologists doubt it. The U.S.S.R. is simply too vast and too well-endowed with natural resources.

Trimming our Sails—a policy of selectivity and flexibility as to products and peoples?

Proponents point out that this approach would be much like present policies, but with clearer ground rules. Controls of broad categories of goods, such as rubber, copper, electronic devices, or chemical plants, are suggested, rather than of strategic items which now make up the COCOM list.

Some consider such a policy quite futile, contending that the Communists are interested only in prototype technology to copy or in goods to meet temporary deficiencies and bottlenecks, and that they will stop trading whenever they feel self-sufficient. Others contend that cut-offs of trade will be blocked by western exporters who find bloc trade lucrative.

On the other hand, it is this ability to tighten or relax controls that may commend such a policy. Senator Dodd, a strong advocate of the strategic use of trade, believes that the many economic crises now facing the U.S.S.R. give the West an "historic opportunity" to demand substantial political concessions to ease the cold war.

In contrast, George Kennan says: "To demand political concessions as a quid pro quo for normal commercial transactions is, after all, only another way of renouncing trade altogether, for Communist countries will never yield to overt demands of this nature." However, Mr. Kennan sees merit in trade negotiations and points out that the Communists highly value a readiness on the part of other governments to negotiate and "more than once . . . trade talks have evidently been regarded, and have served, as an important preliminary approach to more far-reaching political dealings."

The use of trade as a weapon is workable only if there is substantial allied agreement. Can we get it? Many believe that past U.S. pressures for economic coordination have been half-hearted and ineffectual because the emphasis has been on the U.S. commitment to the military defense of Europe rather than on the economic.

Running with the Wind—a policy of promoting and expanding normal trade between East and West?

The supporters of this approach point out that there would be no long-term credits, no special inducements—just normal trade—and military and security controls would still be in force. While not underestimating the threat of Soviet power, advocates of this policy look at the changes that are taking place in the Communist bloc and see in its widening cracks an opening for western ideas and ideals as well as trade goods.

Would a policy of expanding trade force the Soviet bloc to abandon bilateral trade which often has political undertones? Does the Soviet bloc offer either sources or markets not more readily available elsewhere? Would it be better to put efforts into developing free world trade?

Sailing Alone—a policy of unilateral action with a choice of total boycott, limited controls, or almost unrestricted trade expansion?

A unilateral boycott would deny to the Soviets those products and techniques in which the United States was unique. Some argue that it would damage Soviet prestige. Would it also make agreement on any other subject more difficult? Would unilateral controls penalize American industry and adversely affect the U.S. trade position and balance of payments? Would it be possible to mitigate the penalties on American business by reducing controls to the levels applied by our allies with the exception of items that are available nowhere else? Would trade agreements between the United States and individual bloc countries be useful? How about a third alternative—abolishing all except military controls and competing with our allies for Soviet markets with goods, credits, and services?

* * *

Trade is a vital factor in our relationships with the world. Over the years succeeding U.S. governments have developed a bipartisan policy of expanding trade in order to keep America's economy strong; provide markets for our increasing production of industrial and agricultural goods; strengthen our political and economic solidarity with the countries of the free world; and counteract the Communist offensive.

These objectives are relevant to the problems of East-West trade. Because of the threat that Communism poses to free societies, trade with the Sino-Soviet bloc has been fenced about with a barbed wire of special regulations. Are our East-West trade restrictions realistic in today's world? Do they further the security and development of the free world? Should the appearance of cracks in the Sino-Soviet bloc be considered? Should trade be used to support our ultimate goal of finding acceptable ways of living with and influencing Communist nations?

Trade between the Communist countries and the rest of the free world is rising. What course shall we set in the face of these freshening trade winds?

Pub. No. 304 15¢ a copy 10 copies for $1.00 Quantity rates on request → p. 3 by Pub. Cat. 1/65

League of Women Voters of the United States • 1026 17th St., N.W., Washington, D. C. 20036

September 1964 E7B

FOREIGN ECONOMIC POLICY

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

About 4683 words, excluding headings. 456 lines @ 10 words per line

Freshening East-West Trade Winds

FINGERS IN THE WIND

Even the most tentative finger in the wind can feel the increasing strength of the East-West trade winds.*

U.S. business is looking eastward for trade opportunities. The American Management Association sponsors a three-day briefing on trade with the Soviet bloc. The U.S. Chamber of Commerce calls for a re-appraisal of the present system of export controls, strengthening some and eliminating those which are not necessary for security and which weaken our competitive position. The Committee for Economic Development (CED) undertakes its own review of East-West trade policies to determine whether "a degree of harmony" can be reached among the western allies. A U.S. firm prints hundreds of copies of its annual report in Russian for distribution in Moscow.

From both ends of Pennsylvania Avenue there are speculative glances toward restless Eastern Europe.

The President, in a speech at the Virginia Military Institute, singles out "increased trade" as one of the bridges we should continue to build "across the gulf which has divided us from Eastern Europe."

A House Foreign Affairs Committee report suggests that the United States and its allies should encourage forces in Eastern Europe tending toward "liberalization" and emphasizes the "urgent need" for allied agreement on trade strategy and tactics.

On the other hand, there are Americans from many sections of the country, whether mechanics or brokers, white-collared or blue, who oppose trade with any Communist country.

The crosswinds of conflicting opinions blow over Capitol Hill where many Congressmen view with passionate distrust any "softening" of present U.S. policies toward the Soviet bloc.

A LUSTY SQUALL

East-West trade winds had been rising gently for some time and with the sale of wheat to the Soviets blew up a lusty squall. History's biggest wheat deal broke into the headlines in mid-September 1963 when Canada sold $500 million of wheat and flour to the U.S.S.R. A month later, the President announced that American dealers would be authorized to sell surplus agricultural products to the Soviet Union and Eastern European countries.

The rationale of the U.S. deal was both economic and political. Economically speaking, the sale would improve our balance-of-payments position, strengthen our gold position, and cut heavy storage charges for grain. Politically, it would continue the U.S.-U.S.S.R. détente and show Khrushchev, who is in trouble with China and plagued by crop failures, that genuine co-existence was more profitable than aggression.

Some supporters stressed the humanitarianism of feeding hungry people living under Communist rule. Others pointed out that U.S. wheat sales would be obvious proof of the superiority of our agricultural methods. Still others argued that such sales would make it harder for the Soviets to "sell" their collectivist system to the developing countries.

Opinion on the wheat sale, however, was far from unanimous. The AFL-CIO Maritime Trades Department, supported by the International Longshoremen's Association, condemned the sale—it would contribute to the Soviet's peace and war economies, compromise our relations with the free world, encourage France and England to expand their commerce with Communist countries, and make opposition to the Cuban régime meaningless. But AFL-CIO President George Meany had no objection to the sale if it was good for U.S. foreign policy because it did show up the failure of Russian economic policies.

On the Hill, some Congressmen called the wheat sale an undue extension of the Administration's discretionary powers and claimed that it sapped U.S. ability to persuade its allies to limit trade with the Soviet bloc and Cuba. Senator Lausche (D., Ohio), believing that the Russian farmer is deliberately sabotaging the collectivist system, charged

*This bulletin focuses on U.S. and Western European trade with the U.S.S.R. and the other Eastern European countries. The special issues of trading with Communist China and Cuba are not discussed.

that the sale "helped emancipate Khrushchev from the problem that confronted him." Representative Stinson (R., Wash.) argued that the Russian wheat shortage was a fraud—that there was plenty of wheat for bread and that the wheat was to be used for other purposes, specifically in the chemical and munitions industries.

Much of the debate raged about credit terms, and an effort in the Senate to deny credit guarantees to American dealers was narrowly defeated. However, no credit was asked for. The Russians paid so promptly that the exporters got their dollars before the wheat reached port.

The squall demonstrated two things: that a careful look at U.S. trade policies is necessary and that any move toward change will set off a prolonged and bitter debate in Congress.

An analysis of congressional documents on East-West trade from 1959 to 1963, prepared by Georgetown University's Center for Strategic Studies, shows that "the prevailing opinion in Congress . . . has been consistently in favor of strict controls . . . But the position of the various administrations, whether Democratic or Republican, has tended to favor more flexible controls." The analysis summarizes certain widely held views:

- It is time to review trade policy and its relation to military and economic defense.
- The great strength of the United States is not being effectively used as a counter in economic diplomacy.
- The divergence between U.S. and allied policies is divisive and harmful and should be resolved.
- The United States has the responsibility of leadership to effect coordination of western policies and create the necessary organization to carry it out.
- Unified policy, whether more or less liberalized, would be more realistic and effective than present policies.
- Delay makes the development of allied unity increasingly difficult.

THE EAST LOOKS WEST

Both politics and economics underlie Eastern Europe's turn toward the West. Widening cracks in the Communist monolith, coupled with Sino-Soviet split, push European Communist régimes toward varying degrees of national independence although not away from Communist ideology. The resulting polycentrism poses problems for the U.S.S.R. and, in the view of many experts, provides diplomatic and trade opportunities for the United States.

Ferment in Eastern Europe

One of the countries where the spark of nationalism and independence is flickering into flame is Rumania, now making a strong bid for more U.S. trade. About two years ago, Rumania rebelled against COMECON (Council for Mutual Economic Assistance), the Soviet "Common Market" which was to integrate the economies of the bloc countries. Spurning the role of Communist breadbasket and supplier of raw materials, Rumania set about its own economic development program. Since 1960, the annual average industrial growth has been a record 14 percent and the Gross National Product is three times the 1950 level. Agriculture is so thriving that Rumania was able to lend Russia 400,000 tons of wheat in 1963.

On June 1, 1964, the United States and Rumania announced that "understandings" had been reached on trade and other matters of common interest, including:

- Easing of U.S. export license procedures.
- Protection of products, designs, and techniques; patents, copyrights, and other industrial rights.
- Promotion of trade and tourism.
- Expansion of existing exchange programs.
- Settlement of disputes between U.S. firms and Rumanian state enterprises by arbitration in third countries or by appropriate international tribunals.
- Elevation of respective diplomatic missions to embassy status.

The Rumanians would like to receive the most-favored-nation treatment now permitted Polish and Yugoslavian imports by a reluctant American Congress. Such congressional action to enable Rumania to be treated on the same basis as our western trading partners seems unlikely at this time.

Rumania is not the only bloc country that is looking for trade and tourists. The East Europeans, except East Germany, have all signed trade agreements and exchanged trade missions with West Germany. Commerce between East and West Germany, despite their bitter enmity, flourishes as "interzonal" trade.

The Czechs are critical of the mismanagement and rigidity that has badly dented a once healthy industrial economy. But changes are in the wind—there is some talk of a market system and profitability similar to Yugoslavia's; a shift from "nominal" to cost-based rents; charges for some health and educational services; limited private enterprise in service trades allowed to one-man shops in rural areas. Czechs as well as Russians plan to help build automobile plants in Latin America – an entry vehicle into the southern car market.

Hungary is vigorously poking holes in the Iron Curtain and letting in western breezes. Jamming of most foreign broadcasts has stopped. Western literature is widely read. Travel restrictions are greatly eased. The tourist business is good and Budapest may even acquire a Hilton Hotel.

The growing independence of the smaller bloc countries is pushing COMECON well away from its original objective—the development of a Communist economic autarchy led by the Soviets. A new pattern of bilateral economic relationships seems to be emerging, with COMECON the servant of the bloc as a helpful coordinator.

As East Europe's trade with Western Europe expands, interest in the General Agreement on Tariffs and Trade (GATT) grows. Czechoslovakia was a full member when GATT was founded. Yugoslavia has provisional status. Poland has participated under special arrangements and is likely to take an active part in the Kennedy Round. Rumania is interested in some kind of contact or association. But Russia has long opposed GATT and has worked to replace it with a world-wide trade organization.

Soviet Initiatives

The U.S.S.R. is vigorously extending its own economic, cultural, and diplomatic horizons to the West. Its drive for trade is sparked by domestic, economic, and industrial crises. Development bottlenecks have appeared that western technology might break; pressures for consumer goods, that imports can help meet; transportation problems, that foreign shipments to outlying Russian ports can ease (such as wheat from western Canada to eastern Siberia).

Recent trips to England and the Scandinavian countries saw a jovial Mr. K. busily selling trade opportunities in the Soviet Union. England is assured that Russians are eager to buy poultry, animals, and machinery. Sweden is told of the potential giant market for Swedish goods.

Agreements recently signed with Italy are to bring last year's $270 million trade up to $500 million by 1969. Trade agreements with France to boost total two-way trade are under discussion. Soviet trade with West Germany declined during 1961 and 1962 but is being rapidly restored to the old level of about $400 million a year. Krupp will build a plastics plant and has permission to set up an office in Moscow.

A most amazing development is the tentative gesture the U.S.S.R. is making toward EEC (European Economic Community)—the organization it never recognized and which it hoped COMECON would counter. But after 1970, bilateral trade with EEC members will not be possible. All negotiations will be with the Community as a whole, and the Soviets are unlikely to wish to be cut off from the opportunity of trading with a market second only to the United States in wealth.

The Russians are moving away from scientific and technical isolation. In the past they have copied advanced western technology by buying single machines or processes, complete with blueprints, to use as models without paying the usual license fees. They now are turning their backs on this scientific piracy and paying for the use of foreign patents, as well as purchasing complete plants, to speed their industrial development. They are showing an equal interest in licensing their own inventions for a wide variety of processes from continuous steel casting to ultrasonic machine tooling. There are currently some hundred patents for Soviet inventions pending in the U.S. Patent Office and Soviet officials have consulted with the International Bureau for the protection of industrial property to bring their patent laws into line with international usage.

THE WEST LOOKS EAST

British and Western European industry is not loath to exploit Communist interest in trade with the West. While U.S. trade with the Communist bloc in 1963 was but a paltry $248 million, West Germany, Britain, Italy, and France racked up close to $3.4 billions of trade. Bloc products are not in such high demand, but outlets for growing industries in a market of hundreds of millions of people is an attractive prospect. The Soviets want machine tools and entire factories for synthetic textiles, artificial fertilizers, plastics, and new chemical plants. Rumania wants consumer industrial equipment, electronics and plastics machines, oil drilling and refining tools, and gas turbine generators.

France—spurred by de Gaulle's ambition to extend French influence by diplomacy, culture, and trade, to say nothing of the need for orders to infuse new life into a lagging heavy construction industry—has signed a number of new trade pacts with bloc countries.

Early in 1964, the British trade gap was the widest it has ever been. In spite of an encouraging upturn in exports by June, the British still feel the need to find new markets. So they look to the Communist countries—the largest potentially expandable market in sight.

West Germany is selling radar-equipped fishing trawlers, chemical and construction materials; Japan, fishing vessels, cranes, chemicals, steel; Italy sends synthetic rubber, steel tubing, shoes, harmonicas, and even suits tailored in Rome for Mr. Khrushchev.

Small wonder that the American businessman is looking jealously eastward. Perhaps U.S. trade with the bloc would never be very great but the $250 million or so a year that goes to Europe for the kind of goods that might be more advantageously brought here is tempting. Although only a tiny fraction of total U.S. exports of some $22 billion, it still looks big to the industrialist who would just like to land a couple of $10 or $20 million contracts.

However, there is little the American exporter can do to break into this beckoning market. He is caught in a tangled web of congressional restrictions on U.S. trade with Communist countries and confused by a complicated and uncertain system of export licensing. The Department of Commerce is in the "schizophrenic situation" of being charged with both the promotion and restriction of exports. A "positive list" of goods that may *not* be exported is published regularly but there is no list of what may be exported. Also the interpretation of borderline cases veers with the gusts of congressional opinion. Most western trade with the Soviet bloc is carried on under bilateral trade agreements. This type of agreement is explicit as to what goods may be exported and imported by each party to the pact and on what terms. At its best it represents a balancing of mutual national interests. Private firms are protected in their dealings with a state agency and assured that, within the established trade limits, they can safely enter into contract negotiations which are usually protracted and expensive. The U.S.S.R. has on at least two occasions proposed such an agreement to the United States. But U.S. administrations, true to American belief in private enterprise and the development of multilateral trade, have steered away from such a commitment.

STORM CLOUDS ON THE HORIZON

Stormy weather plagues attempts to coordinate western trade with Communists. COCOM—the Coordinating Committee of 14 NATO countries (Iceland is not in it) plus Japan—reviews trade with all Communist countries except Cuba and sets up lists of strategic goods which may not be traded.

There is general agreement in COCOM on military hardware and atomic power, but here accord stops. Because Congress specifies that economic potential must be considered too, the U.S. strategic list is far more restrictive than COCOM's—and far longer. The United States has spent incredible amounts of time, money, and diplomatic effort trying to hold its strategic line, but COCOM, while respecting the embargoed list, sees no gain in further limiting commerce and contacts with Eastern Europe.

The British and most Europeans feel that trade must be considered on its merits, not its politics, and see no reason to discriminate between Communist and non-Communist countries. They are convinced that the West has made no real gains by restricting trade but has, in fact, lost the benefits of the increased understanding and friendship that come with business contacts. In response to the U.S. view that trade limitations would force Communist régimes to choose between guns and butter, they contend that a "fat Communist" is easier to deal with than a "lean" one, particularly one whose hunger results from foreign restrictions.

Credit is Crucial

In spite of U.S. objections, trade between East and West has in fact been expanding steadily and slowly. But can the Communists pay for much more? Their marketable goods are, on the whole, not greatly needed in the West so their foreign exchange earnings are limited. The only alternative to cash is credit.

For a number of years the COCOM nations have been giving credits on a medium or 5-year basis, finding the bloc countries excellent risks. In doing so they have increased their trade with the East Europeans from $2.6 billion to $4.1 billion. But now long-term credits, up to 12, 15, or 18 years, are asked for. And on this issue the "cat-fight cacaphony" between the United States and COCOM reaches a crescendo.

The United States is making every effort to persuade its allies not to ease Communist trade with generous credit terms. Long-term credit, they say, is a form of development

Roadside erosion control and highway beautification are part of highway planning today, but temporary vegetation and other erosion control measures needed during early construction stages, to prevent exposing large areas to wind and rain, are not usually included.

Through locally managed Soil and Water Conservation Districts, which now cover 97 percent of U.S. agricultural land, individual owners and operators put soil and water saving plans into effect on their farms. But the U.S. Department of Agriculture's 1965 National Conservation Needs Inventory estimated that rural land treatment is adequate on only one third of nonfederal acreage. Erosion control is also sorely needed on much of the federal land, for example, on range land in northeastern New Mexico and southern Utah.

Suburban and rural groups are now joining in watershed protection and flood control projects that include small reservoirs for water storage and recreation and land treatment to reduce erosion and silting. Unfortunately there are not enough watershed projects to have great over-all effect. Many are in planning stages; many have been submitted for approval; but shortage of funds has severely limited the number started.

Fertilizers and Pesticides Wash In

As use of chemical fertilizers increases, more nitrates and phosphates are carried into streams and lakes by runoff and soilwash from treated agricultural land. Enrichment from fertilizers also encourages growth of aquatic plants, particularly algae.

More than 30 million acres of U.S. cropland are sprayed with some pesticide one or more times a year. Forests and highway rights-of-way are treated. Aquatic vegetation and nuisance plants like mesquite are destroyed with herbicides. Pesticides are put into water to kill undesirable fish, drift into streams during spraying, and wash in from treated lands. At the concentrations found in U.S. waters, pesticides are not known to endanger people but do affect the food chain of fish and fish-eating wildlife.

Pollution entering surface or ground water with run-off from agricultural lands cannot be traced to a single identifiable source but may come from an entire watershed. This makes control difficult.

Supplies Grow Salty

In the western states, irrigation is a source of water pollution. As irrigation water percolates through the ground, it dissolves soluble salts. Pure H_2O is lost through evaporation from reservoirs and irrigation ditches and through transpiration by plants. Both processes cause return flows to grow more heavily mineralized. In some rivers drawn on repeatedly for irrigation, downstream waters become too saline to produce healthy crops. This was the cause of Mexico's complaint about the water she was receiving from the Colorado.

