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INSIGHT *and* OUTLOOK

a conservative student journal

Vol. V Number II

November 1962

The Inefficiency Expert

CY BUTT

Prayer and the Law

DICK FISCHER

Prospects for Liberty

P. ALLAN DIONSIPOULOS



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—John Stuart Mill

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Insight and Outlook is a journal of conservative and libertarian commentary published three times per semester by students and faculty members of the University of Wisconsin. It is dedicated to help students understand the ideological importance of current affairs, to defend individual freedom against the forces of collectivism, and to explain the workings of the free market economy. This magazine is supported entirely by advertising, and is distributed free to students.

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CAMPUS OUTLOOK

The '60 Clause

The University of Wisconsin faculty, imbued with the conventional wisdom of Liberalism, has passed an edict which would forbid any fraternity or sorority from having a discriminatory clause in its membership requirements after 1960, under penalty of suspension. As was to be expected, the law expanded until any Greek-letter group which even seems to discriminate — say by refusing to pledge a member of a minority group, or suffering a penalty from the fraternity national because it had pledged such a person — is liable to such suspension.

The ethics of the question do not, however, concern discrimination. The question of the superiority or inferiority of any race is not something that concerns the law. Arguments for tolerance, anti-discrimination, brotherhood or what-have-you are out of place; they concern the ends of action. What must be examined here is the means employed to achieve these ends. The basis of Western ethics is that the ends sought do not justify the means employed.

The refusal of a fraternity or sorority to admit an individual to membership is not coercive of that individual's life, liberty or property. There are those who have neither attempted to join or have been refused admission to either a fraternity or sorority who have not suffered. Coercion can only result when a person is deprived of that which is his due; that which he has earned. The friendship of others does not accrue to an individual automatically; hence, he cannot complain if others do not choose to seek his company.

The 1960 Clause bases itself on a legal fiction: the fraternities and sororities are "educational adjuncts" of the University, and, as such, they cannot discriminate. This would imply that these groups are state organizations; that their houses, equipment and other common property are State property, and that their rules are State regulations, just as in the dormitories.

We'd like to know, just when did the fraternities revert to the state? In every case, the fraternity or sorority was founded by private individuals; in many cases, such groups were incorporated. If these fraternities and sororities have reverted to the state, they must have done so under the provisions of the Fifth and Fourteenth Amendments to the Constitution, which state that private property can be taken only after due process of the law, and for a just cause, and that just compensation must be paid for the property.

Thus, we ask: Where is the due process? What was

An Intellectual Call To Arms

The intellectual's pursuit of virtue is vastly more important than that of other men. In effect, he is the "voice" of society, providing both wisdom and truth to those whose reasoning faculties are less well developed. His very talent must be held in sacred trust because of its unique power to promote good or ill among men.

Properly, the intellectual is a critic of his society as well as its defender. Against internal abuses he must raise his voice; and against threats from abroad, either in terms of ideas or militant force, he must mount his counterattack, justify the institutions of his own society, and warn his fellow citizens of impending danger. If he fails to provide clear-headed criticism of the evils within his society, then his value both to himself and his fellows is reduced. Likewise, if he fails to defend his society against unjustified internal and external attack — particularly if he lives in a good society — then, clearly, he has abdicated his responsibility. Surely a society without its critics is pathetic, but a good society pathizers of the new radicalism!

American intellectualism has a long history of criticism of the nation's social maladies, but a very sketchy history of defense of the American tradition. Long ago, the mystique of hostility to American life reached such endemic proportions that few scholars worth their tweed suits were to be found among those who championed American ideals and traditions. Writers heckled the Boobus Americanus; sneered at alleged cultural barbarism; jeered the Babbitts as well as the entire Yankee proclivity for making a buck; denounced alleged social maladies, and snickered at traditional concepts of liberty, property and government. They unearthed the proliferating cults of Marxism in Europe, and concluded that American institutions needed a good hypodermic of socialism.

While most opinion-makers in America would insist that they do love their country, and only mean to improve it by denouncing its evils, it is nonetheless true that within the corpus of the academic community there flows a deep stream of hostility to classical American institutions. The debunkers have aimed terrific blasts at the whole gamut of American ideals and artifacts, mostly because they are American. Everything from the tradition of limited government to Hollywood motion pictures has been denounced as being inferior to the European models. One whole segment of the scholarly community even delights in belittling the national heroes!

It speaks ill of our intellectual community that so many of its members have succumbed to the lure of denouncing something American, and so few have looked around them and said, "This is the best that man has yet achieved." Perhaps the American culture has actually been so profoundly good that champions of it would merely have been superfluous. But in any case, the defenders of classical American belief — such as Albert Jay Nock or William Graham Sumner or perhaps Jacques Barzun — have been few and far between, compared to the hordes of denigrators and sneerers and nit pickers that have fastened upon our civilization.

As a result of their unremitting harangue against American tradition, and their sketchy defense ideals, the intellectuals hollowed a gulf of distrust between themselves and the rest of society. Rightly or wrongly, citizens in every walk of life have come to regard the academies as hotbeds of radicalism, populated by "pinks" and "screwballs," rather than as the seats of the highest expression of American opinion. They regard the universities as places where inferior foreign ideas

are introduced, rather than as the citadels of American culture.

As a result of its isolation and critical tradition, the scholarly community has been remarkably ineffectual in the defense of American values against the worst enemy the republic has ever encountered. Unlike fascism, communism was truly revolutionary, and its defeat required the full exertion of the intellectual community. It confounded the ordinary person because its values and programs were antithetical to classical American tradition. Communism inverted morality, demolished classical concepts of property, liberty and humanity. Mere denunciation of it was not an adequate defense: the horde of new ideas had to be examined, explained, compared and evaluated against America's traditional beliefs. But this was never properly done. Just at the time when America desperately needed the services of its intellectuals to rip an evil ideology to shreds—where were the intellectuals? Why, an amazing number of them were among the sympathizers of the new radicalism!

The result, of course, was that for decades America was virtually voiceless in dealing with communism's enterprises. The defense of liberty and God and country was left to a few poor rubes, whose intellectual acuity was such that sometimes they could scarcely tell a communist from a liberal — but whose honor and common sense and love of country shamed the whole intellectual community. Even before the Russian Revolution our intellectuals should have dismantled socialist theory and thrown it out. But they didn't. And by the time of the Spanish civil war they should have been marshalling the forces of the republic for a long seige against an international conspiracy. But they didn't. And by the post war period, they should have been at the very forefront of the battle to preserve American civilization. But they weren't. Indeed, when a humble and incredibly brave editor of *Time* magazine arose to tell a story of treason — treason! — in America's highest counsels, the intellectuals loosed the most vicious and violent attack upon a single man ever witnessed in this nation. And even after that, instead of alerting the nation to the danger coiled in its heart, they left the task to a junior senator from Wisconsin who lacked the intellectual equipment to do the job properly. The Joe McCarthy years were the direct result of the abdication of the intellectuals and opinion-makers at a time when they should have been defending the republic.

Now, at long last, American ideals have found their champions in a small, but wonderfully brilliant group of conservative scholars and writers — in such men as William F. Buckley Jr., Russell Kirk, and James Burnham. Some of them emerged from the academies; most, however, emerged from other areas of American life in response to the nation's crying need for a firm, sound voice. Their task has been to *defend* America, to formulate plans for the ultimate *triumph* of our values, and at last they are meeting a measure of success — even while the great body of intellectuals languishes over trivia, or writes petulant and desultory attacks upon the new American right, or proclaims, as did Arthur Schlesinger Jr., that America's best defense against communism is the welfare state — i.e., socialism!

One scarcely knows whether to curse America's academic community to eternal damnation for its defection, or to invite it to pick itself up and wage the good fight against the subverters of Western civilization.

—AETIUS

the just cause and what amount was the compensation? Does the State pay the present property taxes of the fraternities and sororities, and if not, why not? We note that the state tax commissioner has ruled that the food in State dormitories is to be exempt from the state sales tax, while the food in fraternities is not exempt. Is this, then, our vaunted equality under the law? It is not the Negro who is the second-class citizen here, but the fraternity man; it is not the Negro who should be Freedom-riding and picketing, but the unfortunate Greek-letter societies.

The action of the "Human Rights" Committee is thus seen to be in violation of Human Rights; specifically, the right of human beings to dispose of their property as they see fit as long as their actions harm no others. It is not the Negro who suffers, but the fraternity man who sees his property exposed to brigandage, yes brigandage, on the part of the state, under the lame excuse that fraternities are, according to the Administration, "educational adjuncts" of the University.

It may be argued that only a few fraternities suffer, and that the entire student body will profit in the long run. How? Will the willful and arbitrary confiscation of property be useful to any individual in the long run? Is private property at the disposal of any group that can convince the state that an "injustice" exists? It is not only the rights of the fraternities that are in danger here, but the rights of every individual. The University Administration has not considered these rights; it has acted *ultra vires* — beyond its lawful powers — and therefore must be condemned, not only for its actions against individual fraternities and sororities, but because it has no power to pass such a questionable law in the first place.

