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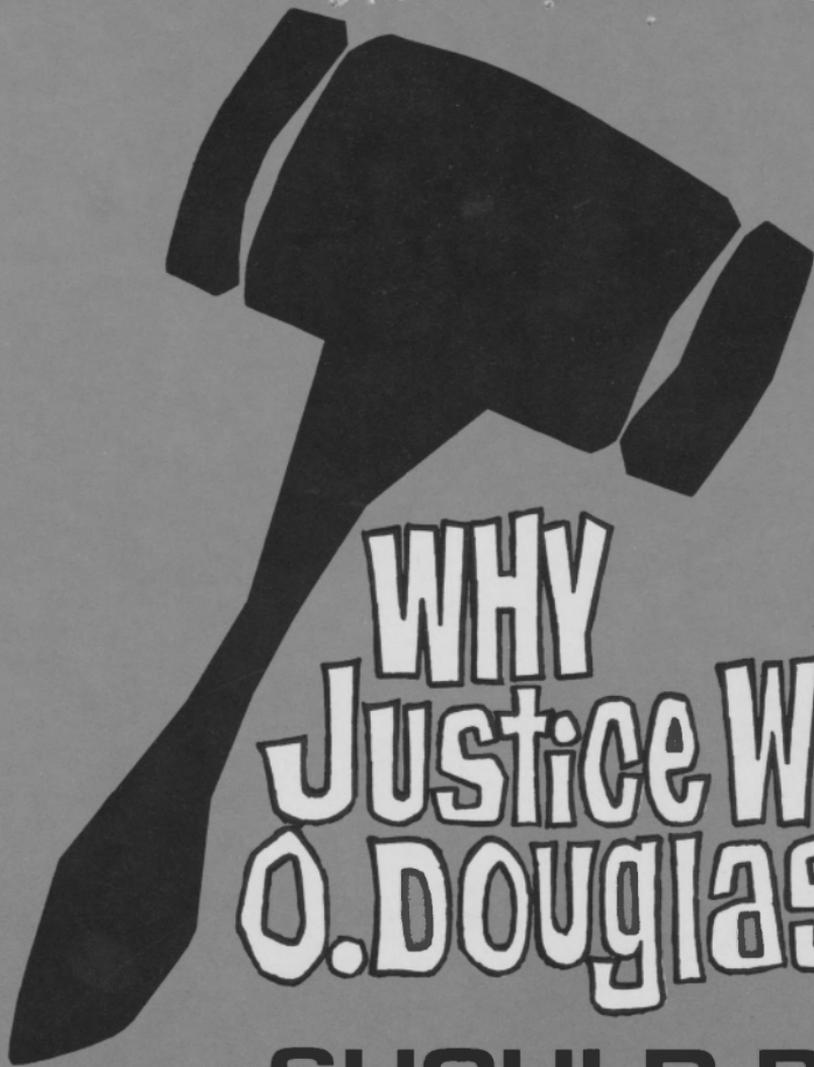
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**WHY
Justice Wm.
O. DOUGLAS**

**SHOULD BE
IMPEACHED!**

W. S. McBIRNIE



WHY Justice Wm. O. Douglas

SHOULD BE IMPEACHED!

THE REVEREND W. S. McBIRNIE

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no so many common views on
because of their common
attention — THEY
GREAT POWER OVER OTH-

Books are dynamic and powerful instruments, tools, or weapons. — Robert B. Downs, Books that Changed America.

Two men have recently written books about *Revolution*, which have caused considerable comment. They are authors who seemingly could not be more divergent in their backgrounds, their careers, their associates. Both of these men, however, have authored these books as “instruments, tools, or weapons.”

The reason we have brought them to your attention is their apparent unanimity of theses. The choice of words could not be more dissimilar, but their conclusions are strangely and significantly alike — *There is so much wrong with the United States that violence is the only effective remedy; revolution is inevitable.*

Biographical differences between these two writers are vast. One is young; one is old. One holds a most exalted office in the government of the United States; the other has, by his own admission, “dropped out of the White Race and the Amerikan nation.” We ask you to give serious thought to what they have to say, not only be-

cause they hold so many common views on current issues but because of their common qualification for immediate attention — THEY ARE MEN OF GREAT POWER OVER OTHERS IN THIS NATION.

We will compare *Points of Rebellion*, by Associate Justice of the Supreme Court William O. Douglas; and *Do It!*, by Yippie leader Jerry Rubin. But first, what do we know of these men?

WILLIAM O. DOUGLAS — Born in October, 1898, he was the youngest appointee to the Supreme Court in 125 years. He was appointed Associate Justice by President Franklin D. Roosevelt in 1939.

Justice Douglas is an alumnus of Whitman College in Walla Walla, Washington. We read that during his summer vacations he had worked in the wheat fields which gave him an "opportunity to debate with other laborers the revolutionary doctrines of the Industrial Workers of the World." (Countrymen, Vern, Douglas of the Supreme Court, p. 10)

Douglas served a two-year apprenticeship in a law firm, teaching at Columbia University on the side at first and then full time. He resigned when the president appointed a new dean of the law school without consulting the faculty. At this time he met Robert Hutchins, Dean of Yale Law School, at a party, "had a brief discussion with him... and ended up the following day with an appointment to the Yale faculty." (Ibid.)

From 1934 until 1939 Douglas worked for the U.S. Department of Commerce on a committee study of the Securities and Exchange Commission. He wrote a "monumental report of how equity receiverships were operated for the profit of the bankers at the expense of investors." He then became a member of SEC and later its chairman.

In 1939, without any experience whatever in a judiciary capacity, he was appointed Associate Justice of the highest Court in the nation.

The Justice has been married four times. The last time, in 1966, to Cathleen Curran Hefferman, who was forty-five years younger than Douglas. In 1969, Justice Douglas came under fire when his job for the Albert Parvin Foundation (which held 2 million dollars' worth of stock in three Las Vegas gambling casinos) was exposed. The Associate Justice was guaranteed \$12,000 a year by the Foundation from 1962 to 1966, when the payment was to increase to \$12,765. (U.S. News & World Report June 2, 1969) Justice Douglas resigned from the foundation.

When it was revealed that his old friend Justice Abe Fortas was receiving \$20,000 a year from the scandalous Wolfson Family Foundation, however, he advised Fortas to "sit fast." (Newsweek May 16, 1969)

Robert S. Allen and John Goldsmith, syndicated columnists (Inside Washington) write, "Justice William O. Douglas is continuing to moonlight for additional income despite the fact that he is getting \$60,000 a year as a member of the U.S. Supreme Court. The jurist has received \$6,800 for various non-judicial services from the Center for the Study of Democratic Institutions, Santa Barbara, California." (April 7, 1970) Representative Louis Wyman inquired from the Center about the Douglas activities and learned that in 1968 the Center paid him \$1,100 and in 1969, \$2,000. "There was no explanation what these payments were for, and why they increased from \$1,100 in 1968 to \$2,000 last year — when Douglas was repeatedly absent from the Supreme Court because of a cardiac condition." (Ibid.)

It is not surprising that Douglas has been a Consultant to the Center and served as chairman of its Board, one of its fund raisers, speakers and writers, for his political views are in accord with the Center's position on many of the following; Douglas desires recognition of Red China, disarmament of Nationalist China, admission of Red China to the U.N. He has espoused world law, disarmament; denounced "the radical right," loyalty oaths, investigating committees, technology, the Vietnam War, the FBI and the CIA. Of the military he complains, "we had generals strut the stage." (Center Bulletin, Oct. 1961) Many other gov-

ernment agencies have become the object of his peevishness.

Under the proddings of Douglas and other liberal judges, the Supreme Court began to usurp the law-making duties of the legislative branch, inaugurating social legislation, finding the Constitution "less restrictive" than previous Courts did. The Court, with a majority appointed by President Roosevelt, became the "Warren Court" and it contended that the Bill of Rights should occupy a "preferred position" in our system, with the result that often criminals rather than victims began to receive the benefit of this "preferred position" also.

Now, Justice Douglas has written a book about revolution, and Allen and Goldsmith, in the column above referred to write, "Last week a Washington department store published a large ad announcing that Douglas would be on hand... to autograph copies of... the opus, in which Douglas justifies revolution as a means of expressing dissent, which has been widely criticized. In Congress, it has been hotly assailed by both Democrats and Republicans."

JERRY RUBIN, thirty year old leader of (according to Rubin) "850 million Yippies," is presently best known as one of those indicted on criminal charges in Chicago for "conspiracy to incite a riot and with crossing State lines with the intent to foment riots," in regard to his activities at the time of the Democratic National Convention.

At one time, however, Jerry was a sports reporter in Cincinnati, where he attended high school. He was a sociology student at Berkeley when he made an illegal trip to Cuba, in 1964, in defiance of State Department regulations. The California Senate Fact-finding Subcommittee on Un-American Activities 13th Report, 1965, p. 79, stated that the Berkeley chaos was "hatched" by those who had visited Cuba, in admiration of Castro, and returned to this country to conduct terrorist Communist movements here.