In coastal areas, as fresh groundwater is pumped out faster than it is replaced, salt water moves into the porous underground beds (aquifers). When the flow of a river slackens, for whatever cause, the brackish water of the tidal area (estuary) moves upstream. In the summer of 1965, the long drought plus New York City's upstream withdrawals allowed the saline front to move up the Delaware almost to the water supply inlet for Philadelphia.

Acid Drainage Debases

Acid water draining from active strip mines, auger mines, and underground mines is one kind of industrial pollution, but roughly half of this type of water pollution comes from abandoned mines for which no company assumes responsibility.

Sulphur-bearing minerals, common in coal beds, in contact with water and air form sulphuric acid. Carried into streams, the higher acid content increases water "hardness," increases its corrosiveness, makes it more difficult to treat for municipal and industrial use, and reduces recreational values. In some cases all aquatic life is destroyed. Coal mining states with humid climate suffer most from acid mine drainage — Pennsylvania, West Virginia, Kentucky, Ohio, Indiana.

Septic Tanks Crowd Too Close

Septic tank discharges, like silting, are a source of water pollution in the zone between urban center and open country. The outward movement into suburbia and exurbia often takes place before it is economically feasible to have sanitary sewers and a treatment plant to serve the developing area. When individual septic tanks are used where lots are small or soils unsuitable for waste disposal, the result may be clogged soils with overflow from the septic field onto the land surface. Elsewhere septic tank drainage may pollute groundwater. Where household water is drawn from individual on-lot wells, as in parts of Long Island, pollution from septic tanks can be especially serious.

Ships Discharge Waste

Navigation has always caused pollution — from bilgewater, sanitary sewage, garbage (including cargo spoilage), oil, accidents, spillage while transferring cargo. Carelessness, accidents, and nighttime bilge pumping make harbor regulations difficult to enforce.

Measurement of the full extent of pollution from ships is to be included in HEW's Great Lakes water pollution control comprehensive plan. A study of ship pollution of San Diego harbor has been proposed.

Discharges from pleasure craft add to waterway and harbor pollution. In anchorages and marinas from coast to coast, the vogue for boating has meant greater discharges of galley and toilet wastes directly to the water.

IN CONCLUSION

Although unknowns are many and additional research is much needed, deterioration of U.S. waters *can* be slowed down *now*. But clean streams will not be cheap. People must show that they are willing to pay the price, for cost of municipal cleanup will be borne by the taxpayer and cost of industrial improvement ultimately by the consumer.

By taking greater responsibility for supporting and paying for pollution abatement, people can get cleaner water to use and enjoy. Improvement can go forward in the traditional American way, through simultaneous effort by private enterprise, by citizen organizations, by all three levels of government. It can be advanced through widespread growth of popular understanding and popular demand for water quality improvement. Like pollution, pollution control is chiefly a people problem.

League of Women Voters of the United States • 1200 17th St., N.W., Washington, D. C. 20036
Pub. No. 309 15¢ a copy 10 copies for $1.00 Quantity rates on request

November 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Population + Production = Pollution

POLLUTION IS A PROBLEM OF PEOPLE

Water pollution is not so much a water problem as it is a people problem. As people buy more and more products to satisfy their needs and desires, pollution from agriculture and industry mounts. As people continue to move into cities and suburbs, pollution from sewage is increasingly concentrated. As more people seek outdoor recreation, their sheer numbers degrade the quality of the water they crowd to enjoy. It is this increase in population, in urbanization, in production and consumption that makes water pollution a major issue.

When Americans were fewer and cities and industrial plants smaller and farther apart, our stream and river systems could carry off waste materials and still provide satisfactory water for people downstream. The great capacity of flowing water to clean itself made it simple, natural, and reasonable for people to use streams and rivers to dispose of domestic and industrial waste. "To a very substantial extent, American industry — and thereby our economy — has been built upon the base of that valuable economic asset — the ability of our great waterways to dilute, assimilate and carry away industrial wastes. The result has been a living standard of widespread abundance and a national defense potential that has delivered the goods during three periods of military conflict."[1]

But this living standard of widespread abundance, which uses more water for air conditioning, power generation, and manufacturing, also brings cars, boats, and leisure to Americans. The demand for water for swimming, fishing, sailing, water-skiing expands. The demand for plenty of reasonably clean water has grown until it now strongly challenges the old idea of an "inherent right to pollute" public waters.

Man — The Great Polluter

Some waters are suitable only for fighting fires, washing streets, receiving wastes. Some waters are suitable — with a little treatment — for drinking, food processing, swimming. The difference in quality arises from the kind and proportionate amount of dissolved (solutes) or suspended (sediment) material.

Pollution is a natural process; no surface or ground water is pure H_2O. Climate, season, temperature of water, kind of rock and soil, plant cover, and animal life affect the solutes and sediment picked up by water in a state of nature. Salt springs in the Arkansas and Red River basin are an example of natural pollution. And so is the process by which lakes fill, age, and disappear naturally as sediment is deposited, water plants multiply, and products of decay increase.

[1] Pasek, Leonard E. (Special Assistant to the Chairman, Kimberly-Clark Corporation) "The Needs and Obligations of Industry," National Conference on Water Pollution, *Proceedings*, December 1960, Washington, D.C., p. 311.

But man is the great polluter, and modern man the greatest polluter of all. People produce personal and household wastes. Industries discharge grease and oil, acids, complex chemicals, salts, and heated water. Run-off from farmland carries sediment, fertilizers, pesticides, and animal wastes into streams. Irrigation water dissolves salts from soil and through reuse becomes too saline for crops. One place or another, these and other pollutants are entering U.S. rivers, lakes, and groundwater limiting the water's usefulness.

Clean Enough to Use Again

Use is not the same for every lake and river in the United States, nor for all parts of a river system, nor even for every section of mainstem or major tributary. Water quality is highly variable, changing from place to place and from day to day, as it responds to amount and kinds of entering wastes and of flow available to dilute them. Therefore a single national standard of stream quality cannot be set as it has been for drinking water, a single use.

Plentiful and pure drinking water will always be basic, but control of water pollution is no longer solely a health measure. The present goal is water quality suitable for all legitimate uses: public water supply, industry, agriculture, recreation, and propagation of fish and wildlife.

Americans use a lot of water. To have enough, people must reuse water as it moves downstream. Have you noticed the Calgon Corporation's advertisement captioned, "Would you bathe a baby in secondhand water?" Or the one, "Would you brew your morning coffee with secondhand water?" The answer is yes, you will and probably do, because "more and more water is used water."

In some of the country's river basins the dependable flow is reused, often several times, during low-flow periods. Repeated reuse of water is forecast by all estimates of water needs in 1980 and 2000, for only with reuse will supply meet demand. Waste water is this country's most immediately available water supply; it need not be pumped over divides nor up from deep below the surface. The cheapest, quickest, most flexible way to increase the quantity of usable water is to reduce water pollution.

People's Choice

Use and reuse are key words. Where people want to use rivers only for navigation by tug and barge or for disposal of municipal and industrial waste, polluted water will suffice. Where people want to use rivers for other purposes, such as for the growing number of pleasure boats or for attractive open space in an urban area, they will want cleaner water.

Yet wastes must be disposed of in some way. People cannot avoid creating personal and kitchen sewage. People will not give up beet sugar, newsprint, automobiles, nylon and cotton clothing, fine fruit, or winter lettuce just because production of these goods increases organic and inorganic wastes.

In our super-cities, wastes as well as population and income are being concentrated. Since no organism is able to live in an environment of its own multiplying wastes, the choices before us are *how*, not *whether*, to counteract growing water pollution.

MUNICIPAL WASTES

Wastes from towns and cities and wastes from industrial plants exceed all other sources of water pollution. So great has been the increase in wastes municipalities produce that building more and more treatment plants has not been enough to keep streams from growing more polluted. Because municipal sewage treatment does not remove all wastes, waste-discharge after sewage treatment must grow greater as total volume of municipal sewage increases.

U.S. municipal sewage discharges in 1900 are estimated to have equalled the raw sewage of 24 million people. Although the number of sewered communities and the number served by treatment plants has been rising since 1900, municipal sewage discharges in 1960 were equivalent to raw sewage from 75 million people.

Population growth and movement to cities are the main causes, but failure to construct needed treatment works, treatment plant obsolescence or poor management, and increased installation of new devices such as garbage disposals also add to municipal water pollution. State-by-state surveys reported each year by the Conference of State Sanitary Engineers show that millions of people still live in places where there are no waste treatment facilities or where those they have are inadequate. But the U.S. Department of Health, Education, and Welfare points out that, even if accelerated construction provides all U.S. sewered communities with secondary waste-water treatment by 1980, substantially the same amount of municipal pollution will reach water courses in that year as is discharged into them today, simply because there will be so many more people.

There is pressing need for new water treatment processes that will remove more of the contaminants from waste water and do this economically. Complete water renovation by advanced waste treatment is now possible but costly.

Primary is Poorer

Along many waterways, cities are now so close together that their waste water needs more treatment[2] than the cities provide. To know that a city treats its sewage or that a large percentage of jurisdictions in a basin now have treatment plants is not enough. We need to ask, "Is the degree of treatment adequate?"

Unless most towns and all cities move up at least to secondary treatment, pollution of streams will grow worse. It has been suggested that secondary treatment be made the required treatment, with primary treatment allowed only as an exception by permit from a state water pollution control agency.

Secondary treatment is a substantial improvement over primary treatment, but it does not do away with all problems of pollution from domestic sewage and industrial waste. Secondary treatment even aggravates what is known as the "enrichment" problem.

Domestic sewage contains dissolved compounds of nitrogen and phosphorus, which all gardeners recognize as the chief constituents of synthetic fertilizers. Untreated sewage and the liquid discharge from treatment plants (effluent) enrich the receiving waters with plant nutrients and stimulate growth of aquatic plants, particularly algae. Living, an abundance of algae give the water a pea-green, soupy appearance; dying, they cause pollution, disagreeable odors, unpleasant taste. Unfortunately, in secondary treatment of sewage, nitrogen and phosphorus are changed into forms that algae utilize exceptionally well.

Rain in Early-Sewered Cities

In the 19th century when cities like Chicago first provided sewers, surface run-off from rain (storm sewage) and waste from toilets, sinks, and laundry tubs (domestic sewage) were both carried away in the same pipe. When cities began to build treatment plants, it was neither practical nor economical to make them large enough to handle combined storm and sanitary (domestic and industrial) waste waters. Cutoffs were constructed by which excess sewer flows could pass directly to the stream. Such outfalls pollute the waterfronts of almost all old cities.

Although rainwater dilutes raw wastes in combined sewers, downpours also flush accumulated sewage solids (raw sludge) out of the sewers and into the rivers. Storm-water picks up wastes as it washes across city surfaces. These untreated discharges from summer storms and overloaded sewage systems make receiving waters unfit for sports or shellfish. For example, New York City engineers say that when summer rains are heavy and frequent, beaches are polluted for most of the swimming season.

Neither the extent of pollution from unseparated sewers nor the cost of a national separation program is known, but preliminary studies indicate that both are high. A tentative estimate by the U.S. Public Health Service places the cost of separating combined sewers throughout the United States at $20 to $30 billion or more. To this must be added the expense and inconvenience of disrupted traffic.

Even less is known about the cost and reliability of other remedies — storing the sudden influx of water (in lagoons as in Tacoma, Washington, or in holding tanks as in Columbus, Ohio) and of chlorinating it (as Boston does before discharge into the harbor).

In an attempt to help early-sewered cities find the answer, the Water Quality Act of 1965 authorizes matching federal grants to states or cities for projects that will demonstrate new or improved ways to handle discharges from combined sewers.

INDUSTRIAL WASTES

To broaden their tax base and increase employment for their people, communities welcome industry. The industries, so eagerly sought, require water for cooling, for washing, for use in manufacturing processes. From their survey of water use in industry, published in 1965, the National Association of Manufacturers and the Chamber of Commerce of the United States report that only 6.7 percent of the water withdrawn for industrial use is consumed (i.e., made unavailable to others in the immediate vicinity or downstream because the water is incorporated in products, evaporated in cooling towers, or lost in other ways.

What happens to the rest? Cooling water is returned to the stream at higher temperatures (thermal pollution) but otherwise unchanged. Much water used for cleaning and other industrial processes also goes back into streams and lakes. Where the water is returned laden with solutes and solids, downstream use is diminished for other than waste-carrying purposes.

Information on industrial waste discharge into U.S. waters has been sparse and difficult to obtain because most companies have chosen to keep it confidential. Where state agencies are allowed by law to collect data on industrial water use and waste discharge, some operate under a legislative proviso that the information will not be revealed. Industries say that to place in the public record the names and quantities of discharged waste materials or descriptions of treatment methods would, in many cases, be tantamount to disclosing a company's secrets to its competitors.

Compounding the Problem

Industrial *organic* waste discharged into U.S. water courses in 1960 was estimated to be twice the municipal waste load.[3] Domestic sewage and industrial wastes (chiefly from food processing, pulp and paper, and non-synthetic textiles) are thought to furnish about equal amounts of organic wastes that break down under today's conventional sewage treatment (degradable pollutants).[4] In addition, chemical companies and fabricators and packagers of chemical compounds discharge synthetic organic wastes that are not removed by natural stream purification processes or by primary or secondary treatment (persistent pollutants).

Industrial processes also release *inorganic* materials — metals, salts, acids — into plant waste water. Inorganic chemicals (whether from industry, agriculture, or homes), like persistent organics, are not removed by primary or secondary treatment.

Water high in dissolved inorganic chemicals corrodes equipment, forms scale, affects color, odor, and taste, and requires additional treatment for industrial and domestic use.

Cutting Back Industrial Waste Discharge

The forecast that industry will require "80 percent or more of the expected increase in total future water requirements and will account for 65 percent or more of all fresh water used in 1980 and 2000"[5] suggests how important industrial waste-handling may be to total U.S. water quality control and to industry itself.

A company's decision on how to handle its waste water is based on economic factors. It costs money to recirculate through cooling towers, construct treatment works, develop new processes that use less water or leave it cleaner. Some industries have found it profitable to recover byproducts from waste water, but more often recovery does not match cost. Installation of treatment systems or process changes with or without waste reclamation seems expensive to a company accustomed to "free" disposal to stream, lake, or ocean.

When social conscience or concern for corporate image make stream pollution distasteful to officers and management or when government regulations limit waste-discharge into public water, companies weigh the net costs of discharging through municipal sewerage systems, altering plant processes, or upgrading company waste-water treatment. The number of plants that discharge industrial waste through municipal sewerage systems is increasing. Smaller plants tend to make use of public facilities; larger ones generally treat their own wastes.

Many companies have given great attention to pollution abatement and invested large sums in preventive measures as, for example, at the new Kimberly-Clark pulp and paper plant on the Sacramento River in California.

Detergents that Decompose

An industry-wide product change of this kind was recently made by detergent companies and the chemical industry that supplies them. When, in 1963, congressional committees were considering bills to prohibit interstate commerce in detergents resistant to conventional sewage treatment, the Soap and Detergent Association pledged that the industry would voluntarily change over to a product that would sell for no more, clean as well, and foam less in streams.

By July 1, 1965, companies which together produce more than 90 percent of all detergents sold in the United States had changed over from the old, persistent, organic cleansing ingredient (ABS) to a new substance (LAS) which decomposes *where oxygen is present*. LAS has replaced ABS in products of the three big producers (Colgate-Palmolive, Lever Brothers, Procter & Gamble), who made the shift without mass media advertising, as well as in products of companies who advertise new biodegradability.

The new active cleaning substance breaks down as rapidly in *secondary* treatment, in properly constructed lagoons and septic tank fields, and in unpolluted streams as do the human and food wastes of household sewage.

SUBURBAN AND RURAL WASTES

In suburban and rural America there are other kinds of water pollution:

- Sedimentary — excessive silting from improper farming practices, from construction of highways and housing developments, from stripmining
- Chemical — runoff from land treated with synthetic fertilizers and pesticides; concentration of salts in irrigation waters; acid drainage from abandoned mines
- Organic — drainage from inadequate septic tank installations; discharge from boats.

Hold Back That Silt

Erosion of soil by rain and running water, a natural process, is aggravated by human activities that increase runoff. Both flood peaks and sedimentation rates go up with deforestation, bad farming practices, range abuse, highway construction, suburban sprawl.

Silt accumulates in natural and man-made reservoirs, reduces their storage capacity, and shortens their useful life. Silt from fertilized and pesticide-sprayed fields carries these compounds into streams and lakes. Silt buries fertile floodplains and stream-valley parks and clogs stream channels. Silt raises the cost of water treatment and harbor dredging.

Each year more agricultural land is used for highways and housing. Some of the worst erosion in the nation is around growing metropolitan areas, Washington, D. C., for example, where housing developers scalp grass, trees, and shrubs from the land and leave it exposed until lots are sodded when construction is finished, sometimes several years later.

---

[2] Primary and secondary treatment, with chlorination, have been used for sanitary sewage for 40 years with little change. *Primary* treatment screens out larger solids, settles finer solids, and disposes of these sewage solids (sludge) by burning or digestion. Following this, *secondary* treatment applies to the remaining liquid, in an intensified and controlled way, the same processes of decomposition that take place naturally in unpolluted streams. *Chlorination* of the remaining liquid (effluent) to kill disease-transmitting agents can follow either primary or secondary treatment; chlorination kills infectious bacteria but does not kill all types of viruses which are more resistant to disinfectants.

[3] 88th Congress, 1st Session, U.S. Senate Committee on Public Works, Committee Print, *A Study of Pollution — Water*, June 1963, p. 10.

[4] Kneese, Allen V., *Water Pollution — Economic Aspects and Research Needs*, Resources for the Future, 1962, p. 6.

[5] 86th Congress, 2nd Session, U.S. Senate Select Committee on National Water Resources, *Water Quality Management*, Committee Print No. 24, February 1960, p. 3.

in late summer 1964 to discuss operational, logistical, and supply problems, and such legal questions as status of troops on foreign soil. Further conferences of this kind might be useful in developing ground rules for future operations and exploring the kind of training needed for an army that has no enemy.

Police Services. There is an echo of former Secretary-General Trygve Lie's proposal for a U.N. Guard in Canadian Prime Minister Lester Pearson's statement that ". . . the United Nations . . . should at least recruit a small professional police force specifically trained for such duties as traffic and crowd control, property protection, escort duty and crime investigation." Experience in Cyprus has shown the need for policemen to supplement soldiers.

A State of Readiness. The United Nations, too, might improve its own preparations. The Secretary-General, though he now has a military adviser, needs more staff to do the kind of planning necessary to eliminate waste and lead to faster and more effective action. Modern military operations are very dependent on a number of highly technical undertakings—communications systems, and medical, transport, supply, maintenance, and repair services. Information services also are needed to explain the U.N. mission to the troops, the local populace, and the outside world.

The Secretary-General's Good Offices. Crises can be mitigated by enlarging the use of the good offices of the Secretary-General or his senior aides, or by enlisting distinguished outsiders to serve under the U.N. banner. An impressive number of civilians and military men have demonstrated a gift for this kind of work.

Peacekeeping Role of Regional Groups. The role of regional organizations in peacekeeping is still being clarified. That inter-American problems are primarily the province of the Organization of American States (OAS) has been successfully upheld at the United Nations and the Americas have been able to handle peacefully many disputes of a serious nature. The Organization of African Unity (OAU) has also insisted upon its primary responsibility for that continent but has as yet been involved in only a few limited cases. An attempt to establish a peace force for Cyprus under the aegis of NATO with formal links to the United Nations was unsuccessful. But even when regional groups do serve a useful purpose, the United Nations still has an important role should regional solutions fail or seem to be inadequate. The United Nations also has a special role in handling inter-regional cases.

In Conclusion

Flareups Forecast. In a world afire with revolutionary ambitions, disputes are bound to keep cropping up. Insurgencies, civil wars, and general unrest will continue to tempt domestic as well as international troublemakers. Thus, the need for the United Nations to develop effective ways and means for keeping the peace is more urgent than ever.

