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FIFTEEN CENTS

Brooke Suggests GOP Press Urban Reform

**Wrangles with Doherty;
Lodge for Radicalism**

By John Spitzer

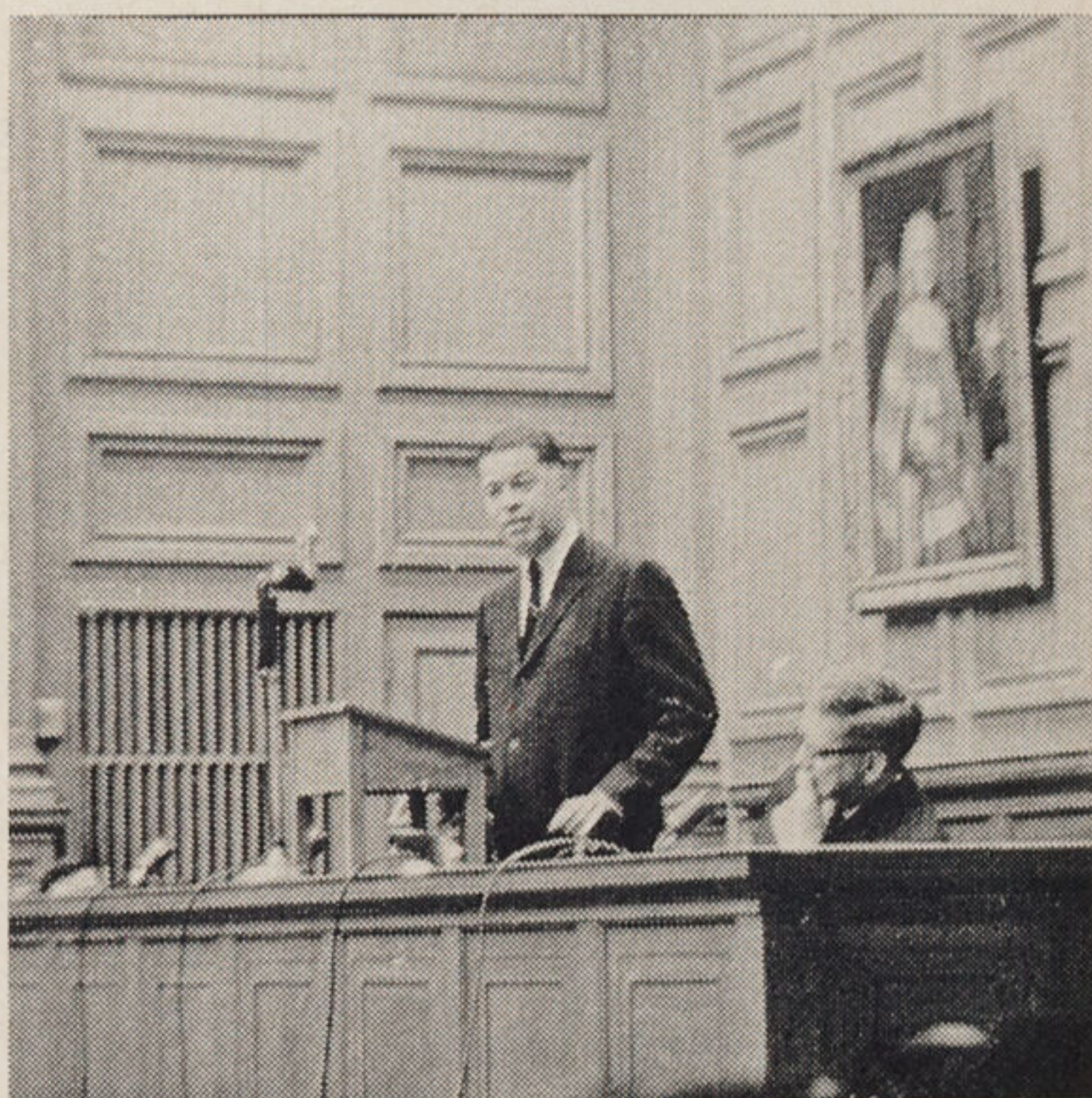
Attacking the "aspirin approach" of the Democrats to domestic problems, GOP Senatorial candidate Edward W. Brooke predicted Friday night to a Forum audience that the Republican party is ready to seize the initiative in 1966.

"The Democrats are keeping people on relief as a temporary measure," asserted Mr. Brooke, presently Attorney General of Massachusetts. "They don't seem to get down to the root of the problem which means helping people to help themselves."

"But the Republican party should not depend on mistakes of the opposition," he continued. "The Republicans need positive programs of action. We must go to the people, listen to the people, talk to the people and represent the people."

The informed, articulate candidate called attention to the social and economic transformation of the United States whose frontiers have become a "colossus of giant corporations in giant cities." To alleviate the most serious domestic ailments, he proposed a separate Department of Education, a Department of Transportation and a locally-organized poverty program.

Debunking Brooke's program of reform, Gerard F. Doherty, chairman of the Massachusetts Democratic State Committee, pointed out that it was the Democratic party
(Continued on following page)



Edward W. Brooke

Wicker Explores Balancing Of Congress and President

By Tom Wicker

It is time for scholars, historians and even politicians to put their minds to the question of how to make Congress a better balance against the Presidency.

There is no real possibility, despite the dogged insistence of some Republicans and commentators, that the vast powers the Presidency now wields can be reduced, much less
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Mr. Wicker is the head of the New York Times Washington Bureau.

Lodge Questions Dysfunctional State Lines

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which initiated and executed the programs of reform in the Depression years. He criticized Republican spokesmen for being "riveted to great thoughts and great hopes" and stressed the similarity of Brooke's campaign to the presidential campaigns of Dwight D. Eisenhower by paraphrasing a speech from Shakespeare's *King Lear*:

"I will do many things. What they are I know not yet. But they shall be the wonders of the earth."

A squabble among the Forum panelists ensued over which political party first pro-



Brooke: "Positive Programs of Action"

posed the Fair Housing Act in the Massachusetts Legislature.

