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MEMORANDUM

October 15, 1970

TO: HHH

FM: Ben Wattenberg

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Here is a draft for the Minnesota Law Forum tomorrow.

It is an attempt to be "Round Two" on the ABA topic. Its title is:

"Beyond Law and Order: The Future of American Liberalism"

I think if we background and merchandise this speech it can get wide publicity locally and nationally-which-will-come-back-locally (i.e., news-magazines, etc.)

Hopefully, it does several things:

- \* indirectly gives you credit for blunting the Agnew axe
- \* talks law-and-order in the lion's den ("he means what he says...")
- \* re-asserts your role as leader of the party, by pointing the way for the future and explaining to liberals how to re-establish momentum. ("We must believe in progress if we are to preach progress.")

I think this could be a dramatic and important speech.

There is an option available. If you don't like this, or want to do it elsewhere, there is the still-undelivered Hamline Commencement speech. That, you may recall, attempts to talk to students about the real nature of the American people.

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## BEYOND 'LAW AND ORDER' - THE FUTURE OF AMERICAN LIBERALISM

Two months ago I spoke at another distinguished forum of the legal profession: the American Bar Association meeting in St. Louis. My topic there was "Liberalism and Law and Order: Must There Be a Conflict?"

My answer was: "no".

I said that all Americans - black and white, hard-hat and intellectual - were entitled as a right to a society that both adhered to law and maintained order. I said that liberals in America - if they ~~were to~~ <sup>maintain</sup> reestablish their ability to lead this nation constructively - must first establish credibility with the voters on this issue that has come to be known as 'law and order'.

Liberals, I said, must let the voters know that they understand the voters' concern about criminality and disruption, and that liberals will not be able to do this successfully unless they in fact believe the cause of law and order to be a meritorious one.

~~There is~~ I personally see no conflict between liberalism and law and order. Today, in Minneapolis, ~~there~~ are elderly people who are not only afraid to walk out on the streets at night - but afraid to walk out on the streets during the day. If that isn't a true civil libertarian's issue --- the civil right to walk the streets in safety --- then what is?

There are three basic questions that I wanted to address myself to today. The first is: have liberals ~~begun to~~ establish this credibility?

The second is: with what political effect?

The third is: what next: --- where does the progressive liberal tradition go from here?

\* \* \*

I think, first, that liberals in America have ~~begun to~~ established <sup>ed</sup> the credibility I spoke about in August. There was some initial ~~loss~~ <sup>negative</sup> ~~reaction~~ <sup>ity</sup> from some few liberals, but for the most part, there was overwhelming support both from the general public and from Democratic candidates across the country. ~~of~~ <sup>ye</sup> liberal Democrats, very-liberal Democrats and not so-liberal Democrats. ~~Most Democratic candidates for office agreed that "law-and-order" was an issue they had to come to terms with --- and they did.~~

Now, in politics, office-holders or potential office-holders can respond in two distinct ways: rhetorically or programmatically --- or both.

In my judgment liberals in the last few months have done both <sup>and</sup> done it well, ~~and properly~~ so.

It is part of the conventional wisdom of our time that rhetoric is less important than program. I would suggest that this is not always the case. On an issue like "law-and-order", where there is some general agreement about program and goals, rhetoric can be very important indeed. Citizens in a democracy demand to know of their political leaders that the political leaders <sup>do</sup> not only espouse certain

programs. Voters also want to know that politicians share and understand certain emotional currents and cross-currents. The so-called Middle Americans are not prepared to accept a candidate who says, "Well, I'll go with you on your proposals for crime control, but deep down I think you're all fascist pigs." I would add quickly that the demand for rhetoric and action is not unique to Middle-Americans. It occurs with equal fervor among young activist students. I ~~challenge you to~~ Show me a political candidate who would come to this forum and say, "Well, I'll go along with taking the troops out of Vietnam, but deep in my heart of hearts I believe that America is the world's policeman and that there are Communists under every bed."

So people want rhetorical response from political leaders. They want to know that someone understands. It is often overlooked, but, this is one of the basic functions of a good politician --- particularly so in a time that has been described as the Age of Alienation. Citizens are less alienated when they know that men in high places know that ~~the people~~ they are not mere ciphers, but ~~are~~ human beings with warm blood and deep feelings. This is true of students and hard-hats both.

Now, have we made rhetorical progress on this puzzling, tantalizing, heart-rending issue of law-and-order? I think we have. Liberal Democrats have gone out across the country and told the American people some things about law-and-order that they may not have been fully familiar with:

In example

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violence

\*that the people who are most threatened by crime are the blacks in the ghetto, and the whites who live near the ghetto --- both groups, incidentally, Democratic by voting history.

\*that being liberal does not equate with being "soft" on law-and-order, and that being "soft" does not equate with being a Democrat. To see the inherent absurdity in that syllogism one can look at Harry Truman, Lyndon Johnson, John Kennedy and Robert Kennedy. All were liberals --- and if anyone described any of them as 'soft', I'd like to know who.