The first page of Rubin's book *Do It!* boasts that Rubin "became known as the P. T. Barnum of the revolution, organizing spectacular events such as Viet-

nam Day marches," that he "lived near the University of California for three years working as an Outside Agitator to destroy the university."

He organized the March on the Pentagon, in 1967, which drew an estimated 55,000 Vietnam protesters, mostly Rubin's hippie followers who saw to it that window panes were broken in government buildings, sixteen tons of litter was left to grace the nation's capital, and that graffiti, including obscenities, were painted on federal structures.

Many sympathizers for the cause were lost because their idealism was sullied by their extreme and foul-mouthed colleagues. But organizer Jerry Rubin claimed, "This was the turning point. It was the end of mere picketing and the beginning of disruption." Predicted Rubin, "There will be no more mass national actions for a long time. The next phase will be mainly local things." (Newsweek, Nov. 6, 1967)

"Local things" became apparent across the nation. (Oberlin College, 100 students trapped a Navy recruiter in his car for 4 hours... Universities of Wisconsin and Illinois demonstrators kept Dow Chemical Co. representatives from conducting job interviews... at Harvard they imprisoned a Dow man in a conference room all day long... San Fernando Valley State College (Calif.) knife-carrying students seized the administration building and held 34 members of the college staff hostage for several hours... New York City College police arrested 100 students who were shielding an AWOL soldier with their bodies... San Francisco State College virtually shut down after fights and fires broke out... University of California at Santa Barbara, demonstrators burned the Bank of America.) Nation-wide campus chaos proceeded.

Rubin makes one astonishing revelation in his book. He relates that when he heard the news of Robert Kennedy's assassination he, "took one look at the killer's face on the screen. Shock of recognition swept my body. Remember that quiet little guy who sat in the corner at the first yippie meeting to plan the Czechago festival? The guy who didn't say a word the entire meeting. Who disappeared? Who was never seen again?"



Sirhan, man, what the... have you done? Sirhan Sirhan is a yippie." (Pg. 167)

What "instruments, tools, weapons" had these insensate young revolutionaries turned upon the immature, the disturbed, the unstable of the populace?

Rubin was busy with plans for disrupting the Democratic National Convention in Chicago. "Can't you see it," Rubin asked, "100,000 hippies all around the hall smoking pot, faking delegates' cards, tossing smoke bombs?" SDS called on the high school and college students to "destroy this society, to smash it." Rubin describes Chicago, "Police cars caught alone were wiped out with rocks. The streets provided the weapons. A tree's branch became a club. The network executives agreed their reporters would be physically beaten by Czechago cops in order to personalize the media's involvement with the story. And there was Ho, who conspired with Dave Dellinger via International Telephone and Telegraph (every inch tapped and re-tapped by the FBI), to arrange the Viet Kong seizure of the Amerikan Embassy in Saigon to inspire our Czechago recruits with a will-to-win."

When Jerry Rubin and his co-worker Abbie Hoffman received subpoenas from the House Committee on Un-American Activities, Rubin arrived wearing Viet Cong pajama pants, no tops, a Black Panther beret, a Mexican bandolier with live 303 British Enfield bullets and carrying an M-16 custom-made rifle. The next time he appeared he wore the Viet Cong flag as a cape, and screamed at the police to arrest him for treason.

Rubin records his conversation with his Aunt Sadie, a New York Communist of the old school who had once visited Stalin. He told her, "Aunt Sadie, long hair is a commie plot! ... We long hairs recognize each other as brothers in the street. Young kids identify short hair with authority, discipline... and long hair with letting go.... Our strategy is to steal the children of the bourgeoisie right away from the parents." (pg. 93,94, Rubin, DO IT!)

Subjects Dealt With in the Books
"Points of Rebellion," by Douglas;
and "Do It!" by Rubin

ON UNIVERSITIES

DOUGLAS

"The university—symbol of the Establishment—is used to having its way in a community. ... Our private universities are narrow spectrum of social and political opinion'...[tending] to make them insensitive to issues of the real world." (Pg. 14)

"Faculties and students should have the basic controls so that the university will be a revolutionary force that helps shape the restructuring of society." (Pg. 94)

"But the case against the university is that it is chiefly a handmaiden of the state or of industry or, worse yet, of the military-industrial complex." (Pg. 15)

RUBIN

"Universities are feudal autocracies." (Pg. 215)

"We got to destroy the universities, tear down the building...." (Pg. 103)

"Students became the biggest political force in the state [at Berkeley] with the university as our guerilla stronghold. ... The Regents and deans had no power. Students could do anything we wanted." (Pg. 23)

"We're using the campus as a launching pad to foment revolution everywhere." (Pg. 215)



"For the police are an arm of the Establishment and view protesters with suspicion. Yet American protesters need not be submissive. A speaker who resists arrest is acting as a free man." (Pg. 5,6)

"Undercover cops flood the place, making it unsafe to buy or sell dope on the street." (Pg. 233) [The results of taking such advice as that of Justice Douglas to resist arrest is chronicled by Eldridge Cleaver in his introduction to the Rubin book]

"...October 27, 1967, in the heart of Black Oakland, a pig white lay dead, deep fried in the fat of his own And another pig white lay there, similar to the dead one in every respect except that he did not die. This was a rare moment of death for the oppressor and triumph for the oppressed." (Pg. 10)

ON ARRESTS

"While an arrest seems definite enough, it is often an oppressive act aimed at a minority. Arrests for 'breach of the peace' are often cloaks for the arrest of people promoting unpopular ideas. Those arrests are therefore unconstitutional..." (Pg. 23)

"A young person without an arrest record has been living his life in a closet." (Pg. 242) "Walk on red lights. Don't walk on green lights. ...The goal is each-man-his-own-revolution." (Pg. 126)

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ON THE PENTAGON

"If the budget of the Pentagon were reduced from 80 billion dollars to 20 billion it would still be over twice as large as that of any other agency of government. Starting with vast reductions in its budget, we must make the Pentagon totally subordinate in our lives." (Pg. 93)

"Two hundred of the bravest young men and women in the land, using their North Vietnamese flagpoles as clubs, broke through one line of soldiers and forced their way inside the building, *inside the Pentagon*. ...The Pentagon was not invincible. Flags of the Viet Kong, that beautiful yellow star on red and blue field, waved high in front of the Pentagon!" (Pg. 76,77)

ON THE ESTABLISHMENT

"The two parties have become almost indistinguishable; and each is controlled by the Establishment." (Pg. 57)

"The deceptive practices of the Establishment have multiplied." (Pg. 53) "When the university does not sit apart, critical of industry, the Pentagon, and government, there is no fermentative force at work in our society...Then all voices become a chorus supporting the status quo." (Pg. 16)

"All we want...are demands that the Establishment can never satisfy. ...We always put our demands forward in such an obnoxious manner that the power structure can never satisfy us and remain the power structure." (Pg. 125)

"The capitalist — money — bureaucratic — imperialist — middle-class — boring — exploitative — military — world structure is crumbling. ...If there was one lesson learned at the Pentagon and at Czechago it is that the young people didn't give a ... about political theories, ideologies, plans, organizations..." (pg. 246)

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ON OLDER PEOPLE

DOUGLAS

"Older people are not receptive to these protests... The older generation might well have resisted all change in any case, but they are doomed to resist because of the conditioning they have experienced over the last few decades." (Pg. 10)

RUBIN

"The thousands of young people in Amerika beginning to ask 'why' and finding out that their elders have no answers; they have only power, and age." (pg. 247)

ON LANDLORDS

"The landlord's motion for eviction might be defeated, if the tenant had a lawyer who could prove that the real basis of eviction was the tenant's activities on civil rights. ...The voices and pressures of the military-industrial complex seem always to suffocate the pleas of the poor..." (Pg. 62,65)

"Can a society which makes distinctions between rich and poor, white and black, employers and employees, landlords and tenants, teachers and students reform itself? (Pg. 248)

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ON MONEY MAKING

"...if one tells them [young people] that the important thing is making money and increasing the Gross National Product they turn away in disgust." (Pg. 51) "...we must cease...filling people with goodies merely to make money." (Pg. 96)
[One might ask why a \$66,000 a year Justice wants to "moonlight" to earn even more from gambling interests?]

