

THE DRAFT



The woman thing is a red herring, some say, but an all-male draft will be challenged in the courts.

If it's all male, is it illegal?

By Joanna Foley

NEW YORK

WOMEN'S ISSUES WERE scarcely visible in the presidential race until last week. Then President Carter revived draft registration. And like a theater producer who resurrects a creaking play, he added the fresh faces of young women to divert the audience.

Affected by the plan are 4.2 million 19- and 20-year-old females. Eighteen year olds will be included next year.

The uproar that greeted Carter's plan was fraught with contradictions. Strong supporters of the military like Phyllis Schafly were outraged while some dov-

ish feminists expressed cautious approval. "If there's to be a registration, we support the inclusion of women," said NOW.

Most Congressional leaders say the women's half of the registration plan stands almost no chance of passing. Why then, observers wondered, did candidate Carter catch the hot potato that Congress threw him last fall when it declined to tackle the question of women and the draft?

Some feminists suggested Carter was simply manipulating a women's issue for his own ends. "I think the woman thing is a red herring," said Betty Friedan. "The draft is an hysterical reaction—a diversion from the real issue of whether we're going to get involved in a conflict."

Criticism of the president's plan was heard even before he made his expected

announcement. "The increase in the military budget will hurt women as domestic spending programs are cut," said Bella Abzug at a Washington press conference. Abzug now heads Women USA, a new grassroots organization. Joining her were representatives from the National Women's Political Caucus, the Congress of Neighborhood Women, the National Commission on Household Employment and several other groups. (To encourage opposition, Women USA is operating a national telephone hotline—800-221-4945—that provides an anti-draft message from Congresswoman Pat Schroeder.)

Several women found it ironic that women could be registered for the draft while they still face discrimination in the military as volunteers. "If there were greater equality and less discrimination, the military would get enough response

not to need the draft," Abzug told IN THESE TIMES.

Women now number about 150,000 or 7.5 percent of the total armed forces. That percentage has risen sharply since 1972 when Congress removed the 2 percent ceiling on female enrollment.

The number of women grew simply because the barriers were removed. Data suggest that women still are not recruited equally. "The military spends \$3,700 for each male recruit compared to only \$150 for each female recruit," said Chicago NOW president Mary Jean Collins.

Another 100,000 women volunteers are expected to enter the armed forces by the mid-'80s, and they'll still face discrimination. "There's a ceiling on the percentage of women in each job category," said Carol Paar, director of the Women's Equity Action League Fund. "The percentage differs for each job, of course. But even for clerical categories, women aren't allowed to fill all the positions."

Whither ERA?

Ratification of the ERA is expected to remain the major women's political issue for the year. Several activists wonder how the current debate will affect public opinion in the unratified states.

"Logically, it should help ERA's chances," said Susan Meredith, senior attorney at Connecticut Women's Education and Legal Fund. "But it could also go the other way. If the right wing forces blame women's lib for drafting women, they can argue that 'We've got to stop it now before it goes any further'."

If the registration plan for women dies in Congress as expected, the other half of the administration proposal will likely wind up before the Supreme Court. A male-only registration plan, according to Abzug and other lawyers, is vulnerable to Constitutional challenge under the Fourteenth Amendment. "I think we'll see a rush to the courts by ACLU or a similar organization," predicted Susan Meredith.

The Connecticut attorney is optimistic about both the legal and political outcomes. "A court case would last until after the November election," she said. "Registration for men only would probably then be thrown out by the court. That would give us all a chance to consider more calmly whether registration is really needed for anyone." ■

MAINE CAUCUSES

A big turnout fails to support the president

By Russ Christensen and Burt Hatlen

BANGOR, MAINE

MAINE IS HAVING ITS MILD-est winter in 98 years, and the warm sunshine on Feb. 10 may have had something to do with the large turnout at Maine's Democratic caucuses. But more important was the decision of the state Democratic organization to hold all the caucuses on the same day, rather than allowing each town or city to caucus at its own convenience, as in previous years. The same-day rule allowed television networks to turn the Maine caucuses into a media event, and the candidates responded by devoting an unusual degree of attention to the state. Maine's registered Democrats, in turn, came out in unprecedented numbers.

Jerry Brown spent almost two weeks in Maine, and he used every possible forum to attack Carter for bringing us to the brink of war in defense of an indefensible energy policy. Brown won a sizeable following among college students and among the counter-culture urban dropouts scattered through Maine's rural regions. Whatever else his campaign may or may not accomplish, Brown has already drawn a large group of anti-nuke, anti-draft young people into the political process.

Kennedy pursued many of the same

themes as Brown. Carter, he charged, was deliberately whipping up war fever to conceal the bankruptcy of his foreign and domestic policies. And Kennedy consistently reiterated the major points of his Georgetown University address: opposition to draft registration, the need for gasoline rationing, the danger of over-reaction to the Soviet military presence in Afghanistan. But Kennedy also relied heavily on residual family and ethnic loyalties among Maine's working class Catholic Democrats. Dozens of Kennedys criss-crossed the state.