Less prone to political infighting was George C. Lodge, who ran against Sen. Edward M. Kennedy for the Senate in 1962 as a Republican and is now associated with the Harvard Business School. He disdained the "shopworn phrases" of politicians by stressing the need for "radical thinking".

In this radical vein, he argued that arbitrarily drawn state lines cripple the functioning of the interstate Megalopolis. Lodge noted in contrast that the states of Brazil and provinces of Canada are much larger and are separated by large rivers or mountain ranges. Their greater autonomy, therefore, is realistically derived, he stated.

Mr. Lodge called for more information on American industry so that comprehensive plans of economic incentives can be developed. Stressing the need to create a link between "the entrepreneurial community and the government," he added that there are still "pockets of lingering depression" in the generally prosperous economy.

On the international level, Mr. Lodge assaulted the "irrationality of nationalism" and urged that sovereign independence be qualified so that international inspection teams could control the burgeoning production of nuclear weapons.

While strongly supporting the Administration's policy in Vietnam, he emphasized that "spewing hogs and pipelines into Vietnam is not doing anything for the political organization of peace" and that the U. S. is hindered by "ideological constipation" in trying to teach democracy to the Vietnamese.

"If there is not a radical response," he closed to a hushed audience, "we will see a third party or a collapse of our society. There is so little leadership from the two major parties."

Democrats Debate Vietnam Against Yale Law Students

In response to a challenge issued by the Yale Law School Democrats, two members of the Harvard Law/Grad Democratic Club will journey to New Haven tomorrow to debate the proposition, "Resolved: the American people should support the Administration's present policy in Viet Nam." Ronald G. Sampson (1L) and Jon M. Van Dyke (2L) will defend the proposition against two Yale Democrats in the Yale Law School buildings.

Plans are now in the works for the positions to be reversed in a second debate at Harvard, with the date and the debaters yet to be announced.

Nader Continues Safety Campaign Undaunted

Tells of Intimidation by Auto Manufacturers

By Paul M. Branzburg

Ralph Nader, the 31-year-old Washington attorney whose book, *Unsafe at Any Speed*, has shaken the automobile industry down to its steering posts, came to Cambridge last Friday evening to address a banquet of the Student Legislative Research Bureau.

As the 1958 HLS graduate entered a room in the Harvard Faculty Club for a pre-banquet press conference, a third-year law student introduced himself and said: "Congratulations! You came out of the subcommittee hearings smelling like a rose." Mr. Nader's face, tired and grim from the strain of the last few weeks, broke into an easy smile.

Three days before, Mr. Nader had received international attention when Mr. James M. Roche, the president of General Motors, apologized before the Senate subcommittee on executive reorganization for GM's \$6,700 investigation into Mr. Nader's background. During the inquiry, Mr. Nader had been shadowed around the country and about 60 of his acquaintances had been questioned about his political, sexual, and religious attitudes. (See RECORD, March 17)

When General Motors admitted on March 9 that it had hired Alvord & Alvord, a Washington law firm, to coordinate an investigation of Mr. Nader, it claimed that the inquiry had been directed solely to the question of whether or not Mr. Nader had any connection with plaintiffs' counsel in the 106 Corvair suits. GM had hinted at the time that the investigation had enabled them to "prove" such a connection.

At the subcommittee hearings, however, General Motors was unable to offer any evidence linking Mr. Nader and the Corvair suits. When it was pointed out that most of the questions asked by investigators had nothing to do with the Corvair litigation, GM attorneys finally admitted that "a routine investigation [had] developed into an intense investigation."

At his press conference at the Faculty Club, Mr. Nader said of the General Motors apology: "I never want to confuse an act of contrition with an act of reform." The



Mr. Ralph Nader

former President of the RECORD also reported that he is considering a lawsuit against GM.

In his prepared statement to the Senate subcommittee, Mr. Nader revealed that in gathering information for *Unsafe at Any Speed* he had encountered continually "a profound reluctance, in not a few cases it could be called fear, to speak out publicly by those who knew the details of neglect, indifference, unjustified secrecy and suppression of innovation concerning the design of safe automobiles by manufacturers.

"It is unfortunate," he continued, "that I cannot reproduce the responses of those with whom I spoke or the elaborate arrangements which often had to be made in order to contact them. But I can convey my astonishment at hearing such comments as 'They can get me, like they've gotten others,' or 'It pays to keep one's mouth shut in this business.'"

"I can convey my initial incredulity at the descriptions of the far-flung apparatus of private detectives and security agents deployed by the auto companies, especially

(Continued on page 13)

Examiner Demonstrates Effectiveness of Lie Detector

By Steven A. Goddard

"The lie detector can be accurate if used by a qualified examiner," Mr. Charles Zimmerman asserted Saturday to a packed audience in Langdell North. "The method of questioning is the key," he added.

Mr. Zimmerman, who received initial training from the U. S. Army in Germany, has given over 10,000 tests, and is now considered one of the top five examiners in this country. Interpol, the CIA, the FBI, and others have relied on his expertise. He heads a firm called "Scientific Security, Inc." in Boston.

"The telling of a lie is a form of self-defense," Mr. Zimmerman explained. "Energy is required to support a lie, just as swinging an arm. Fear of entrapment or exposure is the strong emotion tested," he stated.

Mr. Zimmerman uses the Keeler polygraph: "The instrument records four physiological reactions; blood pressure, pulse rate, respiration, and perspiration," he said. "Each is required, as individuals react differently to lie-telling."

"Four-fifths of all lies told are accompanied by outward reactions," Mr. Zimmerman said. He then illustrated how an attorney could judge the validity of a client's answers. "Adjust your breathing rate to his," he said, "and a sudden change will betray the lie."

To support his thesis that proper questioning is crucial, the chunky German related the following story to indicate the pitfalls of the inquisitor's art:

"A Mr. McGuire had three sons: Bill, Jim, and Pat Jr., a dull weakling. Suspecting infidelity he asked his wife if Pat Jr. was a McGuire, and she asserted he was. Years later, his wife near death, he repeated his question. 'Yes,' she replied, 'but Bill and Jim are from your best friend.'"