We can only appeal to the fraternities and sororities, as principals in this question, to resist this arrogant assumption of power; to challenge the University Administration and its "Human Rights" Committee; to hale such brigands before the courts to ask for justice. Let either this perversion of the law be repealed, or let the University become owner in name, as well as in fact, of these organizations; let us not have the University controlling the Greek-letter societies without paying the lawful price for them, and running them as State dormitories. The situation as it exists is unacceptable and unconstitutional, if not tyrannical. As such, it violates the guaranteed rights of all, and, in both the long and the short run, can only be condemned.

Justice and the DG's

Because the Beloit College chapter of Delta Gamma sorority pledged a Negro co-ed, the University of Wisconsin Human Rights Committee has voted to suspend the sorority's Madison chapter. The anti-discrimination absolutism of the Human Rights Committee proved

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*"The security of the frozen food industry
rests upon the quality of its refrigeration."*

itself to be tenaciously ill-considered, and blatantly discriminatory.

Before considering the particulars of this case, the question must be posed: does a sorority have the right to discriminate? The only alternatives are that either the sorority has a right to exclude whom it chooses from membership, or everyone has a right to join it, regardless of race, creed, religion, national origin, and we would like to suggest, sex. The Human Rights Committee owes its existence to this latter assumption, that it is not the right of free individuals freely to associate. And for just this reason, its credentials are not in order. It is totalitarian.

Shortly after Miss Patty Hamilton, a Negro, had been pledged by the DG's at Beloit, the national moved to suspend the chapter, which had been on probation, allegedly for the violation of ten sorority rules. This seemed to the U.W. Committee veiled discrimination on part of the national, for which it held the Madison chapter in condemnation, and suspended it. However, the violation was not so obvious to those in a position to investigate. There was no evidence other than intuitive that the national was not acting for the reasons it advanced; the sorority has no discriminatory clause in its chapter, and members insist that no unwritten clause exists; and Dr. Miller Upton, President of Beloit College, a close observer and the responsible authority in the matter, expressed his satisfaction that no violation occurred.

In sum, without the ability or authority to investigate, and in contradiction to the known facts and the testimony of a responsible official, the Human Rights Committee moved to punish an organization which was not itself guilty of anything nor had the effective means to prevent a misdeed elsewhere, for a "violation" of a totalitarian principle. A more thorough assault on justice would be hard to conceive.

The Human Rights Committee could, unassailably, exist in an advisory capacity, and call upon its wisdom and experience to persuade the University's fraternities that discrimination is essentially irrational. But so long as it retains the power to *coerce* its views in their absolute construction, its very nature must be to establish legal privileges. Must be, that is, to discriminate against the rights of fraternities, the rights of majorities, the equal rights of white and colored to associate freely. In short, it will continue to weave legal horrors. Its powers of enforcement must be removed.

The Liberal Reaction

Sometime during the heat of last July, a liberal on campus paused before a copy of the summer issue of *INSIGHT AND OUTLOOK*. Quite probably, his attention was arrested by the words, "Lead Us Not Into Temptation — A Comparison of Liberalism and Fascism."

Galvanized by the outrageous possibilities which the cover suggested, he picked up a copy, lugged it to his quarters, and began to read.

Quite plainly, he didn't like what he read. The very idea that fascism and liberalism shared a considerable body of opinion was so preposterous and incredible to him that he could barely move his eyes down the columns. The more he read, the more he hated what he saw, because it was increasingly obvious that the author had taken great pains to supply massive documentation, and had carefully stayed within what could be deduced from the evidence, and had meticulously given liberalism every benefit of the doubt wherever possible.

The liberal's anger turned into fury, simply because there was no answering the article; there was no decent rebuttal to an appalling reality. Even though truth stared him in the face, he could not tolerate it; he could not admit it. Finally, nearly paralyzed with hate, he performed the only act of which he was capable — he took the INSIGHT AND OUTLOOK and ripped it in half. Then he slipped a torn page into his typewriter and typed "drivel and garbage" across the margin. After that, he shoved the shredded magazine into a manila envelope and addressed it to the author of the offensive article, "Reihard (sic) Wheeler, the Phoenix Gazette of B.G., phoenix, ariz. (sic)." In the corner of the envelop he carefully pressed a four cent stamp into place up side down, and then a one cent stamp up side down, and then he posted his handiwork.

Thus, purged of this menace to his beliefs, this grave threat to his existence, he felt a sort of animal release from his frustration. He had destroyed an intolerable truth.

A Chink of Light

We are happy to report that part of the Political Science department, long laboring in the depths of ritualistic Liberalism, has started up the rungs to sanity, or at least up one rung. The chink of light in the gloomy depths was provided when one Political Science class, on its reading list, included F. A. Hayek's *Road to Serfdom*. While the works of classical liberals and of conservatives have been read in these classes before — Tocqueville's *Democracy in America* and Mill's *On Liberty* — little or nothing has been read from the writings of modern conservatives.

Now, we admit that one book on a reading list is a small gain, but it is a start. We can only hope that those students who are attracted by the ideas set forth by Doctor Hayek might find time to study some of the other works of the modern conservatives, including those listed in this space last month. In particular, we would recommend: F. A. Hayek, *The Constitution of Liberty*; Felix Morley, *Freedom and Fed-*

eralism. (available in paperback); and Bruno Leoni, *Freedom and the Law*.

When so much of today's political science seems dedicated to the idea that politics is a technique, comparable to engineering, by which people may be dealt with in the same manner as engineers deal with material and machines, these works may provide a refreshing insight into the ideas of conservatism and libertarianism, which continue to consider man as an individual and not as a mass-produced unit.

WORLD OUTLOOK

Tenacious Delusion

During the recent furor over economic aid to Communist Poland and Yugoslavia, it seems to us that the key to the entire satiation was never really brought into sharp focus. Liberals argue that by extending aid to and cultivating trade with these nations, the West can 'wean them away' from Moscow. That is, that their economies will become dependent upon Western trade and that they will assume greater independence in their foreign policies.

Some Conservatives answer that it is stupid to give aid to a nation which will fight against us in the event of a war. This argument is sound as far as it goes, but does not really strike at the heart of the Liberal proposition. The question is: To what extent will U.S. aid and trade influence policy in Poland and Yugoslavia?

A planned economy never needs to become 'dependent' on a particular product or material which is obtained more cheaply from abroad in the way that a free economy does. Before World War II rubber and silk were always available to the U.S. at reasonable prices from the Orient, so there were no domestic sources. In a planned economy, if the planner wants domestic sources of a commodity, he builds them, even though this is not economical. The economies of Poland and Yugoslavia never need become dependent on the West unless Tito and Gomulka want it that way.

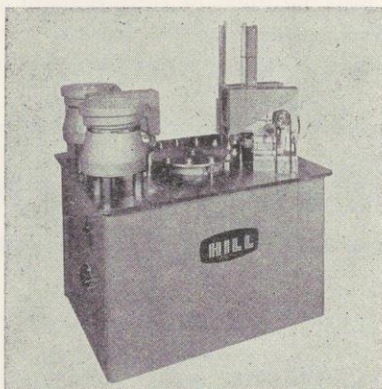
Americans pride themselves on being practical people, and like most people, they tend to project their traits unto others. The extent to which Americans support aid to Communist leaders to influence their thinking is a measure of the extent to which they fail to understand that the Communists are motivated by *theory*, which plays a far more important role in Communist thinking than most of us realize.

The future relationship between Communist leaders will not be determined by practical considerations of

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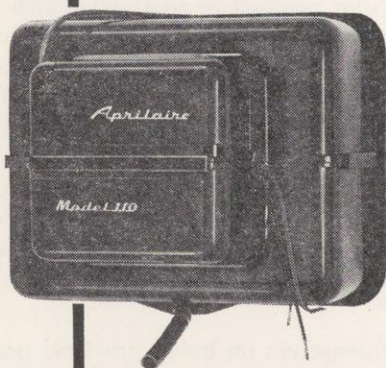
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national interest. It will be determined by theory: by their interpretations of the writings of Marx and Lenin. This is totally independent of U.S. aid. Albania's Hoxha has been 'weaned' from Khrushchev, not by dollars, but by Mao Tse-tung's *ideas*.

Soapy Williams . . .

Ueber alles in de veldt, South Africa detests G. Mennen Williams. Last fall the South African government found it "inconvenient" to receive him (one observer added, "No convenient time is likely to be found before the year 2000."). The Johannesburg *Die Transvaaler*, which once labeled him "President Kennedy's insult to Africa", has burnt umbrage at his every passing opinion ("Is there still any hope," it despaired editorially at the most recent provocation, "that American foreign policy will be determined by men with *some* knowledge?") The chafing will continue, of course, until Michigan's answer to apartheid gets called home, which, considering the damage he has done to U.S.-African relations, probably will not be soon. What a pity. The South Africans had been making such great progress in assuming the White Man's Burden — that is, until it turned out to be G. Mennen Williams.

