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Nuclear deterrence

Everybody makes mistakes ...

In a follow-up to his article in SA3/85, **BERNT CARLSSON** examines the logic – or rather, the lack of logic – behind a defensive strategy based on nuclear deterrence, and evaluates some of the alternatives being discussed:

Earth is a planet alive. As such it is very vulnerable. It could easily be destroyed by a nuclear war, the ultimate environmental disaster. Earth could be turned into a gigantic morgue.

The idea that the strength of a nation can be measured in nuclear megatonnage is like thinking that building up a large supply of a very contagious and deadly virus to be used as defence makes a country powerful. A nuclear war is analogous to a chess game in which the pieces have been programmed to annihilate those of the adversary, by blowing up the board, the pieces and the players, by eliminating the game rather than winning it. Nuclear war negates a basic principle of strategy stated by Clausewitz, that war is the continuation of politics by other means. A nuclear war would result in the final end of humanity – and of politics.

Nuclear weapons per se are dangerous only for their owners. Several accidents with nuclear weapons have occurred, though none has yet caused an explosion. There are certainly enough nuclear weapons to kill everybody on earth several times over. But there are also bullets enough to do that.

Nuclear weapons become dangerous to

others when combined with a capacity to deliver them to an adversary. The killing capacity of bullets is limited because the power to decide to use them is dispersed to the point that it is impossible to kill all of humanity in this way. However, nuclear weapons' killing-capacity is centralised in the extreme. Nuclear weapons constitute concentrated death on a global scale. It is not only possible to kill all of humanity with nuclear weapons, it is increasingly likely that it could happen.

More than 95 percent of existing nuclear weapons are owned by the superpowers. The overwhelming part of their megatonnage is integrated into gigantic delivery systems, 'Doomsday Machines', capable of annihilating the adversary in thirty minutes and, due to the effects of the nuclear winter to follow, all humanity in some months. By using only a very limited part of the force of the Doomsday Machines the communication capacity of the adversary could be blocked by high-level explosions of nuclear charges. The talk of nuclear weapons being carried in suitcases misses this important aspect of the Doomsday Machines. Only high-altitude nuclear explosions can threaten the global communications systems on which depend the control, command and intelligence of the nuclear forces of the superpowers and which are prerequisite to the delivery of a second strike after being attacked.

The two major technical disasters which occurred during 1986 were very different in character. But the explosion on 28 January of the US space shuttle Challenger and the fire in one of the nuclear power reactors at Chernobyl in the USSR on 26 April both illustrate the possibility of very advanced technological

systems going fundamentally wrong, by a combination of technological failure and human error.

The space shuttles were considered to be very safe vehicles. Investigations after the accident reveal that there were at least 760 technical failures which could go wrong resulting in the destruction of the vehicle and the death of the crew.

As is well known incidents have occurred within the Doomsday Machines. One of these was in 1980. The US Doomsday Machine was then being tested on its ability to react on submarine-launched missiles aimed against the United States. By a computer mistake the exercise set off an alarm that the United States was under real attack. The officers in command did assume, however, that the alarm was due to a mistake. The scepticism and caution of these officers made them wait the six minutes until impact would have occurred. The world was saved. It is of some comfort to know that there are officers in the nuclear forces who will not function like robots at a time of crisis when the future of humanity might be at stake, no matter how loyal, disciplined and professionally competent they are. But it is not sufficiently reassuring.

The overwhelming risk factor for the start of a nuclear war is that of a technical accident, inside the Doomsday Machines. A nuclear war could be caused by separate or simultaneous malfunctioning in one or several of the computer systems of the communications, control, command and intelligence of the nuclear forces of either or both of the superpowers.

The political concepts of deterrence and mutually assured destruction are based on the assumptions that a superpower must be capable of launching a nuclear first strike, to attack, and that a nuclear attack will be answered by a nuclear attack. The first attack will thus not occur nor will policies be pursued which might lead to it. Nuclear weapons are the best guarantee against nuclear war and for world peace in general, it is argued, and thus also prevent major conventional wars. Nuclear arms are thereby supposed to guarantee peace, according to the deterrence doctrine.

The military strategy of a second strike in reply to a nuclear attack envisages it being launched upon impact, that is not until the first nuclear bombs of the attacking side have exploded. The superpowers are now replacing that strategy with a new one, to launch the missiles upon warning that the adversary is attacking, before any impact. Unfortunately such a warning could be caused by technical errors. Even more unfortunately some might not be identified as such during the short time available for checking on it. The idea of a superpower leader woken up in the middle of the night to make a decision on

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flicting feelings about romance, sex, grief, guilt, and love. Readers will enjoy its refreshingly candid tone."

Will they, indeed? We know from the Judy Blume phenomenon—hundreds of thousands of preadolescent girls devouring and exchanging her book as their mothers might be devouring and exchanging *Vogue* and *Cosmopolitan*—that they will most likely enjoy *something* in these books. But what that has to do with reading is another question.

The sampling above—random enough; merely what happens to have been forecast in a given issue of *PW*—offers an interesting clue to what the liberal book-publishing and book-consuming community thinks of its privileged children (those who are given books, purchased for them mostly, it is generally agreed within the industry, by their grandparents) and what it wants of them.

Clearly it thinks that children ought not to be induced to envisage a world of experience beyond the one

they see around them, or suppose they do, and clearly it believes that the higher development of their minds is to be equated with the capacity for an ever deeper preoccupation with and appreciation for their own, by definition somewhat limited, selves. Making out at beach parties, dying of AIDS, being sexually abused by a parent, getting bad grades, "family constellations"—these are all today's symbols for keeping abreast of today's requisite sense of life. Life is best presented to children as a congeries of all the current "with-it" social problems. Under this dispensation, "sensitivity" means the enlargement of self-pity and "compassion" means no more than a kind of self-pity for others like oneself.

What this culture wants of its children, moreover, is not only that they will learn to live in front of the mirror, as so many of their elders do, but that while engaged in this contemplation of self they will find the means also to work out their lives autono-

mously—that is, without leaning too much on the authorities.

Reading for children, like education itself, once meant discovering that the world is a vast and interesting and complicated and frightening and exciting and important place. It was thought to serve as a substitute for all the seeing, tasting, feeling that the children had for obvious reasons not yet done. If *PW* is any indication—and it must be—reading today is like a guided tour through the Columbia University School of Social Work.

All those grandparents shelling out hard-earned cash for such intriguing-sounding titles as *Night Kites* and *Sister in the Shadows* in the hope that they will be contributing to the cultural enrichment of the little ones, do they know that what they are really doing is making a down payment on a lifetime course of group therapy? Rafael Sabatini—we would not even dare to go so far as Charles Dickens—thou shouldst be living at this hour.

—M. D.

The Real Terror of Stanley Diamond

Few things are more terrifying and less ambiguous than a car bomb exploding in a crowded street or a machine gun attack on an airport lobby. In this sense, there is little doubt about the identity of the terrorist: he (or she) is the person firing the gun, the person driving the car. But there are among us many people—members, of course, of the intellectual elite—who have lately taken to presenting us with a blurring of the distinction between the terrorist and the terrorized, and a willful obfuscation of—dare we say it without having scorn and ridicule heaped upon us?—the good and decent impulses of the nation that leads the free world.

These are the same people whose criticism of American foreign policy is based on the tacit assumption that the United States and the Soviet Union are on the same moral plane because both are "imperialist" and both possess "the Bomb." And they tell us

that the president is a terrorist when he orders the invasion of Grenada, or the seizure of an Egyptian airliner carrying the hijackers of a cruise ship, or the bombing of Libya.*

One improvement on the Reagan-is-a-terrorist charge is the thesis that the United States itself is a terrorist. A good example of this appeared in the June 7, 1986, issue of *The Nation*. Written by Mr. Stanley Diamond, editor of *Dialectical Anthropology* and "the anthropologist and poet at the New School for Social Research," the short essay, "States of Terror," attempts to indict all "modern states"

*As Norman Podhoretz noted at a recent conference of the Committee for the Free World, the doctrine of moral equivalency is indicative of a return to the conceptual traditions of anarchism. With the Soviet Union so thoroughly discredited that even many of its most avid international fans have difficulty defending it, we are witnessing a reversion to the concept of the malignancy of all state power.

for the crimes of terror. Mr. Diamond makes a passing reference to the Soviet Union, but his real target is perfectly clear at the outset.

"After the indiscriminate bombing of Tripoli," Mr. Diamond begins, "the question arises: Who are the terrorists?" The adjective and the rhetorical question having served to flag his readers into the correct thought mode, Mr. Diamond proceeds to a set of generalizations that bear the mark of what must have been an endless repetition before roomsful of undergraduates. We learn that it is "one of the simple truths of political science" that "all states depend on terror to secure their sovereignty and to exercise internal and external controls." This is not just Mr. Diamond's truth; it represents the findings of certain unnamed "major theorists of modern society."

Terror, then, is not simply the use of violence for political purposes, nor

respected school authorities—would seem not to be a critical issue at a time when we are talking about whether the Constitution permits us to use anything beyond persuasion to keep knives, guns, and hypodermic syringes out of the classroom. Obviously, making the illiterate literate is a task both urgent and primary. Still, we cannot help feeling that the literacy of the literate is also something we might usefully think about from time to time.

These reflections arise from a reading of the children's-book "Forecasts" section in the May 30, 1986, issue of *Publishers Weekly*. *PW*, as readers may know, is the major trade weekly for publishers and book-sellers. One of its features is a series of brief unsigned pieces—half summary, half review—of forthcoming books. A regular reader of the magazine's "Forecasts" can pretty well ascertain which books and what kind of books he can expect to find featured in the bookstores one or two months down the line. He cannot necessarily predict what the public will respond to, but he can certainly get a sense of what the publishers themselves believe it will respond to.

The May 30 issue carries "Forecasts" of twenty-five novels recommended for children age 8 and older (the bulk of them for "12-up"). These novels as they are summarized tell us a great deal about what their authors—and the librarians, educators, and other assorted members of the "childhood"—establishment who have a decisive grip on the children's book industry—think children are and/or ought to be. Assuming that at least some of the books will find an audience (a safe assumption, since otherwise the industry would long ago have gone bankrupt), they also tell us a great deal about what children are being taught to suppose is the nature of books and the enterprise of reading.

The first thing one notices about these novels is that they are all in one way or another "relevant." The second thing one notices is that they are all in one way or another intended to be therapeutic. Which is to say, they

are all about children caught up in today's favorite social, psychological, or political predicaments—divorce, remarriage, racism, feminism, sibling jealousy, early sex, and, of course, the discovery of homosexuality—and they all involve that process so widely hailed among pop theorists as "self-realization."

A few examples, chosen at random, will suffice.

Sister in the Shadows by Anne Warren Smith (Atheneum) is the story of Sharon, who, "beset by confusion and jealousy when her younger sister becomes more popular than she," takes a job as a mother's helper in another town. The mother of her charge is cold, as well as "tense and overprotective." Sharon discovers the secret behind this behavior, which is the tragedy of an earlier crib-death in the family, and she also gains perspective about herself. "An impressive debut," concludes the Forecast, "detailing the effects of family constellations."

Then there is *Night Kites* by M. E. Kerr (Harper & Row). *Night Kites* is about Erik, who is seventeen and whose "life is turned upside down" when his best friend's girl friend "makes a play for him." He "falls hard for her," but loses both his best friend and his own girl friend in the process. At the same time he finds out his brother is dying of AIDS. This book, says the reviewer, would anyway have been a fine novel, strong and true; and its references to things like MTV and Madonna would appeal to teens. But it is M. E. Kerr's treatment of AIDS, and how Erik and family cope with it, that makes this story exceptional, "one of the author's most moving yet."

