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EDWARD A. YUZIUK - EDITOR & PUBLISHER

MISS REBECCA BOONE - ASSOCIATE EDITOR

ARCHIE BALLEW - PHOTOGRAPHER & PRESSMAN

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SENATOR SAM ERVIN SAYS



WASHINGTON - The Senate Subcommittee on Separation of powers, of which I am Chairman, has been studying the problem of non-judicial activities by Supreme Court Justices and other federal judges as part of its overall inquiry into the Supreme Court.

In June 1968, when the Subcommittee first began looking into the question of what outside activities federal judges could properly perform without doing violence to their primary responsibilities, the problem appeared almost academic in nature. Recent events have now demonstrated that this is a crucial question affecting the federal bench and, in its implications, the federal government. Unfortunately there has been more heat than light on this subject, and particularly so because this is a subject which is critical to the institutions of our constitutional system.

On July 10th, the Subcommittee will begin a five-day series of hearings on this complex and sensitive subject of nonjudicial activities of federal judges with particular emphasis on such activities of Supreme Court Justices.

The Subcommittee has invited a distinguished group of State and Federal judges, active as well as retired, to testify before it. Other witnesses will include members of the academic community, representatives of bar associations, and persons in public and private life who have reason to be familiar with this sensitive problem.

The Subcommittee presently has before it two bills which relate to this problem. On February 25th, I introduced S. 1097, a bill to bar all Federal judges from performing official or governmental activity of a nonjudicial nature. Thereafter, on May 8th, Senator Griffin introduced S. 2109, a measure to require Federal judges to disclose all outside activities. These measures are representative of two approaches that have been suggested and will serve as focal points for this aspect of the inquiry. One of the questions before the Subcommittee is whether this is a subject upon which Congress properly can and should legislate.

The Judicial Conference of the United States has been formulating a set of principles to guide judges in this area. This "code of ethics", and efforts by the judiciary to restore public confidence in the bench, will also be discussed during the course of the hearings.

These hearings are not intended to be a forum for the purpose of recounting what is already known about recent events nor will they be concerned with the personalities of those involved in these events. The objective of the Subcommittee hearings is to deal with the problem by formulating principles which will guide the public and the Federal bench in the future.

Studies in this field indicate that the problems of extra-judicial activities are not entirely susceptible to resolution by the enactment of laws. Still, appropriate laws, if necessary, can result in improvements in our judicial machinery. In this context, I am hopeful that the hearings will be of considerable value.

straight talk

By Tom Anderson

THE REAL NIXON PROBLEM



Weekly Review, published in London, describes President Nixon's real problem. *Weekly Review* says:

"No commentator has yet dared to tell the truth. President Nixon's real problem is as follows:

"1. Should he agree to a detente with Russia in the West in order to encourage the Sino-Russian clash?

"2. If he did so would he forfeit the goodwill of the anti-communist forces in the West and inside the Warsaw pact bloc?

"3. If he agreed to a detente and risked the loss of the anti-Communist Europeans, and if war resulted between Russia and China should America remain neutral in the hope that each would exhaust the other? Or should America support China against Russia on the grounds that China is a less dangerous power industrially?

"Which would be better to eliminate—Russia or China?

"4. Should America encourage Japan to revert to an expansionist policy, thus relieving America in southeast Asia?

"5. In the event of a miscalculation leading to a major Arab-Israeli clash with Soviet intervention, should America intervene on behalf of Israel?

"Beyond all this, President Nixon is perplexed as to how to contain the rising tide of discontent throughout Europe and in America itself. Can it be contained short of measures which if used, might destroy America's image in the eyes of millions inside Russia and elsewhere?

"And last, but not least, is it possible to have full economic expansion without runaway inflation? Does President Nixon accept the assurances of those whose answer is a categorical yes, and if he does can he maintain the unity of the Republican Party?

"In the conduct of foreign affairs and interstate relations one has—whether one likes it or not—to deal with all kinds of unsavoury

characters who happen to rule the roost in the Kremlin, all of whom have left a long trail of cunning and deceit—and worse—behind them. There is no equally compulsive need to pretend or to recommend them to the western public as trustworthy men who may be relied upon to honour their pledges and promises, which they have not done in the past for one moment longer than it suited their books.

