

SUPREME COURT

Is Personal Honor Un-Constitutional?

by

Gary Allen

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■ THAT decisions of the U.S. Supreme Court are responsible for the handcuffing of America's law-enforcement officers and the expanding sedition in our government, on our streets, and on the nation's college campuses is a fact with which most Americans are all too familiar. Informed Americans are just as aware that the Court has been used to subvert the rights and responsibilities of state and local governments in favor of expanded federal powers specifically prohibited to the central government by the Constitution of the United States.

Yes, most Americans know these things. What they do not know is *why*? This article will not, of course, answer that question. What it will do is to provide some insight into the backgrounds and personalities of the Leftist Six – Justices Black, Brennan, Douglas, Fortas, Marshall, and Warren – the radical junta maintaining a guerrilla war against our Constitution and our liberties from the bench of the Supreme Court of the United States.

This, then, is not a study in law but an examination of the character of the men who have set their Leftist predilections above the Constitution.

Hugo L. Black

Sitting on the right side of the Chief Justice of the Supreme Court is the impish Hugo LaFayette Black, age eighty-three, his head barely visible above the imposing polished bench of the Court. Black is the High Court's senior Justice in both age and years of service. Only six Justices in the history of the Supreme Court have served when they were older than Black, and only eight served for a longer duration.

Born in rural Alabama, Mr. Justice Black unhesitatingly calls himself a "Clay County hillbilly." He likes to recall how he went to the big city to study medicine but switched to law and was graduated from the law school of the University of Alabama two years later in 1906.

By 1926, Hugo Black was elected to the United States Senate from Alabama, where he served without attracting great notice until the advent of F.D.R. and the New Deal. Franklin D. Roosevelt had no more loyal servant than Black. During Roosevelt's first term Senator Black voted for all of the two dozen principal New Deal measures and consistently supported even F.D.R.'s most eccentric Leftist whims. The Junior Senator from Alabama soon came to be described as "probably the most radical man in the Senate."

Black further ingratiated himself with F.D.R. by lending full support to the President's "Court packing" scheme. The

Supreme Court had invalidated much of Roosevelt's radical legislation, and "that man in the White House" sought retribution by demanding that he be allowed to appoint a new judge to the Court for every Justice then sitting who was seventy years of age or more. This would have swollen the Court's membership from nine to fifteen, and F.D.R. thought to so select his men as to be able to get the un-Constitutional schemes of his New Deal declared legal. The "Court packing" ploy was too much for even the Roosevelt-dominated Congress, but Hugo Black went down with the ship.

While the Congress rebuffed the scheme to pack the High Court, it did pass a law permitting Justices of the Supreme Court to retire at age seventy on full pay. Weary and disgusted, the older Justices began to retire. Black was F.D.R.'s first appointee — despite the fact that his total judicial experience consisted of eighteen months as a Police Court judge in Alabama.

There was in the Senate great opposition to the approval of Senator Black, with opponents claiming that his support of the effort to pack the Court displayed a lack of respect for Constitutional principles. Soon charges were made that Black had been a member of the Ku Klux Klan, but the Senator vociferously denied them.

It turned out that Black was lying.

Shortly after Justice Black's confirmation, Ray Sprigle of the *Pittsburgh Post-Gazette* broke one of the most sensational newspaper stories of the decade. His curiosity piqued by the charges of Hugo Black's Klan membership, Sprigle journeyed to Birmingham and there unearthed the story of Klansman Black.

Ray Sprigle published his story complete with photostats of Klan documents, transcripts of Klan meetings, and full details about Hugo Black's life membership card in the Ku Klux Klan. Black kept silent about the articles until three days before he was to be seated on the Court.

Then, in a nationwide radio broadcast, he put the lie to his earlier denials:

I did join the Ku Klux Klan about fifteen years ago. I later resigned. I never rejoined. . . . I have never considered, and I do not now consider, the unsolicited card given to me shortly after my nomination to the Senate as a membership of any kind in the Ku Klux Klan.

In recent years "Liberal" mythmakers have tried to dismiss Black's Klansmanship by presenting him as a compulsive joiner who, in addition to the Klan, joined the Masons, the Knights of Pythias, and the Odd Fellows. Neither Black's belated statement nor the modern rewrite stands up against Sprigle's hard proofs.

As a member of Birmingham's Robert E. Lee Klan Number One, Hugo Black had taken this solemn oath: "I swear that I will most zealously and valiantly shield and preserve . . . white supremacy." The Klan backed Black's bid for the United States Senate; but, Black had evidently foreseen that open membership might prove harmful to his future ambitions and thus scrawled a memorandum of resignation which he dated July 9, 1925. The "resignation" was strictly temporary and, after having been elected to the Senate, Hugo Black personally accepted the "Grand Passport" that entitled him to a lifetime membership in the Klan.

Although the life-membership may have been "unsolicited" as Black later claimed in his radio broadcast, Hugo Black's disclaimer was obviously intended to give the impression that he received the card in the mail and therefore had no control over it. The truth is that Senator Black personally welcomed the "passport" membership, formally presented to him at a meeting of the Ku Klux Klan by Klan Klaliff A.D. Ellis, who stated:

These, as you will notice . . . bear no date or limitation. In other

words, we as your fellow Klansmen would have you both realize that they are good only so long as you are good and that your fellow Klansmen in the Realm of Alabama will put the date of retirement upon these certificates when you yourself make such action necessary and not until then.