All nations are likely to agree, at some point, that international turbulence, even "wars of liberation," must be kept from escalating into big wars. Most nations are anxious to avoid the consequences of an all-out thermonuclear war. There is wide recognition that a degree of peace is urgently needed in a revolutionary world in which more and more powers are able to obtain the means of mass destruction. Because of this tacit, pragmatic agreement among nations, limited peace (or "nonwar") has been achieved. Because of this agreement the United Nations has been able to find ways to mount peacekeeping forces with the blessing of the great majority of member states.

Political Facts of Life. Obviously all nations, including the United States and the U.S.S.R., see U.N. issues primarily in terms of their own national interest. Success in peacekeeping seems directly related to the degree of accord among the U.N. membership. Also a peacekeeping operation is more likely to be a success when the political questions are settled ahead of time and when cooperation of the local government concerned has been obtained, as well as that of the nations most directly concerned in the troubled area. But no U.N. force has been or is likely to be organized without the support of at least one great power and the tacit consent of all others with the political or military means to wreck the operation.

Solving basic political problems is not really the role of a peacekeeping force, but rather the difficult and long-range task of the diplomats and other front-line peacekeepers—the mediators and conciliators. A peacekeeping force can provide time in which there can be created the conditions under which political settlement may be possible; a peacekeeping force cannot, itself, create the settlement. The development of law, and of other institutions through which political problems can be solved, is not likely without the development of a world-wide consensus that such laws and institutions are needed.

Clearly the realities of international life will continue to limit U.N. peacekeeping activities but are unlikely to preclude them. As the U.S. Ambassador to the United Nations, Adlai Stevenson, has said: "Ceasefire may be a half measure; but that is what makes it feasible in a world which no longer dares to use absolute military power and, on the other hand, is not yet prepared to accept absolute law in the settlement of international differences. It may not be the greatest invention since fire itself, but it puts out fires—saves lives and keeps the peace."

* * * *

The basic issue underlying the financing and peacekeeping debates is how to assure that our major international body develops into a truly effective international instrument for keeping the peace. Much depends during this critical period on whether U.N. member nations, small or large, give sufficient future support—both financial and moral—to the difficult task of building up the strength of the United Nations.

Pub. No. 307 15¢ a copy 10 copies for $1.00 Quantity rates on request
League of Women Voters of the United States • 1200 17th St., N.W., Washington, D.C. 20036

approx 3800 words in this, not including headings or title

April 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

5423 Richmond
10/26/65 8PM Book Club Meeting at SMU Coliseum

United Nations Peacekeeping

Old Problems and New Patterns

From Gunfire to Ceasefire

"We the peoples of the United Nations determined to save succeeding generations from the scourge of war. . . .

"And for these ends . . . to unite our strength to maintain international peace and security. . . .

"Have resolved to combine our efforts to accomplish these aims."

These words from the Preamble reflect the high hopes which the drafters of the U.N. Charter had for the new organization's role in keeping the peace. In deference to the realities of international life in 1945, the Charter builders assigned the task of peacekeeping primarily to the Security Council, where the "Five Great Powers" were each granted a permanent seat—and a veto.

But early in the life of the United Nations, the Charter provisions for peacekeeping by the Security Council were hampered by the Cold War and the veto. The "great power" collaboration, which was to have formed the basis for the U.N.'s political action and collective security efforts, soon fell apart.

Nonetheless, during its 20 years of existence, the United Nations has developed a variety of means for dealing with situations which threatened international peace and security, ranging from a small "U.N. presence" to military forces under U.N. command to carry out peacekeeping responsibilities.

The "U.N. presence," in the form of fact-finding and good offices, impartial observation, and the curtailment of the illicit movement of men or munitions across national borders, was used to ease tensions and damp down potentially dangerous disorders.

Small U.N. peacekeeping enterprises have been in business since 1948, when some 30 observers from 10 nations were sent out to patrol the armistice line in Kashmir. Since 1949, the U.N. Truce Supervision Organization has kept about 150 men in Palestine. In another U.N. operation, 600 observers watched the border between Lebanon and Syria in 1958 for evidence of infiltration into Lebanon.

A large "U.N. force" has been sent out five times. The first, Korea, is the only example of the use of force, under the aegis of the United Nations, to push back aggression and later to supervise an uneasy peace re-established under an armistice agreement still in force. The four other "forces" were sent to Suez (UNEF), to the Congo (ONUC), to West New Guinea (UNSF), and to Cyprus (UNFICYP).

The Middle East. As bombs dropped on Suez in 1956, UNEF was brought into being by the General Assembly. British and French vetoes had kept the Security Council from adopting a "ceasefire" resolution. An Emergency Special Session of the General Assembly, called under the terms of the 1950 "Uniting for Peace Resolution," recommended not only a ceasefire but also the formation of a U.N. force to keep peace between Israel and Egypt.

Ad hoc and hasty as the creation of the force was, it worked. It was not designed to bring about a ceasefire. A General Assembly resolution, plus pressure on Britain, France, and Israel by the United States and the U.S.S.R., had already done that. UNEF has not only achieved its immediate purposes—to secure and supervise cessation of hostilities—but has stayed in the Gaza Strip, keeping the local combatants, Israel and Egypt, at arm's length.

Certain elements of the UNEF operations are worth noting. The U.N. members refused to be stopped by Security Council inaction. And it proved possible to utilize military units from small and medium-sized states rather than from the Great Powers. Although the General Assembly could authorize creation of an army it could not operate it, so the task of administration was put in the hands of the Secretary-General. Other precedents were set by UNEF: as a peacekeeping (not a "sanctions") operation, it had to operate with the consent of all the parties involved; also, the principle that U.N. troops could use force—but only in self-defense—was firmly established.

The Congo. When in mid-1960 the government of the newly independent Congo appealed for help to the United Nations in the midst of a spiralling crisis, there seemed but three alternatives to the problem of collapsing law and order: continued intervention by Belgium, which posed the likelihood of a racial war of continental dimensions; a great power involvement, with the possibility of a U.S.-U.S.S.R. confrontation that might escalate into thermonuclear war; or action by the United Nations. The third choice seemed to be the only acceptable solution, so on July 13, 1960, the Security Council decided that the United Nations should act.

Experience with UNEF served as a valuable precedent. Again, only units from the smaller countries—a high percentage of them African—were used. In addition, a number of countries, including the United States, provided transport, communications, medical, and other supporting services. Again, the Secretary-General was told to carry out the operation under Security Council directives—whose ambiguity reflected Council differences.

From the beginning, ONUC was not only shadowed by the threat of a great power confrontation and of rivalry among African states, but also had to cope with staggering

problems of transport, communication, and supply. Its difficulties, particularly with the secessionist Province of Katanga, were aggravated by an explosive mixture of big money, tribalism, adventurism, and inexperience. Under these conditions, the amazing thing was not that there were unfortunate incidents but that the U.N. force achieved its goals at all. And this it did—replacing Belgian troops and maintaining some semblance of law and order. A program of technical, economic, and social assistance furnished a complement to the military operations.

Unfortunately, the United Nations was forced, due to lack of funds, to withdraw its military forces in June 1964 before an adequate local force could be trained to insure internal security.

West New Guinea. Organized in 1962 as a security backstop for the U.N. Temporary Executive Authority in West New Guinea, UNSF had the most peaceful of missions. There was no fighting. The hard political decisions were made ahead of time. Some 1500 Pakistani, army units with a small naval group, were sent in to assist in preserving order during the transition before the Guineans joined with Indonesia. An air transport contingent was provided by 99 Americans and 12 Canadians.

Cyprus. An explosion in Cyprus seemed inevitable by the end of 1963. This Mediterranean island had boiled over when its president, Archbishop Makarios, proposed changes in the constitution which the Turkish minority felt jeopardized their rights and safety. British forces, on the island by treaty, had moved in to form a cushion between Turkish and Greek Cypriots who were literally coming to blows.

The emergency was brought to the U.N. Security Council on December 27, 1963. Fighting continued during Security Council consideration in January and February 1964. On March 11 the Security Council called on the parties to stop the violence and bloodshed, and recommended the establishment of a peacekeeping force to prevent recurrence of fighting and to contribute to the restoration and maintenance of law and order. The Secretary-General, in consultation with the nations involved, organized the force and appointed its commander, who reports directly to him. The new and potentially most constructive feature of the plan was the appointment of a mediator to work for a solution of the festering political problems.

Trouble and misunderstanding arose in Cyprus as in the Congo over the strict limitation on the U.N.'s use of force. The Secretary-General explained the limitations this way: "The United Nations Force was dispatched to Cyprus to try to save lives by preventing a recurrence of fighting. It would be incongruous, even a little insane, for that Force to set about killing Cypriots, whether Greek or Turkish, to prevent them killing each other."

Paying the Piper

The United Nations has been teetering on the brink of bankruptcy since 1961.

How did it come about?

Gradually, as our debts often do.

The two crises primarily responsible for this insolvency were Suez and the Congo.

The U.N. Emergency Force (UNEF) in Egypt never called for more than 6,000 men, and its expenses ran about $1.5 million a month. A special account for financing was set up on the basis of assessments, plus voluntary contributions. Small arrears began to build up, but not to the point where they were worrisome.

The operation in the Congo was quite a different matter, involving as it did at its peak a force of 20,000 men and costing around $10 million a month. ONUC was financed from the beginning by a combination of assessments plus voluntary contributions—the latter made necessary by reductions in the assessments of the smaller nations. These reductions were made because the cost of U.N. peacekeeping—at its height—amounted to more than twice the regular U.N. budget.

To complicate matters further, France and the Soviet bloc adamantly refused to pay the peacekeeping assessments—for political not financial reasons. In 1961, the General Assembly tried to stem the tide of mounting deficits and voted: 1) a further round of assessments for the Congo and further efforts by the Secretary-General to collect past debts; 2) a bond issue of $200 million repayable in 25 years; 3) a request to the International Court of Justice for an advisory opinion as to the legal authority of the General Assembly, under Article 17, to apportion the expenses of UNEF and ONUC among the member nations.

The Court's opinion of July 1962 that the General Assembly did have the authority to apportion the expenses for the Suez and the Congo operations among the member states as "expenses of the organization" was accepted in December 1962 by a 76-17 vote (with 8 abstentions)—more than the necessary two-thirds majority of the Assembly. However, a number of nations, most conspicuously the Soviet Union and France, differed with the Court's interpretation and continued to refuse payments.

U.N. debts continued to grow, and U.N. peacekeeping action in the next two disputes would have been impossible had not the nations immediately involved agreed to pick up the tab—Holland and Indonesia for the West New Guinea operation; the United Arab Republic and Saudi Arabia for U.N. observers in the Yemen.

Then came Cyprus. An acceptable financing arrangement had to be agreed to before the force could proceed. Voluntary contributions—of money, of troops and money, and of troops only—was the answer. Not a good one as it turned out, for the monetary contributions were slow in coming. Deficits mounted and the Secretary-General was forced to visit the major capitals with hat in hand.

By fall 1964, the United Nations faced a net deficit of $134 million and a constitutional crisis of major proportions. The U.S.S.R. and a number of other nations * were so far behind in their assessments as to be subject to the terms of Article 19 of the Charter: that a Member two years in arrears in the payment of its financial obligations to the United Nations "shall have no vote in the General Assembly." The United States vigorously supported the application of Article 19. Russia vigorously denied that she was subject to Article 19.

The major preoccupation of the 19th General Assembly, right up to its recess on February 18, 1965, turned out to be the avoidance of a showdown on Article 19. By consensus procedures—adoption of resolutions by "acclamation," by "no objection," without a vote—all these "no voting" devices were used in order to avoid a showdown. But no solution to the peacekeeping headaches was found despite endless behind-the-scene negotiations and efforts by the Secretary-General and the President of the General Assembly.

* On November 30, 1964, the Committee on Contributions listed seven nations as being in arrears to the equivalent of more than two years' contributions: Byelorussia, Czechoslovakia, Hungary, Poland, Romania, the Ukraine, and the U.S.S.R. France was not added to the list until January 1, 1965.

Many nations never quite accepted the reality of the crisis and were frustrated by being unable to vote. In fact, many of them seemed to consider the crisis as simply another "cold war" issue in which they did not wish the General Assembly to become involved. Unfortunate, also, was the failure to see that the future of the General Assembly's assessing power under Article 17 was at stake.

"The most significant and positive action" taken at the 19th Session was, in Secretary-General U Thant's judgment, the authorization of a Special Committee of 33 members to make a comprehensive review of peacekeeping "in all of its aspects": the problems of financing past peacekeeping operations, new patterns for future operations, and basic political and constitutional issues which had been somewhat submerged.

The composition of the committee represents both great and small powers. The permanent members of the Security Council (with the exception of nationalist China) are represented, including the two major countries in financial arrears—Russia and France. Every geographical bloc is there, East and West, North and South—six countries each from Africa and Asia, five each from Latin America and Eastern Europe, and seven from Western Europe and the British Commonwealth.

Despite its scope and its broad representation, the committee cannot by itself fulfill its staggering assignment. Other consultations are also needed, as well as widespread discussion of the basic issues inside and outside the United Nations. As Britain's U.N. representative, Lord Caradon, recently warned: "Wide agreement on U.N. peacekeeping will require a certain element of determination from the ordinary people of the world whose very future depends on effective peacekeeping."

Who Authorizes? Who Controls? Who Finances?

For the United Nations effectively to carry out its mandate to help keep the peace, basic constitutional questions need to be answered and financing arrangements accepted.

Secretary-General U Thant said to the Pacem in Terris conference in February 1965: "We are now witnessing the beginning of the great debate—whether the big powers in unison, through the agency of the Security Council, should take exclusive responsibility for maintaining international peace and security while the General Assembly functions as a glorified debating society in political matters or whether an attempt should be made to secure a fair, equitable, and clearly defined distribution of functions of the two principal organs. . . ."

The "great debate" on peacekeeping and financing issues, which U Thant has predicted, divides into three separate but related stages: 1) authorizing, 2) administering, and 3) financing a peacekeeping operation.

The major issue of the first stage is whether the General Assembly as well as the Security Council can initiate a peacekeeping operation. The Charter says the Security Council shall have "primary responsibility for the maintenance of international peace and security." But does "primary" mean exclusive? The Soviets say "yes"; they maintain that the Security Council alone has power over peacekeeping and that no peacekeeping operation not authorized by it is legal. The United States say "no" and points to several Charter articles indicating that the General Assembly has "residual" peacekeeping powers in case of Security Council deadlock. Various memos issued by both the United States and Britain do stress that a sequence should be followed when considering a peacekeeping matter —first the Security Council, then the General Assembly if the Council is unable to act.

Generally speaking, most nations seem to be opposed to the Security Council having exclusive control, with no escape hatch to the General Assembly in case of a Security Council veto.

At the second stage, the administering of the peacekeeping operation, the U.S.S.R. again calls for exclusive Security Council control. The United States denies the validity of this approach, calling it a guarantee for inaction.

The third stage is deciding on the financing. The U.S.S.R. argues that since only the Security Council legally has the right to decide on creation of a U.N. military force, the financing should also be decided by the Security Council. France agrees that the General Assembly does not have the right to assess for peacekeeping but for a different reason—she maintains that no General Assembly decision can be anything more than a recommendation, and thus the financing of peacekeeping should be voluntary rather than mandatory. The United States says there are various ways to arrange financing, including assessment of U.N. members by the General Assembly.

Even though the United States defends the General Assembly's assessing powers, she is concerned that procedures be worked out "which will promote the most responsible exercise of that power." Hence this country has proposed the creation of a Special Finance Committee to include the Security Council's permanent members and a relatively high percentage of the large financial contributors from each geographic area. In apportioning expenses for peacekeeping operations, the General Assembly would act only on a recommendation passed by two thirds of the committee's members. The committee could consider a variety of financing methods for each peacekeeping force: 1) expenses paid for by nations involved in dispute; 2) voluntary contributions; 3) charges on the regular U.N. assessed budget; 4) special assessments for peacekeeping, including the possibility of a special scale, with nations having the greater ability to pay allocated higher assessments; 5) some combination of methods.

New Patterns for Peacekeeping

In view of past experience, what kinds of peacekeeping is it realistic to expect of the United Nations?

The probability of military action to enforce U.N. decisions seems remote. Also, there seems little likelihood of a standing U.N. force in the foreseeable future. Not only is it considered impractical, but there is serious question about the wisdom of trying to establish, maintain, supply, and finance a permanent, internationalized armed force before there is greater political harmony among nations.

Earmarking Forces. One answer seems to lie in continued reliance on ad hoc forces whose mission is limited—to supervising armistice agreements, to assisting in maintaining internal order, or to interposing a kind of international screen between quarreling factions or nations.

Despite the apparent advantages in a response tailored to each emergency, the problems of establishing and operating ad hoc forces under crisis conditions are very great. To alleviate some of these difficulties, the Scandinavian countries have taken the lead by setting up "standby forces": troops earmarked, trained, and readily available for U.N. peacekeeping operations. Canada, the Netherlands, Iran, Italy, Finland, and New Zealand also have standby arrangements.

At Canada's invitation, 24 nations which had furnished 100 or more troops for U.N. peacekeeping, met in Ottawa

provide for a county auditor in counties of over 190,000 population. Counties are limited by constitutional provisions to a tax rate of 80c on the $100 valuation with amendments allowing a 15c additional levy for roads and bridges and 30c for farm to market roads.

THE COUNTY AS A POLITICAL UNIT OF THE STATE

The political party system in Texas is based on county structure. There are 254 divisions of the Democratic and Republican parties in Texas. Each party is required to have a county executive committee. The county chairman and election precinct committeeman are elected at the party primaries every two years on the first Saturday in May. Precinct conventions are held in each election precinct on Primary election day at which time delegates to the County convention held the following Saturday are elected. The County convention elects delegates to the State Convention held in September. Every 4th year a second state convention is held for the purpose of electing delegates to the party's National Convention which nominates the party's presidential and vice-presidential candidates. The State Executive Committee of the party in power acts as a link between the Governor (who is considered the head of party) and the party in each of the counties.

In sum, if, as some county theorists have recognized, the county is here to stay on the American scene, can or should it become a more viable instrument of government for meeting the needs of its citizens? No one today seriously doubts that the functions the county in Texas presently performs have been accepted as the legitimate business of government at some level, but is the county the best level at which these functions should be performed? If not, how can the ever expanding needs of the people be met? Should the county be given even more power, both in administration and in policy-making, to provide these services? Is the Texas county destined to atrophy for lack of sustenance to do the job now demanded of it, or to be completely by-passed as urbanization changes the Texas scene? Could it become an even "more- splendored thing"—destined to assume a new role in an urbanized Texas and a new place in the Texas sun?

The County That Is presages the county that can be or may never be.

PUBLICATIONS OF THE LWV OF TEXAS

New Faces		10c
Making Sense		10c
A Guide to Understanding State-Local Relations		60c
Leader's Guide for New Faces and Making Sense		15c
The County That Could Be		10c
	50 copies	$4.50
	100 copies	$7.50
The County That Is . . . Or Is No More?		05c
	100 copies	$3.50

League of Women Voters of Texas

612 NORTH 18TH ST. WACO, TEXAS

AUGUST 1964 PRICE 10c

STATE-LOCAL RELATIONS: County Government

PREPARED BY THE LEAGUE OF WOMEN VOTERS OF TEXAS

AUGUST 1964 - PRICE 10¢

About 3200 words, including headings. 273 lines @ 9 words per line + 70 lines @ 12 words per line. 5/8" margins at sides; 3/8 space in center. This was 12 pages of ditto, space typing pica.