\*that the solutions to the problems associated with 'law-and-order' will best be found in the party that has come to be justifiably known as the activist party and the party that cares about the common man --- black and white --- in America.

L So, I think liberals and Democrats have made some progress on the rhetorical front. ~~I will point out in a few moments that this progress has been~~ very important in terms of the future politics of the United States.

\* \* \*

L What about progress on the programmatic front? Having recognized the importance of the issue, liberals have turned America's best legis-



lative minds to work out the ways to control the problems of crime and disruption. They have attempted to do this without resorting to repression and without violating constitutional precepts.

A few nights ago, talking to the Minneapolis Police Federation, I suggested an 11-point anti-crime program.

I thought I might quickly mention some of the highlights of that program.

(1) Dry up the drug traffic by applying diplomatic pressures and economic sanctions when necessary against foreign countries where heroin is grown and processed. We must force foreign countries to stop winking at the conditions that ultimately harm American youngsters.

(2) Establishment of state Councils of Civil Peace, to coordinate all state, federal and local law enforcement activities.

(3) More judges --- on federal, state and local levels.

(4) Additional funding to be appropriated under the Safe Streets and Crime Control Act. The original legislation called for a full billion dollar appropriation in Fiscal Year 1971. Mr. Nixon has refused to fully fund the legislation, and today only half a billion is going out to local police departments that desperately need money.

(5) To encourage young people to enter the field, help colleges and universities expand curriculum in areas of law enforcement and criminal justice.

(6) Provide policemen with educational opportunities through scholarship grants.

*new efforts in Police-  
community  
Relations.*

(7) New curbs on interstate shipment of explosives.

(8) Low-cost federal insurance for policemen, firemen, sheriffs, marshalls, and other law enforcement personnel. These officials are the frontline troops in the campaign for an orderly society. They are called upon to risk their lives for us, and yet they frequently don't have adequate insurance to protect their loved ones. The plan would resemble "G. I. Insurance", with only a small fee paid by policyholders.

(9) Specialized training for police and National Guard in riot control so as to avoid tragedies such as Kent State and Jackson State. ~~38-2000-1000~~

(10) Better prisons and penal reforms to promote prisoner rehabilitation.

(11) Intensive recruitment programs, with special training allowances, to encourage returned veterans with military police training to become civilian policemen.

L These are some of my ideas. Other ~~members~~ have proposed other measures during this election year. I hope and expect that when the Congress is organized in January, ~~they~~ <sup>we</sup> will be acting with vigor --- and ~~intelligence~~ intelligence --- to deal with the complicated problem of law and order and of justice in a Twentieth Century society.

\* \* \*

This liberal effort has had a major impact this year. Through program ideas and through understanding rhetoric, many liberal candidates have been able to demonstrate the hollow falseness of one of the more preposterous political campaigns in recent American history. Mr. Agnew has attempted to tell the American people that the choice on the ballot in November is between the weatherman and Spiro Agnew. Now, in fact, Mr. Agnew is not on the ballot in Minnesota and to my knowledge neither is anyone who believes in, or apologizes for, bombing or violence.

There are, however, a number of people on the ballot who would like this equation to be believed. They would like the American voter to forget the 5.5% unemployment rate and a sagging economy. We call these people Republicans ---- and it is my general judgment that they are less than wholly desirable as political leaders of the United States.

It is because I believe that Democrats are more likely to do what is best for America than are Republicans... that I believe that it is important that Democrats not get tarred with Mr. Agnew's brush. Liberal Democrats can lose elections on the law-and-order issue if they do not effectively inform the people where they stand and set the issue to rest. And that, in my judgment, would be an American tragedy, for liberals in America, --- once freed from the phony Albatross of "permissiveness" --- have much still to offer America.



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↳ In his final appearance in the 1960 Presidential campaign, John Kennedy said, "This is a race not merely between two parties... It is a race between the comfortable and the concerned. Those who are willing to sit and lie at anchor and those who want to go forward. This country has developed as it is, we are here tonight because in other great periods of crisis we have chosen to go forward."

↳ What was true in 1960 is true in 1970. Our politics are still split between the comfortable and the concerned. The phrase "concern" is a phrase that over the years has been about as good a one-word description of American liberalism as there is.

I am proud to count myself as a member of "the concerned", but I am troubled these days by some of the intramural dialogue among the ranks of "the concerned".

As I hear it, the talk goes something like this:

"America is in big trouble; we are activists; we are liberals; we must get America moving again, and we are the people who can do it."

That is how it begins. But what follows is this: "America is in trouble today because nothing has worked."

Liberalism, say some liberals, has not worked --- and yet they preach new activism, new programs and more liberalism.

The intellectual dead-end of such a position is apparent: Liberalism within the Democratic party has been the driving force in this nation for 35 years, and liberals are saying it hasn't worked, and let's have more.

