

# IN THESE TIMES

Editorial

## The Bad Steed: S-1 rides again

The state is the guardian, protector, and enforcer of the existing society and its system of class relations. It sustains the property system (including the system of labor exploitation) and the power of the ruling class—in the U.S., the corporate-capitalists. The law embodies the rules and regulations under which the state normally protects and enforces the social order by legislative, administrative, police, and judicial agencies, within a constitutional framework of consent and coercion.

The law embraces powers continuously exercised, those occasionally used, and others held in reserve for special circumstances such as wars, insurrections, mass disobedience, or threatened revolution.

Since the rise of the large corporation, about 75 years ago, as the dominant form of capitalist power in the U.S., the old bourgeois democratic republic has given way to the imperial corporate-state. The corporate-state has remolded the American constitution largely by usage, judicial construction, and administrative practice. In this remolding, the needs of the ruling class have often run "ahead" of the law, resulting in executive directives in place of legislation as well as in extra-legal or lawless government actions, some later retracted, others sanctioned *post facto*.

A profound change in the *de facto* constitution of the U.S. has been effected in the last 75 years, during which the state has been reshaped to meet the needs of a centralized regime of political and economic authority.

### The corporate state.

The Constitution originally dispersed power among state and federal governments. It provided for balance between the executive and legislative branches in domestic and foreign policy, including the war-making power; severe restrictions on federal government interference with citizen rights and liberties; a more or less passive government relation to the marketplace.

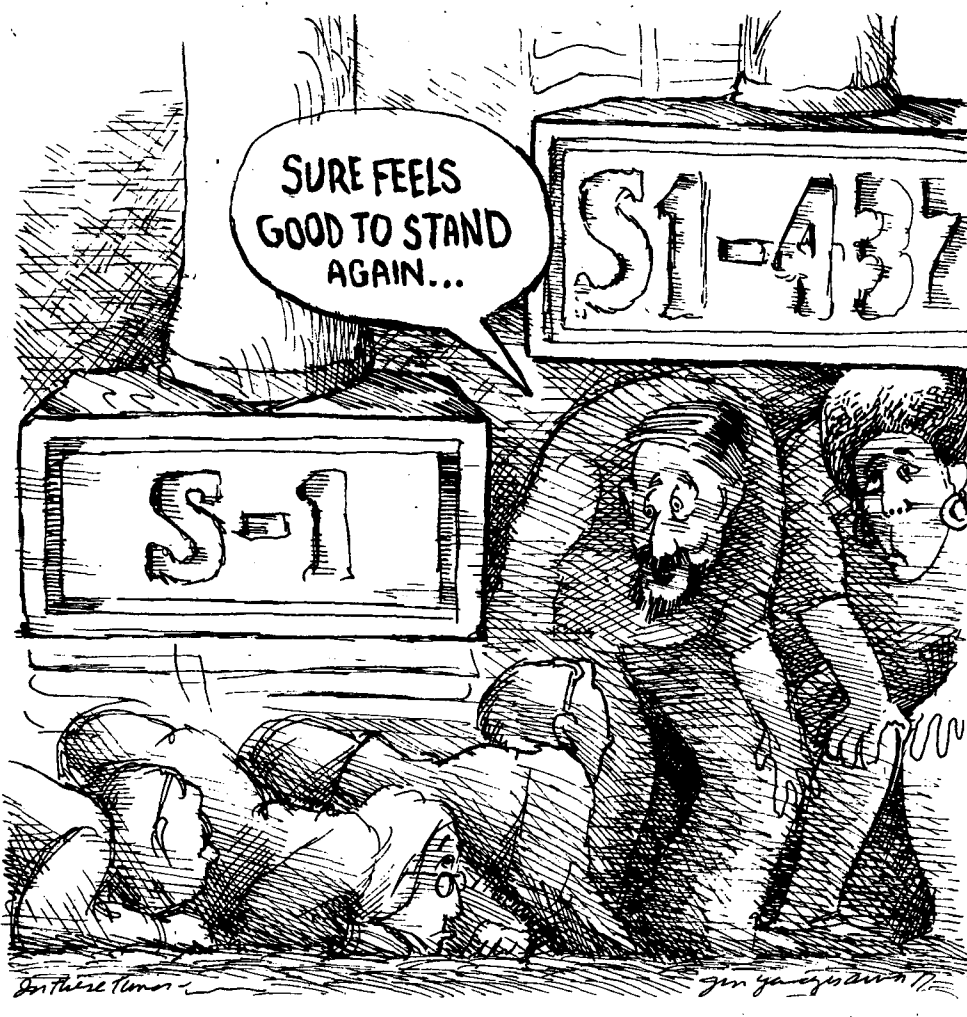
Under the new constitutional regime, effective power is more and more concentrated in the national government, exercised in intimate consultation with the "fourth branch"—the "governments" called corporations. Federalism is now a hollow shell. The executive branch dominates the legislative and judicial and acts extra-legally or illegally at home and abroad. Civil rights and liberties are subordinated to the "security" claims of the state. The national government, especially the executive branch, integrates its power with that of the large corporations and banks to regulate the economy in domestic and international spheres.