"Money causes the separation between work and life. ...Money corrupts every human relationship it touches." (Pg. 121) "Kids should steal money from their parents, because that is true liberation from the money ethic: true family." (Pg. 123)

"The money-economy is immoral. ...Capitalism is stealing. Shoplifting gets you high. Don't buy. Steal..." (Pg. 122)

ON BLACK EQUALITY

"The constitutional battle of the Blacks has been won, but equality of opportunity has, in practice, not yet been achieved." (Pg. 94)

"The problem of hunger—like the ghetto problem and the racial problem—has festered for years... (Pg. 77) "The use of violence as an instrument of persuasion is therefore inviting and seems to the discontented to be the only effective protest." (Pg. 78)

"When a policeman shoots a nigger, that's 'law and order.' But when a black man defends himself against a pig, that's 'violence.'" (Pg. 142)

"Eldridge [Cleaver] wanted an alliance between bad blacks and bad whites. Criminals of all colors unite. ...The symbol of the Yippie-Panther pact is a hash pipe crossed by a gun. ...We will not dissent from the Amerikan government. We will overthrow it." (Pg. 196,198,199)

13



"Moreover, the lack of any apparent threat to American interests—whether Vietnam was fascist, communist, or governed in the ancient Chinese mandarin tradition (as it was for years) — compounded the American doubts concerning our Vietnam venture. (Pg. 39)

"The United States doesn't give a...about that little piece of real estate. Vietnam is a symbol. If the Viet Kong win, it will inspire free men everywhere: The United States is a paper tiger!" (Pg. 128)

"If there had been no Vietnam war, we would have invented one. If the Vietnam war ends, we'll find another war." (Pg. 105)

ON COMMUNISM

"At the international level we have become virtually paranoid. The world is filled with dangerous people. Every troublemaker across the globe is a communist." (Pg. 6)

"A person may not be punished for believing a so-called noxious or communist doctrine; but he may be punished for being an 'active' advocate of that ideology." (Pg. 11) [It is hard to believe that this statement was published by the Justice in 1969]

"My own HUAC testimony was all prepared. ...I planned to conclude: 'There is an international commie conspiracy and it's four-fifths of the world and it's all against you, you dumb....You *should* be paranoid.' ...Just as I was getting ready to testify, Ichord canceled the hearings for two months." (Pg. 207)

"We become an island in a capitalist sea attacked and infiltrated from inside and outside. ...The revolution declares all land titles null and void.

"Membership in the Communist Party was of course fatal [in the McCarthy era] even though those memberships, at least in the early years, were often not 'knowing' associations with the aim of overthrowing the government." (Pg. 18)

"But the fact that communists may have provoked some of the present dissent in the United States is not, as some would have it, the end of the matter. The voices are not communist..." (Pg. 9)

We are urban and rural liberators, seizing land for the people..." (Pg. 234)

"The yippies are Marxists. ...Karl wrote and sang his own rock album called "The Communist Manifesto." "The Communist Manifesto" is a song that has overthrown governments." (Pg. 116)

"Fidel Castro says: 'We've done away with a lot of privileges and inequalities and we want all of them to disappear, but the real problem isn't to redistribute income or equalize wages. We must break from the mastery of money, get rid of money altogether. We're not out to manage the old system more efficiently.'" (Pg. 122)

"The world will become one big commune with free food and housing, everything shared." (Pg. 256)



"The modern day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions." (Pg. 57,58)

"We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." (Pg. 95)

"The youngsters who rise up in protest have not formulated a program for action." (Pg. 96)

"Millions of young people will surge into the streets of every city, dancing, singing, smoking pot, ... in the streets, tripping, burning draft cards, stopping traffic.

High school students will seize radio, TV and newspaper offices across the land.

Police stations will blow up.

Revolutionaries will break into jails and free all the prisoners.

Kids will lock their parents out of their suburban homes and turn them into guerrilla bases, storing arms.

We'll break into banks and join the bank tellers in taking all the money and burning it in gigantic bonfires in the middle of the city.

The Youth International Revolution will begin with mass breakdown of authority, mass rebellion, total anarchy in every institution in the Western world." (Pg. 253, 256)

ON THEIR GOAL

"The younger generation sees more clearly than their parents do. Few want to destroy the system. [Such naivete, ignorance, or perfidy from a Supreme Court Justice] The aim of most of them is to regain the freedom of choice that their ancestors lost, to be free, to be masters of their destiny. ... That is the revolution that is coming." (Pg. 96)

"The real crime of the dissenters was that they were out of favor with the Establishment..." (Pg. 4)

"We will do whatever is forbidden. We will outrage Amerika until the bourgeoisie dies of apoplexy.

The revolution declares war on Original Sin, the dictatorship of parents over their kids, Christian morality, capitalism and supermasculinity trips.

Our tactic is to send niggers and longhair scum invading white middle-class homes..., breaking the furniture and smashing Sunday school napalm blood Amerika forever.

The revolution is *now*." (Pg. 111,112)



The Douglas book, in its scant 100 pages, is, as has been observed, more than a petulant old man's carping about government agencies and errors. Actually such complaints took over a major portion of the book. His charges against government management of national forests and national parks could easily be refuted by any officer of these agencies. They are irrational, as are his charges against the "industrial-military complex," corporate interests, the Bureau of Public Roads, which he declares is almost "king." His scorn against "faceless bureaucrats," the CIA, the FBI, and the "Establishment" in general appears in print more as the rantings of an SDS member than the opinions of a seasoned judicial authority. These agencies do, of course, err on occasion. But as Justice Douglas must very well know, the popular pastime today is to consider all government agencies the "enemy."

The most serious aspect of this book, however, is that in it illegality is advocated by one who has taken an oath to uphold the laws of the nation! Equally as serious is the ammunition he has given to the forces of destruction allied against our country's survival.

Jerry Rubin's book can be tossed off as a great "put on" by those who wish to hide their heads in the sand. Admittedly his language, his spelling, his photographs would justify any book reviewer to dismiss *Do It!* as pure smut. Comparing the two books, we realize how little

Justice Douglas understands about the rebellion he so glibly commends; how candidly Jerry Rubin lays before us not only the meaning of the revolt that has been taking place but the future victories that can be attained. He frankly admits that the "right wing is usually right too. They use the right words: war, riots, revolution," and complains that "fools like Arthur Schlesinger Jr. and Max Lerner" "don't know what the...is happening." It is obvious that neither does Justice William O. Douglas.

There are many organizations today with a common cause — the spread of overt hatred, which will inevitably result in violent revolution. But the members of the most august Court in the land should have no part of their philosophy.

Should Justice Douglas be impeached? He has done more things foolishly than Justice Fortas who resigned before he could be impeached. The highest court has hurt this nation and Justice Douglas has actively helped in this dismal task. Our courts should be reformed and again tied down firmly to the Constitution. Justice William O. Douglas should be impeached as a first step in this long overdue reform!





ABOUT THE AUTHOR

William Steuart McBirnie was born in Canada and is a citizen of the USA by choice. He has written more than 150 books and booklets on many subjects, chiefly on religion, sociology, subversive activity, and world affairs. More than 3,000,000 of his publications have been distributed.

Dr. McBirnie holds six degrees from accredited institutions of higher learning. He has received many honors from patriotic societies, and even foreign governments, for his work against Communism. He has been knighted twice.

He has traveled the world many times to validate his radio news program and his books. His main calling is as the Senior Minister of the large United Community Church of Glendale, California. Though he is a graduate of four theological seminaries, he does not accept income from either his church or radio program, preferring to donate his time to these causes.

Dr. McBirnie is known for his factual and responsible presentation of conservatism and is one of America's foremost platform speakers.

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DOUGLAS**

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Chapter One

IMPEACHMENT EFFORT LAUNCHED

A controversial figure for years, Supreme Court Justice William O. Douglas has become a national issue this year. On February 12 Rep. Louis Wyman (R-N.H.) called for the resignation or removal of Douglas from the Supreme Court. (*The Tulsa Tribune*, February 13, 1970) The factor bringing the long-standing Douglas controversy to the point where impeachment efforts were being discussed in the U.S. House of Representatives was a 97-page book by Justice Douglas entitled *Points of Rebellion*, which was published in February. Rep. Wyman said this book contained "encouragement to disruptive factions in this country," and that its contents were "ill-befitting a member of the court of last resort in America."

On the floor of the House of Representatives on March 16, Rep. William L. Scott (R-Va.) said Justice Douglas should be impeached because he is "incapable of impartially deciding issues coming before the Supreme Court."

On April 16, 1970, Rep. Wyman told members of the House: "Mr. Speaker, for myself and approximately 100 cosponsors, I am at this time introducing a House resolution to establish a select committee of three Republicans and three Democrats to investigate certain complaints of misdemeanors and lack of good behavior by Justice William O. Douglas, and to report back to the House within 90 days. . . ."

"Many members of this body are outraged at the public writings and statements of this sitting member of the Supreme Court that at the very least condone, if not encourage, rebellion and even revolution against the U.S. government by force and

violence. . . . Others are concerned by charges of financial interests in conflict with both statute and bar restrictions. This matter should be investigated under oath and subject to penalties of perjury, and a recommendation submitted to this House as to whether or not Justice William O. Douglas should be impeached. Every day that his disruptive conduct is allowed to continue to pass unchallenged brings both the Court and this House into disrepute, for this is the only body in the world having the responsibility for impeachment in these circumstances."

Rep. Scott pointed out to members of the House that the cosponsors of the resolution to establish this investigating committee were "diversified by geography, philosophy, and party affiliation."