. . . and His Empire

Life is pleasant at the U.S. embassy in Ouagadougou, the capital of the Upper Volta Republic. Aside from the fact that most of the town's 65,000 souls are illiterate, and two-thirds of them live in mud huts, the 16 State Department staffers there, including a full ambassador, have little to complain about. According to the ambassador, the Americans decode four or five telegrams per day, and spend a little time chasing his honor the president (who more often than not is off in the brush politicking with his chieftains) in order to explain U.S. foreign policy moves to him and win his undying support. And, of course, the 16 staffers must do a certain amount of manual labor because there's nobody in Ouagadougou competent enough to do it. But all in all, there seems to be ample time for a few rounds of bridge, or some close perusal of the Harvard Classics.

Apparently, however, life isn't good enough for our State Department janissaries in that important republic. Mr. G. Mennen Williams, the administration's chief panjandrum on African matters, and an old hand at squandering other people's money, proposes to erect a \$635,000 American embassy complex amidst the mud huts of Ouagadougou. Naturally, all this is a far-sighted plan, because Africa is the Wave of the Future, but somehow, it seems a bit perverse.

The Inefficiency Expert

CY BUTT

As I walked into Madison's Congress Bar this bright and thirsty morning I noticed a good deal of commotion in the press seats. I don't mean that they have a ring set up in the joint; the press seats are those stools used by reporters when they take their morning hair of the dog. At any rate, back there was Fremont Guilfoyle, the New Frontier's Minister Without Portfolio. With him, as usual, was his consort, the nubile Fifi, with divers and sundry sections of her roller-coaster curves hanging over the edges of the Balenciaga, or Bikini, or whatever it was she had poured herself into that morning.

"Why are you in town," I asked. "Business or pleasure?"

"Government work is always a pleasure," said Fremont, "I am now Director of the new Selective Service bureau."

"Is war that close?" I asked.

"It isn't war," replied Fremont, "But it's a crisis, nevertheless. We are running short of qualified personnel for Federal employment."

"God forbid!" I said.

"It's quite true," said Fremont, "Twenty-nine percent of the employees taken on during the past year are willing to work, and 16 percent of those actually can. This creates an impossible situation: all the work will be done and we'll have to stop hiring. The President, whom we chummily refer to as 'The Boss,' canily foreseeing the loss of the too Sovereign State of Mississippi in the coming election, has set a goal of ten million government employees by the end of the year and twenty million before he goes to bat himself in '64. That should insure the permanency of the dynasty. But when employees are not only willing, but able, to get something done, things get screwed up all around. We cannot have efficiency. While we prefer that bureaucrats do nothing at all, we realize that some of them have twisted psyches and have irresistible urges to do something. It is necessary, therefore, that they be bunglers."

"I follow your reasoning," I said, "But how does that concern you?"

"My bureau," said Fremont, "has men in every urban area in the country getting lines on natural-born ditherers to head new bureaus that are now in process. I have had 17 men here for four months keeping tab on James Twalmish, who lives next door to you. If he were found acceptable, he would be taken to Washington to commence training."

**Bundles of Bunglers for the Bureaucracy,
But not one worker, declares Fremont**

"But Jimmie Twalmish is eight years old!" I said.

"I know he's getting on," said Fremont, "But the early reports were so glowing that we made an exception. We prefer them not past the fourth year."

"Just what training do you give four-year-olds?" I asked.

"First, we teach them to run in circles," said Fremont, "Then they get the New Frontier vocabulary."

"And what is that, Fremont?" I asked, "Something like Esperanto?"

"Not at all," said Fremont, "It is a list of English words chosen by The Boss that the neophytes learn to use in each sentence. We drill them until these words come out without them even knowing it. Kind of like Pavlov, I guess. Some of these words are, 'challenge, impact, vigor, image, unwise, potential, significant, sophisticated, dynamic, drastic, posture' —"

"That's enough," I said, "I have a TV."

"And," continued Fremont, "with the utterance of each of these words the student must extend the forefinger of the right hand and thrust out the forearm in a downward movement—sort of like a turkey picking up grasshoppers, you know."

"Yes," I said, "I know. But what's going to happen to little Jimmy Twalmish? Are you going to send him to Washington?"

"I'm sorry about the boy," said Fremont, "But he just couldn't cut the buck. He had great promise as a bungler. He acquired measles, chicken pox, diphtheria and scarlet fever when there were no cases within 500 miles; he fell out of trees and broke three of his four limbs; he lost the grocery money, got bitten by dogs, flunked out of second grade, and was unable to dress himself until he was eight. He had a brilliant future ahead of him in the State Department until we found that fatal flaw: we learned that when Jimmie was five he set up a lemonade stand for himself and in two weeks netted no less than 42 cents. We could have brain-washed his predilection toward private enterprise, but when he made a success of the thing, it was just too much. Still, as I said, he had promise, great promise. It used to delight me to see how easily he got lost coming home from school. But, life is real and life is earnest, and we just can't put up with second-raters."

"We must be going now. We are 20,000 pupils behind and The Boss is calling for men, men, men! The time has come when I must grasp the bull by the tail and look the matter squarely in the eye! Come, Fifi."

Repetition of Reconstruction

The Southern point of view,
by an on-the-spot observer
at the University of Mississippi

BOB CHERNOW

(EDITOR'S NOTE: Three University of Wisconsin students went to Oxford, Mississippi on the Monday that was James Meredith's first day of classes at the University of Mississippi. They wanted to learn first-hand just what was going on at the beleaguered college. The following is a report by one of those students, Bob Chernow, which appeared in the October 11 issue of the Daily Cardinal student newspaper.)

When I arrived back in Madison on Friday and read about Student Senate's angry effort regarding the integration problem at the University of Mississippi and saw the silent pro-Meredith rally, I felt a puzzled anger.

Why did Senate take this action? What possible good could it have accomplished save to add more heat to the fire? It did not take long to come to a realization: the local press, television, and radio had blown up the Mississippi situation, and had made Meredith a hero. Worst of all they had not given the view of the South. Such a point of view is more than necessary before drastic policies are made.

The Northern integrationist sees the Southern whites as oppressors of the colored race; these northerners claim that the South has had over a hundred years to integrate their schools, restaurants, beaches, and such. They add that integration must come to the South even if use of federal troops is necessary. However, while these are 'truths,' they are really only half-truths.

It is true that in the South the lot of the colored race is not as good as it is thought to be in the North even though the colored man knows where he stands in the South while he never knows in the North. Fair or not, right or wrong, the southern white man takes a paternal look after the colored man.

Besides, there are several hundred years of slave tradition cementing the white-colored relationship. It will take many years to change this situation; certainly it can not be done in a span of eight years or through the use of force.

The Northern claim that the South has had a hundred years to integrate their schools and facilities is untrue. It has only been since 1954 (*Brown v Board of Education of Topeka*) that 'separate but equal' schooling has been outlawed by the Supreme Court. Before this momentous judicial decision, the 'separate but equal' doctrine had been substantiated by the Civil Rights Cases (1883), *Plessy v Ferguson* (1896) and others. The South has had only since 1954 to integrate their schools, and there is a hundred years of negative feeling yet to be hurdled by both races.

Well, then, besides all this legal trivia, why has the South not seen the 'light' and integrated? The answer basically lies in history, pride, emotion, and a philosophy of racism.

The Civil War (or the War for Southern Independence) was a bloody war between brothers. Here in the North it is all but forgotten except in history books or movies, but in the South it remains still blaring, remembered on Robert E. Lee's birthday or on the historical signposts of battles or in the spirit of the Southerner. It remains, because the South needed something to cling to after Reconstruction and naturally turned to its greatest moment of glory.

Reconstruction itself is a topic little mentioned in the North (a bad conscience?) or in the South (horrid and shameful memories?). Its

taste is renewed when 15,000 troops rule Oxford, Mississippi and when the South is told that it must do such and such because it is the will of a Northern President and his interests.

During Reconstruction the South was occupied by Union soldiers, and the non-voting Southern whites were pillaged by northern carpetbaggers and Southern Negroes. When the Southerners realized that their economic and social way of life was being destroyed, they formed into citizen groups and fought with arms and terror to save themselves. After they regained control of their state governments (Reconstruction lasted a great deal longer than the Civil War did), the whites determined never again to lose their control. It was at this point that the former position of the Negro (that of subservient to the white) became deep-rooted. For better or worse this is the situation as it now stands.

At this point a high wall of tradition stands between what the northern integrationists see as morally wrong and what is reality. The play at the University of Mississippi to integrate a colored man is an example of the North's impatience towards the southern problem; they do not try to take the wall down stone by stone but rather try by ripping the entirety of the wall in one fell swoop, causing great harm to both whites and colored of the South. It would have been far easier and more peaceful for a colored man to go to white Mississippi State which has less of the traditional feelings than does Ole Miss. Why try cracking the hardest shell of the South (Ole Miss) unless one is prepared for grief and conflict.