In keeping with the "Support the President in a Time of Crisis" theme, Carter claimed to be too busy managing world affairs to come to Maine. But he sent his mother, his wife, his son, his vice president, and much of his cabinet. In addition, Carter telephoned dozens of Maine Democrats.

Most of the Democratic Party officials in Maine were pro-Carter, and there were persistent rumors that the overtly neutral Senator Muskie, still the most powerful figure in Maine politics, was quietly supporting Carter. But for one reason or another, the Carter forces never got themselves very well organized. A good deal of Carter money went into long television ads, often excerpts from the State of the Union speech. His campaign ignored domestic and local issues, except to send around a list of the political plums granted to the state by the Carter-Mondale administration.

In Orrington, a small (3000 pop.) farming and commuter town a few miles

south of Bangor, 82 Democrats came out for the Feb. 10 caucus. To understand the significance of this figure it is useful to know that 30 years ago there were only four Democrats living in this traditionally Republican town. The first Democratic caucus ever held in Orrington took place in 1968; and since then no caucus has drawn more than 12 voters. Slightly more than 30 participants in this year's caucus declared for Carter: most of them middle-aged or older, and almost all of them new to party politics. "Patriotism" was clearly the name of the game. The Kennedy supporters, a slightly smaller group, arrived in style, with plastic imitation straw boaters and mammoth posters. They were mostly very young and also new to politics. The 15 Brown supporters were an odd assortment—a DSOC member, some anti-nuke activists, a few conservatives who responded enthusiastically to Brown's advocacy of the balanced budget amendment.

The results in Orrington, three delegates for Carter, three for Kennedy, and one for Brown, broke down roughly the same as the state-wide vote.

Bangor, the third largest city of Maine, also saw a massive influx of new people into the Democratic Party. Two years ago about 600 people attended the caucus. This time between 1,100 and 1,200 voters arrived at an auditorium that could handle, at the most, 700 people. Brown supporters included a large University of Maine contingent, along with feminists, unemployed people, and

a group from the Maine Woodsmen's Association.

With the support of organized labor, Bangor's large Irish population and many old-line liberals, Kennedy dominated the caucus. The Carter effort was dominated by professionals within the party. Surprisingly, Carter also got most of the teachers, reportedly as a payoff for Carter's support of the new Department of Education. But Bangor teachers failed to turn out in sufficient numbers to guarantee a clear Carter victory. Bangor's 51 delegates to the state Democratic convention were allotted Kennedy 25, Carter 18, and Brown eight.

Carter ended with a statewide plurality of delegates in Maine, but by no means a clear majority. Both Kennedy and Brown presented alternatives to Carter's policy of bluster abroad and military pump-priming at home, and both won a significant response from Maine voters. Of perhaps greater interest is the fact that both the old pols and the Vietnam-era liberals were swamped by an influx of people embarking on their first adventures in political involvement. The newcomers were not indifferent to personalities, but there were real issues in this campaign, and Maine voters demonstrated that they will take the trouble to spend three or four hours in a caucus when important issues are at stake. ■

Russ Christensen and Burt Hatlen are DSOC members who live in the Bangor area. Christensen ran unsuccessfully for the state legislature in 1978.

By Beth Bogart

WASHINGTON, D.C.

Disclosures leaked to the press in the last month indicate that up to seven representatives and a senator may have been videotaped accepting bribes from FBI agents posing as Arab businessmen. The legislators named in the press reports of the undercover investigation, "Abscam" (for Arab scam) were: Senator Harrison Williams (D-N.J.) and Representatives John Murphy (D-N.Y.), Frank Thompson (D-N.J.), John Jenrette (D-S.C.), John Murtha (D-Pa.), Michael Myers (D-Pa.) Richard Kelly (R-Fla.) and Raymond Lederer (D-Pa.).

Mark Green, who directs Congress Watch, the lobbying arm of Ralph Nader's Public Citizen organization, has spent years investigating congressional conduct. He is the author of the Nader-sponsored study WHO RUNS CONGRESS, first published in 1972 and updated in 1975 and 1979. IN THESE TIMES correspondent Beth Bogart spoke with Green about the Abscam scandal.

Eight members of Congress recently have been named in newspaper accounts as possibly involved in bribery, influence peddling and other illegalities. How widespread do you think this alleged lawlessness is in Congress?

The so-called Abscam episode, based on initial reports, may be the largest scandal in congressional history, though it's certainly not the first. When I was writing *Who Runs Congress*, I tried to gather all instances in the past years when a member of Congress or his staff had either been indicted and convicted or indicted with trials still pending or been investigated for serious offenses by their ethics committees. I found that there were 46 members or staff who were in trouble with the law based on this standard. A few were "morality offenses," such as a couple congressmen caught soliciting prostitutes, which is illegal and probably not very nice but won't cause the fall of the American empire. Most of the cases, though, did involve dollar corruption—bribery, kickbacks, mail fraud. If anything, this trend toward crime is up; a *Washington Post* article six months ago by William Greider estimated that between 1941 and 1971, there were 15 criminal prosecutions in Congress, or an average of only one every two years. That's increased about ninefold in the last decade.