I Never Asked You to Understand Me by Barthe De Clements (Viking Kestrel) concentrates on students who have chosen or been forced to attend an alternative high school.

*Not all the characters, alas, achieve it. One of the novels, according to the reviewer, is about a feisty young girl at the time of the American Revolution who "mellows into womanly demureness" and marries her tutor. Readers, says the reviewer, "may wish that [she] had a bit more substance"—for which, read feminist independence.

Didi, a truant, looks for "her own truth" in her new circle—"teachers who stress self-actualization with kids who have experienced drug abuse, detention centers, and other tragedies." She begins to find direction "when she helps her desperate friend Stacy out of the dilemma of incest."

On a happier note, *Can't Stop Us Now* by Fran Lantz (Dell/Laurel Leaf) is the story of a teen-age rock group—four girls—who learn that it is preferable to stick to their own standards than to go after cheap promises of overnight success. They have a manager, it seems, who wishes them to adopt the image of teeny-boppers, to submit to signing one-sided contracts, and to sleep with him. "The girls," says the reviewer, evidently adopting their own idiom, "revolt on Reg [the manager], and start their own band called Overnight Sensation. . . ." This book is to be the first in a series of their adventures on the rock scene.

And finally (and perhaps our favorite), there is *The Whole Nine Yards* by Dallin Malmgren (Dela-corte). This is the story of ninth grader Storm Forrest, who becomes obsessed with girls after his father dies of a heart attack. "His whole life," says the reviewer, clearly not blind to symbolism, "centers around finding new hearts to conquer." Storm sneaks off to the annual high-school weekend in Ocean Grove, New Jersey, "but is too young to score." In the 10th grade, he has a bad year, getting low marks and cracking up his mother's car, with serious injuries to his passengers, particularly a girl he has been dating. He next falls in love with Paula—"for real this time." But he loses her trust when he sleeps with a girl he picks up at a beach party. In fact, Storm is unconsciously sabotaging his relationship with Paula, we are told. His best friend is killed while raiding a garage for beer, and then Paula breaks up with him. This takes him to his senior year, when the slump he is in almost causes him to flunk out, but finally he pulls himself together. "This first novel," the reviewer solemnly observes, ". . . beautifully limns a teenage boy's con-

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**The
homeless families
of
New York**

THOMAS J. MAIN

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E NOW KNOW that there are different kinds of homeless individuals: street people (both men and women); the mentally ill; the otherwise disabled; battered wives; runaway children; and so on. But homeless families are a relatively new phenomenon. While homeless individuals, especially the deinstitutionalized and mentally ill, have been the subject of public and scholarly notice since the early 1970s, little research has been done on homeless families. Indeed, even such essential facts as the number and origin of homeless families are not widely known. The information that has been available is often limited and contradictory. This article will attempt to clarify the basic facts surrounding homeless families in order to evaluate the problem and assess the current shelter policy designed to cope with it. This discussion will deal primarily with New York City, since that is where most of the available hard data come from.

The numbers game

Until recently, most homeless families in New York City were put up in hotels. But it is not clear just how many such families there

were and where they stayed. According to one document: "New York City has been using hotels to house its homeless families for many years. Throughout the 1970s and the early 1980s the caseload remained somewhat constant at approximately 600 families. In addition, some 340 families have been housed in family centers which are operated by nonprofit corporations or the city itself for the sole purpose of providing shelter and services to homeless families."¹ Other documents, however, conflict with this account. An unattributed document provided by the Human Resources Administration (HRA) contains a table entitled "Families in Temporary Housing 1971-1976." This table indicates that the number of shelter families peaked at 1,346 in March 1971. By December of that year the number had dropped to 299.² The low point of 264 homeless families in shelters between the years 1971 and 1976 was reached in July 1972. But the numbers continued to rise and fall and by December 1976 there were 633 shelter families. (For some reason, no complete figures are available from 1976 to 1982.) Thus, according to this document, the number of families given shelter in hotels never rose above 1,346 or fell below 264 from 1971 to 1976.

In the 1980s the numbers began to grow. As of 1984 there were 2,354 homeless families in New York's hotels and shelters, which marked a 51 percent increase over January 1983 and a 148 percent increase over July 1982. By November 1985, there were 3,960 families for a total of 14,612 individuals in the system. The latest figure as of September 1986 is 4,365 families or about 15,000 individuals.³

There has also been an explosion in the number of facilities the city uses to shelter homeless families. In July 1982 only a few hotels were used to shelter homeless families, yet by December 1983 more than fifty hotels were being used on a regular basis and the city opened a congregate or barracks shelter as well. The city now has sixty-five facilities to house the homeless, including hotels and motels as well as city-run shelters. Homeless families have clearly become a bigger, more widespread, and visible problem within a very short period of time.

In order to understand these numbers, one must understand how the shelter and hotel system is run. Any family that finds itself without shelter can report to a local welfare office (or "Income

¹ "A Comprehensive Plan for the Temporary and Permanent Needs of Homeless Families in New York City," Human Resources Administration, New York City, January 10, 1984.

² The reasons for this dramatic shift in numbers will be discussed later. For a more complete account see Robert Jorgen, "Progress Report March 15, 1971-December 31, 1971," Family Hotel Relocation Program, December 31, 1971.

³ Figure reported by the Human Resources Administration.

Maintenance Center," as they are called by New York City's HRA) and ask for a place to stay. If it is after hours the family can report to an "Emergency Assistance Unit" (EAU), open twenty-four hours a day, seven days a week, in all boroughs except Staten Island. The Manhattan EAU is the largest. Families must wait in an EAU until an opening in some shelter or hotel becomes available. This wait can sometimes be a long one and a family may spend an entire night in an EAU before a space opens up, but city policy is to provide everyone a space who requests it as soon as possible. No one is turned away. Of the three types of shelters, hotels house 80 percent of the families and family centers and barracks shelters (that is, family shelters without private rooms) about 10 percent each. Costs for sheltering such families are high: hotels and family shelters cost \$49 per night for a family of four, while barracks shelters cost a startling \$168 per night.⁴ The average length of stay in all facilities is 12.16 months.⁵

Just what has caused this relatively recent explosion of homeless families? No one knows for sure, but there are at least three places we can look to in order to get some explanation of just how this happened: New York City's housing market, the nature of the clients themselves, and the city's shelter policy. We will look at all three of these areas and then make a tentative suggestion about what might be causing the problem.

A housing problem?

All New Yorkers, but especially the poor, face an extremely tight housing market. In 1984 (the last year for which figures are available), the net vacancy rate for all New York City was 2.04 percent, down from 2.13 percent in 1981 according to "Housing in New York: Study of a City 1984," a report prepared for the Department of Housing Preservation and Development by Michael A. Stegman. Further, the monthly welfare rent allowance for a family of four is \$270 and the vacancy rate for apartments in this price range (\$250-299) was 2.18 percent. Apartments renting for under \$200 a month, with a vacancy rate of 0.37, were nearly impossible to find.

Other statistics in Stegman's report also point to the difficulty the poor have in finding a suitable apartment. Between 1981 and 1984, the number of units renting under \$200 a month dropped from 437,000 to 265,000. Partly as a result of this decline in supply,

⁴ Cited by Committee for New York's Future based on an interview with Suzanne Trazoff, spokesman for Human Resources Administration, May 5, 1986.

⁵ Cited by Committee for New York's Future from Human Resources Administration Crisis Intervention Services, *Monthly Report*, February 1986, p. 7.

median gross rent has gone up from \$265 in 1981 to \$330 in 1984. Overcrowding has also gone up: using the traditional measure of overcrowding—more than one person per room—144,000 or 7.7 percent of all renters in New York lived in overcrowded conditions. Stegman writes:

Significantly, the crowding rate has increased for the first time in nearly 25 years. According to the 1984 Housing and Vacancy Survey, a higher percentage of New York (2.4 percent or 45,000 households) lived in seriously overcrowded conditions—which is defined as more than 1.5 persons per room—than at any time since 1970.

Is homelessness in New York City, then, simply caused by a lack of affordable housing? Undoubtedly the city's housing problems have contributed to the problem of homelessness, but whether they are the sole cause of homelessness among families seems doubtful.

Consider, for example, the evidence from falling vacancy rates. Between the time when homelessness first began to attract attention and 1984, vacancy rates did fall, from 2.95 percent to 2.04 percent. But at other times in the city's past the vacancy rates have dropped more sharply. For example, in 1965 the vacancy rate for New York City was 3.19 percent; by 1970 this had plunged to 1.5 percent. The average daily census at New York City public lodging facilities for individuals indicates that the number of residents in the city shelter system stayed fairly constant over a long period at slightly above 2,000.⁶ In 1971, as we pointed out earlier, at the peak of the city's housing shortage, a total of 1,346 families were maintained in welfare hotels compared to the over 4,000 families who are in hotels and shelters today when the vacancy rate is even higher than it was in 1971. Moreover, the overcrowding rate has also decreased, from 10.5 in 1970 to 7.7 in 1984.

It is hard to see from these figures how the changes in housing conditions could have caused massive homelessness among families. If a housing crisis is what causes families to be without homes, then why didn't we have a homeless family crisis of the size we do now back in 1971?

In fact, we did have what was then perceived to be a homeless family problem in 1971. The figure of 1,346 families in city-placed welfare hotels in March of that year was considered a dramatic emergency and considerable efforts were devoted to relocation. And indeed it did prove possible then to relocate homeless families into inexpensive apartments, and the number of families placed by the city in welfare hotels dropped dramatically to 299 by December

⁶ "New York City Plan for Homeless Adults," James A. Krauskopf, Human Resources Administration, New York City, April 1984.

out of their former lodgings by physical necessity. And an extraordinary 57 percent of those families in the system already had a place to stay—albeit with someone else—before coming to the shelter system. Here we receive the impression that the problem of homelessness for the majority of families is one of somehow holding onto the places they already occupy.

But there are differences in what these two sets of figures are trying to get at. According to Steven L. Taylor, the Deputy Administrator for Policy and Program Development at HRA who developed the first set of figures, the 20.6 percent of homeless families who were forced out by a primary tenant were placed in this category only if the evicted family had been living with the primary tenant *for at least three months*. The idea was to count a family as being evicted by a primary tenant only if that arrangement had been semipermanent. On the other hand, the figures reported in the second study appear (the text is not specific on this point) to refer to where the homeless family was immediately before it arrived in the shelter, regardless of how long it had been there.

There are sound reasons for both approaches. If a family loses its home through some sort of a disaster—a burnout, say—and then moves in with relatives for a few days on an emergency basis and, when that arrangement becomes too tense, moves into the shelter system, should not the case be counted as a family that lost its housing through disaster?

On the other hand, the fact that 57 percent of the families come into the system directly from living with another family, and that only 5 percent have been forced out directly by physical necessity tells us something too: Even after a disaster, the majority of homeless families do have access to some other housing before entering the system. The choice the majority of these families face is *not* between the streets and the shelter system—a situation that can be proven by the readily observable fact that there are virtually no homeless families on the streets of New York City.

There is no question that the city must provide temporary shelter for victims of burnouts and collapsed buildings. But in the majority of cases the city is putting up people who already have a place to stay. The function of the system for this majority seems not to be the protection of women and children from the elements, but relief from a tense or uncomfortable situation of doubled-up families.