Black accepted the life-membership with a melodramatic speech of gratitude. "This passport which you have given me," he told his Klan audience, "is a symbol to me of the passport which you have given me before. I do not feel that it would be out of place to state here on this occasion that without the support of the members of this organization, I would not have been called . . . the 'Junior Senator from Alabama.' " To make sure none of the gathered Kluxers missed the message, Black added: "I realize I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

Since Mr. Justice Black received his "passport" after he claims he resigned, he may still technically be a member of the Klan. If this is true, he is doubtless the only Klan member to receive a laudatory write-up in the *Negro History Bulletin*, which recently offered this apologia:

For an accurate appraisal of the man who was elected to the Senate with the aid of the Klan, it must be understood that political offices are almost never gained without some compromise to principle.

Klansman Black turned out to be, according to *Negro History Bulletin*:

... one of [the Court's] greatest jurists of the Twentieth Century. In fact, he has written more opinions deciding in the affirmative in the area of Civil Rights than any other justice.

Black's oath to "preserve white supremacy" seems incongruous with his record of support for the "Civil Rights" mob. A Supreme Court Justice, of course, should support neither white supremacy nor black supremacy, but the supremacy of the Constitution of the United States of America. Mr. Justice Black, however, has stated that he believes the Constitution is a "flexible" document and has attempted to prove its flexibility by twisting it beyond all recognition.

So popular is Justice Black with Leftist and Communist elements that he has received two separate awards from the Southern Conference for Human Welfare, an organization which has been declared by investigating committees of both the House and Senate to be a key Communist Front "serving the Soviet Union and its subservient Communist Party in the United States."

In testimony by former Communist Party Organizer Paul Crouch, it was revealed that Mrs. Virginia Durr, Black's sister-in-law, had arranged for Mr. Justice Black to be the featured speaker and to receive an award from the above Communist Front on November 23, 1938. Crouch described Mrs. Durr's husband as "a reliable Comrade" with close contacts with his brother-in-law, Hugo Black. Crouch also testified that Black's sister-in-law "had full knowledge of the conspirational nature" of the groups working in and around the Southern Conference for Human Welfare.*

Mr. Justice Black's decisions regarding Communism have been without exception in favor of the Communists. So tortured has been Hugo Black's reasoning in these cases that the *New York Daily Mirror* of June 7, 1961, was moved to observe:

Justice Black's dissenting opinion represents the limit of doctrinaire nonsense. For if he is correct, the

*H.C.U.A. Hearings, *Southern Conference Educational Fund*, 1955, Page 94.

United States should not by any means defend itself against organized Communism

It is impossible to assume that Mr. Justice Black is that ignorant and therefore it must be assumed that he regards the Communist Party as a suitable American political organization, like the Republican or Democratic parties, and that he believes the Communist Party has a right to exist in the United States and to take control of this country, if it can, in the interest of the Kremlin.

No country could continue to exist under such circumstances.

One might almost think that Mr. Justice Hugo Black confers with his brother and sister-in-law before arriving at his decisions concerning Communism.

In an article in the *New York University Law Review* in 1953, Eugene Gerhard estimated that the number of Black's votes "in favor of the view advocated by the Communist interest" had out-stripped those of even so ardent a Leftist as Justice William O. Douglas. In a close contest, Black nosed out Douglas for the highest percentage of votes in favor of the "view advocated by the Communist interest" by 95.4 percent to 94.7 percent. Neither has altered his voting pattern on these issues in the intervening years.

These decisions by Black which have regularly supported the Communists are justified by the legion of admirers of this "militant humanitarian" on the ground that he is a great defender of civil liberties. Yet it was Black who rendered the Court's opinion in the case of the Japanese Americans interned during World War II, where he coolly observed that "we cannot . . . now say that at that time these actions were unjustified." Black's indifference to the liberty of citizens who had done nothing to even suggest disloyalty to America — except to be born members of a certain race —

contrasts glaringly with his hot defense of the "rights" of Communist operatives sworn to destroy the United States.

Hugo Black has handed down decision after decision restricting the right of Congressional Committees to investigate Communism, including a ruling that a Communist could not be required under oath to name his associates. Yet Black's attitude towards investigation of businessmen is entirely different. Writing of businessmen in 1936, Black declared:

There is no power on earth that can tear away the veil behind which powerful and audacious and unscrupulous groups operate, save the sovereign legislative power armed with the right of subpoena and search Witnesses [businessman] have declined to answer questions from time to time. The chief reason advanced has been that the testimony related to purely private affairs. In each instance with which I am familiar, the House and Senate have steadfastly adhered to their right to compel reply and the witness has either answered or been imprisoned

Liberty for Communists, harassment for businessmen.

Mr. Justice Black was the author of the majority decision which barred prayer from the public schools. He has also been outspoken in defense of the peddlers of obscenity and pornography. After reversing a lower court decision, Black said:

Of course, I understand that pornography sounds bad. But I have never seen anybody who'd say what it is — nobody Obscenity is wholly ambiguous: It means one thing to you, and another thing to you, and another thing to these people, and another thing to me . . . it is not speech on an important subject. Let them talk.

Predictably too, Black has been in the forefront of the Court's "be sweet to criminals" movement. But, for all his talk about a living, changing, flexible Constitution, Justice Black has done his best to find excuses for those of his decisions which have handcuffed law-enforcement officers. The Klansman simply blames the whole matter on the Founding Fathers. When *U.S. News & World Report* asked him about his anti-police decisions, Mr. Justice Black replied: "The Court didn't do it. The Constitution makers did."

