# Letters

## Council for a Livable World: Campaign Financing

While it is never possible to undo the harm caused by an inaccurate report once it has been published, it is important for the record and for those readers of *Science* who may be interested that I point out at least some omissions and deficiencies in Luther Carter's "Council for a Livable World: Dispute over campaign finance disclosure" (News and Comment, 20 Dec. 1974, p. 1096).

Contrary to assertions in that article, the council did not receive a determination from the Secretary of the Senate of its reporting obligations under the Federal Election Campaign Act of 1971 until 5 December 1974. In response to the secretary's ruling, the council has submitted the appropriate information for the public record.

Carter asserts that the staff determination by the secretary's office of 18 October regarding the council "was approved by [Secretary] Valeo himself," a difficult position to maintain inasmuch as that determination merely stated that the findings of a routine audit of the council "will be included in our report to the Secretary of the Senate." Therefore one can assume that the secretary was not apprised of the staff determination when it was made.

Factual errors aside, Carter fails to discuss normal administrative procedures which the council or any other reporting committee is entitled to expect from the secretary's office. Since the staff determination of 18 October raised substantive issues of law, the council asked for a formal hearing to assure an orderly and accurate determination of the actual reporting requirements. In this instance the request for a hearing was further justified, since the determination by the secretary's staff was based on a recent reinterpretation of the law and applied retroactively to the council and, evidently, to only one other committee without regard to the activities of other groups engaged in similar fund-raising endeavors.

The imposition of new reporting requirements at the eleventh hour in an election year contradicts the secretary's own stated posture in the case Common Cause *v.* Valeo "that it would be confusing to the general public and detrimental to the administration of the Act for changes in the forms and regulations to be issued on a piecemeal basis, and that all changes which it is determined to make should be combined in a new edition of the forms and regulations."

Although Carter's article failed to note these considerations of procedure, they are the underpinnings of due process and equity of law. The council has never questioned its own obligations to meet fully the requirements of the Federal Election Campaign Act. We have, in fact, been in close touch with the secretary's office over the years for the purpose of making sure we were fully in compliance with the election laws.

Since our main goal is to reduce the risk of nuclear war, with bipartisan participation in elections as only one of many ways we pursue that goal, we believe it is important to understand our other Washington activities. These activities are, in fact, my main council responsibilities. During 1974, for example, they included: (i) a Senate seminar with Wolfgang Panofsky on the new nuclear counterforce strategy; (ii) efforts to support the McIntyre Amendment to eliminate funds for those purposes in the budget; (iii) vigorous efforts to support passage of the Geneva Protocol and the biological weapons ban, including a seminar preceding the House hearings in May and preceding the Senate action ratifying the treaties in December; and (iv) consultation with many authorities on possible plans to improve the functioning of and broaden the scope of the Arms Control and Disarmament Agency, which resulted in a submission to the Zablocki subcommittee on national security policy of the House Foreign Affairs Committee.

We believe that such voluntary action by citizens in the public interest is essential for our political system. I would hope that *Science* would concur and would seek ways to support such activity. At the very least, we would hope *Science* would seek the full facts and present them fairly and accurately.

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Anyone who has read my article carefully should, I think, be surprised at Price's allegation that it is inaccurate and unfair. But before having my say about that, I would like to do what Price has not done and explain what this matter is all about.

On 18 October the Council for a Livable World (CLW) received a letter from the office of Secretary of the Senate Francis R. Valeo, one of the officials responsible for supervising compliance with the Federal Election Campaign Act of 1971. That letter, signed by Valeo's chief of investigations, said in part that, "for immediate disclosure purposes," the CLW should report the total amount of contributions made by its supporters through the council to various Senate candidates. Such reporting of the CLW's long established practice of "bundling" donations for delivery had never previously been required.

Now, did this letter represent an official determination by the secretary's office that the CLW was obligated to make such disclosure, and before the 5 November election? The CLW says no, and argues (as Price does above) that the letter represented merely a finding by Valeo's staff. But in my report, a consultant to the secretary was quoted—and Price somehow overlooks this—to the effect that the determination on disclosure had received Valeo's prior approval. And, in any case, if Price and other CLW officials wondered whether the determination represented Valeo's own views, they had nearly 3 weeks before election day to find out that it did.

Although Price even now maintains that no binding determination was received until 5 December, Valeo clearly does not see it that way. In his letter of that date to the CLW, the secretary observes that the "council's failure to supply such information [as the October letter requested] has been noted in connection with the duty of this office to refer apparent violations of law." This tactfully obscure language means

that the CLW's failure to make preelection disclosure has been referred to the Department of Justice for possible prosecution.

Price also protests that I "failed to discuss normal administrative procedures" through which the council could present its views as to campaign reporting requirements. The fact is I did report that the CLW, in a letter delivered late on the eve of the election, had requested an administrative hearing. I also discussed the constitutional issue which the council might raise if it sought court relief.

In any case, the CLW's emphasis on procedural questions obscures the real issue. In campaign finance reporting, the name of the game is *preelection* disclosure, not disclosure at any old time.