"A guilt complex may foil the test if the questions are too general," Mr. Zimmerman explained. "The key questions must contain one narrow idea."

Due to various weaknesses, lie detector tests have received limited acceptance in the courts. Thirty-six states allow a test as evidence provided both parties consent. Even

then many stipulations qualify the evidence. Many judges fear replacement of the jury.

Mr. Zimmerman demonstrated the instrument's effectiveness to the audience. The polygraph needles swayed wildly, much to everyone's amusement, when a volunteer subject lied about a control number. "If you think your client is guilty," Mr. Zimmerman counseled with a smile, "just don't allow him to take the test."

United Fruit Co. President

Explains Increased Profits

By William P. Schwarz

The president of the United Fruit Company described to Bull and Bear Club members last week how his corporation's new management team has attacked a severe case of shrinking profits.

Mr. John M. Fox, the president, was part of a management group called in five years ago to improve United's rapidly declining condition. The company had slipped from a net profit of \$60 million in 1954 to a loss of 7 cents per share in 1963.

There were "no budgets, no controls," recalled the founder of Minute Maid. Past management, he said, had relied on a monopoly position and were caught unaware when they found others were competing.

"Executives could go home at noon and know that the profits would roll in," Mr. Fox said. He also noted the company was overloaded with executives and excess employees. To remedy that, the payroll was pruned from 90,000 to 50,000 employees in four years.

Mr. Fox explained that bananas represent one per cent of the food sales in the United States (one million boxes per week) and are one of the food industry's biggest profit makers.

With United's return to profitability — nine cents per share in 1964 and \$2.17 per share in 1965 — Mr. Fox is now looking for diversification. He hopes to have earnings from non-banana sources equal those of bananas in five years, while banana earnings should grow about 10 per cent per year.

Tinelly: St. John's Must Stress Catholicism

"I'll say categorically that there has been complete freedom at St. John's within the bounds set forth by the fact that it is a Catholic institution," declared the Rev. Joseph Tinelly, Thursday night.

Father Tinelly, general counsel to the Board of Trustees of St. John's University of New York, confined himself to the general topic of academic freedom at Catholic universities. He explained that, since there are two suits pending about the Board of Trustees' action in "not renewing the contracts" of several instructors, he could not go into the reasons for the board's action.

According to Father Tinelly, the Second Vatican Council on Higher Education stated the Church's position, in favor of "liberty of scientific inquiry to bring a deeper realization of the harmony of faith and science." This presupposes, he said, that certain rules and canons of the Church must always be in the instructor's mind.

Illustrating St. John's liberal policy, he recounted that a professor there had, in a New York State legislative committee hearing, spoken out in favor of liberalizing New York's divorce law, while the New York Bishops have opposed it. An instructor is "free to give his opinions both in and out of the classroom."

However, he said, the Congregation of Universities and Seminaries, "lays down guidelines, not to stifle liberty or research, but to remind the teachers that there are certain revealed truths, and so there are limitations on their denying these truths — although this does not mean that there can be no discussion about them."

"At first blush," he said, "this seems horrible. But in practice, I know of no case



The Rev. Joseph Tinelly

in which the Congregation has interfered." Likening this limitation to the Harvard Medical School not allowing a homeopath or a chiropractor to lecture, Father Tinelly stated that "the school has a perfect right to stop a faculty member from teaching something against the divine word of God."

The task which confronts Father Tinelly is to express in contractual form the boundaries imposed on instructors. "The limitations must be defined and promulgated, in legal form, clearly and completely." Although they may seem severe to a non-lawyer, he said, a lawyer would realize that, although they have got to be there, they will probably never be used.

Although a Catholic university must emphasize secular studies, he said, merely "teaching theology in isolated courses does not make a *Catholic* university." He warned that such an institution so limited would go the way of the Protestant-affiliated universities in the United States.

To a question whether the Vincentian Order packed the St. John's chapter of the

(Continued on page 13)

Only Congress Can Absorb, Weigh . . .

(Continued from page 1)

demolished; nor should they be. The problem is to find some way to bring more effective form of outside influence to bear upon the manner in which Presidential powers are wielded and upon the choice of objects of Presidential action.

Cabbages and Kings

Whose outside influence? That of the nation's myriad less-than-national interests — of the best of our scholars and experts, for instance; of sectional and ethnic divisions; of flower-lovers and farmers, industrialists and bankers, students and store-keepers, taxpayers and paupers; of cabbages and kings.

Congress is the logical body to absorb, weigh and assert the value of such influences against the colossal national interest that has become almost exclusively the President's to pursue — and, more important, to define. For what the President of the United States certifies as "in the national interest" not only takes on from that act a certain monolithic, almost unchallengeable virtue; it also becomes an object of the Presidency's sweeping powers to achieve its ends.

Of course, if a President is certifying, say, better education as "in the national interest" few would quibble with the object, although they might quickly find the "national interest" also a pretext for justifying tactics and devices they consider abhorrent. But let us not deceive ourselves; great power to do good is at root simply great power, and great power must always be balanced by free men lest it consume them. Dissenters from the war in Vietnam would certainly agree that already it has become difficult to counter a President's assertion of "the national interest."

Congress ought to be able to do it when required but in fact, in the twentieth century, Congress is neither equipped for the job nor much aware of the need. Nor is it being encouraged to try. Instead, the trend of reformist thought among those interested



Tom Wicker

in political institutions or political programs or both has been toward a Congress *more responsive* to Presidential powers and Presidential desires.

In the Kennedy-Johnson years, for instance, the House Committee on Rules first was packed with Presidential supporters and then was limited in its authority — a necessary development since the Committee had remained a licensed barrier against legislation rather than a sensible balance wheel or even a legitimate check. The net effect, nonetheless, was more Presidential power.

And both Kennedy and Johnson made proposals that would have increased immensely the power of the Presidency over Congress. Kennedy asked for a delegation

of authority to adjust tax rates in an economic emergency, and Johnson advocated lengthening the terms of members of the House to four years, concurrent with the term of the President. The tax proposal died stillborn, and death is rapidly overtaking the four-year term — which not only would have made the House eternally hostage to the President's coattails but would have done away with the biennial elections that remain the surest checkrein on Presidential policies. Still, these proposals show the general trend of thought.