"Heaven help those western leaders who, in their own innate decency, believe that they are dealing with repentant and reformed characters in 1969.

"President Nixon has suggested that the western 'fist of defence' should be turned into 'a hand of friendship' towards the Soviet Union and has proposed an unfreezing of the old concepts of East versus West. The Russians, however, are showing no inclination to turn their swords into ploughshares but, on the contrary, they are sharpening them. War games of the Warsaw Pact countries and Russian military exercises are continuously in progress. Just as the four great powers are deliberating on a peace settlement in the Middle East, the Kremlin is building up its Mediterranean naval strength to a new peak.

"The Khrushchevian promise to bury the West has also just been given a new variant by Marshal Yakubovsky, Commander-in-Chief of the Warsaw Pact forces, who boasted of his ability to launch 'a lightning attack' to smash to pieces 'imperialist aggressors.'

"All this and a lot more in the same trend is accompanied by violent and abusive Soviet diatribes against the West and the United States—Britain and West Germany in particular—a propaganda offensive in the worst tradition of the cold war.

"Such then is 'the real world of today.' It is not the idyllic one in which the Russian Communist wolf lies down with the Western lamb in peaceful co-existence and friendship."—American Way Features

The Manion Forum

By Marilyn Manion

A CURIOUS DOUBLE STANDARD



Why does our nation fight Communism in Asia—and support Communism in Africa?

If you put that question to the general public, most people would be shocked to hear that we support Communism anywhere. How, they would ask, does the United States aid the Reds in Africa?

How? By refusing to sell arms to such anti-Communist nations as Rhodesia and South Africa. While Russia, China and Cuba are engaged in mass subversive activities across the African continent, complete with modern arms, terrorism and careful organization, we will not sell to Rhodesia or South Africa the items they need to defend themselves from Peking, Havana and Moscow.

How did we get ourselves into this ridiculous position? Let us take as an example the sorry saga of our relations with Rhodesia. A recent guest on the Manion Forum radio program, W. L. Thornton, President of the Southern States Industrial Council, catalogued our history of errors as regards Rhodesia:

"Rhodesia is an independent country in Southern Africa. Until recently, it was a part of the British Commonwealth. When the British socialist government brought intolerable pressure on the white citizens of Rhodesia to surrender their sovereignty to the native blacks, the whites quite naturally refused.

"To insure their survival in the face of growing British pressure and against Communist terrorist attacks from the North, Rhodesia declared its independence from Great Britain on November 11, 1965. Great Britain, in an effort to keep Rhodesia in the Commonwealth, imposed economic sanctions on Rhodesia and asked us to join her in this oppression of a free enterprise, anti-Communist nation: and we followed right along like the tail of a kite.

All the time Great Britain was trading with

our enemies in North Vietnam, furnishing them with materials which they used to kill our soldiers in South Vietnam.

"Later, Great Britain prevailed upon the United Nations to ask all its members to join in economic sanctions on Rhodesia, and through the combined vote of the Afro-Asian majority in that body, they rammed through Resolution 253 calling for total sanctions against Rhodesia. Then President Johnson issued Executive Order 11419 prohibiting U.S. nationals from engaging in commercial and financial activities that would support the Rhodesian economy.

"This meant, for one thing, that United States industry could not import Rhodesian chrome ore. Ironically, the U.S. had to turn to the Soviet Union for supplies of chrome. The Johnson Administration had no objection to trade with the Soviet Union, though it denied permission for trade with little Rhodesia, a nation that has offered to send a contingent of troops to help fight Communism in Southeast Asia.

"Unquestionably there was a double standard. The Soviet Union invaded Czechoslovakia on August 20, 1963. If ever there was a time and a target for trade sanctions, it was then. The Johnson Administration could have imposed economic penalties on the Soviet Union and its obedient Iron Curtain satellites, but it declined to take economic sanctions against these nations, and the United Nations overlooked the Communist take-over, while it continued to demand action against Rhodesia.

"President Nixon has an opportunity to eradicate one of the serious policy mistakes made by the Johnson Administration by rescinding the previous administration's economic sanctions against Rhodesia, and by recognizing the independence of Rhodesia."—American Way Features