The Liberaler Papers

JAMES BLAIR

The Liberal establishment has long complained of its own lack of new ideas, and in a philosophy which rejects Eternal Truths, new ideas are important indeed. In the May, 1962 *Wisconsin Review*, Richard E. Fauber reviewed the *Liberal Papers* and found that even these are lacking in any new or revolutionary ideas.

In an attempt to stimulate Liberalism out of its intellectual doldrums and so revive it to the point where it can furnish an intelligent opposition, I humbly submit the following ideas. These are given in skeleton form and I leave it to the Liberals to develop and elaborate on them. If these form the nucleus of a Liberaler Project and ultimately result in the publication of the *Liberaler Papers*, I gladly forfeit all copyright privileges.

A great deal of confusion, especially among foreign nations, is caused by the conflicting statements made by various individuals which have been interpreted as policy views by foreign governments. To help alleviate this confusion, the censorship of high-ranking military personnel was a good first step, but the policy must be carried a great deal further. Strict censorship through clearance with proper channels must be applied to all statements concerning United States policies made by all military personnel, all civil service workers, and also U.S. tourists who are abroad since statements made by these persons are subject to misinterpretation and could harm U.S. prestige abroad.

The recent Supreme Court decision on school prayer is a good first

The Liberal Papers are okay as far as they go, but . . .



step toward reaffirming the traditional American principle of strict separation between Church and State. But the wall of separation envisioned by our forefathers remains breached in many areas. Liberals must work towards Supreme Court decisions to bar prayers in the halls of Congress or other government buildings, must prohibit religious activity in homes financed with FHA loans, must ban the bible and other religious literature from the federal postal system, and must bar persons who are members of or who are affiliated with any church or other religious organization from holding public office or from voting. Only in this way can we reaffirm the First Amendment.

We must work for legislation (or a Supreme Court decision) to stop the oil depletion allowance. The Madison, Wis. *Capital Times*, *The Nation*, and other progressive sources have clearly shown that the oil depletion allowance provides money to the Radical Right and to the Republican Party. The idea of adjusting the tax laws so as to block funds to the political opposition is just now being seriously examined. Liberal economists must analyze

our tax structure with this goal in mind, so that sweeping reforms can be instituted which will insure that political opposition to Liberals will be unable to raise sufficient funds to pose a serious threat.

If the Radical Right succeeds in its campaign to brainwash the American People and is actually able to elect Goldwater to the Presidency in 1964, the Communists will, out of panic, very likely initiate a war against the United States. This because they would be afraid of the policies he would pursue—and the advantage in a nuclear war lies with the first to strike. This is a possibility that Liberals in this country must be prepared to face. Since a nuclear war means the end of life on earth, it is our duty to humanity to insure that Goldwater never takes office. To achieve this end we must be prepared to do *anything*—even to support a military coup. Remember, the survival of the race is at stake.

It is an accepted fact that the more a nation has to lose, the less likely that it will gamble on a war. Russia and China, especially China, can consider war as an alternative because they have less to lose than does the West. If the standard of living in these Communist nations could be raised, the people would not permit the leaders to make war. Hence, American policy should be clear. We must break from our unprogressive, reactionary backward-looking foreign policy and support economic foreign aid to Russia and Red China.

Military Aid

It is well known among scholars of the Cold War that second-strike potential, i.e., missiles which cannot be destroyed by an enemy first-strike, is a stabilizing factor in the Cold War. Each side will hesitate to initiate an attack knowing that the other has rockets which cannot be destroyed. But most of the Soviet Union's rockets are above ground and depend upon secrecy of location for their protection. With the

(Continued overleaf)

coming of spy-in-the-sky satellites, their positions will soon be exposed. The U.S. will then be tempted to launch a first-strike, or at least the Soviets will fear such a strike. They might panic and push the button. The Soviet economy and technology cannot build expensive underground Atlas-type rockets or Polaris submarines. To preserve Cold War stability and help avoid a panic-initiated war, Liberals must advocate that military aid in the form of Polaris submarines be given to the Soviet Union.

To avoid a recurrence of the embarrassing "Tractors for Freedom" episode, Liberals should advocate that Congress set aside a several-hundred-million dollar 'ransom fund' to be used to pay for the return of Americans or nationals of friendly nations who fall into Communist hands.

Research should be directed towards the development of a drug which will affect the retinal nerves in such a manner as to make people color-blind. This could open the door to the biggest gains in Civil Rights in history.

All Liberal economists realize that recessions and unemployment are caused by a 'failure of demand'; consumer demand is not high enough to purchase all of the goods produced. Unemployment compensation is a good first step toward solving the problem since it helps to maintain consumer demand in times of recession. But unfortunately consumer demand declines anyway since unemployment compensation is less than the average working wage. Liberals should work to have unemployment compensation payments be higher than the person's wage while working. Thus, if a recession were to begin and people were to be laid off, consumer demand would be increased and full-employment would be restored.

But if you think that these ideas are provocative, just wait until you see what I have in mind for *The Liberales Papers*.

Prayer and the Law

DICK FISCHER

Secularism — the prompt removal of all religious symbols, traditions, and beliefs from our public life and civil institutions — has made some important gains of late. In Wisconsin we have seen the power of the secularists exercised in two different instances within the past year and a half.

There was the McGuffey Reader incident, in which passages from Christ's "Sermon on the Mount" had to be blotted out so as not to influence students' minds with Christian ethics.

In another case, upon the unofficial ruling of Attorney General John Reynolds, Governor Gaylord Nelson vetoed a law which would have made daily recitation of the Pledge of Allegiance compulsory in our public schools. Why? Because the pledge contains that phrase "under God"—and—since all people don't believe in God, it would (according to the enlightened Reynolds) be a violation of the constitutional protection of freedom of religion to let our pledge to the flag creep into Wisconsin public schools. Or so goes the argument.

The advancement of secularist thought and secularist power crept in largely unheeded. Only a few like Cardinal Spellman and Billy Graham stepped out in the open to declare their vehement objections to the secular drift.

But when the Supreme Court issued its revolutionary decision

Does the Constitution Demand Secularism?

last June outlawing the non-compulsory non-sectarian New York Regent's prayer, the country poured out its feelings in protest. The objection was (and still is) justifiably hostile, long overdue, and politically effective, and it is so for several reasons.

In the first place the Supreme Court twisted the First Amendment of the Constitution to mean something entirely other than it says, literally, or ever was intended to mean or imply, simply to conform to the Court's own views on the subject. The First Amendment states simply that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The first question arising is, how this provision can be applicable in that case. How can a restraint specifically upon the United States Congress be used to outlaw an action by the New York State Board of Regents? And doesn't the Tenth Amendment guard against any agency of the federal government interfering in purely state affairs?

Liberals* counter with a snicker, mumbling something about the days of McKinley and the provisions of the Fourteenth Amendment. But does the Fourteenth Amendment give legal ground for this decision? Hardly! The Fourteenth Amend-

*This may be somewhat misleading because it is not essentially a liberal-conservative issue. Indeed, some liberals (Bishop Pike) harshly protested the decision and some conservatives (David Lawrence) accepted it readily. However, on this particular point the line may be drawn.

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ment does not mention religion. The only part that could possibly be germane is this sentence in section one:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor . . . deprive any person of life, liberty, or property . . ."

The only way in which this provision would be applicable would be if the prayer was in fact an encroachment on someone's "life, liberty, or property" or abridging someone's "privileges or immunities". Since participation in, or even listening to the prayer was completely voluntary, it is hard to understand how the Court could cite the Fourteenth Amendment into the ruling.

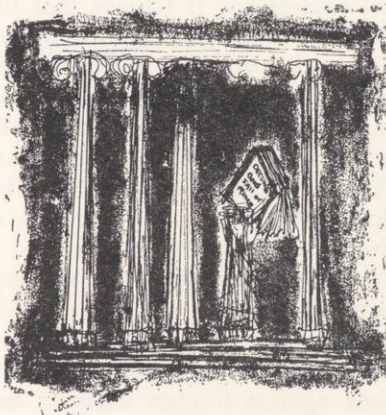
But the second point within the First Amendment that the secularist quotes to justify the Supreme Court's action is the clause preventing an "establishment of religion." (Again the argument may be raised that at no time does the Constitution legally apply this Congressional restraint to a state government — and certainly not to a state board of regents. But have the regents actually tried to establish a religion with their prayer? Or have they perhaps unwittingly established a state religion by mistake? The non-sectarian wording of the prayer has been quoted so often it is already familiar:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

If there is any "establishment" at all found in the prayer, it is the formal acknowledgement of and reliance upon a Supreme Being. And this is no more than the same admission which was previously "established" in the Declaration of Independence ("with a firm reliance on the protection of divine Providence . . ."), and in our national anthem ("And this be our motto, — 'In God is our trust!')", and in the postmark on our mail ("Pray for Peace") and is imprinted

upon our coins and currency. Surely a national establishment of a belief and trust in God is a real part of our American tradition. But is this now declared illegal and unconstitutional? Is this what the founders of our nation meant when they inserted the "establishment of religion" safeguard? Obviously not.