"THE COUNTY THAT IS"

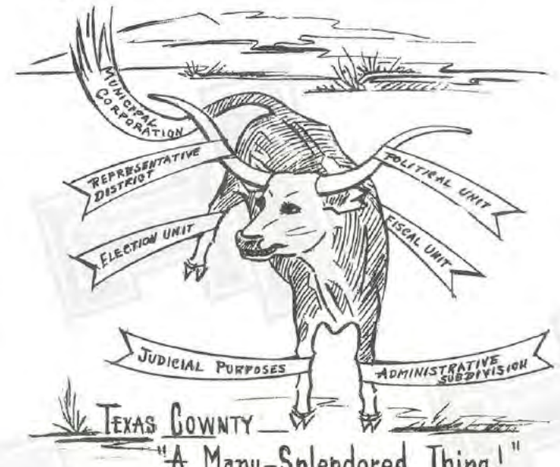
"Boondoggle or Democracy?" The Milwaukee, Wisconsin Sentinel, in a series of twelve articles with this heading recently explored the effectiveness of Wisconsin's local government including its counties. The series began by giving two diametrically opposite viewpoints. "The defenders of local government say it is the last refuge of true democracy, a rampart against the tide of autocratic centralization . . . more economical and efficient than the extravagant and bureaucratic state and federal governments. With equal conviction, it is considered as a grand boondoggle, a kind of massive featherbedding by overlapping fragmented and often unnecesary units that have long since outlived their usefulness — wasteful, archaic, undemocratic and completely incapable of dealing with the problems of modern society." One reason given for the current concern about this long considered "sacred cow" of American government is the dawning realization that local government has become big business with expenditures and indebtedness skyrocketing at many times the rate of state and federal governments. In the 1950-60 decade there was a 135% increase in federal expenditures, while local government expenditures rose 160%. Of these expenditures, education shows the greatest increase and will continue to climb. This is especially true in Texas.

Whether we believe that county government in Texas is boondoggle or democracy, the fact remains that for the foreseeable future, the county in Texas will probably remain an administrative agent of the state and will also be looked to for the performance of municipal type services. Are the grants of power provided in our 1876 Constitution, with its 155 amendments plus additional legislative enactments, sufficient and flexible enough to allow counties to meet needs?

The Texas county is completely a creature of the state and has no powers except those that are clearly stated in the Constitution and statutes. Since the Constitution in Article III, Section 56 prohibits regulation of county affairs by local or special laws, the courts have upheld the passage of classfied general laws in order to allow some flexibility in granting of powers especially in urbanized counties. This means that powers of counties may vary somewhat from county to county. One expert states, "In a sense, state legislators are 'ambassadors' from the counties, and the large volume of local and special laws passed each session creates a spirit of localism in Austin."

The county as purely a legal subdivision of the state seems to be the inevitable and ultimate answer. This was the doctrine regarding municipalities until home rule was invented and it still is the doctrine for Texas counties except for the 1933 County Home Rule Amendment. The need to give counties more powers and an opportunity to devise their own form of government led to the adoption of this Amendment. Due to ambiguities and technicalities in the enabling Act as well as the Amendment, counties have been stymied in attempts to implement the procedures of this Amendment. However, a group in Bexar County (San Antonio) are currently awaiting a court decision regarding a County Home Rule charter formulated under the 1933 Amendment. It is evident that even in Texas a modernistic, urban doctrine for counties is now coming to the fore.

"Texas has never really determined the basic functions of its counties," states Profesor William E. Oden in the Arnold Monograph, **Municipal and County Government.** To the state of Texas the county has been a "many-splendored thing": a municipal corporation, a representative district, an election unit, a unit for judicial purposes, an administrative subdivision of the state, a fiscal unit of the state and a political unit of the state. In order to determine what powers counties have, it is necesary to piece together the scattered references in the Texas Constitution (56 sections in 9 Articles) and add numerous acts of the legislature; these references are recorded under Professor Oden's categories above.



THE COUNTY AS A MUNICIPAL CORPORATION

The predecessor of the county in Texas was the Spanish-Mexican municipality; the town was the capital of this district. Under the Republic of Texas these municipalities

became county units. In our 1876 Constitution this concept of the county as a municipality was kept alive under Article XI on Municipal Corporations. Section 1 of this Article states: "The several counties of the State are hereby recognized as legal subdivisions of the State." The Texas Supreme Court has delivered numerous opinions, cited in John P. Keith's book, **City and County Home Rule in Texas,** which show that counties are legal agencies or arms of the state government, different in status from municipalities. A county is not a corporation proper but instead a quasi-corporation. Rulings of the courts show that the powers delegated to counties are usually more strictly construed than are those given to incorporated municipalities. Nonetheless there has been some development of local public services (municipal type) partly because county residents outside of towns and cities demand services like those provided by the central city.

In legislation passed after ratification of the Constitution counties, as well as cities and towns, were delegated some power to provide local services. Counties are allowed to acquire property to provide parks, hospitals, sewage plants, rights of way for water and sewer systems, playgrounds, airports, landing fields, incinerators, garbage disposal plants, dams, bridges, streets and roads. Counties may also provide for a special tax to improve and maintain these facilities. However, there is no provision for counties to assume the policy-making functions needed for establishing a county wide plan for zoning and land use so vital for orderly growth. For example, junk yards and other undesirable and unsightly developments in the fringe areas of cities are not subject to either city or county control.

THE COUNTY AS A REPRESENTATIVE DISTRICT

The historical antecedents for this role of the county go back to the Mexican municipalities from which delegates were sent to the General Council and the Convention. The Convention which declared Texas a Republic was formed by representatives from these municipalities. Under the Republic of Texas the municipality became the county, and each new county was entitled to at least one representative to the Congress of the Republic. Problems of reapportionment (the resolving of which were no more popular then than now) were caused by the formation of large numbers of new counties each with its own representative in the unorganized areas. Under the constitution adopted when Texas became a state new counties were created without this automatic representation.

The present basis of representation for the State Legislature is provided in Article III (the Legislative Department) of the 1876 Constitution. Senatorial districts are formed according to the number of qualfied voters in contiguous territory, but no single county is entitled to more than one senator. The number shall never be increased above 31. The 150 members of the House of Representatives are chosen on the basis that no county is entitled to more than 7 representatives unless its population exceeds 700,000 and then it is allowed one for each additional 100,000. As the population shifts more and more into the 21 metropolitan areas of the state, the larger urban counties have less proportionate representation. The recent June 15, 1964 ruling of the U. S. Supreme Court declaring that both houses of the state legislature must be apportioned on the basis of population only will undoubtedly have some effect on this formula.

THE COUNTY AS AN ELECTION UNIT

Powers given to county officials and the Commissioners Court to carry out this function appear in the Revised Election Code (1962) as well as in Article V (Judicial Department) of the Constitution. Each county in Texas is structured the same, and various types of precincts are determined in the following manner: The Commissioners Court has the responsibility for defining the boundaries of **commissioners precincts** from which each of four commissioners is elected. The Commissioners Court also has the responsibility for defining the boundaries of the justice of the peace or **judicial precincts** of which there may not be less than four or more than eight in each county. Each precinct elects a justice of the peace and a constable. The Election Code directs the Commissioners Court to divide the county into convenient **election precincts** of not more than 2000 voters each, although a recent interpretation permits 3000 voters each in some cases. The Court has the power to appoint election officials for all general and special elections (municipal, primary, school and special districts excepted). The county judge, county clerk and sheriff shall provide the necessary supplies, in addition the county clerk administers absentee ballots and is custodian of election returns. The Commissioners Court canvasses the returns and the county judge issues certificates of election to the successful candidates and reports the results to the Secretary of State.

THE COUNTY AS A UNIT FOR JUDICIAL PURPOSES

There is now only one other state in the U. S. that establishes the governing body of the county in the Judicial Article of its Constitution (West Virginia), thereby endowing it with judicial powers. Courts in Texas have recognized that the County Commissioners Court has limited jurisdiction and is a court of record. Article V of the Texas Constitution establishes the Commissioners Court along with the other courts of the state. Section 8 gives supervisory control of the Commissioners Court to the District Court; however, this supervision has rarely been exercised and is considered a "dead letter" now to the point that it is not usually shown on county government organization charts. Section 18 establishes the basic organization of the Commissioners Court and its relationship to the legislature. The Commissioners, one each elected from four commissioners precincts, together with the county judge, compose the Court whose power over county business is limited to those in the Constitution and the statutes. The same Judiciary Article provides the jurisdiction and terms of the Court, and for the election of various county officials. The only qualification for the county judge is that he be well informed in the law of the state. Other elected county officials are the clerk, sheriff and district attorney.

By statute the county judge has been given a further duty related to the judiciary. The judges of the District Courts and the county judge constitute a juvenile board for the county with power to inquire whether a child should be adjudged either dependent, neglected or delinquent, and direct a probation officer to file a complaint in court according to the decision reached. The Model State Constitution of the National Municipal League suggests that the judicial and related administrative functions performed by the Commissioners Court could be provided for under a more unified and coordinated court system.

THE COUNTY AS AN ADMINISTRATIVE SUBDIVISION OF THE STATE

John P. Keith reminds us that there is no way that the powers of government can be neatly packaged and doled out to different levels of government because each important governmental function now has its local, state and federal aspect. Counties in Texas according to the Constitution are legally administrative subdivisions of the state, and in this role, the administrative functions are predominant (roads, welfare, health, education, assessing and collecting taxes). When the county functions to meet local needs it adds policy-making to its adminstrative responsibility. In actual practice, there is no effective overall supervision of county activities, administrative or otherwise, by the commissioners or the county judge. Each commissioner precinct becomes an "independent" government not necessarily at peace one wiith the other.

When the county builds highways and farm to market roads, administers public welfare and public health, and provides education it is clearly evident that all three levels of govenment—local, state and national—cooperate. No level has exclusive power; in fact, the local or county powers are less dominant. There is more centralized control at the state and/or federal levels. Perhaps the building and maintenance of roads is the best known function of county commissioners.

highways and roads: Once counties were the primary road builders; now the state and federal government occupy this position together. Responsibility for road building in the county as opposed to municipal responsibility is not clearly defined. In rural areas, the county may do most of the road building, together with the state where it purchases the right-of-way for state farm to market roads. In predominately urban counties, the county may decide not to build roads within incorporated municipalities where such cities are able to do this for themselves. Counties vary in the manner in which road administration is carried out. In many counties each county commissioner is responsible for the roads in his precinct and there is little on no cooperation and pooling of equipment and personnel between precincts. Some counties have adopted the optional county unit plan authorized in 1947, whereby county roads are maintained on a county wide rather than a precinct basis. An engineer may be appointed by the Commissioners Court to plan and help pool road equipment and personnel. One writer has called this the most significant legislation regarding counties since adoption of the Constitution itself. However, in Bexar County, even though this plan was adopted by the voters, the county officials have in effect kept the old precinct system in operation. Dallas County also operates under the special county road unit act, but here again it has not been put into full effect.

public welfare: Article XI, Section 2 of the Constitution provides for the establishment of county poorhouses, farms and jails. As with other functions, in order to understand what powers counties have, it is necessary to look elsewhere in the Constitution and statutes. Counties today interpret these powers according to their assessment of the needs and the amount of tax funds available. As a result there is little uniformity throughout the state, and some would question the necessity or desirability of such. Most counties have some organization whereby the federal surplus commodities, available through the State Department of Public Welfare, are distributed. Some of the larger urban counties provide minimum subsistence funds for the needy and work toward their rehabilitation through professional casework. This changing concept of welfare should be taken into account in analyzing the county's role, since fifty years ago welfare meant only "charity" or handing out relief. County officials also certify sending eligible people to institutions maintained by the state for the insane, retarded, deaf, dumb, blind and tubercular.

public health: The health function is one in which all levels of government participate—city, county, special district, state and federal. It is mandatory for the County Commissioners Court to appoint a county health officer. The legislature gave the Commissioners Court and city council power to cooperate in forming a city-county health unit and to appropriate funds in such proportionate amounts as may be agreed. About 20% of the 254 counties have full time local health departments. Some form of cooperation in health matters exists between the county and the central city in ten of the most populous counties. In some rural areas, health departments service several counties. Joint establishment and operation of hospitals by counties, cities and towns is provided by statute. Several constitutional amendments have authorized the creation of county-wide hospital districts. The Judicial Article gives powers relating to both mental health and welfare to the county court, namely the appointment of guardians for the feeble-minded and insane. It also has the power to transact all business appertaining to the above.

public education: Article VII, Education, in the Constitution makes it "the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." There are two general types of local school districts which carry out the plans of the State Board of Education: the common school districts and the independent districts. The county serves as administrative agent for the state for the common school district while the independent school district is administered by a separate special district board. The county elects a Board of County School Trustees who appoint the County Superintendent. This office has been eliminated in some counties by statute. Because independent school districts have more flexibility regarding policies, tax rates and indebtedness, there are many more independent school districts than common districts.

THE COUNTY AS A FISCAL UNIT OF THE STATE

Article VIII of the Constitution (Taxation and Revenue) provides in Section 11 that all property shall be assessed for taxation and taxes paid in the county where situated. The legislature may impose an occupation tax and an income tax, and counties also have the authority to levy occupational taxes on persons or corporations which are taxed by the state, not to exceed one half of the tax levied by the state. Section 14 provides for the election of a county tax assessor/collector to assess and collect taxes prescribed by the legislature. By statute he is authorized to register motor vehicles, issue certificates of title on motor vehicles and to collect the poll tax. Section 18 authorizes the Commissioners Court to act as a Board of Equalization. Several other county officials are authorized to be concerned with county and state finances with no one in authority to coordinate their efforts. A county treasurer is to be elected according to Article XVI and the statutes

Whether the solution to effective local government is sought through home rule, optional charters, the formation of area units for performance of specific functions, semi-consolidation or mergers of general units, the Advisory Commission on Intergovernmental Relations makes this statement of principle: "As long as the State retains the right to act where necessary there is much to gain and nothing to lose in leaving a wide range of discretion and initiative to local government." In the Congressional Record for March 4, 1963, there is a description of legislation which has strengthened local government as well as allowing the state a more positive role of supervision. These acts fall into three categories: 1) removing undesirable restrictions, i.e., unshackling local government; 2) making available an arsenal of permissive powers to local governments in meeting public service needs and in cooperating with their neighboring jurisdictions; 3) exercising state leadership and assistance. The passage of the Municipal Annexation Bill by the 58th Texas Legislature was also listed as an example with the explanation that it extended local extra-territorial planning and subdivision regulation and established minimum standards for new municipal corporations.

THE COUNTY THAT COULD BE IN TEXAS will not become a reality until there is much more research concerning appropriate and effective patterns that are especially adapted to Texas conditions. Further, it will require the understanding and cooperation of county officials, legislators and an informed, aroused and concerned citizenry. Texas can have a Constitution with all the basic provisions about LOCAL GOVERNMENT in one article. Texas can have all the laws regarding LOCAL GOVERNMENT in one massive code. When will Texas move toward the COUNTY THAT COULD BE?

Other League of Women Voters of Texas publications:

"New Faces"
"Making Sense"
Leader's Guide
Guide to Understanding State-Local Relations
"The County That Is"
"The County That Is--or Is No More?"

League of Women Voters of Texas
612 North 18th Street
Waco, Texas Price 10¢

STATE-LOCAL RELATIONS: County Government

PREPARED BY THE LEAGUE OF WOMEN VOTERS OF TEXAS
AUGUST 1964 - PRICE 10¢

approximately 3100 words in this.

THE COUNTY THAT COULD BE

"It is characteristic of Americans to strain every effort to find improved methods of running industry, business and scientific pursuits, but to cling to outdated methods of operating government until pressures for improvement become overwhelmingly demanding." Alfred Willoughby, Executive Director of the National Municipal League began the foreword to the Model County Charter with that statement, and applied it particularly to county government. This statement is surely applicable in Texas where all counties regardless of size, population, economic and social condition are uniform in structure. They have numerous independently elected officials responsible only to the people. Thus there is no central administrative control and no chief executive. There is no statewide system of providing uniformity in the assessing and collecting of taxes at the county level.

Since the county in Texas is completely a creature of the state, providing a workable structure and pattern to meet the challenge of population growth resulting in changing social, economic and political needs is clearly a responsibility of the state. If we agree with Mr. Willoughby's statement, it is imperative first that we know the most feasible and effective methods of revamping counties before exerting "overwhelming pressure" to change the organizational and power provisions frozen into our State Constitution and laws. According to the May 1964 PUBLIC AFFAIRS COMMENT of the Institute of Public Affairs at the University of Texas, the outlook for significant changes in county government in Texas in the near future appears to be discouraging. But there are some encouraging changes being made in other states.

For example, the Constitution of **Alaska**, admitted as the 50th State in 1959, is a short, concise, basic, permissive document in which one Article of 15 sections contains all the provisions for LOCAL GOVERNMENT. By contrast, the Texas Constitution has scattered provisions concerning just one unit of local government (counties) in 9 Articles and 56 sections.

Alaska's LOCAL GOVERNMENT Article, Section 1, says: "The purpose of this article is to provide for maximum local self government with a minimum of local government units, and to prevent duplication of tax levying jurisdictions. A liberal construction shall be given to the powers of local government units." One section allows counties (organized boroughs) to adopt, amend or repeal home rule charters by approval of the majority who vote on the specific question. Home rule counties (boroughs) may exercise all legislative powers not prohibited by law or charter. It is further specified that cities within the county (borough) shall be represented on the assembly by one or more members of their council; the remaining members to be elected by the resident voters outside such cities. The State may also delegate taxing powers to counties. Another important provision states that agreements, including cooperative or joint administration of any functions or powers, may be made by any local government with other local governments, with the State or with the United States. The details of the organization and administration of counties are left to legislation and/or charters.

The State of **Tennessee**, in an attempt to solve local government problems, employed the service of an intergovernmental committee composed of 34 members, 17 each from the Tennessee Municipal League and the Tennessee County Services Association. This group met regularly during the last four years, and after extensive research and long negotiation, undertook to develop legislative solutions that would give counties and cities well defined roles as well as the capabilities to fill them. From these deliberations came a massive program of legislation called the **Local Government Platform**, which is perhaps the most complete set of statutory authority to be found in any of the States. It was enacted into law by the Tennessee Legislature in 1963. This series of legislative actions included granting authority to counties to provide certain areawide functions such as water, sewer and garbage services. To use this authority, the county must prepare engineering plans and must first give any city within the county the opportunity to provide these facilities. Counties and cities were also given authority to either provide joint services or to contract with one another for separate maintenance and provision of these services. Also included is the authority for the consolidation of municipal and county schools. New local taxing authority was given to counties and cities with formulas governing the division of these monies between the county and its several municipalities. New local revenues, exceeding $50 million annually, were obtained by providing a 1% local sales tax and a 17% wholesale beer tax. One of the remarkable achievements affecting both counties and cities in Tennessee was the passage of a Constitutional amendment allowing the legislature to adopt a **Metropolitan Government Act** authorizing the abolition of the county and municipal government and substituting a new form of metropolitan government. Such a consolidation is currently being carried out in Nashville-Davidson County.

Michigan's new Constitution, adopted in April 1963, revised the Local Government Article of their 1908 Constitution by adding county home rule (nonself-executing). It is written so as to help counties, cities and other local units solve their governmental problems more easily and without the need to look for state and federal help. While the Michigan League arrived at a consensus for a broader provision requiring the legislature to provide optional forms of county government, the League felt that the revised Local Government Article was a step in the right direction. Four kinds of provisions are made in the new Local Government Article for more flexible solutions at the local level: first, the traditional forms of local government are preserved, with their traditional, and certain additional, powers; second, increased power is provided for these units by a provision calling for liberal court interpretation of laws in favor of local governments (this provision is also in the Alaska Constitution); third, permissive home rule is granted to counties, subject to vote of the electors; and fourth, a two-pronged approach to metropolitan government is included. This latter provision allows future flexibility through 1) a broadly permissive section on intergovernmental cooperation and 2) permission for the legislature to establish new forms of government in metropolitan areas. Present local government units are encouraged to work together. Specifically, the legislature may authorize two or more counties, cities, towns or districts (even with Canada) or any combination thereof to make contracts with one another or with the state to provide services, share costs, transfer functions, cooperate with each other, and lend credit to each other. Adjoining counties may combine if voters prefer. The terms of county officials were increased from two to four years which change has already been accomplished in Texas by the passage of a Constitutional amendment in 1954. More fiscal flexibility was provided by giving additional taxing powers (no longer confined to property tax only) to home rule counties as well as cities and towns, and increasing the debt limit of home rule counties from 3% to 10% of assessed valuation. Certain other restrictions in the old Constitution were made more flexible in an effort to preserve and strengthen local government: The prohibition against cities and villages of under 25,000 operating transportation facilities was removed so that they can join in an area system. Since this new Michigan Constitution went into effect in January 1964, it is yet too early to assess any changes in local government made under its provisions.