Perhaps “tense or uncomfortable” is too benign a description of life for doubled-up families. Perhaps moving such families into the shelters and hotels is a legitimate function of the system. But consider some implications of this assumption. The New York City

Housing Authority estimates that at least thirty-five thousand families are living doubled-up illegally in public housing. Some non-profit groups estimate that tens of thousands of other poor families are living doubled-up in private housing. Is the city system supposed to be prepared to absorb such numbers and to improve conditions in the system to boot? If so, someone will have to come up with a lot of money. The cost of sheltering a family of four in a barracks-like shelter in the Bronx is nearly \$6,000 a month, or \$70,560 a year.⁷ One might argue that such costs could be reduced, but it is not clear if they can. For example, the approximately \$70,000 figure for the barracks shelter derives from the high level of services provided by the city. In the Roberto Clemente barracks-like shelter, the cost of putting up a family is \$4,920 a month, half of which goes for salaries and benefits of eighty-two HRA staff members, including twenty-five social workers and housekeepers. Still more goes to provide such supplies as bed linen, toiletries, and meals at the shelters' on-site cafeteria. The rest is spent on other workers, including twenty-four-hour guards and providers of health care. No one is talking about cutting back on these services. Indeed, homeless advocates insist on dramatic improvements in facilities and service. But if costs are so high and a large part of the potential population is already housed elsewhere it would seem elementary prudence to encourage anyone who has a viable apartment—whether doubled-up or not—to stay there. Of course, this does not mean that doubling up is a good thing or that we should permanently tolerate it, but we cannot solve the problem through shelters. The solution should come from a revival of the city's low-income housing market. And until such a revival takes place we are faced with a difficult choice: Either allow the shelter system to be swamped by an influx of families that already have a place to stay, or develop policies that discourage use of the shelter by doubled-up families.

Apparently the pattern of doubled-up families becoming homeless is relatively new. According to "A Comprehensive Plan," the plan issued by the HRA in 1984: "Until recently the most frequent cause of family displacement was eviction for nonpayment of rent, or a disaster such as a fire or a collapsed building. This has also changed. Today, more than one-half of all new families requesting assistance have been evicted by the primary tenant in a shared household. . . . Although it is not certain why such a large number of shared households were dislocated in a relatively short period of time, it is clear that the shortages and cost of permanent housing have forced a sub-

⁷ "Housing Family in a Shelter Costs City \$70,000 a Year." *New York Times*, March 7, 1986, p. B3.

stantial number of families to enter into cooperative living arrangements. Despite HRA's intensive efforts to maintain these arrangements by providing financial assistance where appropriate and permissible, families continue to be displaced because of problems and tensions which occur in such arrangements."

Are homeless families different?

Is there any ground for assuming that homeless families are particularly troubled? The Office of Policy and Economic Research at HRA has done a great deal of work to discover just what, if any, demographic traits distinguish homeless families from poor non-homeless families.

It turns out that there are some differences between homeless and nonhomeless poor families, but nothing dramatic. Homeless families did not pay much more in rent than nonhomeless AFDC and AFDC-U families do. Homeless families were more mobile, moving an average of 3 times in six years, against 1.3 times in six years for AFDC families. They had somewhat more crowded quarters: 14 percent lived in what HRA calls "furnished rooms," essentially single-room occupancies; only 3 percent of nonhomeless AFDC families live in such rooms. The geographic distribution of the former homes of homeless families is identical to the geographical distribution of AFDC families in general. It has been argued that gentrification and displacement are contributing to homelessness, and perhaps the initial displacement of homeless families does take place disproportionately in gentrifying neighborhoods, but evidence on previous location does not show this.

But what about behavioral or mental health or social functioning differences? Most officials at HRA do not think homeless families are different from similar nonhomeless families in any significant way. To quote Diane L. Baillargeon, director of HRA's Office of Policy and Economic Research: "While there are certainly some compelling reasons for assuming homeless families are particularly troubled, the remarkable similarities between homeless and all public assistance families in terms of their lengths of stay on public assistance [long lengths of stay are arguably an indicator of relatively poor ability to function] suggest that some caution about this conclusion might be appropriate."

Nevertheless, some research on the functioning and behavioral and mental health of homeless families suggests otherwise. Ellen L. Bassuk, M.D., of Harvard University, conducted in-depth clinical interviews with fifty-one mothers and seventy-eight children living

in six family shelters and two battered women's shelters in Boston. Although the full results of her study are not available as of this writing, some preliminary data is available in two unpublished monographs: "The Feminization of Homelessness: Homeless Families in Boston Shelters" and "Homeless Families: Single Mothers and Their Children in Boston Shelters." Bassuk has not yet been able to compare her subjects with a control group of similar nonhomeless families, but her studies do seem to suggest that homeless families are especially troubled. The demographic profile of homeless families in Boston is very similar to that of New York families, in terms of race, dependency on public assistance, and family composition.

What kind of living situation did these women come from? In "The Feminization of Homelessness," Bassuk writes: "Our data indicate that more than two-thirds of homeless mothers have grown up in disorganized families and suffered from at least one major early family disruption such as divorce or the death of a parent." Is this simply the background of most families in poverty? Without a comparative sample, one cannot say, but Dr. Bassuk writes:

These mothers [who have become homeless] now lack the ability to establish themselves as autonomous adults. Although not psychotic, two-thirds of the women suffer from personality disorders. They are unable to form and maintain stable relationships, have poor or nonexistent work histories, *have been unsuccessful in establishing stable homes even when housing is available*, and most important, have extreme difficulty parenting (emphasis added).

These troubled parents seem to be passing on their behavioral problems to their children just as similar legacies of dysfunction were passed on to them. Bassuk found, for example, that a majority of the children she interviewed had serious emotional problems which were not characteristic of similarly poor children. For example, the interviewers found that, using a childhood depression scale, the majority of the children she interviewed (51 percent) who were older than five years were depressed, and that their overall depression scores were higher than for those comparably poor but not homeless. Bassuk then concludes, "Based on our preliminary data I will argue that it is not only the economics of poverty that has created the new phenomenon of homeless families but the combined effects of poverty, violence, and profound deprivation of a person's development and self esteem."

The question of mental health

Another study, "The Forgotten Ones: Treatment of Single Parent Multi-Problem Families in a Residential Setting," by Michael H.

Phillips, of Fordham's Graduate School of Social Work, seems to point to similar findings. He studied 97 homeless families that were resident in the Henry Street Settlement Urban Life Center between January 30, 1978 and August 30, 1979. The Henry Street Settlement was opened in 1972 and it is what HRA officials refer to as a "Family Center," that is, a relatively high-quality apartment, as opposed to the barracks shelters and welfare hotels the city also keeps homeless families in. At least in the case of Henry Street, assignment to a family center is random—families are not intentionally assigned to Henry Street that are either more or less troubled than families in the rest of the system.

Although at first inspection Phillips's decision to focus on "multi-problem" families would seem to select for unusually disturbed subjects, it turns out that the study's definition of "multi-problem" is so inclusive as to apply to virtually any homeless family. Out of a pool of 308 families admitted to the settlement between January 30, 1978 and August 30, 1979, Phillips eliminated all families that were not female-headed and all families that were admitted to a special battered woman's program in the settlement. This left 175 potentially eligible families, all but 10 of whom counted as "multiproblem." Another two were dropped because the mothers were judged to be psychotic and incapable of being interviewed. Of the remaining 163 families, all who did not stay in the settlement at least ninety days were dropped from consideration, leaving 97 subjects.

One of the most striking findings of the study casts doubt on the widely held assumption that mental illness among homeless families is rare. Phillips attempted to get a sense of the mental health of the heads of the families he studied, first by self-report, then by looking at past mental hospitalization and out-patient care. He found that: "Slightly more than one-third of the mothers (36 percent) also reported they have had a mental illness or 'problem with their nerves' in the past. *Nineteen percent reported having been hospitalized for the condition and another 17 percent stated they were treated on an outpatient basis.* This figure may be underestimated because of the lack of willingness or embarrassment in acknowledging such difficulty (emphasis added)."

One has to be very careful with these figures. The value of self-reporting in determining mental health status is not clear, especially when the question is worded—as it was here—to include "problems with their nerves." On the other hand, previous hospitalization is generally taken as one of the more objective measures of experience with mental illness, and this study shows that 19 percent—nearly one-fifth—of the mothers had been hospitalized. By way of contrast,

there is a rate of prior psychiatric hospitalization among homeless individuals of about 33 percent.⁸ If the subjects of Phillips's study are typical of other homeless families—which is something we don't know—it may be that mental illness among the heads of homeless families is more prevalent than was previously believed.⁹

But this finding regarding mental illness was not the only one that indicated that the subjects—and perhaps other homeless families who are like them—had behavioral problems. For example, while interviewing the heads of households, Phillips used the Childhood Level of Living Scale, a series of questions designed to determine how well families take care of their children and if there are any signs of child abuse. The questions were asked at both the intake of the families and when they left the shelter. Phillips found that 69 percent of the families provided less than acceptable care to their children, with 40 percent providing neglectful care. Phillips also tried to measure how well family members functioned as a unit by using the Geismar Family Functioning Scale, and to measure the amount of stress the families were under before they came to the shelter by using the Social Readjustment Rating Scale (SRRS). There is not enough space here to go into detail on how these tests work, so we can only mention Phillips's results. In terms of family functioning he found that it "ranged [among the subjects] . . . from below marginal . . . to above marginal . . . but not yet near adequate. . . . To gain some perspective on how troubled these families are, it should be pointed out that these families had lower family functioning scores than was true of the families studied in *The Multiproblem Dilemma*, which was a study of multiproblem welfare families in Chemung, New York." In other words, on this particular scale, homeless families tended to score lower than similar nonhomeless families. With regard to the SRRS, Phillips found that homeless families lead a highly disorganized and stressful life even before they reach the shelter. He concluded that the results of the SRRS "clearly . . . reflect the chaotic nature of the life circumstances of these families."

⁸ Stephen Crystal, et al., "Chronic and Situational Dependency: Long Term Residents in a Shelter for Men," Human Resources Administration, New York, May 1982.

⁹ Another study may be coming to a similar conclusion although final findings are not yet in. Kay Young McChesney of the University of Southern California is director of that school's Homeless Family Project. She found that out of a total sample of seventy-three heads of households for whom information was available, 14 percent had been hospitalized for psychiatric reasons and that out of a sample of seventy-six, 20 percent of the heads of households had seen a psychiatrist. (Admittedly, seeing a psychiatrist is not a strong sign of mental illness. However, as mentioned above, previous hospitalization is taken as a more objective indicator of mental problems.) Since everyone who had been hospitalized must have seen a psychiatrist, about 20 percent of McChesney's sample would seem to have either been hospitalized or otherwise sought professional help.

Other social workers also believe behavioral and psychological disorders among homeless families indicate dysfunction above and beyond lack of housing. Consider, for example, a comment on the findings of the Phillips study in "Homeless Welfare Families: A Search for Solutions: New Research on Multi-problem Families," the proceedings of a research utilization workshop in 1981 edited by Roy L. Leavitt and sponsored by the Community Council of Greater New York: "The important difference between the families selected for this study and low income families, the authors contend, are *functional and not structural* (emphasis added). Families headed by single females run a great risk of having lower incomes and living in inadequate—often severely deficient—housing for which they must pay a much larger portion of their income in rent. . . . But for the most part, these families remain stable, adequately solve their problems and successfully meet crises that arise with work, illness, child-care and schooling. The [homeless] families in this study, however, have failures—in reality a prolonged series of failures from which they never fully recover—which indicates an inability to meet their health, economic and housing needs."