The problem that confronted the new Republic was one of a particular sect gaining a majority and organizing a state religion, like the Anglicans in Britain. I think they would have been equally worried about a tiny minority of the population gaining power and organizing a complete separation of religion and government, but who could have predicted in the late Eighteenth century that we'd ever have a Warren Court? Editor-author M. Stanton Evans notes that the Founding Fathers "just as clearly were not concerned to divorce



government from the idea of God, as the Supreme Court now implies they were. In fact, their very guarantees of religious liberty were phrased in language identical to the schoolroom prayer the Court has denounced, recognizing the existence and sovereignty of God."

Another argument against the decision is that it is not the proper function of the state to compose official prayers and that the business of praying and reading the Bible would be better off if left to the church and home. As a believer in local control of education, I think

it would be far more desirable to give the local boards, administrations, or teachers the control over what religious observances should be conducted in the school.

Certainly a strong religious training in the church and the home is the best way to rebuild the eroded religious character of our nation. But this does not mean that the word "God" must be kept out of our public institutions. This would aid those who deny our Christian heritage. By removing the Godly aspects of public education, the state is actually replacing them with Godless characteristics.

How do I arrive at such a conclusion? Bishop Pike has explained it excellently in a debate with Wm. J. Butler, attorney, by noting that ". . . when the schools stay strictly silent on religion they create the impression that faith in God doesn't really matter, thus making it harder for the church and the home to do their work."

How may we remedy the situation? First we must nullify the secular decision of the Supreme court. With constant public pressure we can encourage our Congressmen and State officials to give full support to a proposed amendment to the Constitution that would *reaffirm* the First Amendment by rewording the establishment clause along the lines Bishop Pike suggests: "Congress will make no law respecting the recognition, as an established church, of any denomination, sect or other religious association." This would restate the First Amendment to mean what it was originally intended to mean by the Founding Fathers. But even before such an amendment can be passed, Americans must reassert their heritage by fighting to maintain their religious foundation with a steady opposition to the secularist drift in our public institutions. Two questions must be continually asked by those who wish to invigorate our religious heritage. First, is secularism actually specified by the Constitution? Second, and much more important to Christians, is secularism the will of God?

Subject and Sovereign

JARED LOBDELL

For the People, and truly I desire their liberty and freedom, as much as anybody whomsoever, but I must tell you, that their liberty and freedom consist in having of Government, those laws by which their life and their goods may be most their own. It is not for having share in Government, Sirs; that is nothing pertaining to them. A subject and a sovereign are clean different things. . . .

— Charles I on the scaffold

I suppose that, at this late hour, there are few enough who find these words congenial. Nevertheless, I suggest not only that Charles was right on the first point — the doctrine of limited government — but also that he was right on this precisely because he was right on the second point as well. After all the years and all the democracies, it is still apparent that governed and governor, subject and sovereign, are, and must be, clean different things.

If one were to examine the sources of political power, he would find, I think, that it must come either from God, or from the power of a father over his children, or from the governed, or from conquest. With this last I am not now concerned, as it must necessarily be unjust and surely cannot be the legitimate foundation of a modern state. It would be well to note, too, that familial authority as a basis of the state has not been possible since the days of the tribal kingdom.

There remain two choices — either the state is ordained of God or else its power is derived from the voluntarily relinquished power of its citizens over themselves. If the state is ordained of God, established by Him as the sovereign, it is quite evident that it must stand to its people in the relation of sovereign to subject. But it would not appear to

be propitious to reintroduce in these days the Divine Right of Kings. Even if it were acceptable, it would not be any less true that a divinely instituted government would exist in order to guard human lives, human liberty, and human property.

The remaining alternative is that the just powers of the state are those powers given to it by the people. This means, first of all, that the state can have no more power over a man than he could have over himself; and secondly, it means that it can have *only* that power which it has been given. For example, if men are not perfectible, it follows that the state cannot perfect them, and laws designed to do so are at best foolish. If men are not equal, and the lesser cannot on his own make himself the equal of the greater, it follows that the state must not do so either. This does not deny equal protection of the law, or even equality in law; it does deny equality by law, and equality itself.

The powers granted to the state are those for the defense of the citizens against foreign enemies and domestic malefactors, to insure the tranquility necessary for the development of the country and for the welfare of its inhabitants. In other words, the state is precisely a police force. We gave it police powers when we, or our ancestors, or somebody else's ancestors, started it, and we have about as much chance of getting them back as we have of building snow-forts in hell. What powers the state takes, it keeps.

What is more, it will add to them. The question is not whether power corrupts, but whether it grows more powerful. And it does. The state spends more and it builds more and

it does more and it tries to land men on the moon. It explores frontiers, and it does not fear to negotiate, and finally it comes to the point of telling the people not to ask what it can do for them — which is why it was set up in the first place — but what they can do for it. Now I am not maintaining that all this is bad; I am only maintaining that it is the case. The government has more power than it was given and we cannot get that power away from it, and we cannot get away from it. The desert or South Sea islands men used to flee to are going up in smoke, courtesy of the government. And those that are left are most of them in the United Nations: in any case, running away will not change the situation. The government will still keep its self-made power, and we will still be subject to it.

I put it to you now. Although we have (some of us) a limited and decreasing influence on some of the actions of the government, is it not sovereign, and are we not subject to it? As its power grows, does not our power decline, and is not government for the people increasingly less like government by the people? Is it not the nature of this world that the difference between subject and sovereign becomes more and more apparent? And does it not then seem that while a share in government pertains less and less to the people, we must hope to see established and enforced those laws by which our lives and our goods may be most our own, and those which would prevent it abolished? That is our defense against the power of the state, our only defense. Charles died, he said, as the Martyr of the People: will we have another choice in the end?

Epigrams

by ROBERT BEUM

To a Planner

Love is your programme. Have you loved one man
And given your days to an Immaculate Plan?

To a 'Humanist'

Humanist, who are you half human with?
No one who makes, some few who know, your myth.

To an Iconoclast

Dull priests and you are bland in the same ways:
Unmentionable things are your clichés.

To a Solid Skeptic

At twenty your slick answers were in rout
For good cause; why should you grow sleek on doubt?

To the Establishment

Heresy, tolerate my heresy
Of faith: a different dogma sets me free.

The Networks

In the rape of love and nations
That will not be raped again,
This final horror: stations
Proud to tune imagination.

Catullus XCIII

Much-studied Leader, I, often in sight
Of you am at a loss: you're black—or white?

To a Tired Leader

A world that need not stink or hunger: down
You came, from no mean mountains of the mind;
But Evil, not the evil of this town,
Woke you; and the green mountains are behind.



Robert Beum is a Professor of Renaissance Studies at The Creighton University. These epigrams were written especially for INSIGHT AND OUTLOOK.

Prospects for Liberty

P. ALLAN DIONSIPOULOS

The garrison state is close at hand,
seeking to pervade our every thought and action

The degree to which government at all levels has become involved in our daily lives is in direct contradiction to the American claim that that government is best which governs least. Nor is there any reason for us to believe that the phenomenon of big government is going to disappear in the years ahead in view of the domestic and international situations which have contributed to, and are cited as the reasons for, the growth of authority.

There has been, of course, and will continue to be sharp disagreement over the interpretation that a high degree of regulation is a necessary by-product of conflicting social forces, or the claim that the complex social system of today is unlike the earlier social setting in which our traditions originated and our values were conceived.

But this is not to deny that substantial changes have taken place. Nor can we dismiss as unreal the international forces of change, since they have been responsible for sharp departures from our previous policies and practices. They have justified peacetime conscription, frequent calls to active duty for reservists, the dedication of a substantial portion of our wealth, energies and talent to military programs, and a pronounced concern over national security.

In short, the garrison state is at least on our horizon if not closer. An enlarged role for government has thus effectively closed the door upon the past insofar as we might

want to claim limited government as a continuing and operational part of our heritage. And whether we are to prevent an all-encompassing role for government—a role which pervades our every thought, action, and enterprise—might well depend upon certain things.

First, can we destroy the illusion that government can perform miracles by merely enacting laws? Can we escape the idea that “there oughta be a law,” leaving such notions to the comic pages? The second question which needs to be answered is whether we can devise meaningful criteria to help us determine when the “public interest” justifies collective action? Finally, must we lose sight of the need to maximize freedom for the individual and to achieve a proper balance between the individual and authority? This latter point presumes, of course, an agreement that these values have a priority on any scale we might want to devise, an agreement that has the support of American traditions if not always of our practices.

Certain advantages are with us in this search for a proper balance, especially those traditions which recognize the value of each individual as a creature of God, and which demand freedom for the fullest and richest development of the individual personality. As an ideal, individualism was nurtured in the 18th and 19th centuries with their ever-new frontiers. And it is an ideal which has not diminished in scope with the disappearance of the frontier, since our classless society, equal opportunities, and social mobility have made it possible for Americans to develop in accordance with their talents and abilities and not remain in the status or situation

into which they were born. So apparent is the continuing vitality of this ideal that we find no such thing as a labor class consciousness in the United States, and we still find a strong urge in the American “to be my own boss.”