But a state too blatantly and too long unanchored in the law stands in danger of a Caesarism irresponsible to class needs, or of instability from unruly internecine conflict and, ultimately, of losing its legitimacy in the eyes of the people.

That danger arose in the mid- to late '60s, and remains a problem in the '70s. It is referred to by politicians and corporate executives as the need to restore confidence in government and "our" institutions.

In 1966 President Johnson appointed the National Commission on Reforms of Federal Criminal Laws, headed by then California Governor Edmund G. Brown, to make recommendations for conforming the law in a uniform manner to the needs of the corporate-state.

Within a larger corporate consensus, liberals and conservatives on and off the Commission have differed on the precise terms of the legality, but in effect the codification initiative is an effort to give *de jure* embodiment to the *de facto* corporate-state constitution.



The First Amendment: Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble...

### Nixon and S-1.

Following the Commission's establishment, the federal Executive continued to appropriate enormous new powers and to extend older ones. And it went haywire when Nixon tended to confuse executive power with his personal political power and that of his allied political and business factions. The first result of the codification effort was the Nixon administration's infamous S-1. On the heels of Watergate, the Vietnam war, and the revelations of illegal FBI, CIA, IRS and other executive branch activities, S-1 died in the Senate Judiciary Committee.

S-1 was intended to legalize many illegal Executive activities and further to erode the substance and scope of civil liberties and rights. Aroused public opinion after Watergate and a Congress stirred at least to some defense of its prerogatives against the executive branch and worried about public sentiment killed S-1.

### Son of S-1.

But with public opinion now in a lull, S-1437, a Democratic measure strongly supported by the Carter administration, is before Congress, jointly sponsored by conservative Sen. John L. McClellan (D-AR) and liberal Sen. Edward M. Kennedy (D-MA). It does less directly, in more piecemeal manner, and under respectable auspices, what S-1 would have done more grossly and blatantly.

The Kennedy/McClellan bill is close to passage. The target is early September, a Labor Day present to the country's first tricentennial year. Instead of being held up for minute scrutiny in committee as was S-1, it is being steam-rolled through Congress with scarcely any scrutiny.

In the debate now proceeding among progressives as to the proper attitude toward the Kennedy/McClellan bill, some advise that we accept it as the best we can expect, while others argue that we fight it and seek its defeat and replacement by the Kastenmeier/Cohen bill (HR-2311). (See the Melvin L. Wulf/Thomas I. Emerson "Dialog," *ITT*, July 20.)

We agree with Thomas I. Emerson, the National Committee Against Repressive Legislation (NCARL) and others who have joined in the fight against "the son of S-1."

The pending administration bill codifies old and creates new law destructive of free speech and a free press, of free association, public assembly and demonstration, and of trade union rights to strike and picket. It expands the conspiracy law to include catch-all felonies of "abetting," and "soliciting," which means counseling, advising, or advocating. It expands the authority of the executive, of congressional committees, the military, the police, and of judges to intimidate and curtail free speech and assembly in protest against government actions.

The codification creates an official secrets act through a series of smaller felonies rather than through S-1's outright prohibition of publishing classified materials. The bill makes it a crime for current or former government employees to leak to the press government information documenting illegal actions of public officials or contractors (corporations). It deprives journalists of First Amendment rights to maintain the confidentiality of sources. It makes it a crime to publish a news story or editorial that attacks a government official and causes that official "professional" injury or financial damage such as job

termination, suspension or reassignment. The bill makes it a felony to publish any "stolen" government report or document where financial gain is derived therefrom, and to publish anything in violation of a court-ordered gag even if the order is illegal.