Clara Fox, the executive director of the Settlement Housing Fund for the Community Council of Greater New York, makes similar points:

Based on my work with people in the field, I know that, if you ask them, private landlords cite two problems with the families we are talking about: (1) vandalism and other anti-social behavior, such as physical destruction of buildings and other property-related destruction; and (2) non-payment of rent. If you ask tenant leaders and leaders of tenant organizations, who sponsor housing and who work on advisory councils in public projects, they cite the same problems. You will not find too many differences between the way tenant groups view problem families and private owners view these tenants. In fact, tenant groups with whom we work and who are responsible for tenant selection are much more severe, much more harsh in their evaluation and in their criticism of these families. They will say: "We also grew up in poverty; we also went through the welfare system. Some of us are still on welfare. We do not behave this way. And we don't want, no matter what you tell us, or what HUD's affirmative action programs may be, or the Housing Authority's program may be, to take people on a first come first serve basis with no regard for history of behavioral or attitudinal problems. We have to live with them. You do not. We do not want them . . ." People who work in public housing know that one of the main requests they get is to stop putting more of these problem families in public housing.

To sum up: homeless families have problems aside from lack of housing. Housing problems do exist, especially in areas such as Boston and New York City. But while a shortage of inexpensive housing

does lead to an increase in doubling up, it is the weakest families that are unable to cope with the situation and end up homeless. And "weakness" here should not be taken to mean simply those families that are poor in a strictly economic sense. The greatest obstacle to surviving in a tight housing market may not be so much economic poverty as functional problems which make it difficult to make the relevant alternatives to homelessness—such as doubling up—work. If indeed not only private landlords but tenants in public housing don't want to put up with such people, it is not likely that they will find many family members or friends willing to put up with them either. But besides private housing, public housing, and doubling up, what other options do multiproblem families have? Not many, which may be why so many of them indeed end up seeking emergency shelter.

Shelter policy

So far we have looked at changes in New York City's housing market and at the nature of homeless families themselves for some idea of why we have a homeless family problem now. But there is at least one other area we must consider: shelter policy itself and the effect changes in it have had on the homeless and potentially homeless.

As was mentioned above, New York City has been using hotels to house homeless families for many years, with the high point of the case load during the 1970s being 1,346 families. Although available data are not clear about shelter policy during the 1960s and 1970s, it appears that the city would screen applicants for emergency shelter, and that not every family that applied for temporary housing got it. (The HRA's *Monthly Statistical Reports* contained a page devoted to "Shelter Service for Adults." Under the category for emergency assistance families appeared the three headings "Received," "Accepted," and "Rejected.")

If indeed not every application for family shelter was accepted, then that policy changed in 1979. It was then that the city signed a consent decree agreeing to provide shelter to all homeless men who applied for it. (The policy was later extended to apply to women as well.) At this point, there was no sense in providing shelter to only homeless individuals, so city policy was extended to all family applicants.

No figures are available on the number of homeless families admitted into the system between 1976 and 1982, so it is impossible to tell if the new policy had any immediate impact on the number of families applying for and getting shelter. We can, however, see

how homeless families are using the system now, and ask whether their behavior is consistent with the assumption that unless the city provides every family that applies with emergency shelter, most families would have nowhere else to go but the street.

The most recent report on how homeless families use the temporary shelter system is "Characteristics of Homeless Families: December 1985," by the HRA's Richard I. Towber. The study is based on interviews with seventy-seven homeless families appearing at selected Income Maintenance Centers (IM centers) and EAUs during the week of December 9, 1985.

On the matter of alternative housing resources, the report documents that a majority of families applying for emergency shelter do have other sources of housing available to them, although for most, these alternatives are available only temporarily:

Many of the families have alternative resources that they can draw on at least occasionally: 59 percent sometimes tap friends or relatives for a place to sleep, and 26 percent thought they could find a place to stay on the night they sought shelter from HRA "if it came to it." Indeed 61 percent said that they would not accept just any shelter offered by HRA, with the vast majority (89 percent) saying that they would decline a congregate [barracks] shelter. . . . These responses are consistent with the patterns revealed by administrative records showing that about one-quarter of the families made their own arrangements. Thus, for some families, HRA's temporary housing operation constitutes *one of several resources* tapped by the families during their period of homelessness (emphasis added).

The report also states that "many homeless families appear able to find housing for a few nights or can obtain some food or money in a pinch. But this assistance is not substantial enough to sustain independent living." The fact remains, though, that about one-quarter of the families admitted they could find a place to stay outside the city system on the very night they were applying to the city for shelter—and this number may be underestimated since it is based on what clients would admit to at the very time they are applying for emergency shelter. Indeed, 61 percent of the families said that they would not accept just any shelter from the city, and 89 percent said that they would decline a congregate shelter. We must assume, therefore, that families that are willing to turn down the offer of what appears to them to be substandard shelter at least think that they have some kind of alternative shelter available.

Hidden alternatives

How many actually reject the shelter the city offers them and somehow find a real alternative? The city offers some sort of shelter

to everyone who requests it. Everyone who appears at an IM center or EAU receives placement at some kind of shelter and is directed there. Of the families so directed, how many actually show up at the shelter or hotel that is waiting to receive them?

We have no certain information on this point, but Larry Perlman, former Assistant Director of Income Maintenance Operations for HRA and the person responsible for the agency's housing activities, says: "About 30 families every business day show up at the EAU and seem to be eligible for temporary housing. But less than a third of them enter the system because the shelter doesn't appeal to them. . . . It doesn't stretch my credulity to assume that not everyone in the system is a victim."¹⁰

Later figures suggest that even larger percentages of families are rejecting the shelter they are offered. According to Steven L. Taylor, about five thousand requests for shelter are made each month at IM centers and EAUs. If one eliminated duplicate requests, these numbers represent about 2,500 separate families, all referred to a shelter of one sort or another. But no more than 600 families enter the system each month. What, one wonders, happens to the other approximately 1,900 families? No one knows for sure but it is unlikely that they end up on the streets, because there are no indicators that more than a very few homeless families are living on the streets in New York City. Many applicants don't like the accommodations the city offers—especially the barracks shelters—and find some place other than city-provided shelter to stay.

If this is what is happening, it is not by accident. The city, over the protests of the advocates for the homeless, has adopted a fairly open policy of deterring inappropriate use of the shelters by homeless families. Its main instrument in this policy is the use of barracks shelters. In the past, most families seeking emergency shelters were sent directly to a hotel. Now, such families are usually—unless they have special needs such as a pregnant mother or a newborn child—first sent to barracks shelters, such as the Forbell Street Shelter or the Roberto Clemente Shelter. The idea, according to Mayor Koch, is that, "we are going to, whenever we can, put people into congregate housing like the Roberto Clemente Shelter—which is not something people might rush into—as opposed to seeking to go into a hotel."

In short, the city is deliberately using assignment to barracks shelters as a way of deterring use of the system. The advocates for

¹⁰ Quoted in "New York's Homeless Families," Tom Robbins, *City Limits*, November 1984, pp. 2, 7-12.

the homeless are aware of this and are vigorously pushing to have the barracks shelters closed and to have better, private accommodations built. If barracks shelters are eliminated and conditions in the rest of the system are improved enough so that emergency shelter becomes a rather better alternative than relying on a family's own resources, there can be little doubt that more of the 1,900 families now assigned to shelters each month but failing to use them will start accepting the city's offer. This is not to say that shelters can't be improved somewhat; but if they are improved, some kind of screening process will be necessary that will humanely exclude families with other resources. If the poor conditions of the family shelter system—which is now the main deterrent to inappropriate use of the shelters—are improved (and they should be) and no other mechanism for discouraging shelter use by families with other resources is instituted (and it can't be if families have an absolute right to shelter), the net result will have to be a rise in the shelter census. The current problem for policy towards homeless families is to find some way to both improve conditions in the city and to continue to discourage use of the system.

To sum up, there is no question that the lack of low-income housing in New York City is partly responsible for the city's current high rate of homelessness among families. But it is not the only cause, for now is not the first time the city has had a low vacancy rate or high levels of overcrowding. Other factors must be at work. Homeless families seem to have greater behavioral or psychological problems than do similar nonhomeless families. And the numbers of such troubled families could be increasing. It may be that such families are less able to adapt to the problems—especially the need to “double-up”—that a tight housing market forces on them. Also important is shelter policy itself, and especially a shift from a more restrictive policy that was in force during the 1960s and most of the 1970s to an open door policy. The challenge to the city now is to find some more appropriate way to house families in need of emergency shelter but without provoking a flood of applicants. This is a problem that will require considerable imagination—not slogans—to solve.

Can anything be done?

The first thing that has to be said about the homelessness problem is that solving it is going to take time. There are no quick fixes in sight for getting people off the streets, out of the shelters, and into private housing.

We do need more research, and the research I have in mind is not especially arcane. Better nose counts of the homeless in the cities where they are a major problem would not only clear the air of current inaccurate figures but would provide useful guides to policy. Such work could do for the study of homelessness what the development of the poverty line did for the study of poverty: it does not solve the problem but it imposes a discipline and consistency on the discussion of the problem which are sorely needed.

As in so many areas of social policy, we are clearer on what we should not do than on what we should do. Currently, New York City's homeless advocates under the organization of the Committee for New York's Future are circulating a petition to have an initiative placed on the municipal ballot that would require the city to provide shelter to homeless families as a matter of right, and that would also require the city to eliminate barracks shelters and provide each family with a private room. The right to shelter for families is an entirely moot point, since the city has been providing shelter to any homeless family that applied, at least since 1979. Further, a New York State Appeals Court in the case of *McLain v. Koch* ruled that the city has an obligation to provide shelter to all homeless families that apply. What, then, can be the point of this initiative since a right to shelter already exists? The reply the advocates make is as follows: "Under a recent court ruling, all needy families in New York must receive shelter. However, the conditions are so damaging and the duration of a family's stay at any one facility is so uncertain that these shelters do practically nothing to help the families out of their situation." The goal of the advocates is thus not to see to it that every needy family receives shelter, since that is already happening, but rather to improve allegedly "damaging" conditions. We have already seen the problem with this position: if one improves conditions in the shelters this is bound to produce a considerable expansion in the demand for shelter. The only way to prevent this result would be to institute a more selective admissions policy, but the establishment of a right to shelter for everyone makes this impossible. In short, the combination of a right to shelter along with an end to all conditions that act as a deterrent to shelter use is not a practical strategy. Consequently, the advocates' initiative should be resisted.

But what may we do positively to solve the homeless families problem? The sad fact is that there is probably no short-term answer to the problem of homeless families. Such long-term answers as they exist are to be found in reforming the city's housing policies with an

eye to increasing the availability of low-income housing—which means that such issues as the impact of rent control, the effect of enforcement of the housing code, the workings of the housing courts, city use of city-owned housing stock, and city welfare policy and its effects on the process of abandonment all have to be reconsidered in light of the need to produce more low-income housing, or at least not to destroy such stock as we have left.

Feb. 6 / Administration of Ronald Reagan, 1985

International Youth Year, 1985

Proclamation 5299. February 6, 1985

*By the President of the United States
of America*

A Proclamation

America rejoices in the energy, the imagination, and the promise of her young people. Whether in voluntary service, athletics, education, music, military service or within the family, young Americans display an enthusiasm, creativity, idealism, and dedication that have accomplished so much for our society and the world. Their patriotism and commitment to peace with freedom ensure a vigorous American democracy and a safer world in the years ahead.