Greatest Grandeur

Most Americans properly hold the Presidency almost in awe and the more thoughtful of them do so not merely because of the acquired majesty of any temporary occupant ("the buck stops here" said the sign on Harry Truman's desk, and it is this quality of final responsibility, of ultimate human loneliness, that gives the smallest of Presidents at least some of the grandeur of the greatest).

But the office even more than the man inspires respect among the knowledgeable. More than any political institution in history, the Presidency yields a great leader the opportunity and the means to lead; that is its unique quality and its genius.

Expanding Office

It is also its problem. Great leaders, particularly in the twentieth century, have consistently expanded the office and its powers and there is no reason to believe that great leaders will not keep on doing so; who would be willing to foreclose the possibility that at some future time the kind of Congress we have now will hand over the taxing power, as Kennedy suggested, to the kind of President we have now?

(Continued on following page)

. . . The Myriad of Limited Interests

(Continued from preceding page)

One does not have to agree with Barry Goldwater that Big Government is Bad; on the contrary, the overwhelming fact of the twentieth century is that Big Government is necessary and it is from that fact and from the elastic language of the Constitution that the Presidency, in the hands of strong leaders, has proceeded to what I called "presidential government" in the New York Times Magazine for December 8, 1963.

Commander in Chief

I wrote what was plain to many—that "the President has become commander in chief of the military, director of foreign policy, chief legislator, chief appropriator (the national interest he defines determines whether the budget shall be \$50 billion or \$90 billion; it is left to Congress only to say whether it shall be \$90 billion or \$89 billion), strongest influence on revenue and taxes, most effective shaper of public opinion, chief architect of the practical forms of its expression, chief administrator, even, in a sense, chief justice."

Masterful Evolution

I defended this state of affairs as a masterful evolution of the office to meet the demands of the century, and I still do; but I also defended Congress from the kind of reformer who wanted to do away with the filibuster and the seniority system on the grounds that these usages also were natural outgrowths of a political system based on states, districts and interests, and one that sought to limit all forms of power.

I still defend Congress from that kind of reformer but the rise of Lyndon Johnson has made it clear to me that the present con-

ditions of Congress are *not* natural; and that what has been lacking on Capitol Hill is the kind of evolutionary process that has admirably equipped the Presidency to deal with its problems. Today's Congress, by contrast, would not appear much altered to Tom Reed and Uncle Joe Cannon, however they might despise its labors.

In its *attitude* Congress still regards itself as a rival to the President and a power equal to him in the ultimate stuff of government—decision. But it is no such thing and has not been for years.

Obstructive Policy

It can obstruct a Presidential decision and all too often does. In the nature of Presidential government, however, to do so is infrequently constructive as to policy and usually destructive of both Presidential and Congressional prestige and power.

Congress also can make a major national policy on its own—for instance, the Taft-Hartley and Landrum-Griffin Acts. But after those, in the post-war years, the list is brief.

Obstruction is scarcely a sensible answer to Presidential power. That power necessarily has absorbed much of the constructive work of devising legislation to meet needs that Congress once performed.

But the need that results is for evolution, not reform. The problem is broader than the specifics of the rule books. It is a matter of attitude, a way of looking at things. What is required is a sensible and realistic recognition of changed conditions, a determination to find sensible ways of coping with them, and strong leaders to point the way.

Evolution and Necessity

Precisely that kind of evolution, spurred by necessity and led by strong men—the two Roosevelts, Wilson, Truman, Kennedy and Johnson—has made the Presidency the powerful instrument it is in the twentieth century. But in Johnson's time, several circumstances ought to give warning.

First, the Johnson domestic program—the Great Society—
(Continued on page 10)

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Common Law Reasoning

The display cases just inside the main entrance to the Langdell Library reading room contain a startling tribute to the great zeal with which many students here have been pursuing the study of law. Refusing to be foiled by the library's oppressive limitations on checking out books, these students have apparently applied their great training in common law reasoning and concluded that these tyrannical restrictions obviously only apply to the *books*, not to the contents thereof. The solution then becomes obvious: simply grip the needed volume with one eager hand, hold it steady with the other, and with a quick glance to make certain nobody else is approaching your dark corner in the stacks, quickly rip the article out of its binding.

One great advantage for all of this method of legal research is that you may be the first and only person in your class to be able to read the article, thereby encouraging fellow students to more original thinking instead of merely absorbing what some great legal scholar has to say. Furthermore, everyone knows that Harvard has lots of money just sitting around doing nothing but collecting interest, and if enough students rip and run—why in February alone it cost the library \$47.50 to repair mutilated books, and in a year the damage runs to over \$450. This is good for the economy, and therefore bolsters the American Way of Life.

There are those who disagree with this reasoning. Earl C. Borge-son, the school Librarian, has been heard to say that "if a person really wants an article he can always get a photocopy of it for one dollar or so." Since the library display lists 44 volumes as having been seriously mutilated recently, it is evident that Mr. Borge-son's view is hopelessly outmoded and un-Harvard Law. After all, if the Law School is foolish enough to trust all its students, and is unwilling to hire guards to patrol the stacks and inspect briefcases as students check out through exit turnstiles, well, then it is estopped to complain. Right?

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TONGUE 'N CHEEK

By Fenno

The Supreme Court last week took its first cautious step toward a solution of the problem of Titillation. Realizing that Titillation is no laughing matter, Mr. Justice Brennan indicated in the *Ginzburg* case that any printed or graphic matter could be banned if it were advertised in a manner that pandered to the widespread weakness for Titillation. We can now finally have the Bible banned if only the publisher will put a picture of Salome on the cover.

The decision was laudable, but it is unfortunate that the new rule was confined to such narrow limits. The Court failed to realize that the real problem here is Titillation, not obscenity. Anything—printed matter or not—should be withdrawn from public use if it or its advertising is Titillatory.