When queried whether his decisions have made it more difficult to combat crime, Black retorted: "Certainly. Why shouldn't they?"

William J. Brennan Jr.

Justice William J. Brennan Jr., age sixty-three, is the "tag-along too Lou" of the Supreme Court. Though not outspoken and flamboyant like the Court's other Leftists, Brennan can always be counted on to add his voice to those of the other anti-constructionists.

William Brennan is a life-long "Liberal" Democrat, having been raised in a family where his father was a labor union official. In private practice Justice Brennan's specialty was labor law.

We are told that it came as a complete surprise to Brennan in 1956 when President Eisenhower, apparently unable to find any qualified Republicans or conservatives, appointed the New Jersey Democrat to the nation's highest tribunal. A graduate of Harvard Law School, where he was a *protégé* of Felix Frankfurter, Brennan had previously served on two New Jersey courts where he had established himself as a radical "Liberal."

The Leftist Justice Brennan wasted little time in emphasizing his sinister position on the ideological spectrum. As Rosalie M. Gordon notes in her authoritative book, *Nine Men Against America*:

Brennan wasn't on the U.S. Supreme Court very long before he

gave us a good peek into his mind. In his very first opinion, he wrote the decision (Jencks v. U.S.) opening the FBI files to the Communists . . . Jencks was a labor-union official convicted of filing a false non-Communist affidavit. When Justice Brennan ordered a new trial for Jencks, on the ground that his FBI dossier was not made available to him, the government asked a U.S. District Judge to dismiss its case against Clinton E. Jencks. In January, 1958, the U.S. Court of Appeals in Washington reversed the findings of the government's Subversive Activities Control Board that the Communist Party of the United States must register as a subversive organization. Why? Because under Justice Brennan's ruling in the Jencks case, the Communist Party had not been shown the secret FBI reports on its activities.

Mr. Justice Brennan also wrote the infamous decision which nullified a series of New York State laws aimed at barring subversives from administrative and teaching positions in the State's public schools and tax-supported colleges. In an alleged defense of "academic freedom," he stated that a teacher could not be dismissed for being a Communist or teaching and advocating the overthrow of our government by force and violence. According to this reasoning, Benedict Arnold could not be dismissed from teaching at West Point.

William O. Douglas

U.S. News & World Report notes that William O. Douglas was "one of the original group of young 'New Dealers' who joined the Roosevelt Administration." Prior to this he had been a professor of law at Yale where, according to the *New York Times*, he "became greatly influenced by the man

he followed both in principle and onto the Supreme Court, Justice Louis D. Brandeis." The man who hired Professor Douglas at Yale was an arrogantly pompous socialist named Robert M. Hutchins, now chief guru at the wildly Leftist Center for the Study of Democratic Institutions.

Douglas was recruited into the New Deal to work for the Securities Exchange Commission by Joseph P. Kennedy, a coyote who had been put in charge of the chicken coop. The virulent socialist bias of Professor Douglas was put to immediate use as he quickly became Chairman of the S.E.C. and proceeded immediately to deliver a blast at stock brokers and businessmen about ethics.* So vicious was he, according to the Associated Press, that he "amazed Wall Streeters." Douglas retorted by claiming, "I meant every word of it — every sulphurous word."

Douglas was only forty years old when F.D.R. tapped him for the Supreme Court in the spring of 1939, and William O. Douglas became the youngest member of that tribunal in 127 years. Roosevelt, according to the *Negro History Bulletin*, appointed Professor Douglas because he was "looking for persons who would identify with the masses." Douglas, called by *U.S. News* the Court's "most 'liberal' member," has been identifying with the Marxist concept of "the masses" ever since.

As with the other "Liberals" on the Court, Douglas is a disciple of the view that the Constitution may mean anything on any particular day, depending on the barometer of judicial temperament or the ideological predilections of the Justices.

*Ethics may no longer be a favorite subject with the Justice Douglas since it was recently revealed that he was on the take for \$12,000 a year through a tax-free foundation linked to Las Vegas gamblers. Senator John Williams of Delaware said in a Senate speech that unless the Supreme Court "takes prompt action to handle this incident, the Senate Judiciary Committee should initiate a full-scale investigation as to how far this practice may exist." We are still waiting.

The Court, Douglas claims, should "keep the power of government unrestrained by the social and economic theories one set of judges may entertain." It should, he insists, "keep one age unfettered by the fears or limited vision of another." This is contradictory to the oath he took to uphold the Constitution of the United States, authored by such men of "limited vision" as Madison and Jefferson.

Mr. Justice Douglas has of course participated without deviation in supporting the Court's incredible string of "Red Monday" decisions. Regularly defending a position favoring Communists in security cases, Mr. Douglas has been willing to go even farther than the rest of the Court in defending Communist interests. In 1953, he went so far as to grant a stay of execution to Red atom spies Julius and Ethel Rosenberg after the Court had already refused four times to entertain legal moves in their behalf. Douglas was unable to save the Red spies for more than a few days, but the Communists made world-wide propaganda of the affair claiming that the Douglas stand proved the "innocent" Rosenbergs to have been railroaded. The move so outraged Americans that a member of Douglas' own Party offered an impeachment resolution before the House.