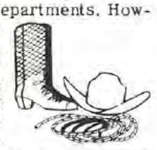
Returning to Texas there is considerable interest in county reorganization in four counties and preliminary plans have been worked out and announced. In Bexar County (San Antonio), a privately financed, independent governmental research organization, The Research and Planning Council, has made a three year study of local governments. This group has submitted a formal plan for semi-consolidation of county and city government activities called a BOLD PLAN FOR BEXAR COUNTY.

The Research and Planning Council of San Antonio recognizes the practicality of semi - consolidation over full consolidation, because suburban municipalities can retain their identities, unincorporated areas need not be annexed, and funds and identities of city and county governments can be kept separate. These advantages spell a better chance at acceptance by the voters because a degree of autonomy remains to those outside the central city. The BOLD PLAN would: 1) abolish the Commissioners Court and the office of county commissioner; 2) provide semi-consolidation of the city and county governments under a County Council, composed of 9 members of the City Council and two other officials elected outside San Antonio. This Council would appoint a city-county manager. In addition it would provide for the retention of the office of county judge to handle judicial matters, and for consolidation of staff services with ultimate consolidation of city-county tax assessment offices. Such a reorganization could conceivably help solve local government problems peculiar to Bexar County. However, the way is barred for the adoption of this semi-consolidation form of government until a workable county home rule or optional forms of government amendment to the Constitution is passed.

Harris County has shown interest in city-county consolidation since 1957 with negligible progress. In 1955 the 54th Legislature created the Harris County Home Rule Commission which recommended consolidation in 1957. This received little support locally or from the legislature. The legislature did extend the life of the Commission and in 1959 a resolution introduced by a Houston legislator created a legislative commission to study the feasibility of city-county consolidation for the state as a whole. No report has ever been issued by this Commission. In 1961 the Legislature failed to pass a proposed Constitutional amendment to provide workable County Home Rule, City-County consolidation and to allow for optional forms of county government.

In the summer of 1963, the Harris County Judge proposed some changes in the county precinct lines to recognize "Houston's centrality in county affairs" after the failure of two bond issues. This proposal was rejected by the county commissioners. At the present time leadership in the Houston Chamber of Commerce is working to create public interest in county home rule and city-county consolidation.

The mayor of El Paso initiated a Citizens Advisory Council in September 1963 to make recommendations for city-county coordination which could move toward consolidation of some departments. At the present time, El Paso is awaiting the Council's report. In Fort Worth there have been unsuccessful attempts to consolidate the city and and county health departments. However, a more successful volunteer program has been initiated to have county, city and suburban communities sponsor a $16 million convention center and sports stadium. These are some signs of local interest in significant changes in county government in Texas which indicate that if people understand and care enough, THE COUNTY THAT COULD BE might become a reality.



Nationwide, such groups as the National Association of County Officials and the American Municipal Association have endorsed city-county cooperative efforts. With few exceptions they have also endorsed the state legislative proposals which help solve local inter-governmental problems which have been proposed by the Advisory Commission on Inter-governmental Relations. This is a research commission created by Congress to encourage discussion of such governmental issues.

The National Municipal League, pioneering in research leading to proposals for needed changes in local government, published the MODEL COUNTY CHARTER in 1956. It is designed to help in the drafting of constitutional amendments or model charter laws in states that have workable home rule or optional charter laws. *The County That Could Be* as proposed in the Model Charter would have:

1. A substantially integrated county government in place of a collection of loosely connected independent officials.
2. A representative policy-determining body or council elected by the voters and responsible to them for the general conduct of county affairs.
3. A single administrative head or manager chosen by the council and accountable to it for the effective and efficient administration of county services.
4. The chief executive can appoint principal administrative officials, thereby achieving a short ballot, unified administrative control and a more fixed responsibility.
5. A substantial degree of flexibility in the administrative structure to permit its adjustment to changing local needs and conditions.
6. Modern procedures for fiscal practices, personnel management and planning.

More specifically the MODEL **does not** provide for enumeration of the powers to be given the county, but would grant the county **all powers not prohibited** by the constitution or statutes. This contrasts with the Texas authorization, namely granting counties only those powers set forth in the Constitution and statutes. In the MODEL, the council is a policy determining body, which enacts ordinances and is specifically given such powers as the following:

1. To appoint and to remove a county manager.
2. To establish county departments, and prescribe their function.
3. To levy taxes, special assessments and to borrow money (subject to the limitation of law).
4. To make appropriations.
5. To enter into inter-local contracts (bilateral or multilateral) for joint performance or for performance of one unit in behalf of the other, concerning any function or activity.
6. To require periodic and special reports from all county departments, officers, etc. These to be submitted through the county manager.
7. To provide for an independent audit.

These provisions fix responsibility, and give the appointed county manager, who is chief administrator, the power to appoint and suspend all county employees or appointive county administrative officials. The county manager is charged with the administration of all county affairs, among them, preparing and submitting an annual budget and submitting an annual report to the council and the public regarding all administrative activities and finances. Departments for the performance of such activities of the county manager are established by the charter or by county council ordinance. The MODEL's only specific recommendations are for a Department of Finance and for some officials, e.g., a county legal advisor, a county purchasing agent and a personnel manager. Possibly the last two duties can be performed by the county manager in smaller counties.

The county manager concept is the major break with present tradition in Texas and elsewhere and is the principal reason for resistance to this plan. However this is the very same concept that is used so successfully in Texas by the independent school districts and other special districts: a chief administrator employed by an elected board or council. But the hiring and firing of county employees has long been considered the prerogative of the elected county official--a type of reward for the party faithful. It is understandable then that there would be some resistance to the changes that the MODEL suggests.

The planning article in the MODEL is designed to enable counties, without usurping workable municipal planning and zoning functions, to provide for orderly planning for the physical development of the county as a whole. It also has a stipulation that there be a director of planning. It provides for appropriate regulation of land use, such as subdivision and zoning services in unincorporated areas. These powers are vested in the county council rather than a separate planning commission. However a strong planning advisory board is provided. None of the planning board members shall hold any other county office. A great deal of emphasis is placed upon the inter-governmental aspects of planning. The Planning Director is instructed to cooperate in every way with municipalities within the county (submitting planning proposals to municipalities and vice versa). He is also expected to cooperate with state and regional planning agencies if any. In startling contrast to the MODEL, Texas has no official comprehensive planning agencies in any of the 21 metropolitan areas or counties, and no legal provision authorizing their formation.

The prevailing attitude of the people in Texas in showing little evidence of interest in strengthening and modernizing county government is no doubt reflected by the Texas Legislature. Thirty years ago Texas showed concern about reorganizing the county when it passed the County Home Rule amendment to the Constitution. This 1933 amendment and enabling legislation has never been implemented successfully in any of the 254 counties of the state. Under this amendment, a Bexar County Charter Commission drafted a charter which was contested by the county commissioners and has been appealed to a higher court. The decision of the court will have a great significance for county government in Texas.

of all citizens in the nation's capital in the historic March on Washington for Jobs and Freedom, August 28, 1963. Negroes are a majority in Washington — 53.9% according to the 1960 census — and this fact is said to be a significant factor in congressional and other opposition to home rule. Undoubtedly, some of the present opposition has its roots in attitudes that grew out of the Reconstruction Era and the poor fiscal administration by the territorial government.

But present-day Washington's electorate is well-qualified to choose its own officials. The average number of school years completed by Washington residents aged 25 years and over is 11.7. Only nine states surpass this level of educational attainment. Washingtonians, both white and Negro, have repeatedly demonstrated their civic maturity and pride in the capital city by their vigorous participation in civic organizations and many, both white and Negro, serve with distinction in responsible positions in the present District government.

The Bureau of the Budget has carefully scrutinized the fiscal provisions in home rule legislation and has endorsed them as sound. There is no reason to believe that home rule would mean financial irresponsibility. Among the fiscal safeguards written into the bills are: limitations on the amount of bonds which may be outstanding at any time; a limitation on the amount of borrowing which may be undertaken without the assent of the voters; and an independent audit of the local government's books by the General Accounting Office.

Home Rule in the 88th Congress

For the first time in nearly five years, the House D. C. Committee heard testimony on proposals for home rule in November 1963. A bipartisan statement supporting home rule, signed by more than 50 Congressmen, was filed with the Committee and strong testimony favoring the mayor-council bill was presented by the President of the Board of Commissioners, the Attorney General of the United States, the Deputy Director of the U. S. Budget Bureau, and a few of the many representatives of civic groups who were waiting to testify. In spite of the strong statements presented by these witnesses, Committee members expressed much interest in a bill which would retrocede most of the District to Maryland, claiming this would provide fullest enfranchisement for Washingtonians. However, the device of retrocession is of questionable constitutionality.

The hearings were recessed abruptly, to be resumed at the call of the chairman. Further hearings were not held. In May 1964 the League of Women Voters of the District of Columbia and the League of Women Voters of the United States, along with the Washington Home Rule Committee and many civic organizations, filed statements in support of home rule and joined in an effort to urge the chairman to close the hearings and report a bill. There was no response.

Home Rule in the 89th Congress?

In his message of February 2, 1965, President Johnson urged the 89th Congress to enact legislation at "the earliest possible date" granting the right of self-government to the District of Columbia. The following excerpts are from that message:

"Our federal, state, and local governments rest on the principle of democratic representation — the people elect those who govern them. We cherish the credo declared by our forefathers: no taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.

"Yet the citizens of the District of Columbia . . . have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights . . . .

"Self-government for the District would not be an innovation. It is a return to the views of the Founding Fathers and to the practice of the early days of the nation. . . .

"There is a fundamental federal interest in the national capital. The Constitution wisely delegates to the Congress supreme legislative power over 'the seat of the Government of the United States.' The Congress can, however, delegate to a municipal legislature all the powers necessary for local self-government, and at the same time preserve fully its ultimate power and the interests of the federal government."

Several bills have been introduced in the 89th Congress to provide local self-government for the District of Columbia. On March 9 and 10 the Senate District of Columbia Committee held hearings at which a representative of the President, the District Commissioners, and spokesmen for national and local organizations expressed support. The Senate seems to be moving towards passage, for the sixth time, of a home rule bill.

Action in the House of Representatives depends to a large degree on whether citizens in other parts of the country let their Representatives know how they feel about the local government situation in the nation's Capital City.

The League of Women Voters supports self-government and representation in Congress for citizens of the District of Columbia.

SUGGESTED READING

Washington, Village and Capital, 1800-1879 by Constance McLaughlin Green. Princeton University Press. 1962. 445 pp.

Washington, Capital City, 1879-1950 by Constance McLaughlin Green. Princeton University Press. 1963. 558 pp.

U. S. Congress, 88th, 1st and 2nd Sessions. House of Representatives: Hearings before Subcommittee No. 6, Committee on the District of Columbia, Nov. 18, 19 and 20, 1963 and Feb. 24, 1964. U. S. Government Printing Office.

U. S. Congress, 89th, 1st Session. Senate: Hearings before the Committee on the District of Columbia, March 9 and 10, 1965. U. S. Government Printing Office.

Home Rule for the District of Columbia—Message from the President to Congress, February 2, 1965. House Document No. 71. U. S. Government Printing Office.

The District of Columbia—Message from the President to Congress, February 15, 1965. House Document No. 86. U. S. Government Printing Office.

Pub. No. 306 15¢ a copy 10 copies for $1.00 Quantity rates on request → p. 3 of Pubs. Cat. 1/65

League of Women Voters of the United States • 1200 17th St., N.W., Washington, D. C. 20036

March 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Home Rule for the District of Columbia?

Washington is a lovely city. Crowds of sightseers take home and cherish memory of the Capitol, the White House, the Lincoln Memorial, the Washington Monument, the Supreme Court, the National Art Gallery, and the glory of flowers in spring. But they do not see Washington, which is the District of Columbia, as a city with citizens, schools, houses, like other cities. Its schools, like others, are overcrowded; it, too, has dilapidated teeming slums and it is concerned about high rates of crime, infant mortality, and dependency. Many District citizens, including the Commissioners who administer District affairs, work as citizens elsewhere do—for better schools, more health services, less racial discrimination in housing and hiring.

But what District citizens think and say has had little impact on improving these conditions. They have no vote for their city government and their city officers have no ultimate power. American citizens who are represented in Congress should know about this anomalous situation in the nation's capital city.

Home rule, or more appropriately local self-government, would restore to citizens of Washington the privilege of voting for officials who would have the authority to enact and enforce laws relating to purely local affairs, the power to tax and to determine how local tax money should be allocated.

Home rule is a solution which has the overwhelming support of the majority of voters in Washington, and many local and national organizations.

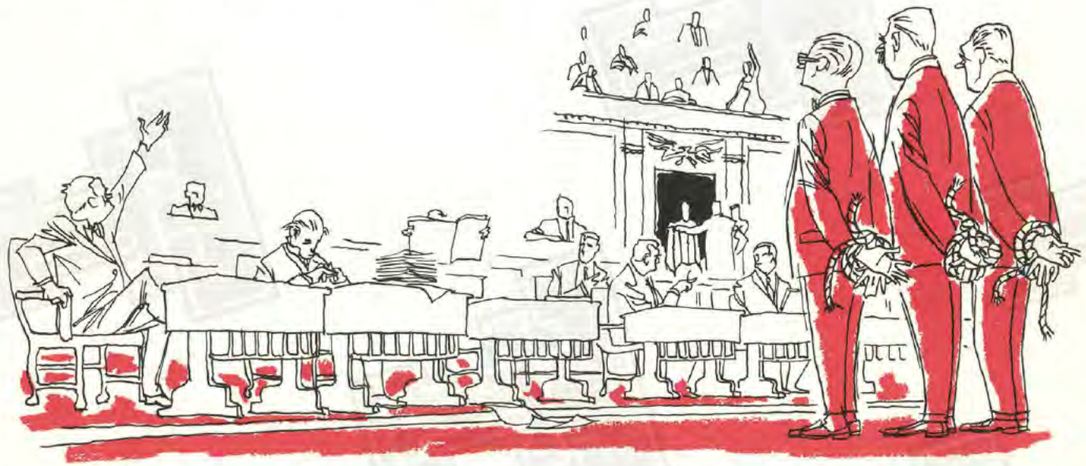
Washington Had Self-Government before Reconstruction Era

Local self-government is not a new idea. For almost three quarters of a century after the city was granted a charter in 1802, Washington's citizens practiced local self-government as anticipated by the Founding Fathers.* They elected mayors and city councils of various types until the Reconstruction Era. In 1871 there were three separate jurisdictions within the District of Columbia: the City of Washington, the City of Georgetown, and the County of Washington. That year, Congress abolished these three separate governments. A single jurisdiction, the District of Columbia, was established in order that improvements in sanitation and other public works might be accomplished.

The new government, consisting of an appointed governor and a legislative assembly of two chambers, one appointed and one elected by popular franchise, was charged with the responsibility of providing the city with the public works it so desperately needed. In its haste to fulfill this charge and with insufficient fiscal guidance and financial assistance from the federal government, it brought the city to the edge of bankruptcy.

Washington in this period was emerging from the havoc of the Civil War and was developing into the major city it is today. Among its problems, then as now, was the question of how financial responsibility for the development of the national capital should be shared between the local and federal governments. There had been a good deal of

* James Madison indicated in No. 43 of THE FEDERALIST PAPERS what was in the minds of the drafters of the Constitution. He first made the case for giving Congress "complete authority at the seat of government," and discussed the cession of land by the states for the Capital City. He went on to say ". . . a municipal legislature for local purposes, derived from their own suffrage, will of course be allowed them . . ."



bickering between Congress and the city governments as to responsibility for bearing the financial burden of educating the newly freed slaves who had come to Washington in great numbers in the preceding decade and there was some fear among the city's white population about the way Washington's newly enfranchised Negroes might use their vote.

Commission Government Intended as Temporary Measure

In 1874 Congress decided to take over administration of the city. It withdrew the local franchise and established the commission form of government as a temporary measure until the city could get back on its feet financially. This measure was made permanent by passage of the Organic Act of 1878, and essentially the same form of government operates in the District to this day.

Present Structure of the District of Columbia Government

At present, both legislative and fiscal responsibility for the District of Columbia rests with Congress. There are four congressional committees who spend all or part of their time on District affairs—the Committees on the District of Columbia in the Senate and in the House of Representatives, which consider all measures relating to District municipal affairs other than appropriations, and the Senate and House Appropriations Committees, which consider appropriations.

Congress has delegated limited authority to a board of three commissioners (one of whom is detailed from the Army Corps of Engineers), who are appointed by the President, and to many agencies whose members are variously appointed by the President, the Commissioners, or Judges of the District Court. The most important of these agencies are:

The National Capital Planning Commission, which is the central planning agency for the federal and District governments within the National Capital Region.

Redevelopment Land Agency, which administers urban renewal in the District.

National Capital Housing Authority, the District's public housing agency.

National Capital Transportation Agency, which was established in 1960 to prepare a transit development program for the National Capital Region.

The Chief of the Army Engineers, Department of the Army, who is responsible for the District's water supply.

National Park Service, which has exclusive charge and control of the park system.

Architect of the Capitol, who is an agent of Congress and has jurisdiction and control over the U.S. Capitol grounds.

Zoning Commission

Board of Zoning Adjustment, which can make exceptions to zoning regulations.

Public Service Commission

Boards of Education, Elections, Library Trustees, and Recreation.

The District Commissioners are responsible for the agencies of the District government as follows:

Commissioner of Public Works (Engineer Commissioner)—Departments of Sanitary Engineering, Highways and Traffic, Buildings and Grounds, Motor Vehicles, Licenses and Inspections, and Veterans' Affairs; Office of the Surveyor; Office of Urban Renewal; Office of the Motor Vehicle Parking Agency.

Commissioner of Public Safety (usually the president of the Board of Commissioners, who also has many ceremonial duties)—Metropolitan Police Department, Fire Department, Office of Civil Defense, Office of Recorder of Deeds.

Commissioner of Public Health and Welfare—Departments of Public Health, Public Welfare, Corrections, Insurance, and Vocational Rehabilitation; Board of Parole; Alcoholic Beverage Control Board; Minimum Wage and Industrial Safety Board; Office of Coroner.

Neither the Congressmen, the Commissioners, nor administrators of any of the agencies listed above, even those whose functions relate exclusively to the local community, are answerable to the citizens of Washington.

Home rule would transfer to a locally elected government the powers presently held by the Commissioners and the responsibility for purely local functions performed by such special agencies as the Boards of Education and Elections. To protect the federal interest and to ensure that Washington is a capital worthy of the nation, the other agencies would continue as federal organizations. Members of the locally elected government, representing the District interest, would have the positions in these agencies now set aside for the Commissioners.

Congress Legislates, Commissioners Administrate

Congress legislates for the District on all matters that have not been delegated to the District Board of Commissioners. The Commissioners administer the laws and supervise most of the administrative agencies of the District government. In the critical matter of finance, however, they may only set the rate of taxation on real estate; all other taxing and bonding authority is retained by the Congress.

The Commissioners are responsible for drawing up the annual budget for the city. It is prepared in a manner similar to that followed by departments of the federal government. The District's budget is tied to the federal budgetary cycle and suffers frustrating delays because of this fact. (For example, the budget for fiscal year 1964 which began on July 1, 1963, was not adopted by Congress until December 1963; the budget for fiscal year 1965 which began on July 1, 1964, was adopted in August 1964.) The federal Bureau of the Budget presents the District budget to the President after the Commissioners and their agency heads, together with the Budget Officer in the D. C. Department of General Administration, have scrutinized and weighed budget estimates along with projected total revenue. After the President submits the budget to Congress, the Commissioners and their staff appear before the District of Columbia subcommittees of the House and Senate Appropriations Committees to justify the budget.

Does Congress "Foot the Bill" for Washington?

