LOTS OF ROOM

The third member of the inner circle of controllers is Louis Neeb, 32, director of the executive secretariat at the Price Commission. While Nebb's boss, Commission Chairman C. Jackson Grayson, is the most visible Phase II chieftain, Neeb—like Rhode and Tiernan—has a lot of room to exercise initiative. He answers only to Grayson and to the members of the Price Commission—preparing agendas for meetings, keeping on top of the broad policy guidelines set down by the commission, and helping the staff to apply these guidelines whenever questions arise. Executive Director Bert Lewis "really runs the place," says one staffer, leaving Neeb free to work closely with Grayson.

Neeb, a tall, dark-haired MBA from George Washington University, has been with the Price Commission from the start, signing on with Grayson after spending the freeze at the Office of Emergency Preparedness. At OEP, Neeb—a stockpile-policy expert—was transformed overnight once the freeze began into a special assistant to OEP's General George Lincoln. Describing himself as a "professional government administrator" with a desire to shift back and forth to private industry, Neeb says he wrote a "large part of the policy in Phase I" himself.

ANGELA DAVIS AND BAIL REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. CONYERS. Mr. Speaker, the California court decision to release Angela Davis on bail pending the determination of her trial must be hailed by all who cherish civil rights and liberties. Miss Davis' long imprisonment while awaiting trial calls to attention the power that the State can wield over individuals charged with crimes, simply by denying bail and release.

This is the first indication that the California courts might be able to deal fairly with her case. The release, however, in no way vitiates the suffering of Miss Davis, her family and her many friends. It underscores the need for a new examination of a bail system which incarcerates so many people before any determination of guilt, as a recent editorial in the Washington Post has noted:

ANGELA DAVIS AND THE BAIL SYSTEM

Angela Davis is free on bail after sitting in jail for 16 months, having been convicted of no crime at all. This turn of events came about because the California bail statute presumes that a person against whom the state has amassed "any substantial evidence," whatever that means, of the commission of a capital offense, might prefer to flee and forfeit bail rather than face the gas chamber after trial. Now that the California Supreme Court has ruled the death penalty unconstitutional under the California Constitution, the presumption under which Miss Davis was held has evaporated and she is free.

All this must be a great comfort to her family, her lawyers and her friends, who have watched her health fail, her teeth deteriorate and her eyesight dim because of the conditions of her various incarcerations and the limited access that doctors and dentists have had to her. And it must be a real boost to her defense team, which has seen her under conditions which have made the preparation of her defense much more arduous than it would have been had they had easy and normal access to her. Finally, Miss Davis' own state of mind must be substantially eased as she gains some liberty just before she faces the most stressful period of her life.

But the jubilation of Miss Davis and her supporters buries more fundamental issues about the use of bail in the criminal justice system of this country. There is a general impression that the bail reform movement, which we heard so much about a few years ago, really worked. It didn't. The original, essential and sole purpose of bail was to permit accused persons who were unlikely to flee in order to avoid trial to maintain their freedom to live and to work and to prepare to defend themselves against charges of which they are presumed to be innocent. Bail was to be denied only to those who seemed likely to run away.

But over the years, the system has become freighted with other problems and other issues. The courts and the society have come to believe that there are some people who are so dangerous that it is better to separate them from society even before trial, for the protection of the people. Rather than facing this problem squarely, however, courts and prosecutors have bastardized the bail process in order to enable the criminal justice system to detain preventively, those who *appear* to the judge and the prosecutor to be too dangerous to be set loose while awaiting trial. There can be reasonable debate about whether preventive detention is *ever* a good idea and if it is, what procedures should be followed and what standards should be applied in order to determine who should be detained and who should not. But the criminal justice system has avoided that course for the easier path of demeaning the bail process and limiting its value for all.

We have had that kind of debate here in Washington over the District of Columbia Court Reform and Criminal Procedure Act of 1970. That act established detention standards and procedures which provided for the protection of society, speedy trial for those detained and relief of the bail system from unnecessary and burdensome freight. In this respect, the District is far ahead of any other jurisdiction in the United States.