The activities of Mr. Justice Douglas outside the Court have served Communist interests every bit as faithfully as his decisions at law. Douglas, like Chief Justice Warren, has done a great deal of traveling behind the Iron Curtain. Shortly after Josip Broz Tito's alleged "split" with Moscow, William O. Douglas traveled to Yugoslavia and returned to speak out emphatically in favor of the kindly Yugoslav butcher. But Douglas is not bigoted; he likes Russian Communists too. After returning from one trip to the Soviet Union, he called a press conference in Washington at which only Russian reporters were admitted. He told them he was very impressed by the progress he found among Soviet courts, lawyers, and judges — a

statement which must have sounded strange to the readers of *Pravda* who had seen many of their relatives and friends executed or sent to Siberia by those same courts and judges.

Douglas does not want to offend the Communist Chinese either. On August 31, 1952, in a newspaper interview, he came out flatfootedly for American recognition of Red China. The date is the important thing about this declaration. Douglas asked America to clasp Peking's hand at the very moment when Red Chinese guns and planes were killing American troops in Korea.

In addition to advocating U.S. recognition of Red China, while proposing the disarming of Nationalist China, Douglas has also recommended that the Mao regime be given a seat in the United Nations. Since he has advocated that the U.N. Charter be amended to convert that organization into a full world government, this takes on additional meaning. The *New York Herald Tribune* of April 6, 1961, in an article headlined "Justice Douglas Bids U.S. Accept China as Reality," reported: "He [Douglas] said the only alternative to war is the use of law as embodied in the U.N. . . ."

The *New York Times* for July 16, 1961, headlined a story "Food for Red China Urged by Douglas," in which Mr. Justice Douglas advocated the giving of food to the Maoist regime brutalizing Red China. Douglas explained it would be "a great, a wonderful and stirring thing for America to do at this very tense, critical time in American history," and would show the world America has "a warm heart."

In 1961, in a paper for the wildly Leftist Center for the Study of Democratic Institutions* entitled "The U.S. and Revolution," Douglas argued that America must support revolutions around the world. "Yet," he writes, "in the American witch-hunt that followed World War II the word

'revolution' became almost subversive. We of the West — rich in the democratic tradition of revolution — no longer published books on the subject. We let the Communists preempt the field . . . We lost our pride in 'revolution' as an American concept and identified it largely with communism. The prejudice of Americans against 'revolution' was so great that if a student asked at the loan desk for a book on how to conduct a revolution, the librarian would probably have detained him while she called the F.B.I."

Whether Douglas really believes such utter nonsense or is being hyperbolic we can only guess, but the examples of "democratic revolutions" he gives as the type he feels we should support include the revolutions in Indonesia, Algeria, Vietnam, and Yugoslavia. All of which were, of course, *Communist* revolutions.

The current view of the world held by Justice Douglas is laid out in the issue of *The Center Magazine* for July, 1968, in which he charges America is "paranoid" because it is anti-Communist. "The Cold War," he writes, "has made us largely impotent abroad. The 'enemy' may indeed be any Communist country, whether it be prosperous [sic] Outer Mongolia, progressive Yugoslavia [which helps supply the Vietcong], impoverished Vietnam, or nearby Cuba." Douglas then repeats the Communist charge that the presence of American troops in Vietnam makes it a racist war, and notes:

When the cities of Eastern Europe opted [sic] for Communism we did not send expeditionary forces to oppose them. But the colored people of Asia fare differently.

Of course we had no alliance with the people of Eastern Europe other than the Atlantic Charter, which we cynically betrayed. Douglas uses ridicule to hide motive. "The Cold War," he writes, "was the creation of Stalin, Truman and Churchill." It was based, Douglas declared, on

*Douglas is Chairman of the Center's Board of Directors.

the “false” theory “that communism was not only evil but expansionist, not only ravenous but guided and controlled by some evil genie that would one day conquer the world.”

With such an attitude *vis à vis* America and Communism, it is not surprising that William O. Douglas would side with the pro-Vietcong demonstrators who have promoted such chaos in America for the past three years. According to the *Washington Post*, he even journeyed to New York City with his latest wife to participate in the Communist-instigated* “Peace March” of April 15, 1967 — in which an American flag was burned. Curiously, shortly afterward, the Supreme Court voted to let stand a 1964 conviction of seventeen demonstrators in New York’s Duffy Square who had turned a “peace rally” into a riot. One of the *Nay* votes came from Douglas.

It’s a dull year for Mr. Justice Douglas when he does not make headlines for some new feat of exhibitionism. When there is nothing else to do, Douglas plays musical chairs with wives. Wife Number One divorced him, charging desertion. According to the *New York Daily News* of March 8, 1959, he left his first wife for the wife of an Interior Department official whom she divorced to marry Douglas.

Marriage Number Two ended in divorce when the second Mrs. Douglas also charged that the Supreme Court Justice left her abandoned and alone. In 1963, Douglas married a twenty-three-year-old government worker. He was sixty-four. That one divorced him in 1966, charging the Justice with cruel treatment and personal indignities. Two years ago, at sixty-seven, Mr. Douglas married twenty-three-year-old Cathleen Heffernan. According to an Associated Press bio-

graphical sketch, he met her “in a cocktail bar where she was a waitress working her way through Marylhurst College.”

Some Congressmen complained that being divorced twice for abandonment and once for cruelty, plus picking up a fourth wife in a bar, did little to add dignity to the position of Justice of the Supreme Court of the United States. But, unstable and dishonorable as his private life has been, it cannot hold a candle to his inconstancy to his oath to uphold the Constitution.