### Curbs on unions.

Trade unionists may be charged with felonies under the extortion and blackmail provisions, which prohibit actions that might subject a capitalist to property damage, economic loss, or injury to business or profession. They may also be prosecuted for strikes against companies producing defense-related products or materials, under the provisions on sabotage, obstruction of government functions, and resisting a court injunction. Past exemptions from these provisions for bona fide trade union action are deleted from the pending code.

The bill adds the new crime of making a false oral statement to an FBI or other police or investigative officer. It gives any federal officer authority to disperse or stop an assembly, parade, picketing, leafleting, or canvassing, by making it a crime to disobey such an order when issued in response to fire, flood, riot (defined as a disturbance involving ten or more persons), or other condition creating a risk of serious injury to person or property.

It makes it a crime, in time of war, including undeclared war, to obstruct military recruitment or induction, or to incite or counsel others to avoid military service, including by picketing an induction center.

It makes it a crime to damage or tamper with any property or facility if it obstructs the ability of the U.S. or an allied nation to prepare for or engage in war or defense activities.

### Draconian powers.

The combination of provisions against obstruction or impairing government functions with those on conspiracy gives the state draconian powers to suppress political opposition.

The Kennedy/McClellan bill makes some improvements over past law such as repealing the Smith and Logan acts, which gives it some liberal appeal. But taken in conjunction with the administration's Foreign Intelligence Surveillance Act (S-1566), which for the first time legalizes warrantless wiretaps for informational purposes not crime related, the old and new piecemeal felonies established by the codification bill more than replace those older oppressive laws with more comprehensive powers.

With the new codification the corporate-state would establish a new constitutional regime subordinating the democratic rights of society and of citizens to the leviathan state. It would further solidify the power of the corporate ruling class against political opposition, and enormously strengthen it against working class resistance in the sharpened conflicts to come as the economy continues to stagnate, and workers seek to organize to defend their rights.

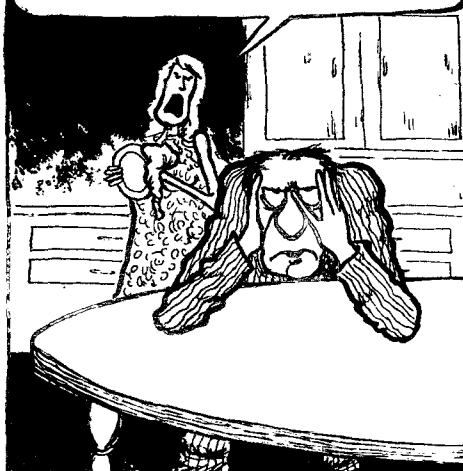
Space does not permit enumerating all the aspects of the administration's bill obnoxious to our rights and liberties. We have mentioned only a few. We urge our readers to:

- Write to NCARL (1250 Wilshire Blvd., Suite 501, Los Angeles, CA 90017) for fuller information about S-1437 and plans to combat it.

- Write to your Senators and Representatives urging them to vote against S-1437 and S-1566, and in the meantime to insist on more thorough hearings—and to support the Kastenmeier/Cohen bill (HR-2311) instead of S-1437, and the Badillo bill (HR-6051) instead of S-1566.



SO YOU LOST YOUR JOB! SO YOU'VE GOT NOTHING TO DO! SO STOP PESTERING ME AND GO PLAY BALL WITH YOUR SON OR SOMETHING!



**NEWS ITEM: AMERICAN MEDICAL ASSOCIATION ATTRIBUTES NATIONAL INCREASE IN CHILD ABUSE TO UNEMPLOYMENT AND ECONOMIC TENSIONS.**



## Letters

### An antidote

Editor:

My congratulations for the series by Louise Menashe. Such articles are sorely needed. I am a DSOC member and the articles gave me an important insight lacking in the virulent anti-Communism of Irving Howe, et al.

—Bob Munson  
San Francisco

### The American left and Soviet socialism

Editor:

I was very impressed with Louis Menashe's discussion of the Soviet Union (ITT, July 13). His remarks were particularly appropriate for the American left today.

In these times of unemployment, recession and ecological destruction, socialism is necessarily being "put on the agenda" of more and more Americans as an alternative to the growing problems of capitalist society. Too often, however, people are frightened off by the looming, totalitarian presence of the Soviet Union. Increasingly, socialists are asked: "What about Russia?"

It has become fashionable lately blithely to dispose of the issue by saying, "Oh, Russia doesn't have anything to do with socialism." Though this attitude does demonstrate the American left's concern with conditions in the Soviet Union, and is an improvement over earlier pro-Soviet dogmatism, it is nonetheless fraught with its own contradictions.