LUTHER J. CARTER

Carter's article indirectly chastising the Council for a Livable World (CLW) for its opposition to the Secretary of the Senate's interpretation of the Federal Election Campaign Act of 1971 appears to condone both obedience to bureaucratic edict as well as condemnation of anyone not disposed to instant obedience.

Through his unquestioning acceptance of the official definition of the situation, Carter obscures the role of a bureaucracy that legitimizes its own presumptions by delegating to its administrative interpretations the cloak of statutory mandates. The lawlessness involved in such presumptive behavior has recently been highlighted by James W. Moorman in his article "Bureaucracy *vs.* the law" (*1*).

That this is an instance of a bureaucratic attempt to harass the CLW is attested to by Carter's own statement that the procedures the council was being held up for were "the reverse of the notorious kind contemplated when the [congressional] regulations were drafted." If anything, CLW's president Doering ought to be congratulated for resisting the discretionary edicts of officials whose arrogance paves the road to an absolutism that is contrary to our ideals and to our laws.

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**References**

1. J. W. Moorman, *Sierra Club Bull.* **59**, 7 (October 1974).

## Evolution and Education

The article by J. V. Grabiner and P. D. Miller (6 Sept. 1974, p. 832) is an interesting and useful account of the treatment of evolution in high school biology textbooks during much of the present century. I believe, however, that some of its statements warrant further consideration.

The authors throughout imply or maintain that the trend against open, or indeed any, discussion of evolution in high school texts was a result of the Scopes trial. Their title—"Effects of the Scopes trial"—sets the premise. I consider this an instance of mistaking effect for cause. The Scopes trial resulted from the fact that teaching evolution in high schools had previously been made illegal in Tennessee, as well as in some other Southern states. The trial thus resulted from a strong trend against such teaching. That the trend continued and accelerated after the trial, as indicated by Grabiner and Miller, shows only that the trial had no marked effect on it.

In fact the trial did not decide any important questions. The drama performed by two mountebanks only publicized equally both sides of the controversy over evolution and thus, in present terms, increased polarization without any evident effect on the balance of opinion on either side. The grandstanding about the Bible and evolution was completely irrelevant to the legal action in that court. It had no bearing on whether Scopes had violated a statute of the state of Tennessee. He had, as both sides freely admitted, and he was correctly found guilty. The proevolutionists' real legal aim was to have Scopes found guilty and to have the statute declared unconstitutional through appeals to higher courts. The appeal and the verdict were simply thrown out, and the proevolutionists lost any chance to achieve their legal aim. The moral issue was whether a state legislature had the competence or natural right to decide a strictly scientific matter. This issue was settled when the Tennessee legislature later repealed the statute in question.

That antievolutionists then found other means to impede the teaching of evolutionary biology, largely by local political pressure and through the greed and pusillanimity of many publishers, is well demonstrated by Grabiner and Miller. They do note, but do not emphasize, that at least one outstanding textbook writer and one publishing firm—the late Ella Thea Smith and Harcourt Brace (now Harcourt Brace Jovanovich)—consistently and effectively opposed antievolutionist pressure. Smith's text (*1*), which discussed evolution fully and correctly, went through many editions, and according to Grabiner and Miller it was for some time the second most popular high school text. Harcourt Brace (under changing corporate names) has never issued a nonevolutionary biology text or an expurgated edition of one. I stress the priority of Smith's *Exploring Biology* because there is what I believe to be a self-serving legend that the bold introduction of modern evolutionary biology into high school texts was the much later work of the Biological Sciences Curriculum Study.

Attacks on the teaching of evolution are cyclical and largely coincide with more general antiscience and antirationality trends. The antievolutionary aspect of those trends is now taking another approach, well discussed by John Moore (*2*).

One last quite minor point: Grabiner and Miller credit me with the phrase "One hundred years without Darwin are enough." It is true that I used it, but explicitly as a quotation from H. J. Muller (*3*).

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**References**

1. E. T. Smith, *Exploring Biology* (Harcourt Brace, New York, 1938, 1943, 1949, 1952, 1954, 1959).
2. J. A. Moore, *Daedalus* (summer 1974), p. 173.
3. H. J. Muller, *Sch. Sci. Math.* **59**, 304 (1959). See also G. G. Simpson, *Teach. Coll. Rec.* **62**, 617 and 623 (1961); *This View of Life* (Harcourt, Brace & World, New York, 1964), p. 36.

The article by Grabiner and Miller on the effects of the Scopes trial was quite timely. The Texas State Board of Education recently adopted the following statement (*1*).

> Textbooks that treat the theory of evolution should identify it as only one of several explanations of the origins of humankind and avoid limiting young people in their search for meanings of their human existence.
>
> Textbooks presented for adoption which treat the subject of evolution substantively in explaining the historical origins of man shall be edited, if necessary, to clarify that the treatment is theoretical rather than factually verifiable. Furthermore, each textbook must carry a statement on an introductory page that any material on evolution included in the book