That would seem to make Congress have a higher crime rate than an average group of 535 American citizens. Is there a particular temptation for crime among members of Congress?

Jack Newfield of *The Village Voice* has said that the crime rate in Congress is probably higher than in downtown Detroit.

Why do members of Congress apparently engage in this activity? First, they are in a unique position to turn public office into private profit. Their votes and judgments, especially if they are committee chairs, can influence billions of dollars one way or another.

Indeed, that may be why more Democrats are involved in the recent charges because, as chairs, actual businessmen—or FBI agents imitating Arab businessmen—would be more likely to go to them than to your run-of-the-mill freshman Republican.

The second reason is that members of Congress have to raise money to run for re-election. To raise money, they have to go to a business community that invests rationally—that invests for a return. Here the return is votes or access. As a result, the morality of the marketplace infects the political arena.

Third, in the past law enforcement and congressional ethics committees have been so sluggish—if not somnolent—that a kind of climate of acquiescence was created.

The small potatoes—like abusing "perks" or office allowances—lead naturally to larger crimes. Members of Congress have had trouble drawing lines between what is proper and improper. This applies to petty crimes as well as big ones.



Corruption is in the system

Campaigns are costly and all but the wealthiest politicians have cash ties to special interests.

Do you think the Abscam revelations will have any effect on this "climate of acquiescence for criminal behavior on Capitol Hill?"

It's hard to say. If the evidence against most of these members is strong and if, over the course of the next year, several members are indicted and convicted, you'll have a situation where several sitting members of Congress are felons. At that point, I think ethics committees in each chamber will have to establish lucid standards for when a member is expelled or loses the right to vote, or when a member loses the right to chair a committee.

But based on the history of ethics committees, it's hard to be optimistic. In the past, they've only seen the light when they've felt the heat. This lassitude is in keeping with their history.

In the first 175 years of the Congress, neither the House nor the Senate had an ethics committee. A kind of laissez-faire attitude applied through the 1950s, best captured by former Speaker Sam Rayburn's comment that if a member's done anything wrong, it's up to his or her voters to do something about it.

This rationale could not survive the Bobby Baker affair in the early 1960s. As a result of that scandal, ethics committees were created in each chamber. For the first couple of years, no senators were assigned to the Senate committee. They investigated Tom Dodd in 1966 only after journalists Drew Pearson and Jack Anderson had exposed him in their columns. Then it was 12 years before the Senate ethics committee looked at another senator, when they studied—and eventually "denounced"—Herman Talmadge (D-Ga.) in October 1979.

In the early 1970s, for example, the Senate ethics committee neither penalized nor even seriously investigated the fact that Gulf Oil Co. had given \$45,000 in campaign cash to Minority Leader Hugh Scott. In a closed session, reportedly, Scott touchingly told his potential investigators that he had given all the money to other senators' campaigns.

How is the alleged bribery uncovered by Abscam any different from a member receiving huge campaign contributions from a special interest and then voting as that special interest asks?

The difference between a "bribe" and a "contribution" can be understood perhaps by a Harvard law professor, but probably not by a citizen or a Martian.

That is, if you give someone money and say, "Sure hope you'll help me out on a vote," that's a bribe. If you give someone money and say, "That's a contribution and I'll be talking to you tomorrow about my legislative agenda," that's probably not a bribe.

The problem is that all of Congress is infected by this form of institutionalized bribery. All members, other than those with great personal wealth, have to raise money from the private sector to run for Congress. And if someone gives you a lot of money, you will quite predictably be sensitive and appreciative of their needs to ensure future contributions. Most members feel that way even as they despise the system that forces them to act that way.

What are the chances of proving a bribery charge against a member of Congress?

The Supreme Court has said that you cannot use as evidence in a bribery case a member's past votes, because that would require the court to examine the motivation behind the votes, which is imper-

missible. This makes it very hard to obtain successful bribery prosecutions. But to accept money with a promise of future favors may be admissible.

How many lawmakers are lawbreakers—all, most, a dozen?

Mark Twain once said: "There is no distinctly American criminal class except Congress." Most members of Congress are honorable public servants. But many are involved in petty illegalities: they misuse the staff, they take junkets.

A real problem with Abscam is that a lot of the public is going to say, "They all do it." When the public gets that indiscriminate sense that all their public officials are trying to do well rather than do good, then the level of participation and interest in a functioning democracy collapses. Then you can't tell the difference between a member of Congress who's trying to do a good job and a member who's trying to engage in what a Tammany Hall pol used to call "legal graft." Because ultimately the way to deter congressional crime is for the public to penalize felons in elections.

In our survey, we found that of 11 members of Congress charged with illegal conduct during the 1970s, seven were re-elected in the next election. Unless the public worries about congressional crime, they will get the representation they deserve.

What other reforms besides relying on the electorate to throw out confirmed crooks would bring more "law and order" to the halls of Congress?

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