On the same day a Liberal Democrat from Indiana, Rep. Andrew Jacobs, said in regard to the resolution of impeachment he introduced on April 15: "Let the *Record* show that I have neither admiration nor contempt for the man; I have never met him. . . ." He went on to explain that he felt Rep. Ford should have introduced such a resolution since he had declared publicly that he favors impeachment of Justice Douglas. Some Conservatives feel that this resolution is merely an effort to sabotage any effective investigation. For example, in its April 25 issue, *Human Events* stated: "Jacobs' hope is that with the Judiciary Committee acting on the Douglas matter, the House will forego establishing Wyman's special committee. . . . it will be a genuine surprise should the New York Democrat [Rep. Emanuel Celler] do anything but hand Douglas a coat of whitewash."

"Though Celler says the charges deserve serious and sober scrutiny, he has also blasted the ground swell for removing Douglas from the bench, calling the attacks against him by Ford and Wyman 'an attack on the integrity and the independence of the United States Supreme Court.' . . ."

Among those jumping to the defense of Douglas on the floor

of the House was Rep. Don Edwards (D-Cal.), former national chairman of the ADA. On April 15 he announced: "Mr. Speaker, I and 40 of my colleagues submit for the *Record* the following observations on the present attack in this House against Justice William O. Douglas." The statement which followed claimed that the proposed action relating to Justice Douglas was "an attack on the integrity and the independence of the United States Supreme Court."

Liberal Democrat Richard Bolling of Missouri declared that he was "doing everything I can to cut this baby off at birth." (*Tulsa Daily World*, April 17, 1970)

James C. Thomas, Tulsa County Democratic Chairman, contended that the whole affair was merely a case of "reactionary Republicans" who he said are trying to hide G.O.P. inadequacies. Thomas went on to express the opinion that Douglas would emerge as one of the great Supreme Court jurists when the Republican smoke screen clears. (*Tulsa Daily World*, April 22, 1970)

Rep. Paul N. McCloskey, Jr. (R-Cal.), gave a lengthy speech on the floor of the House on April 21 in defense of Justice Douglas.

Basically, the case against Mr. Douglas goes back many years and involves several areas where the vital interests of our national survival are concerned. These issues will be discussed in succeeding chapters.

Chapter Two

INTERNATIONAL COMMUNISM AND THE U.S.A.

William O. Douglas was appointed to the Supreme Court by President Roosevelt on March 20, 1939. During the succeeding years he established quite a record of voting overwhelmingly in favor of the Communists in cases where their "freedom" to go about their business of working for the destruction of America was at stake. By early 1957 the situation had become so alarming that on February 22 of that year the General Assembly of the State of Georgia adopted a resolution requesting impeachment of six Supreme Court justices, including Douglas. This resolution pointed out the indisputable facts that the chief enemy of the United States "is godless communism . . . which caused more than 150,000 casualties among our American soldiers in the recent Korean War," and that "the Communist Party, pro-Communist and subversive organizations, and their members, all dedicated to the overthrow of the United States government and the Constitution by force or unlawful means, are all allied with and form part of" the international Communist conspiracy.

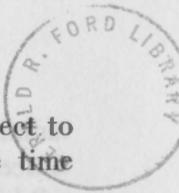
This resolution accused Justice Douglas and others of "giving aid or comfort to the enemies of the United States" through decisions relating to the Communist war against us from within. One of these cases was *Schneiderman versus the United States*, decided on June 21, 1943. The Georgia General Assembly said that Douglas and others voting with him on that date "held and adjudged that William Schneiderman, a proven avowed and ardent Communist, could be 'attached to principles of the United States Constitution' within the meaning of the

naturalization laws of Congress, and, therefore, not subject to denaturalization and deportation although at the same time 'attached to the principles of the Communist Manifesto.'

"Thereby, the said Justices . . . effectively repealed and nullified a constitutional law enacted by Congress for the protection of this country against its enemies and in doing so gave aid and comfort to the greatest enemy the United States has ever had, in violation of Article I, Sections 1 and 8; Article III, Section 3, and Sections 3 and 5 of the Fourteenth Amendment of the United States Constitution."

Another decision with which the Georgia legislature took issue was the case of "Bridges versus Wixon, District Director, Immigration and Naturalization Service," in which Douglas and other members "held and adjudged that, although the Attorney General of the United States and two lower federal courts had found from uncontradicted evidence, including his own statements and actions, that the alien Harry Bridges was a member of and affiliated with the Communist Party and although the Attorney General had ordered his deportation under an Act of Congress making the decision of the Attorney General 'final,' and although the court had no authority under said law to disturb the finding of the Attorney General, when supported by evidence of probative value, which was unquestioned, the above named Justices constituting a majority of the Court reviewed the proceedings for the deportation of said Harry Bridges and reversed the Attorney General, and thereby unlawfully gave aid and comfort to the said Harry Bridges, universally recognized in this country as the one Communist most active and dangerous to the welfare of the United States . . ."

In the February 15, 1958, issue of *National Review*, Marian Stephenson discussed briefly ten cases bearing on internal security which the Supreme Court had reviewed in the preceding 19 months. On all ten the court ruled in favor of those who had appealed against one or another law or



administrative regulation designed to protect the nation against internal subversion. Justice Douglas voted with the majority in all ten cases.

One of these cases was that of the Commonwealth of Pennsylvania versus Steve Nelson in which the court held that it was unlawful for Pennsylvania to prosecute a Pennsylvania Communist Party leader under the Pennsylvania Sedition Act, and indicated that the anti-sedition laws in many states cannot be enforced.

Another of these cases was that of 14 California Communists versus the United States in which the Supreme Court, including Justice Douglas, reversed two federal courts and ruled that teaching and advocating forcible overthrow of our government, even "with evil intent," was not punishable under the Smith Act as long as it was "divorced from any effort to instigate action to that end," and ordered five Communist Party leaders freed and new trials for another nine.

On May 2, 1962, Senator James O. Eastland (D-Miss.) had published in the *Congressional Record* a chart showing the voting records of Supreme Court Justices on 104 cases involving communism between the years 1943 and 1961. He pointed out that "Justice Douglas participated in a total of 100 cases. Out of this total he reached a conclusion favorable to the position urged by the Communists 97 times and held to the contrary three times. . . ."

Today dedicated Communist conspirators are free to travel abroad and meet with international Communist leaders. Such travel is devoted primarily to promoting the Communist program to destroy our nation. The conspirators did not always have such freedom but Supreme Court decisions in recent years have changed that. In his syndicated column published in newspapers around the country on June 24, 1964, David Lawrence wrote:

"The Congress of the United States . . . passed a law forbidding issuance of American passports to members of the

Communist organization in America. Now the Supreme Court has declared this law unconstitutional because it does not provide for proof in advance that the passport would be misused.

"Justice Goldberg, who wrote the opinion for the Supreme Court majority, declared that 'Freedom of travel is a constitutional liberty closely related to rights of free speech and association.' Justice Douglas, who concurred in this opinion, wrote: 'Being a Communist certainly is not a crime; and while traveling may increase the likelihood of illegal events happening, so does being alive.' . . ." Millions of refugees from communism and those still victims of this satanic conspiracy would certainly disagree with Mr. Douglas on his opinion that Communists are not criminals. Murder is definitely a crime and international Communist conspirators have deliberately murdered millions since the 1917 take over in Russia. The Reds in our nation obviously valued Justice Douglas' opinion in this case since they printed lengthy excerpts from it in *The Worker* of July 5, 1964.

A news report in *The Tulsa Tribune* of January 23, 1967, stated: "The Supreme Court threw out today a New York law which makes Communist Party membership grounds for dismissal of state university and college teachers. Also declared unconstitutional was a 1917 New York law which made 'the utterance of any treasonable or seditious word or words or the doing of any treasonable or seditious act' ground for dismissal from the public school system. . . ." Justice William O. Douglas voted with the majority in this five-to-four ruling.

In a six-to-two decision on December 11, 1967, the Supreme Court majority ruled that it is unconstitutional for the U.S. government to bar members of Communist organizations from holding jobs in defense plants. Once again, Mr. Douglas voted with the majority in this perilous blow at the right of our nation to protect itself from internal subversion in a critical area.

During his years on the Supreme Court, there have been a number of other decisions in which Douglas' vote was

consistent with the position of the Communist conspiracy. Regardless of any amount of double talk surrounding it, the fact is that such votes deny the right of the United States government and state governments to protect our nation against the enemy that is conducting warfare against it from within. Douglas attempted to justify his position on such decisions in *Points of Rebellion* when he wrote: "A 'Communist' can be prosecuted for actions against society, but not for expressing his views as to what the world order should be. . . ." To put it mildly, this is a gross oversimplification of what is involved.

From time to time Justice Douglas has, through written or spoken words, attacked anti-communism with the same smear terms historically used by the Communists, their sympathizers and leftist dupes in the United States. For example, in the January 13, 1952, issue of *The New York Times Magazine*, he wrote: "The Communist threat inside the country has been magnified and exalted far beyond its realities. Irresponsible talk by irresponsible people has fanned the flames of fear. Accusations have been loosely made. Character assassinations have become common. Suspicion has taken the place of good will. . . . Innocent acts become tell-tale marks of disloyalty. . . . Good and honest men are pilloried. . . ."