Abe Fortas

Unlike What’s-His-Name, the Vice President, the name of Abe Fortas has been a household word ever since last spring when President Johnson tried unsuccessfully to make him Chief Justice of the Supreme Court.

Fortas studied law at Yale under William O. “Marryin’ Sam” Douglas, and even while teaching at Yale entered the New Deal as a Douglas *protégé*. The year after being graduated from law school, 1933-1934, Abe Fortas was named Assistant Chief of the Legal Division of the Agricultural Adjustment Authority. Arthur Schlesinger Jr., in *The Coming Of The New Deal*, explains:

“What we need,” [Jerome Frank] told Peek, “are brilliant young men with keen legal minds and imagination.” In a short time he brought together a remarkable group — among them Thurman Arnold [later to become a Fortas law partner] and Abe Fortas from the Yale Law School; Adlai Stevenson of Chicago; and, from the Harvard Law School, Alger Hiss, Lee Pressman, John Abt and Nathan Witt.

What Schlesinger neglects to mention is that the last four of these carefully selected “brilliant young men” were later identified in sworn testimony as Communists or Communist spies. Fortas has

*Communist instigation, organization, and guidance of this demonstration was so flagrant that it was the subject of a special report by the House Committee on Un-American Activities entitled, *Communist Origin And Manipulation Of Vietnam Week*.

never been so identified. But, he has done his best to support Communist interests by joining a number of officially cited Communist Fronts.

Abe Fortas was in fact an officer and national committeeman of the International Juridical Association, cited in the federal government's *Guide To Subversive Organizations* as "a Communist front . . . which 'actively defended Communists and consistently followed the Communist Party line.'" Fortas is listed by the Special Committee on Un-American Activities as being on the Faculty Advisory Board of the American Law Students' Association, another Communist Front. He also joined the Washington Committee for Democratic Action, cited as "subversive and Communist" by Attorney General Tom Clark. Mr. Fortas was affiliated with the National Lawyers Guild, which was declared by the House Committee on Un-American Activities to be "the foremost legal bulwark of the Communist Party." He was also an active supporter of the Southern Conference for Human Welfare in 1947, three years after it was listed as a Communist Front by the H.C.U.A. and after a Senate Committee found it to be "serving the Soviet Union and its subversive Communist Party in the United States."

So seriously has Abe Fortas been involved in Communist activities that Walter Trohan of the *Chicago Tribune* felt compelled to write:

The Fortas affinity for Communist associates is well known. He served in the Department of Agriculture in the early 1930s where his best friends were members of one or another of the Communist cells which were fomenting under the tender care of Henry Wallace, who later ran for President on a third party ticket dominated by Communists. As the member of a top Washington influence firm, Fortas represented a host of men accused

of Communist connections or associations, not without considerable success.

According to the *Chicago Tribune*:

He [Fortas] appeared as counsel for Owen Lattimore when that "expert" on the Orient had to rush home from Afghanistan to face charges by the late Senator Joseph McCarthy that he had been promoting Communist objectives in Asia.

Lattimore termed Fortas a "solid rock" in helping him through his "ordeal." Fortas' service did not, however, save Lattimore from being indicted on seven charges of perjury arising from his testimony before the Senate Internal Security Subcommittee, nor did it prevent the committee from pronouncing that from around 1930 Lattimore had been a "conscious, articulate instrument of the Soviet conspiracy."

Fortas' client, Owen Lattimore, had previously been identified under oath by former *Daily Worker* editor Louis Budenz as a Communist, and by Alexander Barmine as a member of the Russian Military Intelligence.

According to Congressman John Ashbrook, the name of Abe Fortas "appears through numerous hearing transcripts where Communist and Communist front witnesses testified before House and Senate committees." Concerning the large number of these types Fortas has defended, Congressman Ashbrook states:

A close study of the hearing indicates, as I have said before, that Abe Fortas was far more than a casual observer in these matters and was deeply involved with many of these questionable people.

He certainly was. He was also a close friend of top Communist agent Harry Dexter

White. On January 4, 1945, Abe Fortas, then Undersecretary of the Interior, wrote to Soviet spy White as follows:

Dear Harry: I am delighted that the President nominated you to be Assistant Secretary of the Treasury. Your promotion is completely deserved and it will strengthen the Government considerably. My best wishes. Sincerely yours, Abe.

White, whose sudden and mysterious death quashed the hearings on his activities as a top Soviet agent, replied to his close friend on March 2, 1945:

Dear Abe: Now that I have caught my breath I want to thank you in writing for your very kind note of congratulation. It is a deep satisfaction to me to have your good wishes. Sincerely, H.D. White.

In connection with White, the *Chicago Tribune* has noted: "... Fortas helped Alger Hiss and Harry Dexter White, Soviet agents, to draft the United Nations Charter."

In 1946, Abe Fortas left the government and went into private law practice with the firm of Arnold, Fortas & Porter, representing many of the nation's large corporations in ways that his critics describe as "influence peddling." One partner, Thurman Arnold, was an avowed socialist and New Deal trustbuster who once wrote a book entitled *The Folklore Of Capitalism*. Partner Paul Porter was in charge of price controls during World War II. Also working in the firm is Fortas' wife, a tax-law specialist, described by the *New York Times* of July 29, 1965, as being a "tiny dynamic woman who has smoked cigars for years." The Fortases have no children. Maybe it's the cigars.