We may be confident that so long as the emphases are on human dignity and making the end man rather than the state, we can escape the collectivism of either communism or fascism. However, a pessimistic note must be inserted at this point, since our preoccupation with security (individual and national), and the indiscriminate use of our native brand of collective action “in the public interest” are no less a threat to our freedoms than any alien variety.

To some Americans the solution to the problem of safeguarding our freedom lies only in a substantial reduction in the powers and scope of government—a reduction in its size until it is little more than a policeman on the corner armed only with a nightstick. To the libertarian this proposal is pleasant to contemplate, as pleasing as Henry David Thoreau’s idea that

that government is best which governs not at all; and when men are prepared for it, that will be the kind of government which they will have.

Neither then nor now could such an idea be more than a dream, for not even in Thoreau’s day was there any real hope that men would act so rationally that government would disappear. As an alternative to his ideal Thoreau instituted passive resistance to certain state policies with which he did not agree, especially those pertaining to slavery. His refusal to pay taxes for programs he considered to be contrary to a law higher than that made

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by men, and his willingness to go to jail rather than subordinate his principles to the demands of authority may properly be acclaimed as the ultimate in expressions of individualism. Moreover, they have provided a model of action for various individuals and groups, some of whom (*e.g.*, Gandhi and the Freedom Riders) have achieved a measure of success.

More frequently, however, failure has marked the efforts of those who rejected governmental policies and practices with which they did not agree. Caesar obtains his due, whether it be answers to the questions asked by the census-taker or that portion of the tax which supports welfare measures, international programs, or the military establishment.

Interest Groups

Neither civil disobedience nor demands for a reawakening of the American commitment to limited government takes into account these and other realities of our political system. The former is a failure, whether employed by liberal or conservative, pacifist or passivist, and whether employed in the name of human rights or property rights. The proposal to reestablish limited government also fails in that it does not acknowledge what has long been happening within the United States, with various groups operating at the local, state, and national levels to promote their respective interests and what they claim to be the public interest. We should not lose sight of the fact that both liberals and conservatives have found it convenient to identify self-interest with the public interest in order to accomplish their aims and reach their goals. Yet each side seems not to realize that in using government to promote a self-interest (albeit identified with the public interest) it is also creating precedents for public action by others equally intent upon serving their ambitions.

Only when it is too late and adverse public policies have been put into effect do those on the right and

left sides of the political spectrum appear as libertarians. There are, then, those occasions in which either liberals or conservatives are at least tempted to react toward specific public policies in the manner of Thoreau. But this demonstrates one of the facts of our political history, the inconsistency whereby some of the most vigorous supporters of public action in one area become the most vocal dissenters when others employ government.

One possible reason for this inconsistency is our tendency to differentiate between human rights and property rights—a dichotomy which both liberals and conservatives seem determined to retain. But this dichotomy is meaningless, as demonstrated in our history, since the involvement of government in one sphere of human activity establishes a precedent for extending authority in other spheres. The question, then, is whether competing groups within our society are willing to assess the future against the lessons of the past—are they willing to make honest and sincere judgments about their self-interests in an effort to determine whether these truly accord with the public interest?

A likely point of departure for evaluating the past is offered in surprisingly similar statements by Presidents Hoover and Roosevelt, wherein they had described the circumstances under which collective action is justified. While commenting upon the problem of unemployment President Hoover had said,

Under our system relief is first the obligation of the individual to his neighbor, then of institutions, then of local committees, and then of State Governments. The moment the need exceeds the honest capacities of the local agencies, then they must have the support of the Federal Government as the final reservoir of national strength. (*The Challenge to Liberty* (1934), p. 106).

Essentially the same was President Roosevelt's proposal that collective action should be employed for the care of disabled veterans only under certain circumstances:

If the individual affected can afford to pay for his own treatment, he cannot call on any form of government aid. If

he has not the wherewithal to take care of himself, it is first of all the duty of his community to take care of him and next the duty of his State. Only if under these circumstances his own community and own State are unable, after reasonable effort, to take care of him, then, and only then, should the Federal Government offer him hospitalization and care. (*On Our Way* (1934), p. 166).

To find in common agreement the architect of the New Deal and one of its leading critics lends support to an inference that in prescribing this formula they were actually describing an American tradition of using collective action to achieve properly defined ends. However, certain other observations should be made.

First, each had prescribed a similar formula; but this is not to say that they were in agreement as to when collective action should be taken. Second, neither had presented definitive criteria by which we can determine when problems have become so great that private action is ineffective, or when they have become bona fide public problems. This, of course, is part of a continuing problem—the problem of determining when the public interest is involved, or of deciding when we should resort to public action in order to promote the greatest good for the greatest number. Finally, their formula may be simply described as one which vests responsibility for problem solving first in the individual or family and secondly in the private rather than the public group.

Operational Criteria

Neither President Hoover nor President Roosevelt had ruled out collective action; and we may infer from their statements an explanation of two competing traditions. The first, the ideal, is individualism with the emphasis on self-sufficiency and self-reliance. The other, the pragmatic, is collective action, which means that we move away from the ideal only when the situation demands, and even then we prefer private to public group action.

One example which may be

drawn from recent history to illustrate this formula at work is the private medical insurance program. It cushioned the financial shock for the individual and family; and its inclusion among the "fringe benefits" in employment contracts and coverage of so many millions of Americans must be given a large share of the credit for the defeat of national compulsory health insurance proposals. In fact, the success of private medical insurance suggests the best alternative to either Kerr-Mills or King-Anderson.

A somewhat different experience is recorded for relief programs. While private charitable agencies continue to exist, public relief, dispensed either by the township trustee or another official designated as the overseer of the poor, has been provided since the early Nineteenth Century; and it was a common practice for the states to establish

farms to be an asylum for those persons, who by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and beneficence of society; on such principles, that such persons may, therein, find employment, and every reasonable comfort and lose, by their usefulness, the degrading sense of dependence. (Indiana Constitution of 1816, Article IX, section 4).

The Twentieth Century has witnessed a substantial enlargement in relief programs, especially through the system of grants in aid. This illustration, then, has all of the characteristics of the formula at work; but it also demonstrates the lack of general agreement regarding when government at each level should become involved.

Such illustrations lend support to the implied claim of Presidents Hoover and Roosevelt that this is the American way, although they do not provide us with a yardstick for determining when we should move from the private to the public spheres of activity. Nor can we claim as operational criteria such terms as "the common good," "the general welfare," "the greatest good for the greatest number," "the public interest," or "the national interest." Neither the assertion that such

determinations are made by a numerical majority, nor the compilation of evidence to demonstrate general support for the policies in question are adequate as an answer, for we must also recognize that anything can be subsumed under the term, "the public interest," depending upon the interests, passions, or other influences that are manifested or exerted at the moment.

Some notion of the kinds of policies which are supported by the public interest may be obtained from various examples. No value judgments are intended with regard to the examples cited, nor should it be assumed that these are all-inclusive. Nor need we discuss a specific-policy proposal in the light of "good" or "evil" influences, since our purpose is only to gain an understanding of how governmental authority has been enlarged.

Most likely a public opinion poll would reveal that a majority of Americans are opposed to the Supreme Court's recent ruling on official prayers in public schools,



believing that the state has a responsibility for serving the spiritual needs of the schoolchild. Others believe just as strongly that the moral and spiritual training of the child is the proper function of the home and church, not the state, and that we must make sharp distinctions with regard to such matters, if there are to be any limits to what the state might do in the public interest. This point was made by the Indiana Supreme Court in declaring null and void a prohibition act of 1855:

It is the same principle upon which some of the states enacted laws com-

PELLING men to attend, on *Sunday*, a *Protestant* church, and pay to support it. The proposition was laid down in them in regard to religion, as by counsel for the state here in regard to prohibition, that it was for the public morals, and good of families, and prevention of crime, that men should observe the ordinances of the gospel, and occupy seats in *Protestant* churches, instead of other places on the sabbath; and, hence, the state compelled them by law to do so. (*Beebe v. The State* (1855), 6 Ind. 501, 507).

Protection of public morals, promotion of the good of the family, and prevention of crime are worthy goals and may justify many and diverse kinds of governmental activity. For example, Sunday closing laws have served the spiritual needs of the people since colonial days, although our courts presently declare that their purposes are secular rather than sectarian (*McGowan v. Maryland* (1961), 366 U.S. 420, 466). But having accepted this responsibility the state must then make certain other decisions which may or may not be pertinent to things spiritual. The state might decide that the consumption of certain alcoholic beverages is not in keeping with the day, but that 3.2 beer is permissible. The state decides which enterprises may be operated and which forms of entertainment or types of recreational activities are to be prohibited, limited, or permitted. Under these laws the state might decide that the sale of automobiles on Sunday is not in the public interest, whereas the sale of hot dogs does no violence to the day; or it might apply Sunday closing laws to the chain store, leaving the independent grocer this day free from competition.