In 1985 the United States joins the celebration of United Nations' International Youth Year. If we are to honor the potential of America's youth, we must remember that the most powerful force for progress comes not from governments or public programs, but from the vital traditions of a free people. Parents, youth organizations, and teachers deserve our support, encouragement, and thanks for the indispensable role they play in fostering and strengthening these traditions.

History makes clear that progress is swift-est when people are free to worship, create, and build—when they can determine their own destiny and benefit from their own initiative. The dream of human progress through freedom is still the most revolutionary idea in the world, and it is still the most successful. It is the priceless heritage America bestows on each new generation, with the hope that succeeding generations the world over will come to better know its fruits.

In the coming months, I urge American youth to reflect on our precious freedoms, to exchange ideas among themselves and with young people around the world, and to join with others in efforts to increase mutual understanding, enhance the observance of human rights, and promote world peace. In short, I urge our youth to be what they have been for many generations: America's proudest ambassadors of goodwill and our national values. One such opportunity is being offered by the people of Jamai-

ca as they host the first-ever International Youth Conference in early April. The Conference will enable young Americans to discuss with their peers in other countries ways in which they can help shape the world of tomorrow.

Let all of us approach this year dedicated to youth by resolving to use our God-given talents and freedom to elevate our ideals, deepen our understanding, and strengthen our determination to make this world a better place for ourselves and for the generations of young people who will follow.

Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim 1985 as International Youth Year in the United States. I invite the Governors of the several States, the chief officials of local governments, and all Americans to observe this year with appropriate ceremonies and activities.

In Witness Whereof, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[Filed with the Office of the Federal Register, 4:16 p.m., February 6, 1985]

The State of the Union

Address Delivered Before a Joint Session of the Congress. February 6, 1985

Mr. Speaker, Mr. President, distinguished Members of the Congress, honored guests, and fellow citizens:

I come before you to report on the state of our Union, and I'm pleased to report that after 4 years of united effort, the American people have brought forth a nation renewed, stronger, freer, and more secure than before.

Four years ago we began to change, forever I hope, our assumptions about government and its place in our lives. Out of that change has come great and robust growth—

my stronger, our lives more abundant, our future more free.

Our second American Revolution will push on to new possibilities not only on Earth but in the next frontier of space. Despite budget restraints, we will seek record funding for research and development.

We've seen the success of the space shuttle. Now we're going to develop a permanently manned space station and new opportunities for free enterprise, because in the next decade Americans and our friends around the world will be living and working together in space.

In the zero gravity of space, we could manufacture in 30 days lifesaving medicines it would take 30 years to make on Earth. We can make crystals of exceptional purity to produce super computers, creating jobs, technologies, and medical breakthroughs beyond anything we ever dreamed possible.

As we do all this, we'll continue to protect our natural resources. We will seek reauthorization and expanded funding for the Superfund program to continue cleaning up hazardous waste sites which threaten human health and the environment.

Now, there's another great heritage to speak of this evening. Of all the changes that have swept America the past 4 years, none brings greater promise than our rediscovery of the values of faith, freedom, family, work, and neighborhood.

We see signs of renewal in increased attendance in places of worship; renewed optimism and faith in our future; love of country rediscovered by our young, who are leading the way. We've rediscovered that work is good in and of itself, that it ennobles us to create and contribute no matter how seemingly humble our jobs. We've seen a powerful new current from an old and honorable tradition—American generosity.

From thousands answering Peace-Corps appeals to help boost food production in Africa, to millions volunteering time, corporations adopting schools, and communities pulling together to help the neediest among us at home, we have refound our values. Private sector initiatives are crucial to our future.

I thank the Congress for passing equal access legislation giving religious groups the same right to use classrooms after school

that other groups enjoy. But no citizen need tremble, nor the world shudder, if a child stands in a classroom and breathes a prayer. We ask you again, give children back a right they had for a century and a half or more in this country.

The question of abortion grips our nation. Abortion is either the taking of a human life or it isn't. And if it is—and medical technology is increasingly showing it is—it must be stopped. It is a terrible irony that while some turn to abortion, so many others who cannot become parents cry out for children to adopt. We have room for these children. We can fill the cradles of those who want a child to love. And tonight I ask you in the Congress to move this year on legislation to protect the unborn.

In the area of education, we're returning to excellence, and again, the heroes are our people, not government. We're stressing basics of discipline, rigorous testing, and homework, while helping children become computer-smart as well. For 20 years Scholastic Aptitude Test scores of our high school students went down, but now they have gone up 2 of the last 3 years. We must go forward in our commitment to the new basics, giving parents greater authority and making sure good teachers are rewarded for hard work and achievement through merit pay.

Of all the changes in the past 20 years, none has more threatened our sense of national well-being than the explosion of violent crime. One does not have to be attacked to be a victim. The woman who must run to her car after shopping at night is a victim. The couple draping their door with locks and chains are victims; as is the tired, decent cleaning woman who can't ride a subway home without being afraid.

We do not seek to violate the rights of defendants. But shouldn't we feel more compassion for the victims of crime than for those who commit crime? For the first time in 20 years, the crime index has fallen 2 years in a row. We've convicted over 7,400 drug offenders and put them, as well as leaders of organized crime, behind bars in record numbers.

But we must do more. I urge the House to follow the Senate and enact proposals permitting use of all reliable evidence that

But the thing was that I truly was riding down the coast—I said “driving.” Actually, I was riding, and somebody else was driving, and I was trying to put down some notes. But when I was looking around and thinking, that is when it struck me, “Wait a minute, I’m talking about a letter as if I’m writing to some people that don’t know about us.” And I realized that I had a much harder problem than I had thought, that that letter—how do you write to somebody that’s read all about us in the history books, knows all our problems and what we did? And I wrote the letter then with that idea in mind: that what I could be telling them about they might not know was how we approached what we thought about in these things, and what were the controversies and so forth in the thinking.

Mr. Speakes.¹ Mr. President, you know that your time—

Q. Somebody is cutting you off.

Ms. Spaeth.² Mr. President, on that note I think we should close the session—

The President. Okay.

Ms. Spaeth. Thank these gentlemen, and my apology—

The President. Okay. Can’t I take one more?

Q. I wanted to tell you I had lunch with Mel Laird yesterday, and he told me he sent a telegram to Edwin Newman, and he said: “Dear Ed, thank you for limiting the President’s time. I was afraid he might take a left turn on Highway 101 and drive into the ocean.” [Laughter]

The President. Well, you know, everyone had told me wrong. I was afraid that—I knew what I was going to say in that closing statement and had it all planned—but I was afraid it might be a little over 4 minutes. But our people gave me the wrong steer. They said because I was going last, that it didn’t matter then anymore. I didn’t know Mr. Newman was going to be so—[laughter]—gung ho, and he shut me off.

But I’ve told it to the kids, and I must tell you: 13,000 students at Ohio State University

the other day, they just loved the finish. [Laughter]

Listen, I’m sorry that the questions kind of seemed to get me here on a filibuster on some of them. But they should have been yes-and-no questions.

Q. Mr. President?

Ms. Spaeth. I have to close it now. Thank you.

The President. Well, I’ll answer him while I’m walking out. Stay seated, please.

Q. This is a light question. Doonesbury’s back in the papers in the country, and a lot of editors are getting a lot of heat from readers who think he’s unfairly criticizing you. Some think it’s a parody of your critics. Do you ever have occasion to read Doonesbury? And what do you think of it?

The President. I am a devoted comic-strip reader. I read every comic strip in the paper. And so, when he came back I started reading him. I have to tell you that I think some of your readers are absolutely right. [Laughter]

Note: The interview began at 4:37 p.m. in the Cabinet Room at the White House.

The transcript of the interview was released by the Office of the Press Secretary on October 26.

Valley Stream, New York

Remarks to Members of the Congregation of Temple Hillel and to Jewish Community Leaders. October 26, 1984

Rabbi Friedman, Senator D’Amato, members of Temple Hillel, and to all of you, a very, very warm thank you for this wonderful greeting. It is a great honor for me to be here with you today.

I’ve covered a bit of territory since this campaign began. What’s heartened me most is the new spirit that I have found around this country, a spirit of optimism and confidence, of pride and patriotism, that has been brought forth by a great American renewal.

America’s greatest gift has always been freedom and equality of opportunity—the

¹ Larry Speakes, Principal Deputy Press Secretary to the President.

² Merrie Spaeth, Special Assistant to the President and Director, Office of Media Relations.

S. 100 20000

Oct. 26 / Administration of Ronald Reagan, 1984

idea that no matter who you are, no matter where you came from, you can climb as high as your own God-given talents will take you. But a few years ago we were being told that this vision was no more, that America was in decline, and all of us had to lower our expectations.

I think you remember the disasters that defeatist spirit led to: the first back-to-back years of double-digit inflation since World War I, a 21½-percent prime interest rate, record taxation, declining growth, savings, investment, income, and confidence in our future—not to mention growing problems of crime and drugs and in education. Overseas, we had lost the respect of friends and foe alike. Our determination had grown weak, undermining commitments to even our closest friends like Israel. We talked and acted like a nation in decline, and the world believed us.

Well, in 1981 the American people set out on an entirely new course. And working together, we have cast aside the pessimism, along with high inflation, stagnation, and weakness, in a wonderful rebirth of freedom, prosperity, and hope. And today we're seeing not humiliation and defeatism, but pride in ourselves, in our accomplishments, and in our country.

From New York Harbor to San Diego Bay, a strong economic expansion with low inflation is leading the rest of the world into recovery. America is back. America is on its feet. And America is back on the map. But we cannot and we will not rest until every American who wants a job can find a job.

A nation's greatness is measured not just by its gross national product or military power, but by the strength of its devotion to the principles and values that bind its people and define their character. Our civil rights: on that subject, we are enforcing the law with new determination. Since we took office the Justice Department has filed more criminal charges on civil rights violations, brought more violators to trial, and achieved more civil rights convictions than any one before us. I've said this before, and I'll say it again: As President, I will continue to enforce civil rights to the fullest extent of the law.

That's why I have appointed to the Civil Rights Commission people like Commissioners Clarence Pendleton and Morris Abram

and Staff Director Linda Chavez. They recognize that you cannot cure discrimination with more discrimination. I'm proud that they're serving on the Commission, and I intend to keep them there. And as long as I'm President, we'll have a Justice Department which argues for the rights of individuals to be treated as individuals, whether the case involves hiring, promotions, layoffs, or any other matter subject to the law.

And we're also remembering the guiding light of our Judeo-Christian tradition. All of us here today are descendants of Abraham, Isaac, and Jacob, sons and daughters of the same God. I believe we are bound by faith in our God, by our love for family and neighborhood, by our deep desire for a more peaceful world, and by our commitment to protect the freedom which is our legacy as Americans. These values have given a renewed sense of worth to our lives. They are infusing America with confidence and optimism that many thought we had lost.

You know, when you talk about human life, I think that means seeing that the immeasurable pain of the Holocaust is never dehumanized, seeing that its meaning is never lost on this generation or any future generation and, yes, seeing that those who take our place understand: never again.

Now, perhaps that message should again be impressed on those who question why we went on a peacekeeping mission to Lebanon. Indeed, anyone who remembers the lesson of the Holocaust must understand that we have a fundamental moral obligation to assure: never again.