In the rest of the country, however, the courts have become more crowded and the jails have deteriorated. Thus, people who cannot make bail or who are denied it are forced to wait great lengths of time in often inhuman places or trials which are endlessly delayed in a system that is now so creaky that it no longer deserves to have justice in its name. And most of those waiting in squalor and degradation are, unlike Angela Davis, unsung, forgotten and probably substantially more frightened than she must have been.

Although Angela Davis' sympathizers must be buoyed by the fact that her 16 months is over, no American who cares about the quality of our civilization can rest easy until the kinds of issues her bail motions have presented are faced by criminal jurisdictions throughout the country.

FRANKLIN D. ROOSEVELT: A 90TH BIRTHDAY OBSERVATION BY ARTHUR SCHLESINGER, JR.

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mrs. ABZUG. Mr. Speaker, I inserted in the RECORD of February 24, 1971, several of the papers delivered at the Hunter College observation of Franklin D. Roosevelt's 90th birthday anniversary.

Since that time, I have received an additional paper delivered on that occasion, and I am inserting it into the RECORD today. This paper is the work of Arthur Schlesinger, Jr., whose monumental narrative of the Roosevelt era is the definitive work on that period. It is an excellent piece of work, and I commend it to you.

The paper follows:

ON THE 90TH BIRTHDAY OF FRANKLIN D. ROOSEVELT

(By Arthur Schlesinger, Jr.)

There is nothing more evanescent and unreliable than the verdict of history. For the verdict of history is only the verdict of one generation of historians. Alas, every new generation of historians has its own worries about the future and consequently its own demands on the past; and each tends to re-create the past in the image of its own preoccupations and values. Reputations rise and fall, like stocks on Wall Street, responding to the supply and demand equations of some later age. In addition, as Emerson reminds us, "Every hero becomes a bore at last"—though not necessarily forever; every hero, however out of fashion for a season, also remains a subject for revival. The one certainty in history is the revision of historical judgment. That is why the word "definitive" is employed only by reviewers who do not understand what history and biography are all about.

But the historiographical rhythm is not altogether unpredictable. The reputation of a commanding figure is often at its lowest in the period ten to twenty years after his death. We are always in a zone of imperfect visibility so far as the history just over our shoulders is concerned. It is as if we were in the hollow of the historical wave; not until we reach the crest of the next one can we look back and estimate wisely what went on before. When I went to college in the nineteen thirties, Theodore Roosevelt and Woodrow Wilson were at the nadir of their reputations.

Henry Pringle's brilliant but deflationary biography of 1931 had set—it seemed for good—the image of TR as the adolescent-at-large in public affairs; the First World War revisionists had set—it seemed for good—the image of Woodrow Wilson as the man who had misled the United States into a foolish war and then botched the peace. But the passage of time and the emergence of new concerns produce new judgments. Those Theodore Roosevelt stocks have been rising steadily on the historians' exchange; and Woodrow Wilson has long since recovered from the gross disfavor of the thirties, though new generations, it is true, have perceived new flaws in the Wilsonian character and outlook.

The reputation of Franklin D. Roosevelt has undergone particular permutation and vicissitude. This is partly because of the elusive nature of the man. Some men stride into history all of a block, solid, positive, unitary, monolithic, granite-like, impermeable; thus, in our time, Churchill, Stalin, De Gaulle. Others are not blocks but prisms; they are senstive, glittering, quicksilver, protean, pluralistic; their levels of personality peel off with the delusive transparence of the skins of an onion, always frustrating the search for a hard core of personality within. One recalls Keynes's description of Lloyd George: ". . . rooted in nothing; he is void and without content; he lives and feeds on his immediate surroundings; he is an instrument and a player at the same time which plays on the company and is played on by them too; . . . with six or seven senses not available to ordinary men, judging character, motive, and subconscious impulse, perceiving what each was thinking and even what each was going to say next, and com-