In the name of the public interest we have empowered agents of the state to regulate our reading or determine which movies may be seen by the general public. Under pressure from organized groups the city council might decide that certain comic books contribute to juvenile delinquency, and that our children should be reading good old fairy tales—with their witches, boiling cauldrons, and poisoned apples. Other groups within our society also

see certain kinds of evils in the literature available to students; consequently, there have been efforts, some of them successful, to remove *Robin Hood* from the libraries (he was a communist), to hide the Tarzan books (was he properly married?), or to exclude *Huckleberry Finn* from reading lists in the intermediate grades (the Negro was presented in an unfavorable light). While such examples may be challenged as ludicrous and not deserving of our serious consideration, they do demonstrate how various groups may seek their goals through the state.

Lobbyists

To protect the public health the state licensed doctors, nurses, dentists, and obstetricians, and in more recent years the state has protected the general public through licensing realtors, barbers, land surveyors, and watch repairmen. The same principle which supported compulsory vaccination programs and the sterilization laws adopted by more than one-half of the states was called upon by the Illinois State Farmers Association in 1873, when it demanded that railroads "be subdued and made to subserve the public interest at whatever cost." The public interest can override a contractual obligation (*Charles River Bridge v. Warren Bridge Co.*, 1837), sustain a state law which creates a virtual monopoly (*Slaughterhouse Cases*, 1873), support state determined rates for such services as grain storage (*Munn v. Illinois*, 1877), and justify price regulation to prevent grocers from using milk as a leader item (*Nebbia v. New York*, 1934). In the interest of the general public the state might foster competition, as it did with the adoption of anti-trust laws, give a competitive advantage to one industry over another (e.g., butter over oleomargarine), or it might actually remove certain competitive factors as by pricing policies (e.g., fair price laws and state regulated prices for barbering services).

State laws which conferred upon

labor the right to organize and bargain collectively did so in the public interest; and the same principle underlies those state laws which forbid the union shop (i.e., right to work laws). In the name of the public interest the Congress enacted the Wagner Act in 1935, Taft-Hartley in 1947, and Landrum-Griffin in 1959. There can be no question that labor benefitted from the passage of the first National Labor Relations Act in 1935; but labor might seriously question whether its future as a free association is not in jeopardy by reason of increasingly greater involvement of government in industrial relations.

Earlier it was suggested that the Hoover-Roosevelt formula might provide the means for evaluating the past, and certain illustrations were used to demonstrate its workability. However, other examples suggest that this formula is more theoretical than operational. Moreover, these examples, which represent but a small portion of the total, are drawn mostly from our distant past. Their multiplication at an increasing rate through the years is readily apparent after an examination of the session laws of any one state or the national government, and this rapid increase, when projected into the future, gives us some idea of how our native brand of collectivism can carry us on the one-way road to "1984."

This seems to be a propitious moment for Americans to assess the future in light of the past. Presumably we still believe that freedom and individualism are values at the upper end of the scale. If so we might try to make operational certain principles which Professor Curran V. Schields claimed to be part of our tradition. First, we should use collective action to solve only bona fide public problems. Second, when it is necessary to employ collective action, it should be undertaken by that agency, preferably private, which is best able to dispose of the problem. Third, when collective action is undertaken, it

should involve a minimum of interference in our daily lives. This may be accomplished by emphasizing voluntarism over mandatory action, persuasion over compulsion, and limitation over prohibition. Professor Shield's third principle is probably easier to apply than the other two, since we are still faced with the question of what constitutes a bona fide public problem, or which agency should be used.

Our political history reveals that these determinations are made at the moment that a majority is reached (or that effectively organized pressure groups have gained access to significant power centers). But while this may be a correct answer to a question of how government becomes involved, it fails as a response to whether government should become involved, since it does not tell us what effect this extension of authority will have on our traditional values. The political pendulum swings back and forth between competing interests, promoting first the ambitions of one and then the other. However, this back and forth motion gives the false impression that the pendulum remains in the same plane, whereas, in fact, it is proceeding in the direction of greater authority. Perhaps these two examples will illustrate this point:

The Pendulum Swings

The first deals with industrial relations. Earlier brief reference was made to several national laws affecting labor-management relations. A somewhat more elaborate statement of this history might note that from the 1790's to the early Twentieth Century labor's efforts to organize and bargain collectively were frustrated by the courts. Management's ally in government, the judiciary, effectively prevented the growth of labor unions (1) by applying the common law rule which forbade conspiracies in restraint of trade; (2) by applying to labor organizations the anti-trust laws; (3) through narrow construction of the "liberty" provision in the Fifth and

Fourteenth Amendments; and (4) by making the injunction readily available to management.

Labor found a sympathetic ear in the legislatures, first in the states and later, in the 1930's, at the national level. It obtained from state legislatures the statutory right to organize and bargain collectively, and laws outlawing the yellow-dog contract and restricting the use of the injunction. From Congress it obtained Norris-LaGuardia in 1932 and Wagner in 1935. By the 1940's labor had just about everything that it could desire, including court approval of state and national fair labor standards laws.

Management may have been docile, especially after the decision in *Jones and Laughlin Steel Corporation v. N.L.R.B.* in 1937; however, it soon availed itself of the legislative process to destroy the closed shop, end the union shop in about twenty states, and have the National Labor Relations Act substantially amended to impose certain curbs upon labor.

While this is an oversimplified description of what has occurred over a long period of time, it demonstrates how political power swings back and forth. Less apparent, possibly because it is scarcely perceptible at any given moment, has been the increasingly more active role of the government throughout this period. Its role as one of three negotiators at the bargaining table has brought us closer to the day when compulsory arbitration will replace free bargaining between labor and management.

Yet the attitude of these two parties, best illustrated by labor's favorable response to the President's action in the steel pricing affair, is to disregard the future and think only of the present. Strangely enough labor applauded the President's action, whereas it should have been wondering how soon this precedent would be applied to frustrate its own ambitions; and its plaudits were sounded at the very moment that demands were being

voiced in various quarters that the President use the same "high-handed methods" against labor.

The other example to which reference is made pertains to our increasing concern over national security since the appearance of the Cold War. Obviously government must be concerned about espionage, sabotage, and other fifth column activities. Any society has an inherent right to protect itself against external aggression and internal subversion. But our society, as the focal point of economic and military power in the anti-Communist world and symbol of freedom in this struggle with totalitarianism, should be concerned that we not use the very weapons of the police state we oppose.

Under the Smith Act arrests, trials, convictions, and punishments were obtained, and the Communist conspiracy in America was brought to light. Public employment was forbidden to Communists and other subversives under President Truman's Executive Order and Attorney General Tom Clark's list of proscribed organizations. But charges and countercharges led to the adoption of still other laws in the 1950's, largely under the direction of the conservatives.

Throughout history, government has proved to be the chief instrument for thwarting man's liberty. Government represents power in the hands of some men to control and regulate the lives of other men.

—BARRY GOLDWATER

Not to be outdone as anti-Communists the liberals (Humphrey, Kennedy, Morse, Lehman, *et al.*) sponsored and pressed through to adoption the Communist Control Act of 1954. This act, which outlaws the Party and deprives it of the rights, privileges, and immunities of a political party (thus violating one of the traditional rights of the states), was unanimously adopted in the Senate and received only two negative votes in the House (one Democrat and one Republican).

Here were overwhelming majorities, and, with the exception of such newspapers as the *New York Times* and the *Wall Street Journal*, most likely reflected the attitudes of the general public. Since there is general acquiescence in this legislative proscription of a group on the extreme left, there should not be much surprise that we now hear (as this writer has in various and diverse public gatherings) that the extreme right should also be proscribed.

Possibly this desire for balancing the political spectrum is to be described as one of our virtues — our desire to treat opposites equally. At any rate, this has been the way a balanced inclusion has been described in the Congress. In other words, since we require non-Communist affidavits of labor leaders, we should also require them of management; and if, as under the act to identify Communist infiltrated organizations, we aim the weapons at labor, we must also aim them at management. Such rationalizations have actually prompted this kind of balanced inclusion.

We could properly define as an unfree decision a vote whereby a majority of the people established in power a totalitarian government, since free men can never choose slavery. But no less threatening to free men is the snowballing process whereby additional powers accrue to government with passing time. The imposition of undue restraints upon the individual for the good of society is no less repressive than what obtains in an authoritarian state.

BOOK INSIGHT

Mathematical Morality

American conservatives, in their concern for a life and economy free of the meddling of a seemingly omniscient state, often overlook one of the causes of their plight, namely, democracy gone mad.

Erik von Kuehnelt-Leddihn, one of the foremost European scholars of our time, packs much wisdom into his ISI pamphlet, *Democracy Revisited*. He defines democracy as "a purely political term answering the question of 'Who should rule?' by saying 'the majority of politically equal citizens making their decisions either in person or through their representatives.'" "How should rule be exercised?" is an entirely separate question, to which Leddihn answers, "Liberally". By "liberal", of course, he does not mean the hybrid, sterile revolt that is the concept of "liberalism" current

DEMOCRACY REVISITED, by Erik von Kuehnelt — Leddihn, ISI, 1962.

in the U.S. He speaks for the European concept of liberalism: "Regardless of who rules — a parliamentary majority or an absolute monarch — government should be exercised in such a way that each individual citizen or subject enjoys the largest possible amount of liberty still in harmony with the Common Good."