Socialism cannot be mechanically applied or compared to specific nations. Nor is it a strict dogma, or a blueprint for a new society based on abstract conceptions. Those who claim the opposite are, ironically, using the same logic that Stalin used in laying down the "correct line."

A socialist society evolves out of the thought and action of the people who are working toward it. Their specific circumstances condition the development of socialism in each country, and the extent to which things must be changed in order to build a freer and more democratic society.

Appealing to socialism as something rigid and fixed is separating theory and practice in a manner that Marx would have abominated. Professor Menashe has made this point quite eloquently.

—Paul Chilli  
New York City

### Hey, wake up!

Editor:

ITT reports that B-1 opponents hailed Carter's call for a halt in production of the bomber as a "courageous choice," (July 6). Don't they see that the cutting of this program in favor of accelerated

cruise missile deployment is simply a matter of cost efficiency along the road to a stepped-up arms race? The B-1, like the breeder reactor, was the "bad" alternative, put aside for a while in a time of frugality and small-is-beautiful in favor of the "good" alternatives: nice little cruise missiles and garden variety nuclear reactors.

Not since the pre-Vietnam war era have official government propaganda and the semi-official media so consistently fostered weapons obsession. You can hardly turn on the news without seeing pictures of how much Europe will be destroyed when we drop this or that bomb on the Commies, and hearing how much they will deserve it for violating "human rights." Carter now says that the neutron bomb is "tactical," not "strategic," meaning presumably that it is not there primarily as a deterrent, but is intended to be used. Meanwhile, liberal commentators agonize over whether the President is not too open and idealistic to be politically effective, and Coretta King and Jonas Salk accept the Medal of Freedom with paeans to his contributions to the advancement of human liberty. What is going on?

—Stuart A. Newman  
Albany, N.Y.

### Bombed out on B-1

Editor:

Dealing with the B-1 Bomber decision (ITT, July 6) you run a space-wasting big picture of Carter and say "the recent evolution of the cruise missile...., [Carter] said, has made the B-1 Bomber unnecessary." You then say "B-1 opponents hailed his announcement." You leave the impression that all is well.

The British conservative magazine *The Economist*, by contrast, puts its finger squarely on the reality in its July 9 issue: "Astutely, [Carter] saw what most others missed. The cruise missile would pacify the hawks; the liberals would be distracted by the B-1." Pointing out that "it is the dawn of the cruise missile era," *The Economist* is much closer to the essence of Carter's military policy than you are with your one-sided focus on the B-1.

Let's have more hard-hitting, critical, analytical reporting from ITT!

—David Nichols  
Albany, N.Y.

### Independent? Of what?

Editor:

I have welcomed ITT as the independent socialist newspaper. It is refreshing to read a paper from the left after all these years that isn't jargon and illiterate and that appeared informed. However, matters such as energy and Israel, on which members of my family are well informed, have appeared inaccurately in articles so that I have become suspect of the quality and reliability of other articles on which I am not so well informed.

Particularly on Israel I am appalled at the distortions of history, the presentations of misinformation—all consumed by the uninformed reader as fact. Doesn't

anyone check source material for facts anymore?

Unfortunately, the instant generation who didn't study history is now writing history, and unfortunately the so-called left is still fitting the facts to pre-conceived prejudices.

I agree with David Shapiro (Letters, ITT, July 6) about ITT's stand on Israel. Your anti-Israel bias (or is it that old Jewish self-hate?) comes through your strained attempt at "objectivity." ITT staff has not been independent in its thinking on matters pertaining to Israel. Are you afraid of alienating certain readers who still embrace all leftist liturgy without thinking for themselves?

—Marsha F. Ralegh  
San Francisco

### Pleasantly surprised

Editor:

I was pleasantly surprised to discover ITT at my neighborhood left-wing bookstore. It's gratifying to read a newspaper with a political standpoint that runs in the grain of this country's experience.

It was good to see the article on health care by Peers and Muzysinski (ITT, July 6). Too often left-wing journals ignore this important problem. These writers discuss this question with great intelligence.

—Fred Richardson  
Chicago

### Mark Naison's not so bad after all

Editor:

For years it has disturbed me that left publications have ignored sports. Sports in the U.S. is a mass phenomenon. The left stands to benefit from the enormous interest that already exists amongst working people. What's been lacking is a coherent analysis.