To help preserve that lesson for future generations, I'm satisfied that our General Services Administration has approved the use of the old Customs House by the New York City Holocaust Memorial Commission as a means of commemorating the Holocaust. And it will be a museum of the Jewish people in the Diaspora. It will serve to remind our children and our children's children the tragic consequences of bigotry and intolerance.

We in the United States, above all, must remember that lesson, for we were founded as a nation of openness to people of all beliefs. And so we must remain. Our very unity has been strengthened by our plural-

ism. We establish no religion in this country, we command no worship, we mandate no belief, nor will we ever. Church and state are, and must remain, separate. All are free to believe or not believe, all are free to practice a faith or not, and those who believe are free, and should be free, to speak of and act on their belief.

At the same time that our Constitution prohibits state establishment of religion, it protects the free exercise of all religions. And walking this fine line requires government to be strictly neutral. And government should not make it more difficult for Christians, Jews, Muslims, or other believing people to practice their faith. And that's why, when the Connecticut Supreme Court struck down a statute—and you may not have heard about this; it was a statute protecting employees who observed the Sabbath. Well, our administration is now urging the United States Supreme Court to overturn the Connecticut Court decision. This is what I mean by freedom of religion, and that's what we feel the Constitution intends.

And there's something else. The ideals of our country leave no room, whatsoever, for intolerance, for anti-Semitism, or for bigotry of any kind—none. In Dallas, we acted on this conviction. We passed a resolution concerning anti-Semitism and disassociating the Republic[an] Party from all people and groups who practice bigotry in any form. But in San Francisco this year, the Democratic Party couldn't find the moral courage or leadership to pass a similar resolution. And, forgive me, but I think they owe you an explanation. [Applause]

Thank you.

What has happened to them? Why, after the issue became so prominent during the primaries, did the Democratic leadership walk away from their convention without a resolution condemning this insidious cancer? Why didn't they turn their backs on special interests and stand shoulder to shoulder with us in support of tolerance and in unequivocal opposition to prejudice and bigotry?

We must never remain silent in the face of bigotry. We must condemn those who seek to divide us. In all quarters and at all times, we must teach tolerance and denounce racism, anti-Semitism, and all ethnic

or religious bigotry wherever they exist as unacceptable evils. We have no place for haters in America—none, whatsoever.

And let's not kid ourselves, the so-called anti-Zionists that we hear in the United Nations is just another mask in some quarters for vicious anti-Semitism. And that's something the United States will not tolerate wherever it is, no matter how subtle it may be.

We have a tremendous watchdog on this, Jeane Kirkpatrick. She is one very forceful and determined woman. And she has defended Israel with persistence and courage, and America is very proud of Jeane Kirkpatrick. Contrast her performance with that sad moment on March 1st, 1980, when the American delegate to the United Nations actually voted in favor of a resolution that repeatedly condemned Israel. And why did my opponent remain silent? I ask you again, what has happened to the party of Harry Truman and Scoop Jackson?

I was once a member of that party, and for a great part of my life, myself. And I don't believe that what we've seen and what I've been talking about is true of the millions of rank-and-file patriotic Americans; it is only true of an element of leadership that somehow seems to have lacked the courage to stand for what is right.

I'd like to remind you of an important, indeed, a key position of the United States. Ambassador Jeane Kirkpatrick has my explicit instructions that if Israel is ever forced to walk out of the United Nations, the United States and Israel will walk out together.

I think we've come quite a long way together, at home and abroad. Gone are the days when we abandoned principle and common sense. Gone are the days when we meekly tolerated obvious threats to peace and security. I can tell you today from my heart, America is prepared for peace. And because we're stronger than before, because we've regained our respect, and because our allies and friends know once again that we can be counted on, we're in a position to secure a future of peace—not peace at any price, but a true, meaningful, lasting peace supported by freedom and human dignity.

we'll take our case to the people. I want to remind you, in 1980 the American people were in a mood to win, and they did win. And in 1984 they're in a mood to win again, and they will.

My friends, it's good to be here, all of us together. I've just never seen anything like this. And I keep wondering, are those sheets? Going to be a lot of sleeping on the mattress tonight. [Laughter]

But our nation is more than 200 years old. But somehow, America has never been newer, never been younger, and never been more full of hope. We've been truly blessed. And for this we must be truly thankful.

May God bless you, and may He continue to bless our beloved country. Thank you very much.

Note: The President spoke at 4:22 p.m. in Atrium I of the Loew's Anatole Hotel following remarks and an introduction by Vice President George Bush. Prior to the rally, the President met at the hotel with former President Gerald R. Ford.

Later in the evening, the President and the Vice President viewed the television coverage of the 1984 Republican National Convention, including the convention's tribute to the First Lady and the nominating speeches. They were joined in the hotel suite by Mrs. Reagan and Mrs. Bush for the roll call of the States.

The President remained overnight at the hotel, where he stayed during his visit to Dallas.

Dallas, Texas

Remarks at an Ecumenical Prayer Breakfast. August 23, 1984

Thank you, ladies and gentleman, very much, and, Martha Weisand, thank you very much. And I could say that if the morning ended with the music we have just heard from that magnificent choir, it would indeed be a holy day for all of us.

It's wonderful to be here this morning. The past few days have been pretty busy

for all of us, but I've wanted to be with you today to share some of my own thoughts.

These past few weeks it seems that we've all been hearing a lot of talk about religion and its role in politics, religion and its place in the political life of the Nation. And I think it's appropriate today, at a prayer breakfast for 17,000 citizens in the State of Texas during a great political convention, that this issue be addressed.

I don't speak as a theologian or a scholar, only as one who's lived a little more than his threescore ten—which has been a source of annoyance to some—[laughter]—and as one who has been active in the political life of the Nation for roughly four decades and now who's served the past 3½ years in our highest office. I speak, I think I can say, as one who has seen much, who has loved his country, and who's seen it change in many ways.

I believe that faith and religion play a critical role in the political life of our nation—and always has—and that the church—and by that I mean all churches, all denominations—has had a strong influence on the state. And this has worked to our benefit as a nation.

Those who created our country—the Founding Fathers and Mothers—understood that there is a divine order which transcends the human order. They saw the state, in fact, as a form of moral order and felt that the bedrock of moral order is religion.

The Mayflower Compact began with the words, "In the name of God, amen." The Declaration of Independence appeals to "Nature's God" and the "Creator" and "the Supreme Judge of the world." Congress was given a chaplain, and the oaths of office are oaths before God.

James Madison in the Federalist Papers admitted that in the creation of our republic he perceived the hand of the Almighty. John Jay, the first Chief Justice of the Supreme Court, warned that we must never forget the God from whom our blessings flowed.

George Washington referred to religion's profound and unsurpassed place in the heart of our nation quite directly in his Farewell Address in 1796. Seven years earlier, France had erected a government that

was intended to be purely secular. This new government would be grounded on reason rather than the law of God. By 1796 the French Revolution had known the Reign of Terror.

And Washington voiced reservations about the idea that there could be a wise policy without a firm moral and religious foundation. He said, "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man (call himself a patriot) who (would) labour to subvert these . . . finest [firmest]¹ props of the duties of men and citizens. The mere Politician . . . (and) the pious man ought to respect and to cherish (religion and morality)." And he added, ". . . let us with caution indulge the supposition, that morality can be maintained without religion."

I believe that George Washington knew the City of Man cannot survive without the City of God, that the Visible City will perish without the Invisible City.

Religion played not only a strong role in our national life; it played a positive role. The abolitionist movement was at heart a moral and religious movement; so was the modern civil rights struggle. And throughout this time, the state was tolerant of religious belief, expression, and practice. Society, too, was tolerant.

But in the 1960's, this began to change. We began to make great steps toward secularizing our nation and removing religion from its honored place.

In 1962 the Supreme Court in the New York prayer case banned the compulsory saying of prayers. In 1963 the Court banned the reading of the Bible in our public schools. From that point on, the courts pushed the meaning of the ruling ever outward, so that now our children are not allowed voluntary prayer. We even had to pass a law—we passed a special law in the Congress just a few weeks ago to allow student prayer groups the same access to schoolrooms after classes that a young Marxist society, for example, would already enjoy with no opposition.

The 1962 decision opened the way to a flood of similar suits. Once religion had been made vulnerable, a series of assaults

were made in one court after another, on one issue after another. Cases were started to argue against tax-exempt status for churches. Suits were brought to abolish the words "under God" from the Pledge of Allegiance and to remove "In God We Trust" from public documents and from our currency.

Today, there are those who are fighting to make sure voluntary prayer is not returned to the classrooms. And the frustrating thing for the great majority of Americans who support and understand the special importance of religion in the national life—the frustrating thing is that those who are attacking religion claim they are doing it in the name of tolerance, freedom, and openmindedness. Question: Isn't the real truth that they are intolerant of religion? [Applause] They refuse to tolerate its importance in our lives.

If all the children of our country studied together all of the many religions in our country, wouldn't they learn greater tolerance of each other's beliefs? If children prayed together, would they not understand what they have in common, and would this not, indeed, bring them closer, and is this not to be desired? So, I submit to you that those who claim to be fighting for tolerance on this issue may not be tolerant at all.

When John Kennedy was running for President in 1960, he said that his church would not dictate his Presidency any more than he would speak for his church. Just so, and proper. But John Kennedy was speaking in an America in which the role of religion—and by that I mean the role of all churches—was secure. Abortion was not a political issue. Prayer was not a political issue. The right of church schools to operate was not a political issue. And it was broadly acknowledged that religious leaders had a right and a duty to speak out on the issues of the day. They held a place of respect, and a politician who spoke to or of them with a lack of respect would not long survive in the political arena.

It was acknowledged then that religion held a special place, occupied a special territory in the hearts of the citizenry. The climate has changed greatly since then. And since it has, it logically follows that religion

¹ White House correction.

needs defenders against those who care only for the interests of the state.

There are, these days, many questions on which religious leaders are obliged to offer their moral and theological guidance, and such guidance is a good and necessary thing. To know how a church and its members feel on a public issue expands the parameters of debate. It does not narrow the debate; it expands it.

The truth is, politics and morality are inseparable. And as morality's foundation is religion, religion and politics are necessarily related. We need religion as a guide. We need it because we are imperfect, and our government needs the church, because only those humble enough to admit they're sinners can bring to democracy the tolerance it requires in order to survive.

A state is nothing more than a reflection of its citizens; the more decent the citizens, the more decent the state. If you practice a religion, whether you're Catholic, Protestant, Jewish, or guided by some other faith, then your private life will be influenced by a sense of moral obligation, and so, too, will your public life. One affects the other. The churches of America do not exist by the grace of the state; the churches of America are not mere citizens of the state. The churches of America exist apart; they have their own vantage point, their own authority. Religion is its own realm; it makes its own claims.

We establish no religion in this country, nor will we ever. We command no worship. We mandate no belief. But we poison our society when we remove its theological underpinnings. We court corruption when we leave it bereft of belief. All are free to believe or not believe; all are free to practice a faith or not. But those who believe must be free to speak of and act on their belief, to apply moral teaching to public questions.

I submit to you that the tolerant society is open to and encouraging of all religions. And this does not weaken us; it strengthens us, it makes us strong. You know, if we look back through history to all those great civilizations, those great nations that rose up to even world dominance and then deteriorated, declined, and fell, we find they all had one thing in common. One of the significant forerunners of their fall was their turning away from their God or gods.

Without God, there is no virtue, because there's no prompting of the conscience. Without God, we're mired in the material, that flat world that tells us only what the senses perceive. Without God, there is a coarsening of the society. And without God, democracy will not and cannot long endure. If we ever forget that we're one nation under God, then we will be a nation gone under.