In a New York speech during 1953, Mr. Douglas said, "We have resurrected some aspects of the infamous witch trials. We have used dangerous short cuts to prove men 'subversive' . . . We have lumped communism and every unorthodox thought together and branded as 'subversive' most ideas that have a liberal or radical flavor." (*Washington Times-Herald*, June 18, 1953)

In a news story datelined New York, the *Tulsa Daily World* of April 17, 1959, reported: "Supreme Court Justice William O. Douglas . . . hit at what he called the witch hunts starting in the 1940s . . ." Of course, branding anti-Communist activity as "witch hunts" is one of the long-standing Red smear lines aimed at stopping any activity to thwart their subversive efforts

against our country from within. The West Coast Communist newspaper, *People's World*, gloated in its August 25, 1962, issue that, during a speech at Forks, Washington, Justice Douglas made an attack on "negative anti-communism."

An article in the *Miami News* of February 17, 1966, headlined "Justice Douglas Warns Against Superpatriots," stated:

"U.S. Supreme Court Justice William O. Douglas urged Americans here last night to guard themselves against the intrusion of 'loyalty boards' by demanding due process of law and tolerance of diversity. . . . Since World War II, he said, we have lived in a period when a man must defend his own loyalty against enormous excesses of superpatriots at the risk of losing his job and his reputation. . . ." This is a lot of malarkey and certainly is not true, but it once again is a part of the general ultra-left line which has for years hampered any effective anti-Communist activity by government in the United States.

In *Points of Rebellion*, Mr. Douglas wrote: "An ominous trend is the increasing FBI activity on present-day college and university campuses. They put under complete surveillance a member or leader of the Students for a Democratic Society group (SDS) . . . A drive is on now to spot potential student protesters before they are admitted to college. . . ." We might pose the question here, why shouldn't something be done to defend colleges and students who are trying to get an education from the New Left trouble makers who have done millions of dollars worth of damage to property as well as placing enormous obstacles in the path of the educational process.

During 1961 the Justice came up with some absurd remarks which prompted the following editorial in the *Tulsa Daily World* of October 23, 1961: "We have seen some strange things come from the U.S. Supreme Court Justices, individually and collectively, but the latest offering of Justice William O. Douglas wins the prize for reaching way, way out. Justice Douglas is quoted by the Associated Press as saying American

aid to underprivileged nations is far behind that of Russia.

“This seems almost too fatuous to believe, especially coming from a man at the top level of our judiciary. The Justice has recently returned from an extensive tour of Asia and Russia. If he has made a serious study of American aid and Russian aid, it is incomprehensible that he would make such a statement. . . . if anybody — even a Justice of the Supreme Court — is silly enough to say Russia is ahead of the U.S. in giving aid to the underprivileged — he ought to take another trip overseas and look for the facts.”

A similar viewpoint the following year was related by the Communist *People's World* of August 25, 1962. In part, the article, datelined Forks, Washington, stated: “This small community situated between the Pacific Ocean and the snow-capped Olympic Mountains came to grips with attempted intimidation by the ultra-right during the recent visit of Associate Justice William O. Douglas of the U.S. Supreme Court. Extreme Conservatives failed in their efforts to prevent a lecture by the eminent jurist on the Mongolian People's Republic and showing of color slides by Mrs. Douglas. . . .

“This year the Conservatives succeeded in getting the Forks Memorial Library directors to decline the opportunity to sponsor the Douglas appearance. However, the board of Hospital District No. 1 of western Clallam County agreed to sponsorship, following overwhelming popular support of the lecture. Eight hundred persons turned out. Population of Forks is 1,155. . . .

“An attempt by a half dozen members of Forks' Veterans of Foreign Wars Post No. 3106 to stampede a walkout following Douglas' talk fizzled when the big crowd ignored the exit of the men. The veterans were attired in full uniform, and armed with a tape recorder with which to record the Douglas speech. . . .

“Stressing the poverty of many of the world's peoples, Douglas pointed by way of contrast to the Mongolian success story. With the aid of the Soviet Union, he said, Mongolia was

changed from a backward, pastoral society into a modern industrial society in the space of 15 years. . . .

“Douglas said that the case of Mongolia graphically illustrates what the Soviets are capable of doing for a people. In order to compete with the U.S.S.R., he emphasized, it is essential that Americans not isolate themselves from the main currents in the world today . . .” The Justice apparently did not give any hint during this lecture of the enslaved condition of the so-called Mongolian People's Republic.

In light of viewpoints such as those given above, it is obvious that the foreign policy views of William O. Douglas would come much closer to coinciding with those of Communist dictatorships than with those of the United States.

For a number of years, Justice Douglas has plugged the cause of recognition and admission to the UN for Red China. His position relating to both Red China and Free China seems to have changed somewhat over the years. For example, the following news dispatch from Formosa appeared in the *New York Herald-Tribune* of September 7, 1952:

“Supreme Court Justice William O. Douglas, who three years ago advocated writing off Nationalist China as ‘corrupt,’ today predicted that ‘Free China will succeed’ in its struggle against communism. Mr. Douglas, in a statement, praised the Nationalist government for ‘a fine and valiant job, not only in its struggle against communism, but in its program of social reconstruction.’ . . .”

The Evening Star, Washington, D.C., of January 31, 1955, reported: “Supreme Court Justice William O. Douglas said yesterday that political solution of the Chinese problem ultimately would require recognition of Red China by the United States and its admission to the United Nations.

“Judge Douglas at the same time said he would not abandon the Nationalist Chinese government on Formosa. ‘The ultimate political settlement of the China problem,’ he said, ‘involves recognition of two Chinas and the grant of seats in the United

Nations to both of them.' Nationalist China already is a member of the UN. Justice Douglas made his remarks at a meeting of the New York University School of Law.

"President Eisenhower's decision to defend Formosa against Red China, he stated, is 'the only course which we could in good conscience tolerate.' . . ."

In his syndicated column dated June 29, 1955, and carried in newspapers around the country, David Lawrence discussed Justice Douglas' push for the political objectives of Red China recognition and admission to the UN. During a press conference in Japan, the Justice urged not only these two goals but also that Formosa be placed under a UN trusteeship until its future is decided, probably through a plebiscite or referendum. "He added that Red China, if admitted to the UN, should not be given a seat on the Security Council and that the Nationalist government's seat should be given to some other power so that neither China would be on the Council.

"This is exactly what many Europeans and not a few Asians really want to see happen. It's the way to kill the Nationalist government and deprive the United States of the biggest military force it now has allied with it for the protection of Southeast Asia against Communist aggression. . . ."

Once again, during 1961, Justice Douglas spoke out in behalf of Red China's admission to the UN. An article datelined Monmouth, Illinois, in *The Tulsa Tribune* of November 30, 1961, reported: "William O. Douglas, associate justice of the U.S. Supreme Court, says that Red China should be admitted to the United Nations and Formosa should be demilitarized and placed under United Nations control. . . . Douglas criticized U.S. support of the government of Generalissimo Chiang Kai-shek, calling it corrupt. . . ." Compare this with his 1952 statement from Formosa quoted above and see what a turnaround it represents.

Justice Douglas' blind bias on the Free China versus Communist China situation still prevails. In *Points of Rebellion*,

he wrote: ". . . the Japanese . . . were pressured by us into recognizing Taipei, a step that many Japanese . . . deem morally wrong. For the real China is Mainland China with her 800 million people. Peking, not Taipei, is the mirror of the twenty-first century with all of its troublesome problems. . . ."

Then, further on in this little book, Douglas came up with a long-time smear line against Free China: "The China Lobby, financed by the millions extorted and extracted from America by the Kuomintang, uses vast sums to brainwash us about Asia. . . ." This is utter nonsense that has been completely exposed. A much better case could be made on the existence of a pro-Red China lobby than one in behalf of Free China.

As could be expected, Justice Douglas has on a number of occasions injected himself into the foreign policy controversy over Vietnam. Speaking at the State University at Stony Brook, New York, Mr. Douglas said there can be no military solution in Vietnam. "The problem," he said, "can only be solved at a political level. The way to increase Chinese influence in Vietnam is to do as we are doing — a military venture . . . There is no military solution." (*Human Events*, November 13, 1965)

During March, 1966, the Justice took off on the Vietnam question again in Murfreesboro, Tennessee. *The Tulsa Tribune* of March 9 reported: ". . . Supreme Court Justice William O. Douglas . . . said the United States is violating the UN Charter by waging what he termed an 'aggressive war' — an apparent reference to Vietnam. . . ."

In *Points of Rebellion* he made the following charge: "President Johnson avoided all constitutional procedures and slyly maneuvered us into an Asian war." There seems to be little doubt that the Douglas answer for Vietnam would be U.S. surrender.