For example, did you take that trip to Florida because you needed a vacation or because the girl in the air line advertisement Titillated you? If Titillation were present the air line should be grounded. This would not only punish those who commercially exploit the evils of Titillation, but would make it economically impossible for them to repeat the crime.

It must also be realized that deviates may respond to items not considered dangerous to the normal person. For example, someone may be Titillated by a scantily clad outboard motor. If so, the Evin-rude company must be eliminated root and branch.

Communications media that exhibit Titillating advertisements must also be punished. Thus, not only should Bonwit Teller be closed down for its brassiere promotions but the *New York Times* as well.

These perfectly legal means of controlling Titillation were available to the Court, but they were ignored. But perhaps this is what happens when you allow "nine old men" to decide what is or is not Titillating.

Letters to the Editor

RECORD Scored for Neglect of Law School Show Director

To the Editor:

As an admittedly biased party I hesitate to comment on your review of the Law School Show. However, I would like to cure one error of omission in what was otherwise a good critique. For the second successive year, the RECORD reviewer neglected to give due recognition (or any recognition at all, for that matter) to the Director of the show.

The creative talents and hard work of this year's Director, Steve Rosenberg, were important elements in the presentation of the show that you and the audience enjoyed so much. Such efforts should not have gone unmentioned.

Sincerely,

Mark Gasarch, 3L, Producer,
Law School Show, 1966

Berkeley Law Students Said to Show Good Judgment

To the Editor:

The February 24 issue of Harvard Law RECORD, under the title, On Vigor and Apathy, comments that it is the lawyer "who must understand and preserve the fabric of society with its intertwining legal, social, economic, and ethical threads", but laments the law student's failure "to become a part of the action and passions of his time" — citing Berkeley and FSM.

The law student's disinclination to become involved in Berkeley and with FSM (especially since the Free Speech Movement so rapidly progressed through the Filthy Speech Movement and into the Free Sex Movement) appears to me to indicate a capacity for some

wisdom in choice and a very clear understanding of the kind of "action and passions of his time" in which he wants to participate — as simple as capacity to choose between a jackass and a thoroughbred.

Very truly yours,

Robert Lee Blackwell, LL.B. '26

RECORD Complimented By California Professor

To the Editor:

The February 24 number of the Harvard Law RECORD (Vol. 42, No. 4) is the most interesting and well-composed issue of any paper or journal that I have seen in a long time.

May I extend sincere congratulations to you and your staff.

Yours faithfully,

J. William Robinson, Chairman,
Department of Political Science
Whittier College,
Whittier, California.

Another Blow Struck In Heated Grammar Feud

To the Editor:

Re the split infinitive and Churchill's retort, he was anticipated, if memory serves me correctly, by Mark Twain who phrased it "That is a proposition up with which I will not put!" While I oppose the splitting of infinitives except in the rare cases where clarity is aided thereby, the only thing established by the evidence to-date appears to be that

Winston Churchill was better read than most of the participants in the current debate.

Sincerely,

Barry Golomb, LL.B. '51

Library Hours

The library will be closed Apr. 3, 9 and 10. On Apr. 2, it will be open from 8:30 a.m. to 5 p.m., while from Apr. 4-8, it will be open from 9 a.m. to 5 p.m. ILS Reading Room will be open Apr. 4-8, from 5 to 11 p.m.

Students using the reading room should enter through the front entrance of the ILS wing. Those who have cubicle or room assignments will be admitted to those spaces during those hours. Page service will be available for materials in Langdell. Regular hours will be resumed on Apr. 11.

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clearly seems to most Americans "in the national interest". Laying aside some of its lesser and more dubious ideas — subsidizing artists, for instance — its primary emphasis on education, civil rights, health, the noxious cities, poverty and conservation has long been needed. Added to the new Kennedy-Johnson management of the national economy through tax and budgetary policy and "national interest" pressures on prices and wages, this program has more profitable political appeal than any in history. It touches all bases — it meets clear and present needs, lines voters' pockets, assists minority groups, makes business boom, takes care of the old folks, and promises to clear the fumes from the air and the sludge from the water.

Thus, it provides the perfect political cycle — it expands Presi-

dential power usefully while collecting more and more Presidential power through its delivery of the goods to appreciative voters. And the point is that the program must be considered *Presidential* — conceived by Kennedy and Johnson and pushed through by Johnson — because for so many years the mere obstruction of Congress frustrated virtually every facet of it; when accumulated needs and desires got a clear chance to express themselves, for Johnson over Goldwater, the way was opened for the Presidency to reap an as yet untold political harvest.

Economics and Power

The Kennedy-Johnson economic policies, while in one sense a part of the Great Society cycle, in another sense form a separate and distinct rise in Presidential power. Even if there were no medicare and civil rights programs, the new economics would have given these Presidents pre-eminence in the business of maintaining prosperity; not even the first J. P. Morgan ever was such a tycoon as any President of the United States will be from now on.

In the same Kennedy-Johnson years, a President's considerable ability to color and shape the public climate received enormous assistance from television. "The news," Woodrow Wilson said, "is the atmosphere of events." And television makes the President the master, almost the creator of that atmosphere.

Humphrey Kept Circling

That is not only because of the tremendous impact of television but also because of the national character of that impact. It reaches millions of families who only 15 years ago were effectively cut off from live and current contact with national affairs. Now there are not only frequent political broadcasts emanating from the White House — Hubert Humphrey, on his return from Asia, was kept circling in his helicopter for ten minutes, so that he could land on the White House lawn at exactly the time demanded by the network schedule — but the great television companies keep the air filled with the public affairs programs and news broadcasts which inevitably center on Presidential activities. All this has lifted American interest in and knowledgeability about politics, government and particularly the President — who after all, is the acknowledged star of the drama as well as quite frequently its producer.

(Continued on following page)

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...In President's Hold on Consensus

(Continued from preceding page)

What an instrument of power! I believe, for instance, that the single most successful stroke of Johnson's time in office came five days after Kennedy's assassination when the new President addressed Congress, and the nation via television. It was a masterful performance and a nation craving reassurance and fearful of the future knew at once that, in fact, it had a new President—not a seat-warmer, not an amateur, not a frightened fumbler, but a leader. Succeeding to the Presidency later in the term than any other vice president in history, with his Southern background and cloakroom reputation, it is reasonable to ask if Johnson ever could have recovered from a bad performance at that time, if the stage was not set in that hour for all that has followed.

