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An Education Program FOR America

Lewis F. Powell Jr.

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HARRISON MANN
ATTORNEY AND COUNSELLOR AT LAW

open bill
For Answer

815 15TH ST., N. W.
WASHINGTON, D. C. 20005
(202) 628-5363

May 25, 1970

Lewis F. Powell, Jr., Esq.
700 East Main St.
Richmond, Virginia 23212



Dear Lewis:

I have grown increasingly concerned over the ever growing role of the "American" Civil Liberties Union in the encouragement of disruption in our national and state life. Its most recent effort lies in the area of abetting disruption in the colleges and I might say from personal experience, quite successfully.

As you know, this group, which had its initial origin in the Communist Party (and I am informed still has their representatives on its board) has recently moved away from its policy of voluntary representation and has organized on a full time national basis. It is soliciting financial support among the citizenry as well as the legal profession to pay for its activities, which as a consequence places them in a position of increasing harassment.

It appears to me that the contest for stability of society is now becoming weighted too heavily against the law abiding and those who are attempting to keep the country from dropping off into anarchy. I am not at all sure what those of us in the legal profession can and should do about it, but I am sure that if things are permitted to continue in the direction they are going democracy will soon be imperiled.

I wish you would give some thought to the ACLU problem, and if you think it is worthwhile that we get together and talk about it.

With kind regards,

Sincerely,

HM/ds

My File Copy

L7P

An Education Program FOR America

Concerned citizens have been asking what they can do for their country at this perilous time in its history. The purpose of this memorandum is to suggest one possible plan for citizen action.

The Situation

Many think our country faces the gravest challenge to its continued existence as a free democracy under the rule of law since the War Between the States. The conditions which converge to bring about this crisis include the unpopular war in Southeast Asia, inflation, the problems of the cities, economic recession, mounting crime and lawlessness, campus unrest and violence, racial unrest, and a widening willingness to resort to coercion of various forms rather than rely upon orderly processes to accomplish desired goals.

The discontent, disillusionment and discord resulting from these conditions are being exploited by those who wish to destroy this country.

This exploitation takes various forms. One of the most virulent is the anti-American syndrome evidenced by the unending barrage of criticism leveled by Americans against America itself, our institutions, our system of government, and upon the values which for centuries have sustained western civilization.

Our people are constantly told what is wrong with America. This criticism comes from a broad spectrum: from many who write and broadcast for the communications media, who editorialize in our leading journals, who are prominent in the arts and theater, and who are influential on the campus. Many leading politicians join in this chorus of anti-American criticism.

No rational person would wish to inhibit criticism or dissent. This is a vital part of the democratic process, rooted in our Bill of Rights and in the Anglo-American tradition. Yet, criticism can be destructive, extreme, irrational and slanderous. If this type of criticism continues long enough, without a balance of constructive responses, it can tear down and destroy our most cherished institutions.

No family can survive incessant criticism of each other by its members; no business organization can prosper

if criticism from within of its product, its policies and its personnel becomes a consuming activity; and, likewise, no country - however strong - can survive indefinitely the volume, intensity and irrationality of much of the criticism which is daily leveled against the United States by its own people.

The indictment of this country, which we hear and read daily from Americans, includes ad nauseum the repetitive charges of (i) imperialism, (ii) militarism, (iii) racism, (iv) repression, (v) injustice, and (vi) exploitation. The foreign policy of our government no longer enjoys any significant bipartisan support. The free enterprise system is under constant attack. The labor unions and "blue collar" workers are assailed; our military services are slandered and reviled; our police are called "pigs" and accused of "police brutality"; our courts are charged with being incapable of providing "fair trial"; and, although our form of government is perhaps the freest and most democratic the world has ever known, it is attacked as fascist and repressive.

A significant part of this criticism comes from organizations and individuals who wish to destroy the American free enterprise democratic system. Revolution is openly advocated, and the emissaries of revolution are welcomed on

our most prestigious campuses; they are afforded millions of dollars of free publicity by the media; and many are glorified almost to the point of "heroes".

But the revolutionaries, though well organized and determined, are a relatively small segment of our population. They would have little chance of achieving their goal without the toleration and tacit acceptance of millions of other Americans, especially on the campus, in the pulpit, and among much of the media.

A Kunstler and a Rubin, openly advocating revolution, are received warmly by 6,000 students and faculty members at the University of Virginia. Campus and church organizations, among others, find the Black Panthers appealing, and accept and repeat the mindless slogans attacking their own country.