In his free-wheeling extracurricular activities, Justice Douglas takes a dim viewpoint of our national defense, to put it mildly. During 1969 he expressed strong opposition to the Safeguard

Anti-Ballistic Missile System. (*U.S. News & World Report*, April 27, 1970)

In *Points of Rebellion* he contended that "preparedness and the armament race inevitably lead to war. Thus it ever has been and ever will be. Armaments are no more of a deterrent to war than the death sentence is to murder. . . ." Of course, it is simply not true that preparedness leads to war. What Mr. Douglas and other ultra-leftists say would be true *only* if there were no preparedness on any side. However, when an international aggressive force such as communism is arming to the hilt with the solid determination to conquer, lack of preparedness by its intended victims brings on either war or outright surrender. Historically, aggressors have struck when they felt the target nation was weak enough to be taken. An aggressor will not start a war against what he feels is a superior force and, in our opinion, this is more true of international communism than any aggressive force in history.

Further on in *Points of Rebellion*, Mr. Douglas once again took off on our ABM system: "The Pentagon is ready to start constructing the ABM system and is helping scientists prepare their articles praising it. . . . The voices and pressures of the military-industrial complex seem always to suffocate the pleas of the poor as well as the pleas of those who want to be done with wars and create a cooperative world pattern for the solution of international problems. . . . Our militarism threatens to become more and more the dominant force in our lives. This is an inflammatory issue; and dissent on it will not be stilled. . . ."

Apparently he follows the general ultra-left line of thinking on ABM that it would "provoke" the enemy, thus hampering negotiations, and cause the enemy to increase their war weapons. This is just not true. The ABM has only one objective and that is to defend our nation against an enemy attack. As far as provoking danger is concerned, the ABM is no more provocative than a burglar alarm system or automobile seat

belts. A burglar alarm system does not go into action unless one's home or business establishment is invaded and installation of seat belts in a car does not mean that one is going to drive down the highway and deliberately crash into another car. These are merely sensible safety precautions, and so is the ABM. Why would the enemy be concerned over any purely defensive measure by our nation unless they plan to strike? How could the ABM be a provocation if the enemy does not at least entertain the possibility of leveling off some of our cities in order to bring America to its knees? Of course, Justice Douglas and other vociferous opponents of the ABM do not answer these questions.

On occasions Justice Douglas has shown quite a dislike of our American form of government. In an address reproduced in the publication of the Association of the Bar of the City of New York, *The Record* of April, 1949, he said: "It must be remembered that the process of constitutional amendment is a long and slow one." In other words, this could be taken as a warning that Mr. Douglas was not going to be restricted by the constitutional process of amendment. This is very much at odds with the sound advice of our first President, George Washington, in his Farewell Address: "If in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. — But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. . . ."

In *Points of Rebellion*, Mr. Douglas indicted our nation as "a society that makes 'lawful' the exploitation of humans." Of course, this is similar to the Communist line that nations not yet enslaved by communism are nations which exploit their people.

Further on in his little book, the Justice wrote: "If society is

to be responsive to human needs, a vast restructuring of our laws is essential." And he expressed the view that universities in our nation would constitute "a revolutionary force that helps shape" this restructuring of society which he feels is essential.

Justice Douglas seems to get dissent and violence quite confused. In an article in the January, 1969, issue of *Playboy* he wrote: "... Where problems and oppression pile high and citizens are denied all recourse to political remedies, only revolution is left. Sometimes revolution with violence is the only remedy. ... Today the dissenters, both black and white, claim that the changes needed to admit the lower fourth of our people into an honored place in our society are being thwarted. ... The puritan ethic — hard work and industry will guarantee success — is not valid in a system of private enterprise that is less and less dependent on labor. For many, the only recourse for employment is in the public sector; yet blueprints for an expanding public sector are hardly ever in public view. Racial discrimination takes an awful toll. ..."

Once again, this is utter nonsense. What the Justice is actually saying is that if the changes demanded by those who think as he does are not forthcoming, then "only revolution is left" and possibly "revolution with violence is the only remedy. ..."

In *Points of Rebellion* he classified the "dissent" in our nation today as "a reaffirmation of faith in man." He further contended that "it is protest against living under rules and prejudices and attitudes that produce the extremes of wealth and poverty and that make us dedicated to the destruction of people through arms, bombs, and gases, and that prepare us to think alike and be submissive objects for the regime of the computer. ... The dissent we witness is a protest against the belittling of man, against his debasement, against a society that makes 'lawful' the exploitation of humans. ..."

He concludes his book by again suggesting the possible use of violence in our nation: "The use of violence as an instrument of persuasion is therefore inviting and seems to the discontented to

be the only effective protest. ... We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution. ... That revolution ... could be a revolution in the nature of an explosive political regeneration. It depends on how wise the Establishment is. If, with its stockpile of arms, it resolves to suppress the dissenters, America will face, I fear, an awful ordeal." How in the world can a man with such viewpoints be considered qualified to sit on the U.S. Supreme Court? However, this is not all. There is much more.

Among the important five-to-four Supreme Court rulings which make things easier for criminals to prey upon the American people was a 1966 decision spelling out ground rules for police and courts. Needless to say, Justice Douglas voted with the majority in this decision. *The Tulsa Tribune* of June 13, 1966, reported:

"The Supreme Court ruled today police may not question a suspect if he is alone and 'indicates in any manner that he does not wish to be interrogated.' The five-to-four decision spelled out constitutional ground rules which police and the courts must follow in all criminal cases. The milestone majority opinion was written by Chief Justice Earl Warren to clarify the court's 1964 finding in the famous Escobedo case. Warren said the court is trying to set forth 'concrete constitutional guidelines for law enforcement agencies and courts to follow.' [Informed Americans feel that our nation has had these for many years.] ..."

"The ruling was given in four cases which grew out of the Escobedo decision which extended the right to counsel to a suspect in a police station. ... In the 1964 decision made more specific today, the high court reversed the Illinois murder conviction of Danny Escobedo because police prevented him from seeing his lawyer before confessing. ..."

"In the courtroom, the dissenting Harlan vigorously attacked

the majority's views. As Warren looked directly ahead, Harlan declared that for all 'his noble and eloquent words, the Chief Justice spent more time justifying and apologizing for the opinion of the court than in explaining.' Harlan flushed visibly as he denounced the majority decision in language unusually fiery for him. He said the Warren opinion was 'new doctrine . . . and don't be fooled by it.' Thumping the court bench for emphasis, Harlan declared the majority opinion is a hazardous experiment at a time when the crime rate in this country is a problem of growing concern.

"In a companion dissent, White said, 'much of the trouble with the court's new rule is that it will operate indiscriminately in all criminal cases, regardless of the severity of the crime or the circumstances involved.' He said the decision will have 'a corrosive effect on the criminal law as an effective device to prevent crime. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it,' White commented. . . ."

In view of his support for such a ruling, it is no wonder that Justice Douglas takes a dim view of law and order. In the January, 1969, issue of *Playboy* he wrote: "Law and order is the guiding star of totalitarians, not of free men. . . ."

In *Points of Rebellion* Justice Douglas attributed the following quote to Adolph Hitler as backing for his views on law and order: "The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and without. We need law and order." The *Richmond News Leader* of April 3, 1970, responded: "That statement, by the way, has been proved to be a sheer fabrication of the New Left; Adolph Hitler never said any such thing. . . ."

Thinking Americans will agree with J. Edgar Hoover instead of Justice Douglas on this issue. In the January, 1970, *FBI Law*

Enforcement Bulletin, Mr. Hoover wrote: "... Much of our trouble today is caused by a growing number of persons who feel no obligation to respect the law and no legal responsibility to obey it. Belonging to divers groups and movements, these persons are clairvoyant and prolific on matters of liberty, freedom, and individual rights, but impatient and taciturn on the issues of responsibilities and established democratic processes. Their emotions override their judgment and reasoning. Edmund Burke put it this way - 'The freedom of some is the freedom of the herd of swine that ran violently down a steep place into the sea and were drowned. The only liberty that is valuable is a liberty connected with order; that not only exists with order and virtue, but which cannot exist at all without them.'

"To my mind, a big question for every American as we enter the 1970s is whether he wants to support and defend our free society or let it be overrun and destroyed by visionary agitators, whether he wants to promote the cause of justice and order or give in to crime and chaos, and whether he wants to hold the line on decency and morality or let depravity and degeneracy corrupt our populace. Let us make no mistake about it. Human dignity, individual values, civil rights, and freedom for all citizens cannot exist without order and self discipline. . . ."

Chapter Three

THE PARVIN FOUNDATION AND THE CENTER

The Parvin Foundation is another outside activity which has drawn much attention in the furor over Mr. Douglas' qualifications to remain on the Supreme Court. A news item in the *Wichita Eagle* of October 18, 1966, reported: "The fees Justice William O. Douglas took from a Las Vegas-financed fund raises serious questions as to whether he should be permitted to stay on the Supreme Court, the Senate was told Monday.