According to *Time* magazine, "Husband and wife together draw an estimated \$200,000 to \$225,000 a year, drive a 1953 Rolls-Royce to their office ... [and] are

now moving to a \$250,000 house" Ah yes, there is money in being in the vanguard of the proletarian revolution.

Justice Fortas is most famous for his role as Lyndon Johnson's Mr. Fixit, and has been referred to as "LBJ's most powerful persuader." *U.S. News* called him the "No. 1 man in the kitchen cabinet."

The first prominent legal service Abe Fortas performed for L.B.J. was in 1948, when Lyndon squeezed out a "victory" over Coke Stevenson in the Texas Democratic primary for Senator by eighty-seven highly controversial votes — which were suddenly discovered under rather mysterious circumstances amounting to fraud. The Democrat primary victory in Texas was then tantamount to election. But, L.B.J.'s "election" was so tainted that a federal District Judge enjoined the state from printing ballots designating Johnson as the Democratic nominee until there could be an investigation of the massive evidence of vote fraud.

At the urgent request of Lyndon Johnson, Abe Fortas dropped an anti-trust case he was working on to help L.B.J. escape justice. Fortas rushed to the Supreme Court and convinced Hugo Black, sitting as a one-man Court, to set aside the lower court's order as an unwarranted interference with state election procedures. This is probably the only time in history Black has supported states' rights.

Mr. Fixit was also the attorney for Lyndon's protégé, Bobby Baker. And, it was Fortas who tried to "fix" the Washington Press to prevent the explosion of the Baker scandal. When Johnson aide Walter Jenkins was arrested for a second time on a homosexuality charge, Fortas again tried to "persuade" the Press to kill the story. With regard to the latter, Senator Carl Curtis commented:

Walter Jenkins held the most confidential position in the U.S. Government. He sat at the right hand of the President of the United States. He could determine who

would see the President. He had access to every military secret, every diplomatic secret, every secret of the Secret Service and all the other confidential information of the government.

Had Mr. Fortas been successful in what he attempted, Walter Jenkins, the security risk, would still be in the same position today He [Fortas] put the United States last, rather than first. On matters of security, let us put the United States first.

When President Johnson appointed Fortas, his own personal attorney, to the High Court to replace Arthur Goldberg, it was like appointing his own alter ego.

The views of Abe Fortas on the Marxist revolution now in process in America were set down by him in a sixty-four page publication called "Concerning Dissent and Civil Disobedience." Fortas apparently considers what has happened at Watts, Detroit, Columbia, Berkeley, *etc.*, peaceful demonstrations. He writes:

We are now in the throes of a vast revolution. Considering its scope and depth, it has been relatively peaceful. I think that, even as of today, it is the most profound and pervasive revolution ever achieved by substantially peaceful means.

It must be admitted that Abe Fortas, who in the above pamphlet repeatedly endorsed the tactic of mass demonstrations, should recognize a "vast revolution" when he sees it — after having been involved in so many officially cited Communist Fronts, and having had such a close relationship with Alger Hiss, Harry Dexter White, Owen Lattimore, and other top Reds.

L.B.J.'s attempted appointment of Fortas to succeed Earl Warren as Chief Justice loosed a hornets' nest of protest over cronyism. Actually, Fortas was a logical choice to succeed Warren since, in

his first year on the Court, Mr. Justice Fortas had voted with Chief Justice Warren eighty-four times. As *Human Events* has observed:

Like Warren, Fortas doesn't believe in following precedent, the Constitution or legislative intent. Like Warren, he believes in overturning the convictions of subversives and criminals on the tiniest of technicalities and the most strained interpretation of the laws. And like Warren, he wants to remold the law to suit his own whim and tastes.

Earl Warren, of course, heartily approved the appointment of Fortas as his successor, saying, "I feel Justice Fortas will be a great Chief Justice . . . I can't imagine a better background for a Chief Justice."

The issue which broke Abe's back in the confirmation proceedings was not his years of strongly pro-Communist activities (the specifics of which were deleted from most newspaper accounts) as it should have been, but his acceptance of \$15,000 for delivering a series of nine seminar meetings to a class of seventeen students at American University. The normal fee for such services is only \$2,500, but the Fortaslaw firm raised a special \$30,000 secret slush fund from business friends whose interests have repeatedly been affected by decisions in which Fortas has been involved. One of the generous donors, Troy Post, is in fact the father of a man who is appealing a conspiracy and fraud conviction through the federal courts.

When Fortas saw his chances for confirmation dimming, he hastily withdrew his nomination. It was the first time since 1795 that a designated Chief Justice had been refused Senate confirmation. Wags suggested that it was the only wise decision Fortas had made since joining the Court.

Thurgood Marshall

In 1967 Lyndon Johnson, apparently worried that most decisions of the Su-

preme Court were favoring the Left by only a razor thin five-to-four margin, decided to pack the Court by replacing conservatively oriented Justice Tom Clark with another activist. The President had a great ploy. He would appoint a Negro; enabling the Leftist Press to denounce anyone who had ideological objections as a "racist." The ploy worked. The media gushed over Thurgood Marshall as if he had been appointed by St. Peter himself.