Second, professional sports serves as the arena for visible labor/capital struggle. While not the most critical, it may be the most mystified. Any political inroads here would carry over to hundreds of ways in which working-class sports fans see themselves and others.

It is primarily for these reasons that I am so excited to see regular sports features in ITT. I also appreciate the attention you have given amateur and women's sports.

A few complaints, however: Somehow, predicting the outcome of the NBA playoffs does not strike me as *alternative* sports coverage. Articles like that are a dime a dozen.

I was afraid that Mark Naison's kind words for Al McGuire would be followed by a "Salute to Vince Lombardi." This man is so clearly the product of competition run amuck that it's impossible for me to see him as the "oppressor" without also seeing him as the "victim." Still, sociopaths like McGuire have done a lot of damage to a lot of kids.

By the time I saw Naison's article on the Portland championship I had already seen 20 just like it in various newspapers and magazines.

Anyway, there's more to this business than "collectivism" vs. "individualism." (Mike Weber of the *Star-Ledger* went as far as to portray the series as a confrontation between "good" and "evil.") For one thing, collectives are not run by adherents of unquestioned discipline like Jack Ramsay. For Naison, the appeal here may genuinely be that of human cooperation. For others, I suspect that machine-like efficiency has more to do with it.

Nevertheless, Naison's pieces are one of the reasons I look forward to each week's IN THESE TIMES.

—Ron Alden  
Orange, N.J.

### The blue collar death sentence

Editor:

In reviewing my book, *The Cancer Connection: And What We Can Do About It* (ITT, July 20), I expected Rob-

ert Steinbrook to be more impressed than he apparently was by the social and political implications of the occupational cancer crisis.

A survey of selected job categories reveals the class bias associated with the U.S. occupational cancer epidemic: Rubber workers exposed to benzene and other known cancer-causing compounds are dying of cancer of the stomach, cancer of the prostate, and leukemia and other cancers at rates ranging from 50 percent to 300 percent greater than the general population; steelworkers, exposed to coke oven emissions and heavy metal dusts, die of lung cancer at rates as high as seven times normal. Printers, chromate workers, uranium miners, petrochemical workers—and many, many more—are among those on a rapidly lengthening list of employees dying at high rates from cancers linked to known occupational carcinogens. The grim reality is that we are very much in the midst of a national blue-collar cancer epidemic.

In seeking to be philosophical about the question of disease, I'm afraid Steinbrook may be leading himself and others down the garden path. Yes, of course "pain, sickness and ultimately death are integral parts of life." But premature, preventable cancer deaths that occur disproportionately among American workers are needless. No just society would tolerate for a moment this squandering of human life.

—Larry Agran  
Irvine, Calif.

### The cost of health care

Editor:

Compliments on the fine article by John Peers and Arlene Muszynski about the cost of health care (ITT, July 6). One serious omission in their article is the implication that all the profit-taking is done by hospitals. They accurately describe the duplication of services among hospitals and their tendency to view medical luxuries as necessities, but they neglect the role of big business in health—the drug, medical equipment and medical supply companies that reap massive profits from selling their products to hospitals.

The drug industry has been this country's first or second most profitable industry each year since 1950. In 1975, its profits were 10 percent; historically its rate of return on investment has been 15-19 percent. The industry is dominated by a few firms that exercise monopoly powers over prices by encouraging the sale of drugs by brand name rather than by their generic name. To maintain this monopoly power, the large firms spend 35 percent of their annual budgets for advertising and other promotions, all of it aimed at physicians.

Medical equipment and supply firms reap large profits through similar business practices.

Carter's cost "cap" would control the revenues that can be collected by hospitals, many of whom, especially public, inner city hospitals, are already struggling to survive. But it would not affect the prices that hospitals have to pay to profit-making companies for drugs and supplies. The result can only be that hospitals will be forced to curtail services and lay off nonmedical workers in order to make ends meet.

Their article clearly points out the futility of "controlling" costs within the existing capitalist structure of the health care industry. The only solution to the "cost crisis" lies in a radical restructuring of that system, such as is contained in Rep. Ronald Dellums' National Health Service bill, introduced in May.

Kevin McNally  
Cranbury, N.J.

More letters on page 17.

Editor's note: Please try to keep letters under 250 words in length. Otherwise we have to make drastic cuts, which may change what you want to say. Also, if possible, please type and double-space letters—or at least write clearly and with wide margins.