National Issues

Even more important than such individual dramas, however, is the fact that television brings to the small towns and farms, to the plains of the west and the piney woods of the south, the faces and voices of *national* figures, the facts and flummery about *national* issues. Again, this means that it brings them primarily the President, who is far better known than any mayor or congressional candidate, and whose words and thoughts receive far more attention than most local issues.

Center of Attention

Is it not reasonable, again, to ask if this is not a vital factor in the increasing American acceptance and approval of a large and powerful centralized government in Washington, with the President at its heart?

Thus, in the Kennedy-Johnson years, not only has the actual power at the President's disposal been increased but he has become ever more the center of attention, the spokesman, the shaper of opinion—the man to whom the

nation turns, not merely in crisis, but every morning and every evening, when the news shows come on.

None of this is usurpation; it is forced growth. Even a half-century ago Theodore Roosevelt, pleased with his powers, could say that "while the debate goes on, the Canal does too." Today, while the debate goes on, the war in Vietnam does too. This is not the place to debate Johnson's Vietnamese policy, but the question here is about *power*—and in that light, the war is Johnson's war, the policy is Johnson's policy, the assumptions that underlie both are Johnson's assumptions, the decisions that have to be made are Johnson's decisions, and the only real checks upon him now visible are the 1966 and 1968 elections—the latter nearly three years away and sure to be dominated by television screens with Johnson's face on them.

This is primarily because the American people have so elevated the Presidency, have so developed confidence in its ability to lead and decide (unable to find those

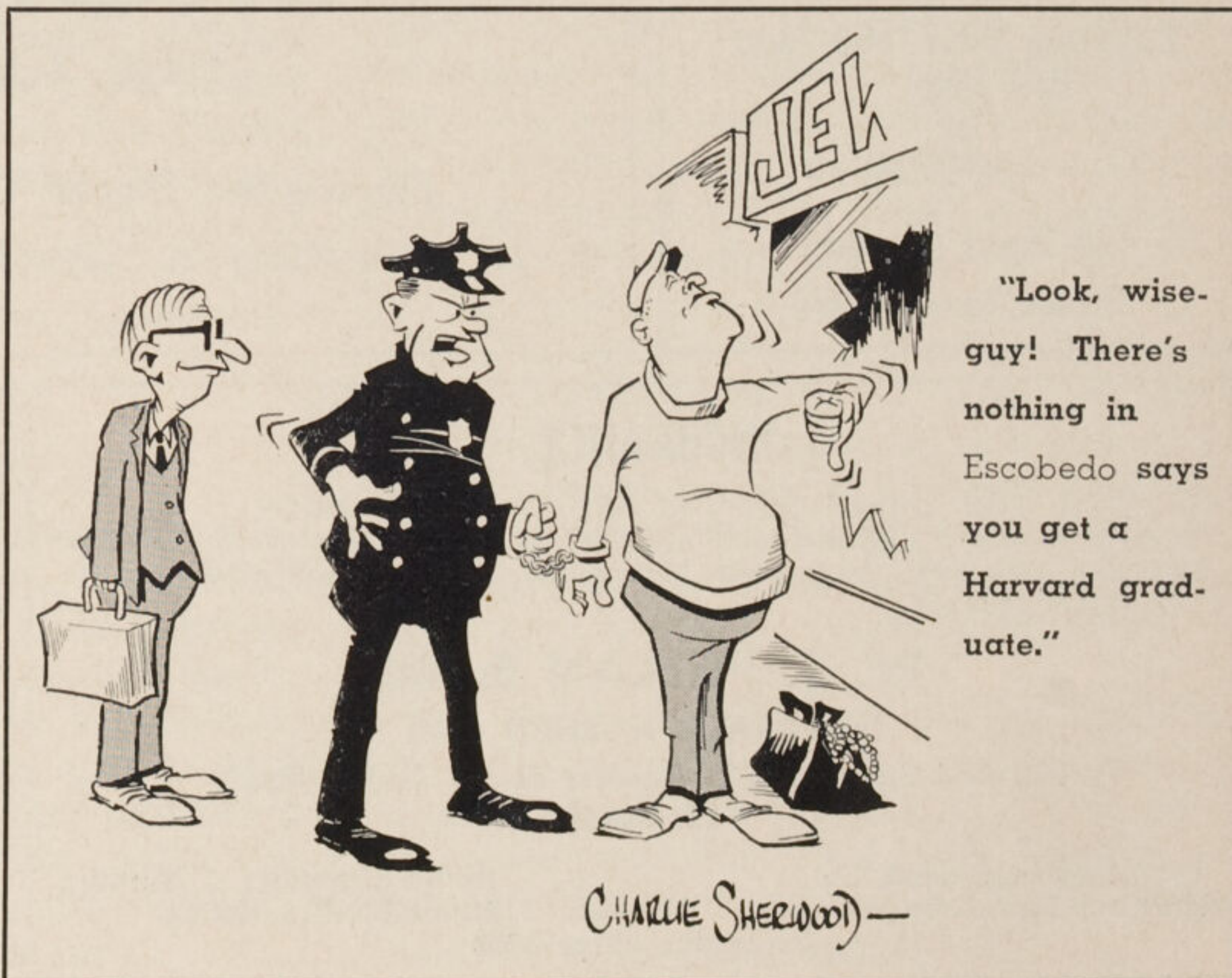
qualities elsewhere), that their first instinct is to support the temporary occupant, rally to his position, and accept *his* outline of the facts—*his* definition of "the national interest."

This attitude is re-enforced out of all proportion as soon as American troops are engaged in combat at his direction; few in a patriotic country want to take a position that endangers "our boys" or makes their task more difficult.

Presidential Truth

Finally, against a President's powerful voice, whose every word can be heard everywhere, whose truths or reasonable facsimiles thereof can scarcely be challenged, who can argue? Who has the forum, the facts or the power to be heard as clearly?