Newsweek tells us that Mr. Marshall — a three-martini man, before lunch, according to the Associated Press — "seems to have majored in arguing and hell-raising at Lincoln University in Pennsylvania He was expelled as a sophomore for hazing, but quickly returned to star as a debater and eventually graduated with honors." Marshall was valedictorian of his law class at Harvard, and is a thirty-third degree Scottish Rite Free Mason.

The young Marshall became the legal advisor of the N.A.A.C.P. in 1938 and organized the N.A.A.C.P.'s Legal Defense Educational Fund. As chief counsel for the N.A.A.C.P. he argued thirty-two cases before the Supreme Court, winning twenty-nine of them. His most famous victory was the momentous *Brown v. Board of Education*, which in 1954 desegregated American public schools.

Marshall's tactics in winning the *Brown* decision were revealed in *U.S. News & World Report* of June 26, 1967, where Alfred H. Kelly, a professor of history at Wayne State University, told a tale out of school about how he was approached by Marshall to concoct an historical argument for desegregation. Marshall said that all the Justices needed was some historical pretense so as to be able to hang their hats where their hearts were. The Professor, in no way apologizing for what he did, revealed:

The idea was to provide a "plausible" historical case for ruling that the 14th Amendment was intended by its framers for ending racial

segregation I am very much afraid that for the next few days I ceased to function as a historian The problem we faced was not a historian's discovery of truth, the whole truth and nothing but the truth; the problem instead was the formulation of an adequate gloss

It is not that we were engaged in formulating lies; it was nothing as truly naive as that. But we were using facts, emphasizing facts, bearing down on facts, sliding on facts, quietly ignoring facts, and, above all, interpreting the facts in a way to do what Marshall said we had to do

In other words, "formulating lies."

Like Black and Fortas, Thurgood Marshall has also been deeply and seriously involved in Communist activities. A run-down on Marshall from the files of the House Committee on Un-American Activities was inserted in the *Congressional Record* of February 23, 1956. It states:

Subject: Thurgood Marshall, special counsel, NAACP, 1954.

. . . Thurgood Marshall was a member of the national committee of the International Juridical Association as shown in the pamphlet, "What Is the I.J.A.?" The special committee on Un-American Activities cited the International Juridical Association as "a Communist front and an offshoot of the International Labor Defense" (Rept. No. 1311, dated March 29, 1944). In a report on the National Lawyers Guild, prepared and published September 17, 1950, by the Committee on Un-American Activities, the International Juridical Association was cited as an organization which "actively defended Communists and consistently followed the Communist Party line."

A list of the National Lawyers Guild, as of December 1949 (printed in the committee's report on the National Lawyers Guild, p. 18) contains the name of Thurgood Marshall, New York City, among the members of the executive board. He was shown to be an associate editor of the Lawyers Guild Review in the issue of May-June 1948 (p. 422). It was reported in the Daily Worker of November 30, 1942 (p. 1), that Mr. Marshall, special counsel of the National Association for the Advancement of Colored People, was one of those who submitted a report . . . which was adopted by the national executive board of the National Lawyers Guild. It was also reported in the Washington Evening Star (February 8, 1948, p. A-22 and February 12, 1948, p. A-8), that Mr. Marshall, identified as special counsel, NAACP, criticized the loyalty program in a public forum held under the auspices of the National Lawyers Guild in Washington, D.C.

The National Lawyers Guild was cited by the special Committee on Un-American Activities as a Communist front in Report No. 1311 of March 29, 1944. In the committee's report on the organization, released in 1950, the guild was cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents. . . ."

Perhaps Justice Thurgood Marshall is just a trifle astigmatic when it comes to recognizing Communists and Communist Fronts. According to *Human Events*, Marshall claimed he didn't even know

that Herbert Aptheker was a Communist when he cited him favorably in a 1964 Court opinion. It seems hard to believe that so famous a man as Aptheker, top theoretician of the Communist Party, U.S.A., is not known to Marshall, but the important thing is that Aptheker's views obviously coincided with those of Mr. Justice Marshall's.

Earl Warren

It is right that we saved Earl Warren for the last, a place of special scrutiny.

When historians refer to the past fifteen years as the era of the Warren Revolution they are not exaggerating. Earl Warren has become the most controversial Chief Justice in the history of the Court. His effect on the United States has been summarized succinctly by *U.S. News & World Report* as follows: "The Chief Justice has headed a majority that has turned the country in a leftward direction."

Most Americans are by now rather familiar with Warren's regularly Leftist decisions on the Court. But, quite probably, the real Warren story took place long before he ascended to the Supreme Court. For, Earl Warren has done one of the most amazing turnabouts in modern political history. As the radically Leftist *New Republic* noted on August 5, 1967:

It is historical fact that in his political philosophy Warren has proceeded from the far-out right to the equivalent position on the left. In his career as a county prosecutor he was, to put it bluntly, a racist, a chauvinist, and an economic primitive. Today, in all three aspects, he is the opposite.

According to *New Republic*, its sister magazine on the extreme Left, *The Nation* once denounced Earl Warren as the "personification of reaction." How about that for an admission against interest?

What *The Nation* and *New Republic*

are trying to tell us in their usual "Liberalesse" is that, incredible as it now seems, Earl Warren was once a hardcore, pro-American anti-Communist, and one of the nation's outstanding law-enforcement officers. The *New Republic* adds that "During two decades of law enforcement, protection of property was his main concern and he enforced the law by the book." During the Thirties Warren was a relentless enemy of the Communists, and the files on Communists and other subversives that he developed while District Attorney of Alameda County are still in use today and considered among the best in the state.