If I could just make a personal statement of my own—in these 3½ years I have understood and known better than ever before the words of Lincoln, when he said that he would be the greatest fool on this footstool called Earth if he ever thought that for one moment he could perform the duties of that office without help from One who is stronger than all.

I thank you, thank you for inviting us here today. Thank you for your kindness and your patience. May God keep you, and may we, all of us, keep God.

Thank you.

Note: The President spoke at 9:26 a.m. at the Reunion Arena following remarks and an introduction by Martha Weisand, co-chair of the Texas Reagan-Bush campaign.

Retirement Equity Act of 1984

*Statement on Signing H.R. 4280 Into Law.
August 23, 1984*

I am pleased to sign into law H.R. 4280, the Retirement Equity Act of 1984. This important legislation is the first private pension bill in our history to recognize explicitly the importance of women both to the American family and to the Nation's labor force. It contains significant measures to enhance women's ability to earn pensions in their own right. It improves and protects the vital role of pensions as retirement income to widows.

An end to inequities in the provision of pension benefits to women has been a top priority of my administration. In September 1983, I sent to Congress our own pension equity bill. I am pleased that most of that

here, despite the cancellation of the parade, is still very worthwhile and important, because all of us together have been participants in a great miracle of modern history—the simple, peaceful continuation of power ratifying the sovereignty of we, the people. There has never been a transfer of power by bayonet in America and, God willing, there never will be.

Thomas Jefferson once said, "How little do my countrymen know what precious blessings they are in possession of and which no other people on Earth enjoy." Well, today we can rejoice that more and more people on Earth are moving toward democracy, and we can rejoice that America, a nation still young compared to so many others, is the oldest, most successful republic on Earth.

In 2 years, we will celebrate together the 200th anniversary of our Constitution. And what a day that will be for parades, not only in Washington, DC, but all across our land. So, while we could not go through with today's festivities, we can celebrate in our hearts the continuation of this wonderful experiment in individual liberty and self-government. And we can give thanks that we remain today, as Abraham Lincoln said over a hundred years ago, "The last, best hope of man on Earth."

God bless you all. Thank you all again. Have a safe journey home. Thank you.

Note: The President spoke at 3:18 p.m. following remarks and an introduction by the First Lady. The audience was mainly composed of high school band members from across the country who had been scheduled to participate in the traditional Inaugural Parade down Pennsylvania Avenue. Several of the bands performed at the Capital Centre, while the President and Mrs. Reagan and the Vice President and Mrs. Bush were seated on what was to have been a float in the parade. The parade was canceled due to the bitterly cold weather in Washington.

In the evening, the President and Mrs. Reagan attended a series of Inaugural Balls at various locations throughout the city: the DC Starplex Armory (the Inaugural Ball for Young Americans); the National Air and Space Museum; the Pension Building; the District of Columbia Convention Center

(two separate balls); the John F. Kennedy Center for the Performing Arts; the Sheraton Washington Hotel; the Shoreham Hotel; the Washington Hilton Hotel (two separate balls). They also attended the American Legion's "Salute to Heroes" ball, honoring 200 Congressional Medal of Honor recipients, at the Capital Hilton Hotel.

The Nation's Economy

*Statement on the 1984 Gross National Product and Inflation Figures.
January 22, 1985*

I am delighted by today's reports that the gross national product in 1984 increased by 6.8 percent—the biggest increase in 34 years—and that inflation, as measured by the price deflator, increased only 3.7 percent. We are succeeding in building strong and lasting economic growth without inflation. And I believe these results demonstrate, once again, that our economic program, given a chance to work, has worked beautifully in spite of the naysayers. Credit for this must go to the hard-working people of the United States.

Yesterday I pledged a new America, an opportunity society in which all would benefit from economic freedom. We are pushing closer than ever to that great goal, but we cannot rest on our laurels. Further economic progress can and will be made for all Americans once we simplify taxes and lower tax rates, create enterprise zones to stimulate economic activity in our cities, and permanently limit the ability of the Federal Government to spend, so that less money will go to the Federal Establishment and more will stay in the hands of the people, who are the creators of the prosperity we enjoy.

1985 March for Life Rally

*Remarks to Participants in the Rally.
January 22, 1985*

The President. Hello, Nellie, am I speaking to you?

Ms. Gray. Yes, Mr. President, you're speaking to me. And you're speaking to thousands of your pro-life Americans, who are here to tell you that we appreciate your being in the White House so very, very much.

The President. Well, thank you. And thank all of the participants in this 1985 March for Life for coming here and demonstrating your overwhelming support for the right to life of the unborn.

I feel a great sense of solidarity with all of you. And I'm convinced, as I know you are, that our response to the 12th anniversary of *Roe vs. Wade* and *Doe vs. Bolton* must be to rededicate ourselves to ending the terrible national tragedy of abortion.

A year ago, in my State of the Union Address, I called on everyone in our country to rise above bitterness and reproach and seek a greater understanding of this issue. I believe that spirit of understanding begins with the recognition of the reality of life before birth and the reality of death by abortion.

But the spirit of understanding also includes, as all of you know, a complete rejection of violence as a means of settling this issue. We cannot condone the threatening or taking of human life to protest the taking of human life by way of abortion.

And I want you to know that I feel these days, as never before, the momentum is with us. Surely, recent advances in medical technology have changed the debate. Surgeons now speak of the "patient in the womb." We now know more than ever before about the unborn. Doctors have invented procedures that can give blood transfusions to the fetus and even administer medication. For the first time, through the new technique of real-time ultrasound imaging, we're able to see with our own eyes, on film, the abortion of a 12-week-old unborn child.

The film—which, as you know, I'm sure, is narrated by a former director of the world's largest abortion clinic—provides chilling documentation of the horror of abortion during the first 3 months of life. It's been said that if every Member of the Congress could see this film of an early abortion, the Congress would move quickly

to end the tragedy of abortion. And I pray that they will.

I will continue to work with all of those—in the Congress and out—who believe, as I do, that abortion is taking the life of a living human being; that the right to abortion is not secured by the Constitution; and the state has a compelling interest in protecting the life of each person before birth.

I've spoken here of the evidence today that establishes that the unborn is a living human being. We must not forget that in reality, if there is any justice in the abortionist position, it would require that they establish beyond a doubt that there is not life in the unborn—and they can't do that.

It's been a long, hard struggle the past dozen years. But I know all of us are feeling hopeful about a positive resolution of this issue, and I don't think our feeling of hope is inappropriate. There are already signs that we've changed the public attitude on abortion. The number performed each year is finally leveling off. The general feeling that abortion is just a small, harmless medical procedure that's simply a matter of choice has almost disappeared.

We're making a lot of progress, and partly because a dozen years ago people like yourselves who were told that banning abortion was a losing battle said, "Fine, that's the only kind of battle worth fighting."

God bless you for your courage and commitment, and thank you for your wonderful work. And I'm proud to stand with you in the long march for the right to life.

Ms. Gray. Mr. President?

The President. Yes, Nellie.

Ms. Gray. Mr. President, before you leave us, you know, many times we have been in the White House and you have said to us that we must come together. And I want you to know that we have had, maybe, some of our differences before. But now this grassroots, pro-life, American, whole movement is united. We want the paramount human life amendment with no compromises, Mr. President.

The President. Good for you, and I support you.¹

Ms. Gray. And, Mr. President, we want to work with you this year because we know that there are some things that we can do right now. One is, we can stop the funding of abortions in the District of Columbia, and we, as pro-life Americans, want to work with you to get that bill through. There are things that we can do, and we want to work with you.

And before you leave us, we just want to give you a resounding "Thank you, Mr. President" from all of us here who are standing with you.

Goodbye, Mr. President.

The President. Goodbye, and thank you.

Ms. Gray. God bless you, Mr. President.

The President. Thank you very much, Nellie, and thank everyone.

Note: The President spoke at 12:01 p.m. from the Oval Office via a loudspeaker hookup with the rally site. Participants had gathered on the Ellipse for a march to the Supreme Court on the occasion of the 12th anniversary of the Supreme Court's decision on the abortion issue.

Miss Nellie Gray is president of March for Life.

Arms Control and Reduction Negotiations

*Statement by the President.
January 22, 1985*

I have just met with Secretaries Shultz and Weinberger, General Vessey, Bud McFarlane, Ken Adelman, and our new arms control negotiators. I am very pleased that the three distinguished Americans who will be our representatives have agreed to

¹ On the same day, the Principal Deputy Press Secretary to the President issued a statement which read, "There is no change in the President's position on abortion. He believes that abortion should be prohibited except when the life of the mother is endangered."

serve our country in these important new arms control negotiations.

Max Kampelman, John Tower, and Mike Glitman bring to their new assignments broad experience and deep knowledge. With the strong support of Paul Nitze and Ed Rowny, I am confident that our new team will represent the United States very effectively.

I view the negotiating commitments we undertook 2 weeks ago with the Soviets in Geneva with the utmost seriousness. I have no more important goal than reducing and, ultimately, eliminating nuclear weapons. The United States will have concrete ideas to put on the negotiating table. We hope the Soviet Union will follow a similarly constructive approach.

I also want to emphasize that we are determined to achieve a good agreement—an agreement which meets the interests of both countries, which increases the security of our allies, and which enhances international stability. Our new negotiators share this important goal. I look forward to working closely with our negotiating team in the months ahead. In this effort, I have charged Max and his colleagues with the responsibility of keeping appropriate Members of the Congress fully informed. With the patience and support of the American people, Congress, and our allies, I am confident that we will succeed.

Commission on Executive, Legislative, and Judicial Salaries

*Appointment of Two Members.
January 22, 1985*

The President today announced his intention to appoint the following individuals to be members of the Commission on Executive, Legislative, and Judicial Salaries for the period of the 1985 fiscal year of the Federal Government:

Lloyd Norton Cutler will succeed Martha W. Griffiths. He is a partner in the law firm of Wilmer, Cutler & Pickering in Washington, DC. He served as Counsel to the President of the United States in 1979-1981. Previously he was with Wilmer, Cutler & Pickering in 1962-

WHOSE LAW SHOULD APPLY FOR FOREIGN TORTS?

BY DOUGLAS J. BESHAROV
Special to The National Law Journal

TRADE REFORM and tort reform are both important issues now before Congress. Largely overlooked is an interaction between our product liability laws and current patterns of international trade that hurts both American business and American consumers.

In the wake of the toxic gas leak disaster in Bhopal, India, in December 1984, there has been intense legal jockeying over whether the case would be tried in the United States. The plaintiffs have fought to have the case heard here. Union Carbide Corp. has sought a trial in Indian courts.

American substantive law is only a secondary reason for wanting the cases heard here. The real attraction is the American procedural rules that would be applied.

Beyond much more liberal discovery, the plaintiffs would have enjoyed much more generous rules concerning damages.

Non-economic awards for "pain and suffering" and a broad definition of "consequential damages" are but two forms of damages that are given much greater recognition in American courts than elsewhere. Beyond compensation lies punitive damages, also a procedural issue and also unavailable in most other countries.

Contingent fee rules are likewise procedural. Contingent fee arrangements provide an important public service by allowing plaintiffs' lawyers to advance the costs of litigation, thus permitting major suits on behalf of less-than-wealthy plaintiffs. Although illegal almost everywhere else in the civilized world, if a foreign case is handled here, the lawyers are permitted to work on a contingent fee basis.