"Senator John J. Williams, R-Del., said that Douglas has been accepting an 'expense allowance' of \$12,000 a year from the Albert Parvin Foundation, financed largely by a mortgage on a Las Vegas hotel and gambling casino. 'And apparently no accounting was required,' Williams said.

"Albert B. Parvin, benefactor of the foundation and part owner of the Fremont Hotel and Casino, the Sands, the Four Queens, and Aladdin Hotel casinos in Las Vegas, said Douglas is president of the foundation. The foundation was established in 1960 to send students from impoverished nations to Princeton University and the University of California, Los Angeles. Parvin said the foundation derives most of its funds from a first mortgage on the Hotel Flamingo and casino in Las Vegas. . . .

"Chief Justice Earl Warren should take prompt notice of these serious allegations, Williams said. Warren should tell the American people whether the acceptance of this money by Douglas 'violates the rules of propriety' as far as members of the Supreme Court are concerned. Williams suggested that taking of such fees by court members might be a standard procedure since Douglas was taking them. . . ."

In his October 17, 1966, Senate speech, Senator Williams also stated: "We cannot overlook the fact that there is now pending before the Supreme Court the Black case wherein it is being alleged that a government agency may have monitored certain telephone conversations between Mr. Black and some of the interests that are associated with the same group that has been paying this \$12,000 fee to Justice Douglas." An AP dispatch in the *Tulsa Daily World* of May 22, 1969, disclosed that Justice Douglas had received approximately \$85,000 as president of the Parvin Foundation from 1962-69.

According to *The New York Times* of May 26, 1969, Justice Douglas branded the IRS case against the Parvin Foundation as a "manufactured case" to pressure him to retire from the bench. Even the leftist *Washington Post*, in an editorial on May 27, 1969, had the following to say regarding this charge: "Douglas' statement that the IRS investigation of the foundation was a 'manufactured case' to 'get me off the court' shows Douglas' bias against the IRS and should disqualify him from judging cases involving the IRS." Justice Douglas finally did resign from the foundation during 1969, having served it for approximately eight years.

Additional information on the Parvin Foundation controversy was given on the floor of the Senate on June 5, 1969, by Senator Carl T. Curtis (R-Neb.): "Mr. President, what is most disturbing . . . is the relationship and connection between Justice Douglas, Albert Parvin, the Parvin Foundation, the Parvin-Dohrmann Corp., and two individuals who appeared as witnesses before the Senate Rules Committee during the Bobby Baker investigation. These witnesses, one of whom took refuge behind the Fifth Amendment and refused to testify, are Edward Levinson and Edward Torres. What is most disturbing is that both Messrs. Levinson and Torres were on the same payroll with a Justice of the U.S. Supreme Court. . . .

"The relationship between these four men, Justice Douglas and Messrs. Parvin, Levinson, and Torres, does not stop at the

point where they are all receiving money from gangster-operated Las Vegas gambling casinos. In a letter dated May 12, 1969, from Douglas to Parvin, the Justice is reported to have said the IRS' investigation of the Parvin Foundation was a 'manufactured case' intended to get him — Justice Douglas — off the Supreme Court. At this point, the tax problems and the records of Justice Douglas' associates, Messrs. Levinson and Torres, should be examined.

"Mr. Levinson has a long record linking him with the numbers rackets, bookmakers, and gambling interests. He appeared before the Senate Rules Committee on Monday, March 2, 1964, and acknowledged that he was being investigated by agencies of the executive branch of our government but declined to testify. Specifically, Mr. Levinson refused to tell our committee, first, whether he knew Bobby Baker — which he did; second, whether he was an officer, director, and stockholder in Bobby Baker's Serv-U-Corporation — which he was; and third, whether he was involved with Fred Black, Jr., and Bobby Baker in business transactions with the Farmers and Merchants Bank of Tulsa, Oklahoma, the District of Columbia National Bank and North American Aviation — which he was — and generally refused to answer all questions propounded to him except that he had an office in the Fremont Hotel in Las Vegas.

"Subsequent to his appearance before the Rules Committee, Levinson pleaded 'no contest' to a charge of helping file falsified income tax forms and was thereafter fined \$5,000. The question is how Mr. Levinson's dispute with the Internal Revenue Service would have fared on appeal to the Supreme Court? Would Justice Douglas, who was on the same Parvin payroll as Levinson, have had the fortitude to disqualify himself? Additionally, Ed Levinson's problems with the law, and his connection with the Cosa Nostra, have been given wide national publicity. . . ."

Further charges were made on the floor of the House of

Representatives on June 5, 1969, by Rep. H. R. Gross (R-Iowa): "... Justice Douglas violated the American Bar Association Canons of Ethics and may have violated the federal criminal law in a letter of May 14, 1969, to Albert Parvin giving advice on legal matters involving the Parvin Foundation and a controversy with the Internal Revenue Service." According to *The Washington Post* of May 28, 1969, even Rep. Emanuel Celler, leftist Democrat from New York, criticized Douglas for this letter to Albert Parvin. On April 15, 1970, Rep. Gerald R. Ford (R-Mich.) told his fellow congressmen: "The Parvin Foundation in 1961 undertook publication of Mr. Justice Douglas' book, *America's Challenge*, with costs borne by the foundation but royalties going to the author. . . ."

On the floor of the Senate on June 9, 1969, Senator Strom Thurmond (R-S. Car.) presented important facts relating to international repercussions of Justice Douglas' activities in connection with the Parvin Foundation. "... Today, I would like to point out how certain of his activities in the past in connection with the Parvin Foundation have led to international repercussions. Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency. These activities of the Inter-American Center culminated in vicious attacks upon the United States, the U.S. President, and U.S. policies. Thus we have an Associate Justice of the Supreme Court acting virtually as a CIA agent, with ludicrous results. Justice Douglas has denied knowledge of the CIA's participation, but he has not denied the essential facts as revealed in the press. The incident points up the danger of active participation in political groups.

"The organization to which I refer went out of existence two or three years ago, but not before its activities at least indirectly had helped to foment the revolutionary situation in the Dominican Republic in 1963, and which necessitated the

intervention of the U.S. Marines to save that country from Communist take over. Justice Douglas became a board member of the Inter-American Center for Economic and Social Studies because of his office as president of the Parvin Foundation. The history of this Inter-American Center is most curious. It began under the name of the Institute of International Labor Research, whose chairman was the notorious Socialist, Norman Thomas.

"The institute originally began in Costa Rica as a training school for left-wing radicals under the tutelage of such leftist Latin politicians as Juan Bosch and Jose Figueres. . . . The institute was organized by one Sacha Volman, a naturalized U.S. citizen from Rumania, with a long history of radical organizing activities. Shortly after 1960, the CIA began to channel nearly \$1 million into this institute under the irrational theory that the best way to fight communism is to support left-wing socialism Shortly after this period, the institute moved to the Dominican Republic, when Juan Bosch came into power, and changed its name to the Inter-American Center of Economic and Social Studies [which] then joined with the Parvin Foundation and the National Association of Broadcasters in a program to fight illiteracy in the Dominican Republic. Justice Douglas became a board member of the Inter-American Center, where he naturally was in a position of oversight on all of the Center's projects. At this time, the major source of income of the Center was the CIA.

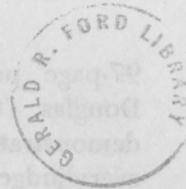
"Because of Bosch's long association with the Inter-American Center, it is safe to conclude that the school was one of his major resource centers for the planning and operation of his government. In fact, as a well-spring of Marxist thought and activities, the Inter-American Center made major contributions to the general feeling in the Dominican Republic that the country was running headlong toward Communist take over. Responsible citizens in the Dominican Republic felt that Bosch was unable to discriminate against the general leftist-Marxist

clique that always surrounded him and the Marxist-Leninist clique that quickly infiltrated his government. The attitude of those who overthrew the Bosch government was clearly demonstrated by the fact that Volman had to hide out for several days after the coup until he could leave the country. Thereupon, the Inter-American Center — which still had a press operating in Mexico — published a scathing attack on the U.S. policy of intervention in the Dominican situation. The Inter-American Center has apparently gone out of business since these events.

"Nevertheless, the history of these events clearly shows how Justice Douglas laid himself open to increasing involvement in U.S. political affairs. From a supposed attempt to teach literacy in the Dominican Republic, this organization, with an Associate Justice of the U.S. Supreme Court on its board of directors, was inextricably drawn to open attacks upon the policies of the President of the United States, with all the domestic implications of such an attack. It is clear that Justice Douglas scarcely understands the relationship of the three branches of our government, nor the necessity for a Supreme Court Justice to remain aloof from social and political involvements which frequently sweep the participants into untenable positions. This is another example of Justice Douglas' lack of judgment in pursuing outside activities, and I call upon him again to resign his post as Associate Justice of the U.S. Supreme Court. . . ."

The *Chicago Tribune* of May 22, 1969, stated: "The Center for the Study of Democratic Institutions, which Douglas received money from, has been the second highest recipient of funds from the Parvin Foundation. The Democratic Center was the incubator of the National Conference for New Politics, which held a five-day debauch and did more than \$10,000 worth of damage to the Palmer House Hotel in September, 1967. The center is tax-exempt."