Since Congress plays such a central and crucial role in these budgetary procedures, many persons erroneously believe that Congress foots the bill for the City of Washington. The fact is that nearly 90% of the District's General Fund expenditures comes from money raised by local taxes. The General Fund finances the city's basic services (schools, libraries, police and fire protection, courts, corrections, welfare, sanitation, recreation, and the construction of public buildings for any of these purposes). However, Washingtonians have no official voice either in the levying of these taxes or in deciding how these revenues should be spent.

A part of the District's operating and maintenance budget is financed by federal money. The federal payment is compensation to the city for the fact that the federal government and tax-exempt institutions, such as embassies and national headquarters for many organizations, occupy more than 50% of the city's land but pay no taxes to the city. During the last decade, the federal payment has been small, hovering around 12%. From 1879 through 1920, 50% of the General Fund appropriation was paid by Congress and 50% from District taxes. Since 1921, however, the federal payment has fluctuated from a high of 39.5% in 1924 to a low of 8.5% in 1954.

Will Home Rule Mean Loss of Federal Payment and Increase in Local Taxes?

There is concern in some quarters that if Congress were to transfer revenue and budget functions to a locally elected council it would be disinclined to appropriate reasonable annual federal payments to the District and the tax burden on Washington's residents and businesses would necessarily increase. Supporters of self-government argue that the federal government's financial obligation to the District derives not from Congress's legislative responsibility for the District but rather from the role which the city plays as capital of the nation. Compounded with the fact that more than 50% of the city's land is tax-exempt is the fact that the city incurs extra expenses and its ordinary city functions cost more because it is the Federal City: it must pave wider streets, plant and care for more trees, help to keep more parks than most cities; plan for and clean up after parades for visiting dignitaries and on special occasions; it has thousands of tourists every year; it even finances the operation of the National Zoo!

As for the often-used argument that taxes will go up in the wake of self-government, it is noted that taxes have increased in Washington in the absence of home rule and that tax increases are common in cities throughout the country. Tax increase is not a problem that is unique to Washington, but taxation without representation is. Some forces are responsive to the "taxation without representation" complaint and propose as a remedy representation in Congress. Full representation in Congress can be granted, however, only by adoption of an amendment to the Constitution which requires action by Congress and ratification by the states. Local self-government, including a provision for a nonvoting delegate to the House of Representatives, can be achieved simply by an act of Congress.

Home Rule Is Constitutional

Questions have been raised as to the legality of home rule for the District of Columbia. This matter was settled in 1953 when the Supreme Court unanimously upheld the constitutionality of home rule. Its decision in the Thompson Restaurant Case confirmed the fact that Congress can properly delegate to a city council or legislative assembly the authority to pass laws for the District.

Protection of the Federal Interest in the District of Columbia

The status of Washington as the capital of the nation and the concentration of so many federal agencies here are factors in the home rule problem. Some opponents of home rule maintain that the federal interest might be overshadowed by the parochial interests of local residents and their elected representatives. On the contrary, the federal interest will be protected under any proposed form of home rule because ultimate legislative authority for the District will still rest with the Congress, as set forth in Article I, Section 8, of the Constitution of the United States.* Congress would still have the authority to initiate legislation for the District if it chose to do so or to veto any locally adopted legislation that threatens the federal interest. Recent bills have provided that the President have the right to veto any acts of a local government which might be contrary to the federal interest. Further limitations have been written into home rule proposals to the extent that the local government would have no authority with respect to federal agencies beyond that which the Commissioners have at present.

Home Rule Could Mean Better Government

Would the federal interest and the interests of good government be served better if Congress relieved itself of the duties pertaining to the formulating of laws for the ninth largest city of the United States? Local needs of a large city require local attention and study to provide effective local government. Most members of Congress cannot devote themselves to the District and its problems—they simply do not have the time to give Washington the attention it needs because of the volume and complexity of legislation affecting their own districts, states, the nation, and the world. Since city councilmen would not have these other weighty responsibilities, it could be expected that their time and energies would be devoted to the problems of the city and its residents.

Support for Home Rule

The Senate of the United States has passed bills to give the District of Columbia home rule five times since 1948. The Truman, Eisenhower, Kennedy, and Johnson Administrations have all endorsed home rule for the District, as have the two major national political parties. Although the House District Committee has never given the House of Representatives the opportunity to vote on these bills, repeated surveys of House members indicate there seems to be sufficient sentiment in favor of home rule to permit the passage of a bill if one were permitted to come before them.

American citizens take for granted their right to vote in local elections. Residents of our nation's capital want this right, too. In the 1964 District primary elections, Washingtonians had their first opportunity to vote for President and Vice President under the 23rd Amendment to the Constitution. Both Democratic and Republican ballots contained questions asking voters to indicate whether they wanted local self-government. Democrats voted 64,580 to 4,368 in favor; Republicans 8,094 to 7,733. Over-all response in favor of home rule was 6 to 1.

Home rule for the District of Columbia has the support of many national organizations. The League of Women Voters of the United States has supported self-government for the District since 1938. Others include the AFL-CIO, American Association of University Women, American Civil Liberties Union, American Jewish Congress, American Veterans Committee, National Association for the Advancement of Colored People, National Association of College Women, National Catholic Conference for Interracial Justice, National Community Relations Advisory Committee, National Council of Jewish Women, Southern Christian Leadership Conference, Union of American Hebrew Congregations, United Auto Workers of America, and Women's International League for Peace and Freedom.

Is Opposition Justified?

The civil rights aspects of home rule were recognized by the inclusion of a demand for full enfranchisement

* Article I, Section 8, contains this provision: "The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States . . ."

of the cost of a project; supplementary grants may not lower the nonfederal share below 20 percent.

There are several limitations on the grants. None may support projects which would compete with privately owned public utilities unless the appropriate state or federal regulatory body finds there is a need for service which the existing public utility cannot meet.

Aid through Loans

There is also a program of aid loans. Loans up to 40 years may be made for public facilities if the funds are not available from private lenders or from other federal agencies. Loans up to 25 years may be made to individuals or corporations to help finance the purchase or development of land, machinery, and equipment for industrial or commercial projects. And loans for working capital from private sources may be guaranteed up to 90 percent of the outstanding balance in connection with projects getting direct loan help. Loans shall not be made to help established enterprises move from one area to another, though aid in setting up branches or subsidiaries is proper. There should be reasonable expectation that the project will do more than temporarily ease unemployment or underemployment within the redevelopment area.

Technical Assistance, Research, and Information

Federal assistance is not limited to grants and loans for specific projects. Redevelopment or other areas may also be given grants up to 75 percent of administrative expenses for project planning and feasibility studies. The U. S. Department of Commerce will help formulate national, state, and local programs, provide personnel to conduct such programs, and conduct research on causes of unemployment and chronic depression in the various areas and regions of the nation. The Department will also furnish information and advice to individuals, communities, and enterprises in redevelopment areas. An independent study board will investigate the effects of government procurement, scientific, technical, and other related policies upon regional economic development.

The administration of the Act is technically in the hands of the Secretary of Commerce, who is required to report in detail to Congress not later than January 3 following the end of each fiscal year. However, the Act provides for an Assistant Secretary of Commerce and Director of Economic Development. The money authorizations for the various titles of the Economic Development Act total $3.25 billion for a five-year period.

THE ISSUES

There is no doubt that the program of aid for economic development is ambitious and complex. It is designed to take advantage of past experience, yet it is most difficult to predict how effective it will be. Factors that seem in its favor include the expected continuation of over-all economic prosperity, which should facilitate expansion into neglected areas and the lively interest of the various regions. While planning for economic development is still a controversial issue, approval of planning by government and private organizations does seem to be increasing. Out-migration alone cannot solve the problems of many of the stranded areas. In the case of those with development potentials, it would be logical to try to realize these through concentrated effort of both government and private enterprise. The Economic Development Act recognizes the potential of smaller development centers — cities which may become the core of a complex of facilities, industries, services, and amenities. Surrounding areas, nonviable in themselves, may eventually have increased economic opportunities quite close by; and even more outlying areas will be linked by road to the growth centers and will be able to develop related activities such as recreation and resource-based industries.

Objections to the federal aid program have by no means disappeared. They are well summed up in the minority views of six members of the House Committee on Public Works in the June 1965 Report — the safeguards in the Act will not prevent injury to some private enterprises and some areas; grants and loans for "development facility usage" may go to services normally provided by private enterprise, such as bus and truck terminals, mass transit facilities, warehouses, tourism facilities; loans to private companies expanding into a depressed area may cause a decrease of economic activity in other areas. Basically, the case of critics rests on the proposition that "if an area had the potential for strong economic development, private enterprise would have undertaken such development as a natural incident of our strong and expanding economy." Most troubles of distressed areas are related to geographic location and land terrain, aridity, lack of natural resources or depletion of such resources, departure or decline of former industries, sparsity of population, and transportation problems. Efforts to locate or reactivate enterprises in such disadvantageous areas are bound to fail.

Other, more sympathetic, commentators stress the complexities — area development involves integrating many efforts; problems of weighing and balancing, persuasion and timing, dovetailing programs and checking results are extremely intricate; local institutions and people may not be up to the task of rebuilding a community, even with help from state and federal governments. Another problem is to avoid establishing programs in areas too small for significant impact or too large for consideration of internal differences.

The fact is, however, that a commitment to attack problems of area development has been made. For the interested citizen, the questions are: Is federal aid to distressed areas desirable? Are the kinds of aid suited to the problems? Are other kinds of aid likely to be needed? Is the concept of federal-state-local cooperation workable? Is there enough emphasis on local self-help? Should the regional approach be pursued for all it's worth? Are the standards and safeguards now included in the aid program adequate? As programs of aid to distressed areas go into operation, how can their effectiveness be evaluated?

League of Women Voters of the United States • 1200 17th St., N.W., Washington, D. C. 20036

Pub. No. 310 15¢ a copy 10 copies for $1.00 Quantity rates on request

November 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Development for Distressed Areas

"Development in the United States seems to come like a mighty wave, engulfing with prosperity all that lies in its path. What lies outside is left either to compensate for its disadvantageous position or to adjust to conditions of decline." These words from a recent Senate hearing describe the current economic condition of the United States.

There is striking contrast between the general economy, which has shown sustained prosperity and growth since early 1961, and the economies of specific depressed areas throughout the country. Isolated from the development which is bringing the U. S. Gross National Product close to $700 billion per year with proportionate rises in personal and corporate income, some areas suffer from underdevelopment similar to that of the underdeveloped countries abroad.

Distress comes in many forms — failure of industry to modernize; displacement of workers in industry that has modernized; depletion of a major natural resource; low educational levels resulting in hundreds of thousands of unproductive lives; poor health standards; substandard living conditions; barriers of discrimination; low morale. There is hardly a state in which some of these conditions do not exist.

U. S. history shows many periods of rapid growth and change and much adjustment, often painful. But today the effects of being left behind are in more obvious contrast to the rest of our economy. Besides, there is a strong tendency to assume that something can be done by government to find solutions, if that "something" can just be hammered out and put into action.

Much federal aid to states and localities goes under the heading of specific functions such as education, welfare, and resource conservation. The Tennessee Valley Authority represented an experiment in regional planning. Recently there has been new emphasis on economic development. As in foreign aid, the need for a combination of various kinds of aid, such as cooperation between government and private enterprise, strengthening basic "development facilities," technical assistance in planning, resource development, and manpower training, was recognized. After vigorous debate, federal legislation supporting such efforts has been enacted, but it might not have passed at all if the economic need in many parts of the country had not become increasingly obvious. The first legislation was directed to the economic problems of relatively small areas, but by 1965 a broader regional approach had emerged.

This trend is not limited to federal laws, moreover. State governments too have begun to work together on common problems that cross political boundaries.

FIRST EFFORTS TO AID ECONOMIC DEVELOPMENT

The issue of aid to distressed areas was debated in Congress from 1955 to 1961 and in congressional and presidential campaigns during those years. The leader of the Senate debate, Senator Douglas (D., Ill.), shocked by stagnant conditions in southern Illinois, pressed for an aid program. He felt the area represented investments of social capital which would be lost if jobs could not be brought there. Various bills to provide loans to expanding or new firms in depressed areas were considered; two passed Congress but were vetoed by President Eisenhower. John F. Kennedy, who had been active as a Senator on this problem, came to the presidency doubly convinced that depressed areas he had seen during his campaign needed help. He supported the Area Redevelopment Act finally enacted in 1961.

The most basic question of the long debate on aid to depressed areas was whether this was an appropriate field of action for the federal government. Proponents claimed this was one logical way for the government to carry out its commitment to stimulate maximum employment and production under the Employment Act of 1946. Opponents said area redevelopment went beyond the intent of the Employment Act and encouraged government interference with private decision-making. There was spirited argument about what depressed areas needed (private venture capital? public facilities? training for the unemployed? preferential tax treatment?) and over whether federal financial aid could be more effective than unaided operations of free enterprise.

Various regional conflicts arose — was aid designed for certain parts of the country unfair to others? would the legislation simply encourage industries to relocate in distressed areas to the detriment of areas they were leaving? Though the debate has not been wholly resolved, ARA was only a first step in a search for effective means to aid depressed areas.

ARA was designed to provide incentives to businessmen to locate or expand established enterprises in depressed areas. A total of $200 million was authorized to be spent over four years for loans at 4 percent to businessmen, while $175 million was allocated to grants and loans for the construction of public facilities. There were also programs for retraining unemployed workers and of technical assistance to areas studying their own problems. Eligible areas were defined on a sliding scale of unemployment in excess of the national average over a period of several years. Areas smaller than the usual standard (having a labor force of at least 15,000) were to be included. Criteria for rural areas (where underemployment rather than unemployment is often the problem) were outlined but details left largely to the discretion of the Administrator.

For a time, ARA was supplemented by the Public Works Acceleration Act, which became law in September 1962, but the $850 million appropriated under the Act was virtually exhausted within two years. Its purpose was to provide immediate temporary employment through the accelerated construction of public works in areas of at least temporary distress and to help these communities to become more attractive for industrial development. The PWAA provided funds for additional federal public works projects and for special grants-in-aid for 50 percent of the cost of community public facility projects. For the neediest communities, grants went up to 75 percent of cost. Projects under this Act were responsible for some two million man-months of on-site and off-site employment, and they created facilities of lasting value. The emphasis on public facilities is retained in the new legislation of 1965, but with a closer relationship to general economic development.

ARA: ACCOMPLISHMENTS AND SHORTCOMINGS

After four years, ARA is officially considered to have been "a successful innovation." It had, as of August 31, 1965, approved a total of 562 industrial and commercial and public facility projects. When technical assistance and training projects are counted in, the total projects come to 2,111, involving a federal expenditure of $322 million. Indirect gains accrued to other areas which produced machinery and equipment for major ARA projects. About one-third of the 3,000-odd counties in the United States were eligible for assistance under the ARA in October 1964. Approximately 40 million people live in these counties, most of which are outside major metropolitan areas. Although it has been "experimental," ARA has, in the words of the May 1965 Senate Committee on Public Works Report, "provided a positive benefit to the Nation."

Yet close scrutiny revealed definite weaknesses in the ARA operation. Sar Levitan, of the W. E. Upjohn Institute for Employment Research and author of *Federal Aid to Distressed Areas,* followed ARA in careful detail and concluded that ARA overextended itself and lacked resources to aid so many areas. The overextension harmed both ARA and the communities: hope was often fostered and then gave way to disappointment, for ARA could not help all the areas enough or concentrate strongly enough on the neediest areas.

The net effect of ARA is difficult to judge, since some of its projects would have gone ahead without its help of about one-third of the investment and some would not. Whatever the true accomplishments of ARA, Mr. Levitan believed that the "package of tools enacted in 1961" required revision. His proposals range over all parts of the aid program, and he particularly recommended overhaul of methods of designating areas. He suggested that a regional approach is important to overcome the smallness of the unit often used in ARA, but it should not be emphasized to the detriment of the urgent needs of "little economies." A number of these suggestions have been incorporated into the new legislation of 1965.

The June 1965 Report of the House Committee on Public Works which presented background for the new legislation also listed deficiencies of ARA which the new bill proposed to correct: 1) insufficient provision for public facilities necessary for an effective program of economic development; 2) a too limited business loan program to create new employment; 3) inadequate technical assistance and research programs; 4) insufficient encouragement given to counties to combine and jointly solve their economic problems; 5) lack of provisions encouraging expanded economic growth in natural centers of such growth which might most quickly and effectively provide jobs for the residents of the neighboring distressed areas; 6) lack of provisions encouraging economic programs on an interstate or regional basis.

AID COMES TO APPALACHIA

While a regional approach to economic development was being discussed in the context of successor legislation to ARA, it was actually being taken in relation to the much publicized troubles of Appalachia. In 1960, the governors of the Appalachian states formed a conference. (The original meeting was attended by the governors of Alabama, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia; Ohio and South Carolina joined later.) The conference concluded that active federal cooperation was essential to comprehensive solutions of problems facing the region and asked for a joint federal-state commission to develop solutions. In April 1963 President Kennedy set up the President's Appalachian Regional Commission, composed of representatives of the Appalachian states and of the major appropriate federal agencies. A year later the Commission reported to President Johnson its detailed recommendations.

The Appalachian Regional Development Act, largely based on these recommendations, was enacted March 9, 1965. The Senate Committee on Public Works, in reporting the bill, approved the regional approach "in the recognition that poverty is no respecter of state lines and deprivation is no respecter of county lines. The state, federal, and local approach to solving Appalachia's economic problems is the most feasible and the most workable method of restoring the region through the combined resources of all levels of government." The Act authorized $1.1 billion for various programs including: 1) building a developmental highway system and local access roads for greater flow of industry and tourism; 2) conservation and development of soil and water resources; 3) timber research and conservation; 4) multi-county health centers; and 5) mining area restoration. An Appalachian Regional Commission was established as a joint federal-state body to administer the recovery program.

Though it is too early to draw any conclusions from experience under this legislation, Governor Scranton of Pennsylvania has said, "It's gone beyond a mere experiment in intergovernmental cooperation." He has pointed out that several "common denominators" of Appalachian states would be dealt with — underdevelopment, the lag in education and income, as well as communications and transportation problems caused by mountainous terrain. Major criticism has centered on the emphasis given to the highway program ($840 million was authorized for highways).

OTHER APPALACHIAS

During the debate over the Appalachian program, representatives of other regions began to set forth their needs and claims for similar help. Indeed, the Appalachia bill was stalled in the Senate until the Administration agreed to support later legislation to allow regional commissions for other parts of the country. President Johnson's message of March 25, 1965, gave the signal "to move ahead with a long-range program of area and regional development to assist in restoring economic health to distressed areas of America." A few days later, the President submitted to Congress the Public Works and Economic Development Act. Extensive hearings were held and spokesmen of various regions testified, especially on the provisions for regional planning and development.

Of NEW ENGLAND it was said that "there is probably no more precise version of an economic region existing in the U. S. today than New England . . . Because it is a small but distinct area, its problems transcend local and state boundaries, and it is constantly in search of regional solutions." Serious pockets of poverty exist in northern rural areas and in older industrial centers of southern New England. Some areas are very prosperous, so that over-all statistics are misleading. New England is behind in new industrial construction; it needs better transportation, better water systems, cheaper power, as well as more regional facilities for vocational and other training correlated with industrial development.

THE GREAT LAKES AREA, representing 80 counties in northern Michigan, Wisconsin, and Minnesota, has for many years experienced severe economic distress resulting from the decline of industries related to its two major resources — timber and high grade ore. Skills of many workers are outmoded and there are inadequate opportunities for youth. Unlike Appalachia, the area does not need a massive program but, witnesses testified, it does need a specific regional authority to provide planning for development and coordination of local, state, and federal efforts. Like Appalachia, it has been by-passed by major transportation arteries, many people have migrated out, and the educational level is well below that of the nation and of the three states. The area has made great steps recently in using its lower grade ores, but it still needs to stimulate new timber utilization programs and new wood-using industries; it could also, with federal help, do much to develop public and private recreation facilities. Aids to a once lucrative fishing industry affected by natural disasters would be important, too.