The central cause of this attitude, I'm convinced, lies somewhere deep in the liberal spirit. They are fighters, they are activists, they will work for just but unpopular causes. --- But there is a basic problem. Liberals don't know how to recognize success, they don't know how to claim credit. There is always the next mountain to climb, and a disinclination to look back and see how far we've come.

I suggest that we now must do so -- as we move forward --- not because it is nice to pat oneself on the back, but because forward motion is now being impeded by a misplaced despair. Conquering the despair --- and it is despair that is not rooted in fact, --- can help liberals lead America again.

I am not suggesting some phony optimism as a tactical ploy. As we saw in the instance of the "law-and-order" issue, rhetoric without belief is usually politically sterile. But what I am suggesting is that belief in recent American progress is a credible idea if we would but stop and look. Believing in the rightness of our cause, we can lead others --- for with all our progress, our problems remain great and America needs leadership.

There is a tendency to look darkly at the decade of the Sixties. And yet let us see what happened.

I would ask you to visualize yourselves sitting around a table ten years ago --- but somehow still at your present age and with your present advanced state of intellectual development. You have had in America a decade of relative quiet --- the 1950's --- punctuated by

three recessions and characterized by the sweeping under the rug of some monumental American problems.

- ⌞ There are 40 million poor people in a nation of 180 million --- 22%.
- ⌞ Only 39% of the black children in America graduate from high school.
- ⌞ Black Americans in the South of this country cannot eat a hamburger at a lunch counter.

⌞ The elderly in America --- a large portion of them - - live in mortal fear of the pressing financial burden of any major medical expense.

⌞ Teachers in America are scandalously underpaid, and the average state in America pays just \$472 per year to educate a pupil.

⌞ Non-white families in America earn only 52% of what white families earn.

⌞ And in America in 1960, only 23% of the federal budget was spent for domestic programs.

⌞ That was the situation in 1960 in America. Now, suppose somebody came up to you and said, "Ten years later, after a decade of turmoil, despite a tragic war, this would be the situation in America:

The forty million in poverty, the 22%, --- will be reduced in eight years to 25 million, or 12%,

Instead of 39% of black children graduating from high school --- 58% graduate and three major civil rights bills are passed.

Blacks not only sit at lunch counters, but on the Supreme Court, at the President's cabinet table, in the U. S. Senate, in Mayors'

offices --- and we talk now, and properly so, not only about equal education, but compensatory education of black children.

Non-white families earn not 52% of what whites earn, but 63% and in cities, 68% --- still not enough, of course, but demonstrable progress.

The elderly in America are covered by a relatively effective system of medical insurance, and, if one were to quantify the amount of human misery that has been eliminated, it would be enormous.

Where Americans spent \$472 per pupil on education in 1960, they spent \$750 in 1968. Federal aid to education --- a major controversial issue for decades --- was enacted, and by 1969, nine billion dollars a year was being spent, and that was one reason that nearly seven million young Americans could be in college in 1970.

Where 23% of the federal budget went to domestic concerns in 1960, 33% now goes.

And the military budget which in 1960 consumed 50% of expenditures, now consumes 42% --- and still too much, but better.

All in all, in my judgment, the average American is far, far better off in 1970 than in 1960.

You may say that this is just "material progress", and I say don't tell it to me, tell it to the man no longer in poverty, to the black student in college, to the elderly citizen no longer afraid to seek medical help, to the student in college on a federal loan.

You may say, "Well and good, but this doesn't deal with the root - lessness, the alienation, the identity crisis in America." And I may agree with you, but then I never thought that politics was a substitute for either religion or metaphysics.

I tell you all this not to say, "We've never had it so good." Clearly, America has major problems. But what I think must be recognized --- if we Democrats are to again lead America --- is a simple notion. Liberalism has worked. It has given a better life to Americans. That message, I believe, must be accepted --- first and foremost by liberals themselves. Believing that, they can make believers of others. Falling into a pit of false despair, they will be abandoned by the very voters they seek to lead.

I said earlier that liberals must establish credibility with Middle America on the issue of law-and-order. That is so. But they must also establish credibility among themselves. They must learn to be good winners. For liberalism has worked.

And if it has worked, so will it work. The agenda is massive for the decade of the Seventies. We have only begun our work.

What of the 25 million still in poverty?

What <sup>of</sup> middle-income Americans who have been priced out of the market for health care and housing needs?

What of the urgent problems of pollution?

What of the still pressing need to reorder our priorities?



What of the deep racial problems that still ~~sur~~<sup>afflict</sup> this nation?

What of the threat to safety on the streets and the protection of academic freedom?

*What of the arms race that threaten the survival of mankind*  
These are problems that liberals in America have ~~coped with success-~~

*grappled with*  
~~been~~ in the past. They are problems that we can cope with successfully in the future. If we believe, we can. And I believe we can.



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