Raising a Claim's Value

If the case is heard in India and that nation's ordinary practices are followed, the consensus of informed observers is that by the most "liberal calculation," the total award against Union Carbide would be less than \$75 million.

An award from an American court, however, would be many times larger. Using data on comparable claims compiled by the Rand Institute of Civil Justice, Peter Reuter, senior economist at the Rand Corp., and I calculate that compensatory damages could be as much as \$235 million.¹ Possible punitive damages dwarf even this figure.

If Union Carbide had been found to have acted with reckless disregard of the welfare of those around the Bhopal plants, a figure 10 times larger, indeed a figure limited only by the net worth of the company, would have been a reasonable target.

It was the specter of punitive damages that probably led Union Carbide to offer a settlement of \$350 million,² close to the likely compensatory award from an American court but many times higher than what might be expected from an Indian court. And, for the plaintiffs, it was also the opportunity for punitive damages that probably led them to reject the offer.

Although the Bhopal victims' attempt to get American courts to accept jurisdiction over their claims is well known, it is merely the prototypical example, albeit the largest, of a growing class of cases. Numerous aircraft and drug companies, for example, have

been sued in this country for products sold abroad and, in some instances, even manufactured and licensed there.

The majority of claims brought in American courts by foreign plaintiffs ultimately are dismissed — as, it appears, will be the ultimate fate of the Bhopal claims. But "majority" and "ultimately" are important qualifications.

The lesson to American firms doing business in other countries is clear: Assume that American levels of liability can be imposed on goods and services sold abroad — and act accordingly.

Exporting Safety

Many Americans will welcome this higher level of corporate accountability. We don't want to export dangerous products and manufacturing processes that exploit the unprotected citizens of other countries.

But, high levels of liability inexorably raise the price of goods and services, making them less competitive.

Other developed nations, even those with higher per capita wealth than our own, have not adopted a liability regime like ours. They rely on a combination of government regulation and social insurance to protect their consumers, and they have many rules that discourage product liability litigation.

Less-developed nations have little choice; they cannot afford one. Compare our per capita gross national product of \$15,000 with India's of \$256, for example. They tolerate lower product safety and workplace safety than do we because they value economic development more highly than safety — just as we once did.

Losing Foreign Markets

Placing higher levels of liability on American firms for activities abroad handicaps them as they compete against firms of other nations that do not carry similarly expensive liabilities.

Products differ, of course, in the amount of damage they can cause. For some products, such as a bar of soap, the degree of risk is quite small, and the concomitant rise in price trivial. But for other products, substantial market share can be at stake: Liability insurance constitutes about 10 percent of the cost of general aviation aircraft manufactured in this country; for certain machine tools, liability insurance is as much as 15 percent.³

Recently, some U.S. companies have flirted with the creation of undercapitalized foreign subsidiaries. But this will not provide real protection, as American courts will likely go behind the sham of such arrangements to hold the parent liable.

Unreachable Foreign Producers

At the same time that we seem to be in the process of exporting our high level of tort liability to countries that do not want it, we are, ironically, failing to insist that it be fully applicable to the goods we import. The problem is not the applicability of our laws. All goods sold in this country are subject to state product liability laws. The problem is enforcing these laws against foreign manufacturers.

Many foreign firms do not have an actual business presence in this country, and instead work through independent export agents or wholly owned subsidiaries that take title before the products are exported. Although these middlemen are subject to the jurisdiction of American courts, they are often small operations with few assets, making them all but judgment-proof. Many subsidiaries, too, have insufficient assets, and the parent company may decide to let the subsidiary go under rather than pay a large claim.

Thus, recovery often requires gaining jurisdiction over the foreign producer itself. There are two ways to get jurisdiction over the foreign firm itself. Neither works very well.

The test for "piercing the corporate

veil" is control and capitalization: Did the parent control the actions of the subsidiary? And, was the subsidiary undercapitalized? Both questions require the kind of evidence often available only through discovery. Unfortunately, foreign courts are unlikely to allow the needed discovery. In many countries, disclosure of corporate records is a crime.

The second way to get jurisdiction over a foreign firm is through a "long-arm statute," which reaches out to parties who, although never in this country, are legitimately subject to suit here. The judicial test is whether the party had "minimum contacts" with the jurisdiction. In this context, to quote the Supreme Court, the issue is whether "a corporation delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum State."⁴

In February of this year, the Supreme Court made it even more difficult to gain jurisdiction over foreign firms. In *Asahi Metal Industry v. Superior Court of California*,⁵ the court held that California had unfairly asserted jurisdiction over Asahi, a Japanese manufacturer of tire-valve assemblies, even though it sold 100,000 assemblies per year to a Taiwanese company, which used them in tire tubes that were, in turn, sold worldwide.

Even when American courts gain jurisdiction over the parent company, foreign courts often frustrate attempts

to obtain evidence proving that the product was defectively designed or manufactured. As usual, the Japanese add a further twist to trade issues: Many of their manufacturers use wholly owned subsidiaries to conduct research and development.

Faced with this lack of cooperation, some American courts, as a sanction, will award judgment for the plaintiff; others will not. But enforcing the award is another matter. Unless the foreign firm has assets in this country, the assistance of the courts in the firm's home country again is needed. As these courts were hostile to the question of discovery in the first place, they often refuse to enforce the award, or they impose numerous obstacles to its enforcement.

Lowering a Claim's Value

Thus, it can take years of costly litigation before there is any prospect of even partial compensation from foreign defendants. This uncertainty and delay means that smaller claims (say under \$100,000) are all but uncollectible. They are simply not worth pursuing, even under contingent fee arrangements. Larger claims are worth pursuing, but their settlement value is much reduced.

Unprotected consumers would be enough reason for concern, but the relative freedom of foreign producers from our tort law also puts U.S. goods at a price disadvantage against foreign products that need not be priced

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Mr. Besharov is a resident scholar at the American Enterprise Institute and an adjunct professor of law at both Georgetown and American Universities. This article expands on two Wall Street Journal articles written with Peter Reuter, senior economist at the Rand Corp.

Continued from preceding page

to include the cost of American levels of liability. Again, products differ in the amount of harm they can do, and thus in the amount their price must be raised to provide for potential lawsuits. But for some, the price increase can substantially reduce market share.

In principle, the inability to receive full compensation for the injuries caused by foreign products should reduce their attractiveness, even if they are lower-priced. Or, it should cause middlemen to insist on a higher mark-up on the product's price. However, knowledge among consumers about this lower level of liability protection is limited, and many consumers do not value the added protection, anyway. Moreover, many sophisticated buyers realize that their insurance will cover their economic losses and that premiums do not go up when they purchase foreign goods.

Thus, foreign firms often enjoy a substantial cost advantage, with American consumers and insurance companies subsidizing the lack of protection. Of course, there comes a point at which the foreign firm's sales grow to require a substantial business presence in this country, so that full product liability can be enforced. But, by then, the initial price advantage will have helped it to build market share.

There are many reasons to be concerned about high levels of tort liability in this country. Nevertheless, good consumer policy and good trade policy seem to require that foreign producers be brought under the full ambit of our product liability laws.

Limiting Forum Shopping

Congress has ample authority under its commerce and foreign policy powers to pass remedial legislation. In Bhopal-type cases, American interests can be protected without closing our courts to foreigners bringing actions against U.S. firms and without making major changes in American tort law.

The law already recognizes the dangers of forum shopping and seeks to deter it by applying the "substantive" law of the country in which the tort occurred. However, American procedural rules can be an equally strong attraction to our shores.

Recognizing the reality that procedural rules can be as outcome-determinative as substantive rules, we should ensure that, when foreign cases are tried here, the procedural as well as the substantive law of the country where the injury took place is applied.¹¹ No one would suggest that American courts use the forms, filing deadlines, etc., of a foreign court. But it is possible to aim legislation at the heart of the problem: liberal discovery, expansive damages and contingency fees.

Congress should consider legislation limiting the availability of all three — discovery, damages and contingency fees — to the same degree as they would be available in the country where the injury occurred. If liberal discovery, expansive damages and contingency fees are important to the citizens of other nations, their governments should make them available against all firms — not just American firms that can be sued in our own courts.

There is already a precedent for such statutes. Many states have "borrowing statutes" that apply the statute of limitations of the other state when a claim is filed in their courts and that state's statute establishes a shorter time limit for filing a suit.

Congress should also consider legislation ensuring that American courts have jurisdiction to enforce our product liability laws against defective products manufactured abroad. To prevent the misuse of undercapitalized middlemen and subsidiaries, it could enact a more far-reaching long-arm statute giving American courts jurisdiction over firms producing goods likely to reach this country, or a statute requiring the producer of any

goods entering this country to consent to being sued here.

To facilitate the enforcement of judgments, Congress might require goods entering the country to provide proof of sufficient funds in the United States to cover probable injuries caused by them. (A certificate of insurance or a letter of credit might be used to satisfy this requirement.)

Clearly, the suggestions made in this article intrude on state tort law and court procedure, areas that Congress has been reluctant to enter for various political and policy reasons. This is one issue, though, on which the antagonists in both the tort and trade reform debates — trial lawyers, consumer advocates and business — should be able to agree. It is in the interest of all Americans to develop legal rules that facilitate the free — and fair — exchange of goods and investments.

(1) The concept of procedural rules, as used in this article, encompasses all non-substantive rules governing litigation. In this sense, it is a somewhat broader use of the term than is often

It is difficult to enforce American tort law against foreign manufacturers whose goods are imported into the country.

employed in choice-of-law analysis.

(2) G. Crovitz, "Curbing the Medical Liability Crisis: The English Rule On Costs as an Alternative to the Contingency Fee," Washington Legal Foundation Working Paper Series, No. 11 (February 1987) pp. 18-22.

(3) There is some suggestion that the Indian government is changing its tort laws to make a larger award possible, if not likely.

(4) S. Adler, "Bhopal Journal: The Voiceless Victims," 1, 133, The American Lawyer (April 1985).

(5) D. Desharov and P. Reuter, "Averting a Bhopal Legal Disaster," Wall Street Journal, May 16, 1985, p. 32.

(6) This figure comes from news reports. Union Carbide apparently offered a structured settlement with an initial payment followed by installments to be paid over a number of years. Thus, the present discounted cash value of the offer was substantially lower.

(7) E.g., Dowling v. Richardson-Merrell Inc., 727 F.2d 608 (6th Cir.1984), aff'g, 545 F. Supp. 1130 (S.D. Ohio 1982).

(8) Trade Development, Office of Aerospace, International Trade Administration, A Competitive Assessment of the U.S. General Aviation Aircraft Industry (June 1985).

(9) Personal communication between Milton Copulos, of the Heritage Foundation, and the author, Oct. 14, 1985.

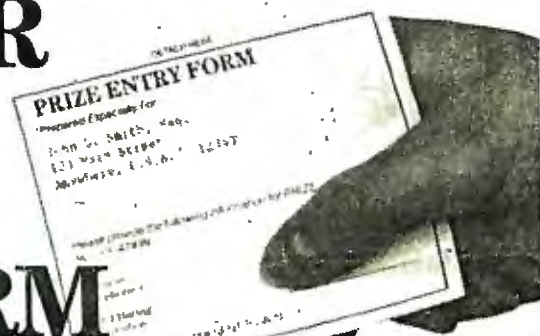
(10) World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 297-298 (1980) (citation omitted).

(11) 55 U.S.L.W. 4197 (Feb. 24, 1987).

(12) Possible exceptions involve goods also sold in the U.S. and injuries to U.S. nationals while abroad.

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