The head of a newly formed private organization, the Ozarks Regional Development Association or "Ozarka," expressed to the Senate Committee on Public Works the group's view that the OZARKS REGION (parts of Oklahoma, Arkansas, and Missouri) should be identified as early as possible as an area in need of and eligible for economic planning. Other testimony about the Ozarks established that it has one of the most serious and long-standing poverty problems of the nation. It contains 73 of the 620 U. S. counties with median family incomes below $3000. Its physical resources are ill-adapted for adjusting to the technological revolution in agriculture. High unemployment and underemployment lead to outmigration, low income in the area means that education is limited, and other government services cannot adequately be supported.

Other regions whose problems were presented included the UPPER GREAT PLAINS STATES (North and South Dakota, Montana, and Wyoming) and FOUR CORNERS (parts of Colorado, New Mexico, Utah, and Arizona). In fact, the economic development regions proposed thus far include portions of 20 states which, together with the 11 states of the original Appalachia, total more than half the states of the Union.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT

The actual passage of the new legislation, the Public Works and Economic Development Act of 1965, aroused little public attention. Signed by the President August 26, 1965, the Act in general combines refinement of some features of earlier laws with a more positive approach to economic development. The manpower retraining provisions of ARA are not included. That program now comes under the Manpower Development and Training Act, although MDTA has certain funds earmarked for programs in redevelopment areas.

Particularly important are the provisions in the Act establishing a scale of different sized units to be aided, culminating in development regions usually involving two or more states. The general aim is to encourage development of greater geographic impact and to concentrate aid where it gives promise of producing self-sustaining recovery.

As under ARA, *redevelopment areas* will be designated as eligible for aid when they have unemployment of at least 6 percent of the work force or at least 50 percent above the national average for specified periods of time. Additional areas may be eligible on the basis of such factors as median family income 40 percent or less of the national level; emergency conditions caused by loss or closing of a major source of employment; or substantial loss of population, resulting from high unemployment.

In addition, the Act provides for the establishment of larger areas. There may be, with state concurrence, *development districts* which can include either two or more redevelopment areas or one area and a *development center* (such a center must be under 250,000 in population and be capable of fostering economic growth in the surrounding district). State and local cooperation is sought at each stage of the process of identifying districts and centers and formulating over-all plans for self-help.

The largest unit is the *economic development region.* Except for Alaska and Hawaii, regions must be within contiguous states and the areas included must be geographically, culturally, historically, and economically related to each other. After the Secretary of Commerce (with state concurrence) designates such regions, the states will be encouraged to establish multi-state regional commissions to be composed of one federal member and one member from each participating state. Commission decisions will require the affirmative vote of the federal representative and of a majority, or at least one if only two, of the state members.

Functions of regional commissions include establishing regional boundaries, surveying problems, drawing up plans, strengthening other forms of interstate cooperation. The federal government will provide technical assistance, such as staff help, and will pay administrative expenses of each commission for two years (50 percent thereafter). Each regional commission must report annually to Congress. Specific projects growing out of regional planning activities must be sent to Congress as separate legislation for funding.

Aid through Grants

Several kinds of aid will be provided. The Act authorizes direct federal grants for public works and development facilities that will directly or indirectly improve industrial or commercial activity, assist in creating employment, or primarily benefit the unemployed and members of low-income families in redevelopment areas. Such facilities could include industrial parks, access roads, sewage treatment plants, area vocational schools (but not swimming pools and county courthouses). To receive grant assistance a project must fit into an approved over-all development program. Supplementary grants may also be made to help an area pay its share of this or other federal programs. Direct grants shall not be more than 50 percent

December 1965

Facts & Issues

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Rights of "Another Nation"

Discrimination in education is the basic cause of the other inequities and hardships inflicted upon Negro citizens. The lack of equal educational opportunity deprives the individual of equal economic opportunity, restricts his contribution as a citizen . . . creates an atmosphere of frustration, resentment, and unrest which does not bode well for the future.

—John F. Kennedy, 1963

In far too many ways American Negroes have been another nation, deprived of freedom, the doors of opportunity closed . . . freedom is the right to be treated in every part of our national life as a person equal in dignity and promise to all others . . . We seek not just freedom, but opportunity . . . equality as a fact and equality as a result.

—Lyndon B. Johnson, 1965

A President's eloquent words may give little immediate comfort to individual Negroes, Mexican-Americans, Puerto Ricans, and others who daily face the consequences of discrimination in employment and education. Yet in recent years such words have meant more than they did earlier, for Congress has passed an unprecedented amount of legislation directed toward creating equality of opportunity. The most important federal law is the Civil Rights Act of 1964, and as it is beginning to take effect various questions can be raised. How effective are its provisions on education and employment? Are they adequate to the need throughout the country? What is the difference between compliance with the letter of the law and compliance with its spirit and with a national search for "opportunity . . . equality as a fact and equality as a result"?

One way to look for answers to these and similar questions is to survey briefly some of the conditions that led to the legislation, the provisions of the Act itself, and developments since it became law in July 1964.

STATISTICS TELL A TALE

Discrimination in jobs and schooling has affected the lives of many minorities; but Negroes form the largest racial minority in the United States and the history of all recent federal civil rights legislation is basically a Negro story. Much of it can be told through statistics:

U. S. Department of Labor figures show that the present unemployment rate of Negro workers is about twice as high as that of the working force as a whole. Although Negroes account for only 10 percent of the labor force, they represent 20 percent of total unemployment and 30 percent of long-term unemployment. Among Negro teenagers unemployment has been even higher, hovering around 23 percent as compared to 13 for white teenagers. Moreover, the Potomac Institute has estimated the actual unemployment rate of Negroes both adult and teenage to be even higher because these figures cover only those actually seeking work and do not include the thousands who have given up after fruitless effort to find jobs or those who as products of generations of deprivation are too apathetic to try.

In addition, comparative income figures reveal that the relative economic position of even the employed Negro is not improving but is falling further behind that of the white. For example, since 1947 the number of white families living in poverty has decreased 27 percent while the number of nonwhite families in poverty has decreased only three percent.

The social and economic effects of discrimination against the Negro and other minority groups were cited in the 1965 Annual Report of the President's Council of Economic Advisers. The report estimated that employment discrimination combined with poorer educational opportunities for nonwhites costs society up to $20 billion a year in potential production.

BEHIND THE JOB ISSUE

Basic to the problem of employment opportunities is equality of opportunity for education, particularly since modern technology threatens the existence of many jobs for the untrained. So schooling is intrinsically bound up with all the Negro's aspirations for equality—in jobs, in income, in the growth of every individual and the development of his responsibilities as a citizen.

Since 1954, when the U.S. Supreme Court ruled that "separate educational facilities are inherently unequal," high priority has been given to pressing for equal opportunity through school integration. Yet a decade later this effort had attained only spotty success. By mid-1964 only a few more than 30,000 of the 3,000,000 Negro children in the 11 states of the Confederacy were in classrooms with white children—one percent. In the rest of the nation, where school segregation has resulted from *de facto* residential segregation rather than from state or local laws requiring segregation, the situation was little better. Ninety percent of Negro children in Chicago, New York, Boston, and other comparable ghetto-ridden cities throughout the country were in schools as segregated as those in the South. In summary, only about 15 percent of all the nation's Negro children were in nonsegregated schools in 1964.

This record, 10 years after the Supreme Court decision, contributed to increased Negro discontent and to greatly intensified pressures to move against all forms of racial discrimination. Federal civil rights legislation was passed in 1957 and 1960. The far-reaching Civil Rights Act of 1964 was signed into law by President Johnson on July 2, 1964. It contains 11 sections—Titles—of which four are directly related to equality of opportunity in education and employment.

TITLES TO EQUALITY

• Under Title IV the U.S. Attorney General has new authority to file civil suits to bring about desegregation of public schools. Desegregation is defined as the assignment of students to and within public schools without regard to race, color, religion, or national origin. The Act specifically states, however, that desegregation shall not mean the assignment of students to overcome racial imbalance and that no order may be issued under Title IV requiring the transportation of students between schools or school districts to achieve racial balance.

The U.S. Office of Education is directed to conduct institutes for special training of teachers and school personnel to deal effectively with desegregation problems, and to provide technical assistance in preparing and carrying out integration plans when requested by states or school districts. Finally, the U.S. Commissioner of Education is required by this section of the Act to complete by July 2, 1966, a nationwide survey of equal educational opportunities in all public schools.

• Title VI provides that no person may be subjected to discrimination or denied benefits in any federally financed program on the ground of race, color, or national origin. Where discrimination is found, federal agencies are empowered to terminate assistance after a fair hearing. Rulings of agencies are subject to judicial review.

Among the most far-reaching of the sections of the Act, Title VI has had the most immediate effects. More than 190 federal programs in education, employment, agriculture, business, housing, health, and welfare are covered by it. In 1964 over $15 billion was spent on these programs. This figure will increase greatly as a result of two recent Acts—the Economic Opportunity Act of 1964 (anti-poverty act) and the Elementary and Secondary Education Act of 1965 which will provide over a billion dollars in its first year with the lion's share going to low-income areas. Other educational programs which are covered by Title VI are National Defense Education activities, impacted area school construction and assistance programs, school lunch and milk programs, vocational education activities, and loans to college students.

A NEW RIGHT

• Title VII establishes for the first time through federal action a broad right to equal opportunity in employment and creates a five-member bipartisan Equal Employment Opportunity Commission to help implement this right. Employers, labor unions, and employment agencies are required to treat all persons equally without regard to race, color, religion, sex or national origin in all phases of employment—from application for a job to firing. This section bars unions and employers from discriminating in apprentice and training programs and prohibits unions from keeping segregated seniority lists. Employment agencies come under the Act if they supply employees to employers covered by the Act.

Unlike the other Titles, Title VII goes into effect in stages. The first stage began on July 2, 1965, a year after enactment, when employers of 100 or more workers and unions with 100 or more members were brought under the Act. Coverage will be expanded each year until July 2, 1968, when employers and unions with 25 or more workers or members will come under the terms of the law.

When it is in full operation Title VII is expected to cover some 30 million of the nation's work force. Not covered by the law, however, are 1) agencies of federal, state, and local governments (except the U.S. Employment Service and state and local employment services receiving federal funds); 2) private clubs; 3) educational institutions with respect to employees working in educational activities, religious educational institutions with respect to all employees; 4) employers on or near an Indian reservation, with regard to preferential employment treatment to Indians; 5) religious corporations, institutions, etc., with regard to employees working in connection with religious activities. Also excluded are employers with 24 or fewer employees.

If an individual believes he has been discriminated against he may within 90 days bring his complaint to the Equal Employment Opportunity Commission. The Commission will handle the complaint directly unless the state or community in which the alleged discrimination occurred has a fair employment law. If so, state and local officials are allowed up to 60 days to resolve the matter; 120 days are allowed during the first year after enactment of a new state or local law. If there is no satisfactory conclusion in that period, or if the state or locality rejects the complaint before the time is up, the complainant may go to the Commission, which is authorized to settle complaints by conciliation and persuasion but which has no power to compel compliance.

The Commission has 60 days to investigate, make a determination in the case, and achieve voluntary compliance. If its efforts to secure compliance fail, the individual may then take his case to a federal court. The court may appoint an attorney and exempt the complainant from certain court costs. In its discretion, the court may allow the U.S. Attorney General to enter the case if he certifies that it is of general public importance. The Attorney General may also actually initiate a suit if he has reasonable cause to believe there is a pattern or practice of resistance to Title VII.

If the court in either kind of action finds discrimination it will order the employer, employment agency, or union to take corrective measures, which may include hiring or reinstating employees with or without back pay.

• The Community Relations Service is an implementing and conciliating agency established by Title X to help local communities and individuals resolve disputes and difficulties arising out of discriminatory practices based on race, color, or national origin. This new agency may offer its services to both public and private agencies either upon its own initiative or upon request by a state, community, or individual. Its objective is to seek voluntary compliance with the law by establishing liaison with and among local officials, individual citizens, civil rights organizations, and federal agencies. Persuasion is the main tool of the service.

IMPACT ON SCHOOLS

According to the White House report on the first year's progress of the Civil Rights Act, compliance with the letter of the law was perhaps being achieved faster than had been hoped. The next step, the report said, "is to achieve compliance in spirit. . . . Reluctance to make the Negro feel welcome is now being expressed increasingly in the North, perhaps in reaction to pressures for open occupancy in housing. It is this dimension of the problem —the psychologically imprisoning aspects of prejudice— that needs to be attacked next, on a massive scale." The report also noted that the "process of change" taking place throughout the South is "often a difficult one . . . no one pretends that desegregation is a simple matter for a community."

The U.S. Office of Education has held more than 25 institutes for over 2,000 teachers, counselors, and school administrators from 16 southern states, and in the fall of 1965 some 20 in-service training programs were supported by grants from the Office of Education to school districts. In many of these communities the institutes and programs offered the first opportunity the participants had ever had to discuss the problems of desegregation—e.g., community reaction, teacher understanding of minority group children and the relationship of their heritage and environment to the learning process, academic adjustment of Negro pupils in formerly all-white schools, integration of faculties, and relations with PTAs.

The nationwide survey of the educational opportunities of Negroes, Mexican-Americans, Indians, Puerto Ricans, Orientals, and disadvantaged whites got under way in the fall of 1965. Intended to serve as a base from which educational progress can be measured, the survey will cover questions concerning race and color, as directed under Title IV, and will seek to discover the relationships between these factors and the effects of environment on pupil achievement in all schools.

TITLE VI IN THE CLASSROOM

An increase of slightly more than one percent took place in the classroom integration of Negro and white school children during the first year of the Civil Rights Act, but a greater increase was expected in the fall of 1965 when the impact of Title VI was first felt.

Regulations issued in April 1965 by the Office of Education provide that school districts will receive no federal money unless they either promise to comply with any court order outstanding against them or submit new desegregation plans with assurances that the proposals will be implemented. Desegregation plans must at least meet the standards set forth in the Office's "General Statement of Policies under Title VI," which states that school districts must desegregate all grades by the fall of 1967; that pupil assignments and transfers must not be made on the basis of race, color, or national origin; that teaching staffs, transportation, and other services must be desegregated; and that "all practices characteristic of dual or segregated school systems" must be abolished.

A "substantial good faith start" must have been made by the fall of 1965. According to the policy statement, this means that at least four grades must have been desegregated by the opening of the school year—the first grade of elementary and of junior and senior high schools, and the last grade of high school. Other requirements of the "good faith start" apply to all grades: assignment of new pupils without discrimination, no use of public funds to maintain segregation by sending pupils to schools outside their district, and steps toward desegregation of faculties—at least to the point of providing for joint faculty meetings. Furthermore, desegregation plans must have been made known to pupils and parents "in sufficient time to enable them to understand and take advantage of their rights."

The Office of Education has approved the two most frequently used methods of desegregation: 1) the *freedom-of-choice* or open-enrollment plan, whereby parents must have a genuine choice of placing their child in any school within the district (up to the point where the school is full); and 2) the geographic or *zoned-attendance* plan, which must be based on a single nonracial system of attendance zones.

As the 1965 school year began, it was evident that Title VI is having some effect on school desegregation in the South although less than many had anticipated. Integration of classrooms is more than double that in previous years, but the picture of school desegregation is contradictory. Looked at one way, Office of Education figures show that 93 percent of the more than 5,000 school districts in the southern and border states have submitted compliance plans and have had them accepted by the Office of Education.

Looked at another way, however, Office of Education figures show that only about 7.5 percent of the Negro children in the 11 southern states are now actually attending integrated elementary or secondary schools. (And this estimate is criticized as too high by the Southern Regional Council, which calculates that only 5.2 percent of such children are in integrated schools.) In one predominantly Negro county, for instance, a freedom-of-choice plan on paper allowed integration of all grades immediately, but only seven Negroes were admitted at the start of the school term. In another community, comparatively few Negro parents have submitted applications for their children to enter the white schools and only 77 out of 3,600 Negro children are integrated with the 2,400 white children in the district's three previously all-white schools.

Seven and one half percent is certainly an increase over the two percent classroom integration which had been achieved from 1954 to the end of the 1964-1965 school year, but that figure does not seem to paint the same picture as the 93 percent figure of school districts which have had their compliance plans accepted. The answer appears to be a combination of token compliance plus hesitation, for various reasons, by Negro parents to enroll their children in all-white schools. In some cases all parents did not receive the required notices informing them they could select the school for their child to attend. Newspapers report some answering letters were voided because they were received "too late" or were incorrectly filled out. Parents have been intimidated through threats of job loss, mortgage foreclosure, or cancellation of credit. Negro children have been informed that they cannot go out for sports if they attend an all-white school or that they cannot have transportation. In some cases, white children have been bussed to an all-white school in an adjoining district to avoid sharing a school with Negroes.

The Office of Education (which expects to publish revised guidelines by January 31, 1966) has been aware that "freedom of choice" places the burden of integration on Negro parents rather than on school officials and that "tokenism" might become a serious problem. Believing that more integration will result under the "zoned attendance" plan, the Office has pressed for adoption of this plan by school districts and is considering the possibility of requiring zoned areas in 1966. Firm opposition already has been expressed by some southern school board members, however, especially those in states which have repealed compulsory school attendance laws. They fear white children will be withdrawn from public schools and either kept out of school altogether or sent to private schools. This fear may be well founded as many new private schools opened this fall in almost every southern state.

Despite widespread "tokenism" and the spotty picture of integration, many observers feel that a milestone in the Negro's search for equality of opportunity has been reached under Titles IV and VI. For the first time some integration has been achieved in wide areas of the Deep South, notably in small cities and rural areas where there is a large Negro population and where white opposition has been greatest. And, although integration plans are not always working, it appears that *de jure* segregation has been effectively weakened.

DE FACTO SEGREGATION

While public school segregation previously sanctioned by state or local law is slowly receding, public school segregation resulting from a concentration of a homogeneous racial population in a particular neighborhood and its schools is increasing. This *de facto* segregation, in which school district lines adhere to racial housing patterns, exists in urban areas throughout the United States.

The *de facto* issue has been appealed to the U.S. Supreme Court and as of November 1965 the Court had refused five times to rule specifically on the question. In one instance (Gary, Ind.) the Court refused to review a lower court decision which upheld neighborhood schools even though *de facto* segregation might result. It let stand a decision that the New York City Board of Education could draw the boundaries of a Brooklyn school district in order to minimize racial imbalance. It let stand a decision regarding Kansas City, Kansas, which said that "although the 14th Amendment prohibits segregation, it does not command integration of the races in the public schools and Negro children have no constitutional right to have white children attend school with them." Also, the Supreme Court refused to review a case upholding the authority of the New York State Commissioner of Education to order Malverne, N.Y., to eliminate racial imbalance in its schools. Finally, the Court let stand New York State court rulings upholding the right of the New York City Board of Education to "pair" schools in Queens in order to achieve better racial balance. (The Board had required all children in two districts to attend a formerly predominantly Negro school for the first and second grades and a formerly predominantly white school for the third through sixth grades).

There has been growing pressure from civil rights and other citizens groups in northern and western cities for the U.S. Office of Education to take action against *de facto* segregation under Title VI. The Office is investigating complaints of discrimination from several northern communities, among them Boston, Chicago, San Francisco, and Chester, Pennsylvania. (Federal funds for Chicago were temporarily "frozen" in the early fall of 1965 because of complaints of school segregation, but were "thawed" after protests from local officials.) The Office may investigate for discrimination in schools if there is reason to believe that segregation has been deliberately created or perpetuated by such devices as arbitrary site selection, gerrymandering a school district, manipulating transfer policies, under-utilizing certain schools, or if teaching and facilities in Negro schools are inferior to those in white schools.

AGREEMENT—BUT SOLUTIONS?

A number of studies of *de facto* segregation and its effects on education have been made under auspices of governmental agencies, among them the U.S. Commission on Civil Rights, the states of New York and Massachusetts and the cities of New Haven, Conn.; Mount Vernon, N.Y.; Boston, Mass.; and New York City. The studies show many areas of agreement but also point to unsolved problems.