A news article in the *Tulsa Daily World* of May 22, 1969, reported further on Douglas' connection with the center:



“Supreme Court Justice William O. Douglas has been receiving fees of \$500 a day from a second foundation which he heads. An official at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., said Douglas was paid about \$4,000 for two seminars in recent months. . . . Douglas is . . . chairman of the board for the California center. . . .” Rep. Wyman said on the floor of the House on April 15 that the president of the center had advised him that Douglas had been paid nearly \$7,000 by the center since 1962.

The May, 1969, issue of the *Center Magazine*, published by the Center for the Study of Democratic Institutions, listed Douglas as chairman of the Fund for the Republic, the ultra-left product of the Ford Foundation which finances the center.

More information on what the Center for the Study of Democratic Institutions stands for was revealed in a booklet published in December, 1967, summarizing a three-day conference held at the center in late August, 1967. One of the participants, Devereaux Kennedy, president of the student body of Washington University at that time, declared:

“... What I mean by revolution is overthrowing the American government . . . I'll tell you the steps that I think will be needed. First of all, starting up 50 Vietnams in Third World countries. This is going to come about by black rebellions in our cities joined by some white people. People in universities . . . have access to money and they can give people guns, which I think they should do. They can engage in acts of terrorism and sabotage outside the ghetto. Negro people have trouble getting out because they cordon those areas off, but white activists can go outside, and they can blow things up and I think they should. . . .” Since that time they have “blown things up” and the bombing and arson tactics against such institutions in our country continue. And this organization's chairman of the board is none other than Supreme Court Justice William O. Douglas.

Chapter Four

CONCLUSION

Justice Douglas' little book *Points of Rebellion*, from which we have quoted several times, was described by syndicated columnist Richard Wilson as “an astringently-worded tirade against the American ‘establishment,’ the Pentagon, the FBI and CIA, police, employers and educators, and concludes that ‘violence may be the only effective response’ of outraged youth. . . .” (*Tulsa Daily World*, February 18, 1970)

The senior staff editor of *Life* magazine even commented after reading *Points of Rebellion* that Douglas “seems unable to think straight about any subject,” and that he “has become a ranter.” Daniel Seligman continued: “He has also stopped bothering to get facts straight: *Points of Rebellion* is a treasure trove of astounding statements that turn out to be quite untrue. . . . it is . . . a very serious matter indeed when a member of the highest court in the land suggests that violent revolution is appropriate in the United States today. But I suspect that many readers will find it impossible to take anything in *Points of Rebellion* very seriously.” (*Life*, May 1, 1970) We are afraid, however, that many readers, especially young people, will take seriously Justice Douglas' words in this book.

In view of the startling facts about this book, it is no wonder that it received great acclaim from the Communist conspirators in the United States. The Communist *People's World* of March 14, 1970, ran an editorial praising it highly:

“It weighs about four ounces, but it carries real weight — as an indictment of U.S. monopoly capitalism. It's the new little

97-page paperback by Supreme Court Justice William O. Douglas, titled *Points of Rebellion*. It also effectively demonstrates why Conservatives want him impeached. It isn't every judge who holds the system in contempt. . . ."

At this stage the Communist conspirators calculated that Douglas would be ousted from the Supreme Court. "... this judge is grown too wise for the Establishment, which he has studied for so long. It is obvious he sees the handwriting on the wall, and the shadow of fascism. His days are numbered, and he's giving us the signal." Even though the Communist conspirators think that he will be removed from the Supreme Court, the big question is will the United States Congress have the courage and good sense to accomplish this important task?

A double standard is evident in the thinking of those Liberals who defend Douglas but went all out for the scalp of Circuit Judge G. Harrold Carswell. It should be clear to any thinking American that there is far more substance to the case against Justice William O. Douglas than there was in the attacks on Judge Carswell in the controversy over his nomination for a Supreme Court seat. In addition to their "racism" fabrications, Carswell's opponents charged that he did not "measure up" to the caliber of persons qualified to occupy a seat on the high court. If that be the case, what kind of standards are used to measure Justice Douglas' qualifications to continue sitting on the bench?

Judge Carswell was accused of "mediocrity" but certainly he is not responsible for harmful decisions which have given criminals an advantage over law-abiding citizens. Furthermore, Judge Carswell has not written articles for sex-oriented publications involved in a case coming before his court, nor has he been involved in making wild leftist-oriented charges against our nation.

In view of all the facts in the case, does Justice William O. Douglas measure up to the 36-year-old Canons of Judicial Ethics of the American Bar Association? Among these are the

following:

Canon 4. Avoidance of Impropriety. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

Canon 24. Inconsistent Obligations. A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official function.

Canon 31. Private Law Practice. In many states the practice of law by one holding judicial position is forbidden . . . If forbidden to practice law, he should refrain from accepting *any* professional employment while in office.

Further adverse information on Justice Douglas was given in the House of Representatives on June 5, 1969, by Congressman H. R. Gross: "Justice Douglas accepted a fee of at least \$350 for an article published in Ralph Ginzburg's *Avante Garde* that consisted of the worst in hard-core pornography. A full-page picture of Justice Douglas and his article on folk singing were featured in the advertising and general promotion of this magazine with its sordid contents of pictures, poetry, and articles that can only be described as filth. Justice Douglas voted against a five-to-four Supreme Court decision in 1966 that upheld conviction of Ginzburg for selling hard-core pornography. There are several other suits involving Ginzburg that are in the appeal process and could come before the Supreme Court." Speaking on the floor of the House on April 15, 1970, Rep. Ford pointed out that "Mr. Justice Douglas did not disqualify himself from taking part in the Goldwater against Ginzburg libel appeal. Had the decision been a close five-to-four split, as was the earlier one, Ginzburg might have won with Douglas' vote. . . ." No wonder Ginzburg praised Douglas as "a

shining example of everything noble and beautiful about America. . . ." (*Tulsa Daily World*, May 29, 1969)

Even though he ruled himself out of participation in two obscenity cases and a libel dispute during April, 1970, Justice Douglas has, in the past, shown little, if any, inclination to rule himself out of decisions where he has an interest, in spite of the fact that Title 28, United States Code, Section 455, states: "Any justice or judge of the United States should disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to *or connected with any party* or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal or other proceeding therein."

An article in *The Kansas City Star* of October 16, 1968, reported that Justice Douglas referred to those who would alter the decisions of the Warren court, which brought about such enormous unconstitutional changes in our country, as "some Stone Age guys." To the informed person, this tells much because the changes in the Constitution brought about through decisions of the Warren court undermined the concept of that document left us by our founding fathers.

The evidence against Justice Douglas is clear and insurmountable. Certainly no prospective justice with such a record would be confirmed today. By the same token, the United States Constitution provides that Supreme Court justices "shall hold their offices during good behavior" — *not* for life. We firmly believe that William O. Douglas does not measure up to the high standards required for the Supreme Court and it is a mockery of the court to leave him there.



About the Author



Julian E. Williams, Research Director for Christian Crusade, national anti-Communist ministry of evangelist Dr. Billy James Hargis, was born and reared in Alabama. After graduating from Auburn University, he spent four years of active service in the Army during World War II.

Following his Army service, Mr. Williams went to work for the government as a records analyst, and in 1955 became records officer with the Internal Revenue Department in the Baltimore, Maryland, district office, continuing with that department until 1958 when he came to Christian Crusade as Research Director.

For the past 17 years, Mr. Williams has made an extensive study into the inner workings of communism, socialism, and other related subjects. A member of the Coordinating Committee to Defeat Communism in Washington, D. C., he was also the Americanism representative of an American Legion Post in Washington during 1954.

In 1957 he served on the Americanism Commission and the Un-American Activities Committee of the Maryland Department of the American Legion and was chairman of the Speakers Committee of the Free State Forum in Baltimore, an organization which furnished speakers on subjects relating to communism and socialism.

In 1956 Mr. Williams was awarded a George Washington Honor Medal by the Freedoms Foundation of Valley Forge for his essay, "How Can We Combat Communism?"

ITEM TRANSFER REFERENCE FORM

The item described below has been removed to:

New File Location: NLF Book Collection



Document Description:

Hinds' Precedents of the House of Representatives Volumes 1-5

By Asher C. Hinds, LL.D., Clerk at the Speaker's Table

Published by Authority of the Act of Congress Approved March 4, 1907
Washington Government Printing Office 1907

Cannon's Precedents of the House of Representatives Volumes 6-11

By Clarence Cannon, A.M., LL.B., LL.D.

Published by Authority of the Act of Congress Approved March 1, 1921
Washington Government Printing Office 1935

The above-listed books apparently belonged to Thomas M. Pelly, M.C.; volumes 2-5 and 7-11 bear his signature.

Old File Location: Files of Robert T. Hartmann: Congressional Justice William O. Douglas Investigation, Books

By MH Date 1/9/80

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