Thus, the most vicious attack of the revolutionaries on all that is America is echoed by many non-revolutionaries who seem oblivious to the real possibility that defamation and half truths, repeated often enough, can destroy this country.

The America Which Is Defamed

Despite the crisis of problems mentioned above, America is still the envy of the world. The people of

virtually every other country would like to emigrate to America. In other non-Communist countries, the millions who would like to come to America are restrained only by our immigration laws. In all Communist countries, the people are restrained by walls and barbed wires - not merely from coming to America but from leaving at all.

Despite our problems, America still enjoys - for all of its citizens - the highest standard of living known to history. Our people, regardless of race or origin, have the greatest opportunities for education and economic advancement. They enjoy more real freedom, with individual rights honored and protected to a greater extent, than the people of any other nation.

At all levels of our society, from the local community to the national government, there is unprecedented compassion and concern for the underprivileged and for social reform.

In international relations, we have been the least imperialistic of any major power in the history of the world. We have maintained military strength - not for conquest but to protect America and the free world from Communist enemies who would destroy us. Our citizens have generously shared their wealth with the peoples of other nations.

There are, in broad principle, only two forms of government: (i) democracy and (ii) totalitarian dictatorship. America will continue to have a free democracy, in which the majority rules through elected executive and legislative branches; or, if revolution destroys democracy, we shall have a totalitarian dictatorship. It will matter little whether it is leftist or rightist, as the liberties of our people will be lost and all of the conditions now falsely alleged to exist in our society will in fact oppress our people.

The Question

The question, if one generally accepts the foregoing analysis of the situation, is whether we who believe free America is worth preserving can find an effective way to make our voices heard in opposition to the "wreckers".

One Possible Answer

There are probably many answers to the foregoing question, with no single answer being free from obvious doubts. But for purposes of discussion, this memorandum will suggest one possible answer recognizing that it is limited in scope and difficult to implement. It may afford in a modest way,

an opportunity for some meaningful public education at this critical period. Also, it may provide a medium through which concerned citizens and organizations may, as part of a common effort, speak up for America.

A Nonprofit Educational Corporation

We might organize a nonprofit, educational corporation called "Virginia Committee FOR America". Its purposes would be to engage in educational activities as to our democratic system of government, the free enterprise system, and Bill of Rights, and the contrast between our system of freedom under law and totalitarianism.

Such a corporation should qualify for tax-deductible gifts, provided its purpose is solely educational and it is operated consistently with that purpose.

It could have both institutional and individual members. It might have trustees designated by sponsoring organizations, and some trustees elected by members.

Sponsoring Organizations

A representative group of Virginia organizations could be asked to sponsor this entity. Sponsorship would connote

(i) designating a trustee, (ii) use of name as a sponsor, and (iii) perhaps (but not necessarily) financial support.

Sponsoring organizations might include AFL-CIO, Chamber of Commerce, Virginia Retail Merchants Association, Virginia Manufacturers Association and other representative statewide organizations.

Financing and Staff

Such an organization should be set up with the view to operating for several years. This means a permanent staff of at least one person (a director), an advertising agency, and some voluntary assistance - especially with program.

Contributions could be solicited both from individuals and corporations. A budget for the first year should be developed after a minimum program has been outlined and cost estimates obtained.

Program

The scope and extent of the program would depend upon available financial and staff resources, which in turn will depend primarily upon the interest and support of organizations and individuals. Careful thought should be given to various

types of programs, including media to be used, priorities, and particularly to program content.

For purposes of discussion the following suggestions are made:

The central theme of the program should be to emphasize what is good about America, its system and its institutions.

One effective way to do this would be to base a series of newspaper advertisements, radio programs and possibly pamphlets or essays addressing and refuting the false charges made against our country. The technique would be to state the charge or accusation, and then answer it with the truth or the facts.

For example, one of the favorite charges is that America is repressive. The refutation of this slander could be the subject of a particular ad.

Other charges which could be refuted relate to imperialism, militarism, exploitation, absence of fair trial, and the like.

Other types of advertisements or pamphlets need not be predicated upon a charge or accusation. For example, there could be a series on opportunities in America, as compared with other countries: these might emphasize the educational and economic opportunities which are more available here for all people than in other countries.

The Virginia Committee FOR America also could deal with such subjects as the free labor organizations, the free enterprise system, and what these mean in terms of a better standard of living for all.

Throughout the literature, there should be a constant theme of contrast between what's good in this country and the contrasting situation in Communist countries.