This raises the question of Congressional balance squarely and ominously. In 1964, in the wake of an armed attack on U.S. Navy ships in the Tonkin Gulf, Congress was asked by the President to vote a resolution that endorsed Presidential powers far more sweeping than those actual-
(Continued on following page)



Tom Wicker

(Continued from preceding page)

ly needed to repel the gunboats or protect our ships; it authorized "all necessary steps" to protect American troops and repel aggression in Southeast Asia. In fact — as Johnson was openly to suggest at a news conference almost two years later — probably he did not need such authorization Constitutionally and Congress was openly uneasy about the resolution.

Senator Gaylord Nelson of Wisconsin proposed an amendment that would have stated that Johnson should take the issue to the United Nations, respond to military provocation only in a "limited and fitting" manner, and that "our continuing policy is to limit our role to the provision of aid, training, assistance and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involve-

ment in the Southeast Asian conflict."

Senator J. W. Fulbright, refusing to accept the amendment in the interest of speedy passage of the resolution, nevertheless told Nelson that the proposed amendment "states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy**** I do not at all disagree with the amendment as a general statement of policy."

Early this year, Fulbright regretted publicly that he had not more closely questioned the meaning of the Tonkin resolution, which Johnson now uses to claim national authorization for sending more than 200,000 troops to South Vietnam and bombing North Vietnam. But Congress could not have voted against the resolution in 1964 in any case. To do so at a time of armed conflict would have been to repudiate the President, sow disregard for the armed forces, and reflect a division at home that could only encourage the enemy.

The same political pressures prevented action when the quixotic Wayne Morse sought to have the resolution repealed this year (a secret count of Senate sentiment would have shown a majority for the resolution anyway, but not by the huge public margin actually given it).

The question is not whether Congress should have rejected the resolution, or later repealed it; it couldn't. The question is whether the resolution should ever have been presented, or presented in that form. In effect, Johnson left Congress no choice, forced it to lend legitimacy to his policy, and not only exercised the commander-in-chief's powers he already had but succeeded in getting Congress virtually to abdicate its own power of declaring war and the Senate's power to "advise and consent" in foreign policy.

The Tonkin Resolution was a blank check for the President and nothing better illustrates the lack of Congressional evolution into

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Two Clash on Chance of Indian Nuclear Deterrent

By John W. Losse

"I believe the Chinese threat to India is real, and that if India cannot obtain express guarantees of nuclear protection from the United States and Russia, then India must develop its own nuclear weapons." The remark made by Dr. Ray Krishna of the University of New Delhi was part of a discussion of "India and Nuclear Weapons" conducted by Indian economists and political scientists March 23 in the Wheeler Room. The discussion was moderated by Mr. M. J. Desai, India's former Foreign Secretary, now a Visiting Professor at Brandeis.

Mr. Krishna went on to say that he doubted that effective guarantees could be obtained from the US and USSR, since both would be reluctant to commit themselves to an automatic escalation of a Sino-Indian dispute into a nuclear exchange. "If our diplomats can do the trick that is fine, but otherwise we have no choice. We cannot take to sending poems to Mao when he sends over his bombs."

Dr. A. M. Khusro, Professor of Economics at New Delhi, stressed the burden which a high defense budget would place on the Indian economy. He questioned whether in the long run India might attain a stronger world position by developing a productive economy rather than a military deterrent. He was joined by Mr. Pranab Bardhan, a research assistant at MIT, who pointed out that in an underdeveloped country defense spending tends to weaken the economy rather than stimulate it, as it has in the United States. "In India both consumption and investment would suffer at the hands of defense."

Mr. Bardhan also believes that the develop-

Father Tinelly

(Continued from page 5)

American Association of University Professors, and whether the dues were paid with one check, he replied that individual members of the order do not have personal funds. Father Tinelly explained that Vincentians had been forbidden to join the group until October, and that after they were permitted "naturally the dues were paid with one check, just as it would be if we all purchased airline tickets to attend a conference."

ment of a nuclear deterrent is not absolutely necessary. "So far China has not attempted to grab hold of a weak country by nuclear blackmail. The basic challenge of China is economic, not military. An African diplomat once pointed out to me that in India's streets you see beggars, and in China's you see none. Our real threat is poverty, not China."

Nader Blasts Corvair

(Continued from page 3)

General Motors, in areas far removed from the protection of design and trade secrets. For many outside the industry, there was the contact of superiors by auto industry officials heaping abuse or tendering warning about those few who dared speak out."

The automobile safety crusader told the Senate subcommittee that he is wholly unconnected with the Corvair litigation. He explained that General Motors executives had found it difficult to believe this because they were "blinded by their own corporate mirror-image that it's the buck that moves the man."

Mr. Nader explained to the subcommittee that he had "spent an inordinate amount of space on the Corvair" in *Unsafe at Any Speed* "because the Corvair is an inordinately dangerous vehicle." He pointed to the forward placement of the Corvair fuel tank, which results in incinerated automobile passengers from collision-caused tank ruptures. He noted that in a left front collision, the consequence of "positioning the Corvair steering column [at] a point two inches in front of the leading surface of the front tire" is an impaled driver.

Mr. Nader also scored the "deadly design of the Corvair dash panel" and the famed instability of the swing-axle rear suspension of the Corvairs produced between 1960-1963.

"The curious immunity from legislative investigation which has clothed specific car makes and models . . . must be terminated," he said.

Mr. Nader disclosed at the Faculty Club press conference that he has not yet received any indication as to whether or not Congress will recommend that the Justice Department prosecute GM and Alvord & Alvord for intimidation of a Congressional witness.

Congress and LBJ

(Continued from page 12)

the twentieth century, the steady diminution of Congress as a balance against the Presidency.

Once the resolution was presented, as conceived by Johnson, it was too late for Congress to do anything about it. There is the problem, and it recurs too often. What is needed in the Presidential-Congressional relationship today is not so much power to defeat a President's decisions as power to influence them before they are made.