Democracy demands, as we are painfully aware, equality, which in turn, because it is not present in nature, presupposes the use of force. The recent events in Mississippi were not caused so much by the ideology of integration as by the ideology of democracy. Democracy, moreover, is a label used and coveted by all modern totalitarians. Italian Fascism was *democrazia organizzata*; Naziism was *ein volkische Demokratie*; the Soviet Republic is a "higher form of democratic organization." (Quoting here not Leddihn, but Lenin.) None claimed to have represented "real liberalism", i.e., freedom.

As Plato knew, "tyranny springs from no other form of government, but from democracy." Aristotle refused to discuss the conflict between democracy and tyranny, considering it to be a family quarrel between basically related forms of government. Socrates, and Christ, were victims of democracy, and both precisely because they were anti-democratic. "Truth," says Leddihn, "is not the measuring rod of democracy, and where philosophy fails arithmetic takes over."

Beginning with the Greeks, Leddihn briefly discusses the history of democracy. He notes that neither our Constitution nor our Declaration of Independence includes a word about democracy. Quite the contrary, like all sound instruments of government, the Consti-

tution is a bulwark against democracy, or at least used to be. The author outlines the democratization of America. This process, working on the presidency "since the days of (Jackson) has done very little to improve its quality."

Leddihn notes the intolerance and messianic aspects of democracy, and points out that democracy, unlike monarchy, is capable of the "Holy War" — colossal massacres to "liberate" a world in chains and impose its own form of government on the defeated. Any Prussian who had "proposed to turn a defeated United States into a series of hereditary kingdoms would have been declared a lunatic."

Nor is democracy capable of correcting its totalitarian mistakes. Following World War II most of Europe was restored to more or less democratic forms of government "which means that the evil evolutions of the 1920's and early 1930's stand a good chance of being repeated."

In discussing democracy's necessary insistence upon the "equality of talent" Leddihn observes that the administrative branch of the government is composed of experts, dominated in a parliamentary democracy by the legislature, composed of amateurs. "It becomes the task of the experts," writes Leddihn, "slyly to deprive the fatal decisions of the politicians of their most suicidal aspects." Leddihn lays the survival of constituent legislatures to "man's tenacious loyalty to institutions appealing most to his vanity." It is perhaps ironic that in America a conservative can prefer the vagaries of a popular legislature to the machinations of an irresponsible and centripetal bureaucracy.

It is the executive branch of a democratic government that is most subject to the prevailing instabilities of democracy. As we have seen since the end of World War II, it is next to impossible to keep up an alliance of democratic nations. No one is capable of knowing whether Italy will align itself with NATO after the next election. Were Adenauer to be removed from office as he nearly was last year, West Germany would again be up for grabs. Whenever de Gaulle is checked in the government he throws the question before a popular referendum. So far he has won. This whole problem is continually aggravated by the American leftist coercion in favor of democracy. American occupation policy in Japan, for instance, undermined most notions of authority and threw the country open to the mob rule which prevented the visit of an American President. Tit for tat?

Leddihn has not here given himself wholly over to criticism of democracy, as useful and needful as that may be. He presents the historical alternative: mixed government, or constitutional monarchy. This *regimen mixtum* does not dispense with popular representation; "Intelligent parents will consult their teen-age children," writes Leddihn, "they would be insane or criminal if they were to obey them."

— Theodore Cormaney

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Personality and Psychology

In their pretensions to the status of "science", the sociological disciplines have generated an incredible unanimity of both assumptions and method—a popular front as impenetrable to the layman from without, as to the heretic from within the academic cloisters. While virtually immune to criticism, they grind out the book and verse of Materialism, that is, the messianic belly

BECOMING—Basic Considerations for a Psychology of Personality Gordon W. Allport, Yale University Press, New Haven, Conn., 1955. Issued as paperbound, 1960.

theories with which contemporary Liberalism is reshaping the world, not as a citadel of human dignity as the Pious are wont to contend, but into a universal and perpetual slum-clearance project. In a word, the "science of man" is not above suspicion.

But supplying, a definitive criticism is, for want of communication, a difficult matter. Occasionally someone will try, as did Joseph Wood Krutch when he wrote, "we have been deluded by the fact that the methods employed for the study of man have been for the most part those originally devised for the study of machines or the study of rats, and are capable, therefore, of detecting and measuring only those characteristics the three do have in common."

Those looking for support, beyond Mr. Krutch's insight, for their feelings that the nature of man is not so lightly subsumed into purely external origins, and that the application of the scientific method — through brittle and mechanistic experimentation — is insensate and foredoomed, will find it in *Becoming—Basic Considerations for a Psychology of Personality* by Gordon W. Allport. A psychologist, Mr. Allport is not at all interested in eradicating his profession, but rather in seeing it evolve out of its childhood stage into a non-statistical confrontation with the individual personality. Thus he argues that psychology (and by extension all the behavioral sciences) should bear some relation to the reality of an individual, a thesis, to be sure, nothing short of revolutionary.

Mr. Allport chooses for a setting the conflict between the Lockean and Leibnitzian traditions in the limited sense (shorn of sociological semantics) of the ancient dispute between the passive mind (determinism) and the active mind (free will). His critique of the former position is systematic and able, invoking what he calls the dilemma of uniqueness ("Each person is an idiom unto himself, an apparent violation of the syntax of the species. An idiom develops in its own peculiar context, and this context must be understood in order to comprehend the idiom."). In the light of this uniqueness, the specific-to-general approach of sociological statisticians cannot formulate a theorem which can be reapplied to the individual person; the statistics become, espec-

ally in political context, a Procrustean Bed, or alternatively, useless.

Instead, psychology must devote itself to an examination of the growth, or "becoming", factors of individuality (in sum the "proprium"), which supply the drives, the cognitive powers, the self-control, the "glue" of the personality. Only from a proper understanding of the proprium can it evolve beyond its presently held determinist assumptions. The analogy of psychology thereby growing up is more than apt, for while determinism is a reasonable framework for study as far as it goes, it goes no farther than childhood. (Not coincidentally, a disproportionately large amount of sociological research is devoted to children.)

"Propriate activity," Allport writes, "once evolved, ordinarily has a different subjective texture from opportunistic or chance happenings. We can almost always distinguish between what 'happens' to us and what we ourselves 'do.'" The mature mind has put away childish things and is capable of willful and rational behavior, and thus a mature study of psychology must give personality growth fundamental attention. Materialism is literally kid stuff.

Mr. Allport observes, "Up to now the 'behavioral sciences,' including psychology, have not provided us with a picture of man capable of creating or living in a democracy. These sciences in large part have imitated the billiard ball model of physics, now of course outmoded. They have delivered into our hands a psychol-

ogy of an 'empty organism' pushed by drives and molded by environmental circumstance. What is small and partial, what is external and mechanical, what is early, what is peripheral and opportunistic — have received the chief attention of psychological system builders. But the theory of democracy requires also that man possess a measure of rationality, a portion of freedom, a generic conscience, propiate ideals, and unique value. We cannot defend the ballot box or liberal education, nor advocate free discussion and democratic institutions, unless man has the potential capacity to profit therefrom."

And that is very well said indeed.

— T.J.W.

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HINDSIGHTS

The U.S. Department of Agriculture performs two very important services. First is the price support program designed to maintain the prices at a high level so that people cannot afford to buy food. The program is working fine; President Kennedy has told us that 17 million Americans go to bed hungry every night. Second is the food stamp program, designed to supply free government food to people who cannot afford to buy food since the price is so high. You can see how neatly these two important jobs dovetail: two agencies to do the job of one. This is called "crossing a New Frontier."

When the Schola Cantorum, a choral group from the University of Arkansas, applied for State Department sponsorship to the Guido d'Arezzo international competition in Italy, State routed the request to the American National Theater and Academy. "Not good enough," growled the ANTA, and turned it down. So the chorus launched a desperate—and successful—fund drive, made the journey, and came home with first prize. Our congratulations to a bunch of homey, 100% red-blooded Ugly Americans.

Representative Durward G. Hall (R-Mo.) has pointed out that of the 26 Congressional districts that have been selected for participation in the "Food Stamp Act" program of Federal food to the proles, 25 of the districts happen to be represented by Democrats. The overwhelming majority of these programs will be conveniently put into effect just before the November elections. The district of John P. Saylor in Pennsylvania has the highest unemployment rate in the nation. His district gets no food stamps. Saylor is a Republican. Harold Cooley's district in North Carolina gets food stamps. Cooley is Democratic chairman of the Agriculture Committee. And anyone who suggests that this is not mere coincidence is a nasty Right-Wing Extremist.



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From an Essay, "My True Security", written by Raymond L. Riccio when a student at Providence College in Rhode Island

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