Refuting Communist Propaganda

One of the most remarkable achievements in history has been the success of Communist propaganda and psychological warfare over the past 25 years. The result has been that millions of Americans apparently now believe that the vices and evils which are the hallmark of Communist totalitarianism exist - not in the Soviet Union or Red China - but in this country!

Our people are told many times daily that the "imperialism", "immorality", and "aggression" in Southeast Asia is American. The truth as to imperialism, aggression and brutality is rarely told, and seldom is this type of criticism directed at the Communist enemy. In short, the "big lie" technique is successful.

Pictures of Mao Tse-tung, Castro and Che Guevara, together with flags of North Vietnam and the Viet Cong, are found on our college campuses, in parades and in demonstrations while the agitators shout epithets and slander against the United States. There is rarely the slightest recognition that each of the alleged evils charged against America is in truth a characteristic of the Communist system.

This is the straight Communist propaganda line. Many who follow it do so deliberately, but many others are dupes who are victims of years of brainwashing.

One small citizens organization cannot hope, by itself, to reverse a tide which has been running for years. The question is whether we should make an effort.

Next Step

If something like the foregoing is thought to be worth exploring further, an advertising agency might be selected and requested to "package a proposal" in form that could be submitted to prospective sponsoring organizations.

A small steering committee should be appointed (i) to work with the advertising agency, (ii) to obtain a draft of a proposed charter and by-laws, and (iii) to reconvene the

original group when something more tangible is available for consideration.

Lewis F. Powell

May 25, 1970

(Submitted to groups
of friends who
requested me to
outline a possible
educational program.
This work was
unpublished)

May 29, 1970

Gentlemen:

The enclosed memorandum is one possible approach to citizens' action along the lines we have discussed.

It was agreed at lunch today, subject to further thoughts of any of you, to send a copy of this memorandum to Frank Barnett for his evaluation, and also to ascertain whether his organization could provide staff assistance.

Sincerely,

Messrs. Bemiss, Coleman, MacKensie,
Randall, Trapnell, Wheat & Wilkinson

51/167
Enc.

copy of
For America

May 30, 1970

Not Sent

Dear Hank:

In the same mail with your letter, I received one from George Cochran's cousin - George Doub of the Baltimore bar - also asking about the ACLU.

I enclose a copy of my letter to Ed Wright, President Elect of the American Bar Association, on this subject.

I feel the same frustration expressed by you as to the disruption being promoted by ACLU and similar groups and organizations interested only in promoting their brand of one-sided "civil liberties". The other side, concerned with the rights and liberties of the overwhelming majority of law-abiding citizens, is simply not being presented or represented.

A counter force should be established which could intervene in litigation on behalf of the "moderate center" in this country - which is largely voiceless, unrepresented and politically impotent in terms of addressing specific controversial issues, whether in litigation or otherwise.

I suppose it might be possible for responsible citizens to organize a nonprofit corporation for "public advocacy" of the moderate view. Some of us have been talking about an organization along these lines, not to intervene in litigation and proceedings, but to conduct a balanced, educational program FOR America. I enclose a memorandum on this subject. But

the problems of organizing anything, with busy people are obvious. Thereafter, there must be continuous financing and staffing and this sort of continuity of effort seems beyond the capability of the Americans who really make this country such a wonderful place. These Americans are busy working and serving their communities. This leaves the field of advocacy of "causes" almost exclusively to militants of the right and the left - in these days mostly oriented toward the left.

In short, I share your concern but have no very constructive ideas to suggest. Moreover, like most of us, I am committed to my clients and to professional and civic undertakings that occupy literally about seven days a week.

I nevertheless appreciate your writing.

Sincerely,

Harrison Mann, Esquire
815 15th Street, N.W.
Washington, D. C. 20005

51/167
Enc.

Committee for
America

June 30, 1970

Dear Jim:

The enclosed multilith letter to me from Clare Boothe Luce (who apparently now lives in Honolulu) relates to the Cold War College conducted by the American Security Council here in Virginia.

As I received two copies of this letter (requesting contribution), I thought I would pass one on to you - in the unlikely event that you are not on the mailing list.

I think this idea is an excellent one, although I personally would favor changing the name to something like "International Institute" or even "Institute of Political Warfare".

Our other project seems to have faded away. The immediate need now seems less urgent (as the campuses have quieted down this summer), but fundamentally I suppose busy people simply don't have the time for what could well be the most important type of activity.

Sincerely,

Hon. James C. Wheat, Jr.
Wheat & Co., Inc.
Ross Building
Richmond, Virginia

51/167
Enc.