That will require, most of all, a change in Congressional attitude. If Congress continues to consider itself most importantly a legislative body and a rival to the Presidency in *deciding* national policy, it will continue to obstruct—with decreasing frequency—some Presidential decisions; more and more often it will simply ratify others, as in the case of the Tonkin resolution.

It will find that the President usually "has the votes." For the simple and indisputable fact is that the initiative as well as the responsibility in domestic and foreign policy has passed to the Presidency, and the public has approved the change.

Congress cannot recover the ultimate responsibility, even with sensible reforms to streamline its procedures; responsible to hundreds of local and jealous constituencies, heir to the conflicting claims and prejudices of myriad interests, in itself needing to bring a majority of more than 500 men into some kind of harmony, it cannot really aspire any longer to manage affairs and decide any but the broadest kind of policy (for instance, the "full employment act" which required nearly twenty years for the Johnson-Kennedy economic policies—Presidential policies—to implement).

But Congress can do something about the initiative. Occasionally, it does. Fulbright and the

Foreign Relations Committee recently succeeded in reopening the long-closed question of relaxing the American isolation of Communist China; over a period of time, by serious study, televised hearings, published testimony and conclusions, and persistent pushing of the matter into the public consciousness, the President—who alone can *decide* to modify foreign policy—can be strongly influenced to do so, and in a particular direction.

In fact, senators have occasionally been able to pierce even through the blanket-like spread of Johnsonian policy on Vietnam. Fulbright and others made strong private representations that had much to do with the Johns Hopkins speech offering "unconditional discussions" and the billion-dollar Southeast Asia development proposal. The pause in the bombing, of January 1965, and the Honolulu conference appear to have been, in part, attempts to head off or respond to

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'Let Congress Raise and Clarify the Issues'

(Continued from preceding page)

Congressional and public opinion pressures. No President is totally omnipotent, though some wish to be thought so, and no Presidential decision ever is made in a political vacuum.

But these examples only show that the thing can be done. If Congress would begin to think more in these terms, it could organize the process and exert great *power of influence* on the Presidency. It rarely does so, and usually tries too late.

Reform Strained Out

In 1962, Rep. Wilbur Mills of Arkansas, the effective chairman of the Ways and Means Committee, was quoted as saying that his committee could do nothing about a tax bill until President Kennedy sent his proposals to Capitol Hill. By then, it was well known that Kennedy would propose tax reduction and reform, as a stimulus to the economy. Mills and other Congressional figures ultimately strained most of the reform out of the bill and Johnson, after entering office, settled for reduction. Congress had obstructed one Presidential decision and ratified another.

Scholarly Study

But there was plenty the Ways and Means Committee could have done before Kennedy acted. It is an excellent panel, well-staffed; and strongly chaired. The same experts were available to it as to the White House. The same facts were possible to obtain.

Ways and Means was small enough and cohesive enough to study tax policy, as it affected the national economy, about as effectively as the President's Council of Economic Advisers. It could have — should have — studied the matter in scholarly and objective manner long before Kennedy turned to it, not with the intention of writing a bill and taking it to the floor on its

own but with the idea of developing the facts, hearing the interests, reconciling the problems and making a sensible case to bring to the President's attention, to influence his final decision on what tax policy to declare "in the national interest."

The motive of such a study is important; if Congress simply considers itself responsible for *legislating* tax policy, and no more, it brings down on itself a flood of conflicting pressures that politicians rarely can withstand. If, on the other hand, the Congressional responsibility evolves toward *deliberating* — studying, discussing, clarifying, influencing — it can absorb these pressures and weigh them sensibly, without seeking the ultimate, hazardous responsibility of deciding.

Congress' Salvation

Presidential power, with its powerful weapon of defining the national interest, is far more capable of taking the ultimate step of choosing, and defending that step. "The heart of the Presidency," Kennedy wrote, "is informed, prudent and resolute choice — and the secret of the presidential enterprise is to be found in an examination of the way presidential choices are made."

That may point to the salvation of Congress as a truly effective body — and the salvation of the American system of bal-

anced and limited powers. Let the President choose. Who else can really do so? But let Congress address itself to the task of raising, clarifying and pressing the issues he must consider, and the alternatives available.

Pipe Lines

This should be a two-way process — transmitting to the Presidency, from the close Congressional association with constituencies, the real needs, wishes and concerns of the people, and transmitting back to the people the requirements and advantages of that sometimes ineluctable and indecipherable monster — the national interest.

This does not require Congress to give up any power it already possesses. Unless there is some drastic Constitutional reform not now foreseen, Congress will continue to vote on bills, appropriations, resolutions; the Senate

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Tom Wicker

(Continued from preceding page)

will continue to pass on treaties and appointments. Even the power of obstruction, given Congressional ingenuity and determination, is not likely to disappear.

The point is that to rely on this established power alone, as the Presidency steadily broadens its ability to persuade public opinion, pursue its definition of the national interest, and achieve its ends, is likely to result in a Congress whose *effective* part in government is reduced to dangerously small proportions. The Presidency will almost always be able to influence enough individual Congressional votes to have its way on any matter of final decision.

To add a new dimension of in-

fluence to bolster old and sagging powers may demand limited reforms; for instance, there seems a lot to be said for joint committees, specifically stripped of legislative responsibility, like the Joint Committee on Economics, a scholarly body that has developed at times much useful information and heard many challenging ideas.

Such a body in foreign affairs, as an example, might develop tremendous educational force — on other members of Congress, on the public, on the Presidency. Senator Henry Jackson's subcommittee on national security and international operations has done some excellent educational work, and with greater status and a better forum might become a really effective force.

Such a program will certainly demand high level, perceptive

men in Congress; only the American people can provide them. It will require strong leaders in Congress, too, men who can shape the attitudes of their colleagues toward a truly effective part in Presidential government.

Above all, such an evolution requires the recognition that if the Presidency has changed and grown, so must Congress if it is to remain in any sort of balance — if the government is not ultimately to pass in actual fact to the hands of one man, grand but fallible. That must be recognized in Congress and in the constituencies, and if the particular approach outlined here is neither feasible nor sufficient, some other ought to be found.

We have quite enough Presidential power and will have more; let's at least begin to think about coping with it.

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