There is widespread agreement in the reports that racially segregated schools are incompatible with the democratic concept of a free society and equal educational opportunity for all. Even when the educational facilities of racially segregated schools are not inferior, as they are in many cases, the segregated child—Negro, Puerto Rican, Mexican-American—is subject to educational handicaps of impaired confidence, a distorted self-image, and lowered motivation. Negro experience in the United States, from the destruction of familial ties in the days of slavery to today's demoralizing ghetto environment, has led to a lack of self-esteem and a low level of aspiration that are perpetuated and reinforced by segregated public schools. Finally, racial imbalance encourages prejudice within children, regardless of their color, and ill prepares them for life in a multiracial community, nation, and world.

A great deal of research and experimentation has been carried out on methods to achieve wider integration. The reports include recommendations about enrollment patterns, size and location of schools, integration of faculties, improvement and expansion of compensatory interracial educational programs and learning experiences outside school itself. Experimental programs in a number of school systems have produced startling results in upgrading the performance levels of disadvantaged children and there is evidence that the performance of Negro children improves in schools with a good racial balance.

Despite broad agreement in the reports that integrated learning experience is fundamental to equal educational opportunity, there are a number of areas of disagreement, and problems for which no answers have been found. The most difficult problem is at the elementary level and is caused by the adherence of many school districts to the system of assigning children to schools according to the neighborhood in which they live. There is disagreement over the educational priority of the neighborhood school, of racial integration, and of quality education.

The issue of racial balance is the basis of the political controversy related to the neighborhood schools—"to bus

or not to bus" children to school. The neighborhood school and the bussing controversies have become politically polarized into "all or nothing" situations in which a school committee, often after bussing children for years to relieve overcrowding or for other educational reasons, may suddenly find itself opposing all bussing. In such situations, rational discussion of solutions to the educational problem of racial imbalance has become virtually impossible.

Some observers believe the neighborhood school has important values, such as more effective participation by parents and other citizens in the support and guidance of the schools. Yet on the basis of educational, psychological, and sociological research, they believe the educational need to integrate schools has a higher priority. When a neighborhood school is in effect reserved for certain groups or when it results in a ghetto situation, it does not serve the purpose of democratic education.

Other observers argue that although present schools in slum areas appear to support the assumption that only integrated schools can be good schools, research to date does not support the assertion that only integrated education will provide either quality education or equality of opportunity. Therefore they believe much more emphasis must be placed on promoting quality education regardless of the racial composition of the schools.

However, even if there were overwhelming agreement on the overriding interdependence of racially balanced schools, quality of education, and equal opportunity for all children, another hurdle would have to be overcome. The existence of very large Negro ghettos in many cities, coupled with the increasing movement of whites from the city to the suburbs and of white children from public to private schools, creates technical problems in bringing about racial balance. It is clearly impossible to create anything approaching racial balance if there are relatively few white children living in the city or attending public schools. Solutions are not easy to find, and some urban areas do have greater problems than others, depending on the relative size of the white and Negro populations and on their concentration in residential areas.

The experience of a number of urban school systems shows that when the proportion of Negroes in a particular school reaches a "critical point," the decrease in white enrollment accelerates, teachers seek assignments in other schools, and there tends to be a lowering not only of general morale but also of pupil motivation and achievement. Professor Kenneth B. Clark briefly summarized the intricate problems of education in an urban ghetto when he stated: "If children go to school where they live and if most neighborhoods are racially segregated, then the schools are necessarily segregated, too. If Negroes move into a previously white community and whites then move away or send their children to private schools, the public schools will continue to be segregated. If the quality of education in Negro schools is inferior to that in white schools, whites feel justified in the fear that the presence of Negroes in their own school would lower its standards. If they move their own children away and the school becomes predominantly Negro, and therefore receives an inferior quality of education, the pattern begins all over again." (From *Dark Ghetto, Dilemmas of Social Power.*)

IMPACT ON EMPLOYMENT

If the total impact of the Civil Rights Act on education is still to be felt, it is also too early to evaluate the effectiveness of Title VII in eliminating employment discrimination and in creating the conditions under which equality of opportunity can become a reality. Nevertheless, it is possible to gain a sense of what the future may hold by looking at the problems of labor and business and at the progress made during the past few years.

Labor's official position against discrimination in employment has been very firm. In fact, civil rights leaders have given organized labor much credit not only for the inclusion of the fair employment practices section in the Civil Rights Act but also for its passage. Historically, however, a wide gap has existed between the commitment of labor's leaders to equal opportunity and its implementation at the local level by the more than 130 unions and 14 million members. The industrial unions have generally taken a stronger stand in support of nondiscrimination than have the skilled craft unions which traditionally have exercised careful membership control.

The major root of the problem is anxiety over job security at a time in our economic history when automation is taking its heaviest toll of employment opportunities in the unskilled and even semiskilled job fields. The concern for job security is deepened by the common knowledge that even in prosperous times our economy does not automatically guarantee full employment. The built-in responsibility of the unions to defend the jobs of "those who are already in" complicates the problem still further.

Nevertheless, some marked successes had already been achieved voluntarily before Title VII went into effect. In a number of southern industrial areas, formerly segregated locals have been merged into one—e.g., the bricklayers, masons, and plasterers in Atlanta and Jacksonville, the machinists in Norfolk, and the painters in Charleston. In 1963 the presidents of the 18 building craft unions undertook a program to help eliminate racial discrimination in apprenticeship, union membership, and work referral. Some of the specific steps which have been taken on the local level since that time include the opening of apprenticeships to 300 Negroes and Puerto Ricans by the New York electrical workers and the agreement to accept qualified nonwhite craftsmen for membership in the Pittsburgh building trade unions.

Considerable criticism, however, has been aimed at labor from various quarters, including the U.S. Commission on Civil Rights, the President's Council of Economic Advisers, and labor spokesmen themselves. The Council of Economic Advisers wrote in 1965 that one of the most critical remaining barriers to the employment prospects of nonwhites is the lack of sufficient openings in apprenticeship programs. "Until younger Negroes can acquire the skills necessary to compete in today's labor market," the Council said, "equality of opportunity will not be realized."

The U.S. Commission on Civil Rights reported in 1964 that Negro participation in apprenticeship training programs is "alarmingly meager." In a series of reports on various states the Commission found that "buck-passing" among labor, management, and government constituted a serious obstacle to opening apprenticeship programs to

Negroes. Equality of opportunity, the Commission said, may be the official policy of industry, labor, and government, but in practice the policy has been relatively meaningless in the absence of implementation by the three groups.

Finally, one labor leader said that organized labor has been making progress, but that it must do more—"you have to measure progress in terms of distance yet to go."

THE JOB OF BUSINESS

Business and industry are also making progress toward placing Negroes into more and better jobs, although according to a June 1965 *Business Week* survey what has been accomplished is a "drop in the bucket." Much of the success that has been achieved, the survey indicated, has been due to the efforts of the President's Committee on Equal Opportunity established in 1961 to increase equal employment opportunities within the federal service and with government contractors. A closely related voluntary program, "Plans for Progress," has involved more than 300 companies.

In the North the emphasis has been placed on white-collar jobs; in the South, on opening up to Negroes formerly all-white production-line jobs. In seeking Negro employees, however, business has run headlong into the problems of poor education and inadequate training. Vast numbers of Negroes do not have the schooling or the technical background to qualify for more than menial jobs—and it is these jobs, of course, which are becoming fewer and fewer, year by year.

Some economists, civil rights and business leaders have urged that business, industry, and government undertake an intensive society-wide effort to help nonwhites reach a standard at which they would be qualified for better jobs. Government, under the many "war on poverty" programs, e.g., those of the Office of Economic Opportunity, is well launched on manpower training for both whites and nonwhites. Business and industry, despite public statements that a special program for nonwhites means "preferential treatment" or "discrimination in reverse," are in many instances giving Negro workers special training. The number of companies involved is small, but increasing. Programs are being conducted by business—alone and in conjunction with the Urban League—with local school systems or with government agencies. The Urban League in Chicago, for example, worked out a retraining program with the Yellow Cab and Shell Oil companies in cooperation with the public welfare department. In three months, 200 Negro men were trained to become taxicab drivers and service station attendants. Whitney Young, Executive Director of the National Urban League, has stated that this meant not only that 200 men were off the relief rolls and making $100 a week but also that "their role in the family—as a parent, as a father—has changed."

A number of firms have undertaken on-the-job training programs in the 3-R's and in specific skills to enable Negroes to qualify for the job opportunities which are being opened to them. Some companies are giving Negro employees special training to help them qualify for high school equivalency certificates. Guidance programs for youths still in high school have been started by several business firms.

In San Francisco some companies on re-examining their testing procedures have often found that their employment tests and other criteria for hiring, such as "appearance," are not always relevant to job requirements or to performance. A Cleveland company put 32 Negro girls through an eight-week secretarial course (including classes on what to wear) and at the conclusion the company itself hired 26 of the girls.

Among other lessons business has learned is the need for a firm executive policy "at the top" and an effective follow-up system throughout all levels of the company so that all employees will know that the policy of nondiscrimination is definitely to be implemented. In the North, for instance, one company reported that a top secretary objected to the hiring of a qualified Negro secretary and threatened to resign. She was urged to stay, but was told that the Negro would be hired regardless. She stayed.

In the South, according to the *Business Week* survey, the problems involved in upgrading jobs for Negroes and in providing more employment are usually more difficult. There the greater hostility of white employers and workers, and the firm opposition of some local politicians are added to the problems of inadequate education and training. But there has been change. Negroes now are working on production lines, as researchers, technicians, secretaries, clerks, and salespeople. The number is small—and in industries employing the most people (especially textiles) the gains have been minor.

Business in both North and South also has learned that many Negroes will not apply for jobs no matter how thoroughly they are advertised in help-wanted columns. Experience has shown the Negro so often, *Business Week* reported, that the advertisement "didn't mean me" that he frequently dreads to try for jobs where Negroes have never worked before. Hood Milk is one of the companies which have learned how to surmount this problem. In common with many other firms, Hood had generally found its employees through the referral system in which a present employee introduces a friend or relative to the personnel department. "A company that has few if any Negroes on its payroll won't change the racial balance by sticking to that system," the Hood personnel director said. So the company took a number of new steps: communication within the company to be sure that all managers knew a special effort was being made, and communication outside with the Urban League, the NAACP, CORE and with numerous individual leaders in the Negro community. The company advertised in the Negro press, and printed invitations which were delivered by its milkmen along with the morning milk in Negro neighborhoods of the New England cities it serves. Each week Hood's personnel people meet with Negro leaders to give them a list of job openings, counting on them to pass the word. Today, Hood has Negroes among its accountants, auditors, laboratory technicians, and personnel staff.

MORE TO BE DONE?

Despite the impressive number of programs being conducted by business and industry, it is apparent that only a small sample of American businesses had by 1964 dealt "firsthand with the forces of integration." According to studies conducted by the Harvard School of Business

Administration and the National Industrial Conference Board, Negroes generally are still being hired for the low-paying, low-status jobs.

The authors of the Harvard study wrote that the integration of Negroes in the productive force of the country is "the top priority issue for American business." The cost to the nation of preventing minority groups from obtaining jobs commensurate with their abilities is very high, they asserted, emphasizing that even a single company with a positive integration program can have a large impact in a community by reducing social unrest, encouraging new investment, and promoting prosperity and growth through expanding local employment opportunities for minority groups.

The Harvard report, which was written to help American management cope with integration, concludes: "The Negro movement is in many ways like a new union with which management must learn to cooperate. And this does not by any means suggest that the goals and policies of a business either should or must be compromised. Businessmen are not being bullied, but confronted. They have an opportunity to act with foresight and leadership in a current of change which is irrevocably sweeping the nation. In fact, the very tenor of the Negro movement in the future may be determined by the way in which the business community acknowledges, accepts, and acts to assimilate the Negro protest today."

TITLE VII COMPLAINTS

Confrontations of both labor and management with the Negro's search for equality of opportunity in employment will increase in number as time goes on. As Title VII is put into effect, administered, and enforced, citizens will want to evaluate its strengths and its shortcomings. A forecast of the activity which can be expected under the complaint provisions of the Title perhaps can be seen in the 1,383 complaints which were filed with the Equal Employment Opportunity Commission by October 9, 1965 —only three months after it began operation. The Commission determined it had probable jurisdiction over 966 of the complaints, which usually involved alleged discrimination in hiring, in promotion, or in wage differentials. Of the 966 complaints, 706 cited race as a basis of discrimination and, of these, 680 were from Negroes; 844 of the complaints were filed against employers, 197 against unions, and 31 against state employment agencies. (In some cases, both union and employer were charged).

Since enactment of the Civil Rights Act, the effectiveness of the new federal fair employment practices section has been assessed by various groups. Some areas may need particular attention. It may prove to be a weakness, for instance, that the Commission is not empowered to issue corrective and remedial orders. Civil rights groups are not satisfied with the provisions that require plaintiffs to appeal first to state fair employment practices agencies before turning to the Federal Commission, or with the provisions that require that enforcement procedures be handled through the district courts rather than in the Commission, which must rely largely on conciliation. This places a heavy burden on the complainant, although the onus may be mitigated to some degree by the provision that allows the court to appoint an attorney for the plaintiff. Nevertheless, the Chairman of the Commission, Franklin D. Roosevelt, Jr., has argued that enforcement should be strengthened by giving the Commission power to issue cease and desist orders. It also has been suggested that the law should be extended immediately to cover all employers with eight or more employees.

TWO-WAY COMMUNICATION

During its first two years, the U.S. Community Relations Service has conciliated disputes and disagreements arising out of allegations of discrimination and has also concentrated on coordinating federal programs affecting inter-group relations in the tension pockets of nine large northern cities.

Among the many activities undertaken by the CRS were helping the white community to move toward peaceful compliance with the law, interceding between white and Negro groups, servicing and staffing meetings between white and Negro business leaders, and assisting school board members with plans to meet desegregation requirements. Finally, the Service has helped to interpret Negro grievances to industrial leaders and the interests of industrial leaders to Negroes, particularly in the area of new plant locations.

The greatest barrier to successful conciliation, the Service reports, is the "appalling gap in communications between Negroes and whites." But once the communication process is established, the CRS Deputy Director has reported, "some interesting and wonderful things can happen. A meeting may begin in hostility, then settle down to an orderly exchange of ideas and . . . move from talk about race into consideration of needs common to the whole community." The bringing about of a new awareness on the part of the white man that the Negro doesn't want to be taken care of but wants to be in on the decision-making himself has been one of the primary efforts of the Service. As the Deputy Director said, "Through the work of our agency we see things change, sometimes rapidly."

WHAT'S AHEAD

In its first year the Civil Rights Act is believed to have eliminated more legally based racial discrimination than all previous court decisions, congressional acts, and presidential orders. But there are many deep-seated and unsolved problems in this urgent issue of equality of opportunity in education and employment. These are issues for which the citizens of our free society must find solutions.

The focus of attention on school desegregation has shifted from *de jure* in the South to *de facto* in the North and West. Racial balance will be an issue wherever there is a concentration of any racial minority. Although the nation unquestionably is moving toward greater economic, educational, and political equality for its Negro citizens, the explosion in Los Angeles in the summer of 1965 and the disorders in other cities show that little of this forward movement has yet penetrated to the lower depths of Negro deprivation. It seems quite clear that the new civil rights law and the related anti-poverty and educational programs have not yet greatly improved the lot of the Negro in the teeming ghettos of the cities of the North and West.

In fact, many observers assert that the Civil Rights Act of 1964 is not even relevant to the predicament of the

northern Negro, who is not suffering from lack of laws but from the fact that he sees no progress, that despite the laws he continues to be discriminated against in employment, in housing, and in education. Vice President Humphrey has said there is a danger of creating two separate and distinct Negro Americas: one is made up of Negroes, entering the middle class, who have been the beneficiaries of the very real progress we see about us; the other is composed of Negroes who have been increasingly isolated from this progress and inhabit our urban ghettos and rural slums. Closely related to this problem is the population trend in our large cities, more specifically described as the "urban lag in desegregation." A higher percentage of Negroes than whites lives in cities and, in fact, 10 large cities in the North and West contain not only the overwhelming majority of Negroes in those regions but also 40 percent of the national Negro population.

The U. S. Labor Department recently concluded a study which states that behind the apparent amelioration brought by congressional acts and executive implementation of the acts lie spreading deterioration and mounting frustration. Frustration develops because the Negro sees that he has not begun to close the gap between what he is and what the white man is, and in some areas he sees this gap widening. The Labor Department's report states that as the Negro population grows, the ghettos become more confining; as general prosperity increases, so does the gap between the white and the Negro share in it. Progress, the Vice President said, will come not only with liberation from discrimination in education, housing, and jobs, but also with "liberation of the spirit." We must understand, he stated, that "generations of prejudice, deprivation, and subservience have sown among many Negroes the seeds of profound despair, apathy, indifference, and distrust."

EVERYTHING CORRELATES

Problems of urban desegregation and of education and their relation to employment were explored at the White House Conference on Education in 1965. The participants pointed out that much of the strife surrounding city schools results from disagreement over the function of schools in our society. Many school professionals believe that the function is to educate and only to educate; they think that schools should not become involved in larger social problems such as integration and community renewal. Other professionals hold that if the public schools are to educate effectively, they must cooperate actively with the city government and other agencies to achieve social and urban renewal and that they must develop programs of quality education and enrollment patterns that will attract middle-income people, white or Negro, to stay in the city. Furthermore, according to the latter view, it should be a part of the public school system's function to encourage both white and Negro to live in integrated communities; otherwise the effort at community renewal probably will fail.

Discussion at the White House Conference tied the employment problem directly to the issue of racially balanced schools. The "cycle of systematic neglect" of Negro school children, it was stated, often limits Negro youth through both its "explicit and implicit curricula" to a future of low-skilled employment. If this country is to cope with the effect of automation on the labor force, massive educational advances for the Negro will be required in order to achieve the equally massive upgrading in Negro employment.

The problem of jobs for Negroes, moreover, is an integral part of all issues relating to employment in the United States. Economic opinion generally is in agreement that equality of opportunity in employment and the solution to poverty will be found only if we solve the problem of chronic unemployment. Many economists believe that national planning of priorities and expenditure of public funds are required to cope with this national problem of poverty. While there is disagreement among economists on how to achieve an expanded economy, there is no disagreement on the need for its steady expansion if America is to win the war for equality of opportunity for white and Negro alike. The efforts to cure unemployment will mean little unless an expanded economy provides jobs and unless the productive *and* consuming power of the poor is developed.

Thus it appears clear that huge efforts will be required in education and vocational training and in retraining. At the same time, the economy must expand or there will be no demand for labor and the training programs will have proved futile. On the other hand, if the needs of the poor are transferred into effective demand, more automation with less displacement of labor will be possible.

Willy-nilly, then, the civil rights aspects of equality of opportunity in education and employment are tied together not only with the war against poverty, but also with the urban problem, the age of cybernetics, and the problem of expansion and growth of the American economy.

SOME QUESTIONS

Are more federal laws needed to cope with *de facto* segregation? with housing? Should there be stronger federal enforcement of laws already passed? How can the problem of the urban lag in desegregation be solved? Should suburban and city school boards attempt to solve these problems alone? together? Is our present system of local school autonomy adequate to the challenge of equality of opportunity in education? Does a system of priorities need to be established regarding excellence in education first, and then racial balance? Or is racial balance so tied up with equality of opportunity in employment that quality education and racial balance must be worked for simultaneously?

Are there unresolved issues, such as adequacy of the enforcement provisions in the 1964 Civil Rights Act? For instance, will an individual who wishes to bring a complaint of employment discrimination be able to do so without arduous, lengthy, and perhaps costly litigation?

Are new commitments by all citizens and within communities necessary to bring about genuine equality of opportunity? How, for instance, can the Civil Rights Act be made to come alive, to be "living law"? Is a broad base of community cooperation and action necessary to implement a policy of integration? Is there a greater role for governmental conciliation agencies?

League of Women Voters of the United States • 1200 17th St., N.W., Washington, D. C. 20036

Pub. No. 311 20¢ a copy 10 copies for $1.50 Quantity rates on request