The question of the century, then, is: What happened to Earl Warren? "Liberals" like his fawning biographer Leo Katcher,* formerly an editor with the super-Liberal *New York Post*, chalk up the change to "maturity" and "redemption." Katcher writes of Warren's early conservatism:

Earl Warren acted as he did in those days because he did not know any better. In later days not only would he know better, he would know more. Not even Earl Warren could have realized at that time how much better and how much more.

Others have concluded that Warren, in his ambition for higher office and acclaim, simply gave way to expediency, or that he was corrupted by the power and rare atmosphere of high political office. But, there are others — particularly long-time California law-enforcement officers — who just won't buy the first two theories. To begin with, Warren was no fuzzy-cheeked college boy when he turned Left. He did not do so until he was over fifty years of age! These people do not buy the "opportunist" theory either, claiming that Warren had plenty of

chances to succumb to opportunism during his outstanding career in county law-enforcement, but that he was just not that kind of man.

The third possible conclusion is that Earl Warren may have been blackmailed. Those who subscribe to the blackmail theory believe that he was first blackmailed by organized crime and then by the organized international criminals of the Communist Conspiracy. Only blackmail, they contend, could have turned so remarkable a conservative law-enforcement officer into so obvious a tool of organized crime and then of the Far Left.

Those who support this third theory point to Warren's strangest decision, one made fifteen years before he became Chief Justice. That decision is described by the *New Republic*, which hails him for having "lifted his fellow man to new plateaus of equality and justice." But, says *New Republic*, "none of the decisions that Warren has written displays his character better than an event which occurred when he was District Attorney of Alameda County. A 73 year old man had been bludgeoned to death by a thief. Authorities seized a suspect who was almost certainly the killer, but in their zeal to extort a confession they abused him beyond the limits Warren approved. Warren refused to prosecute the suspect. The murder victim was Warren's own father."

The freeing of the "probable murderer" is described in Leo Katcher's *Earl Warren: A Political Biography* by Oscar Jahnsen, a top Warren assistant put in charge of the murder investigation:

Well, it took me a lot longer to look into the facts than I'd expected. What I came up with wasn't conclusive, but I felt that, with what I now knew, I might get a confession. I went back to where I'd left the suspect. When I got there, I found that they'd decided to question him themselves.

*Earl Warren: *A Political Biography*, McGraw-Hill, 1967.

They had been working on him for hours. No food. A light working on him. They hadn't touched him, of course. They knew better than that. But they'd been breaking him down, one after the other . . . I blew my top. I said to them that they'd blown the case. I told them that Earl Warren would never stand for a confession that was extorted from a suspect.

That was it. I was morally certain then — and I'm just as certain now — that we had the right man, but I couldn't put together enough evidence to make an ironclad case against him. I knew that Earl Warren would never let them try a man on evidence that wasn't riveted . . .

A retired official of Kern County, where the murder took place, has for many years been quietly gathering material for a book on the murder, tentatively titled *What Happened At 707 Niles Street?* He told me:

There are a number of things that don't add up. First, Earl Warren was the D.A. of Alameda County which is three hundred miles from here — and so he really had no jurisdiction in the case. The decision to prosecute or not should not have been up to him. Second, remember, we are dealing with the Earl Warren of 1938, not the Earl Warren of the 1960s. We know that today many murderers are free because of his Supreme Court decisions; but, the Earl Warren of 1938 was an entirely different animal. He was a classic tough law-enforcement officer.

Jahnsen [contrary to what one would assume from the New Republic description] admits that no force was used against the suspect. He was grilled for hours under the lights without food; in that day,

before the Warren Court decisions, a routine occurrence in murder cases. Can you imagine freeing the murderer of your own father just because he had been grilled? Something is rotten in Denmark.

Earl Warren's father, Methias,* or "Matt," was a character right out of a Dickens novel. Compared to him, Ebenezer Scrooge was a spendthrift and a philanthropist. Matt Warren was a railroad carpenter who, in his early years, according to the June 1961 issue of *True* magazine, "became acquainted with the celebrated labor leader, Eugene V. Debs, and helped found the pioneering American Railway Union." By the time Matt migrated to Bakersfield in California's fertile but arid San Joaquin Valley he had apparently turned capitalist — because, during the Depression and on the pay of a railroad carpenter for the Southern Pacific, Matt Warren had become wealthy.

Some of the methods by which the elder Warren gained his wealth were far from ethical. He was what "Liberals" call a Slum Lord. A citizen of Bakersfield who knew him well told me that Warren built shacks out of the tongue-and-groove lumber which was then used for the sides of refrigerator cars. Every night he would take boards home from the railroad. The widow of a man who used to work with him at the rail yards told me, "You could always tell which houses belonged to Matt. They were all painted with the red freight-car paint he stole from the railroad." In later years it was the elder Warren who did the hiring of the Railroad's section gangs for repair work. According to old-timers in the area, you had to rent one of Warren's houses before he would hire you.

The senior Warren was a miser's miser as well as a recluse. The widow of a Bakersfield railroader related to me that

*Newspaper accounts at the time spelled the elder Warren's first name as "Methias" and "Mathias." Earl Warren spells it "Methias."

Matt Warren told her husband, "I get just as much pleasure out of saving a nickel as you do out of spending a dollar." A retired druggist, whose store the elder Warren used to visit after collecting rents in the neighborhood, told me:

He wore the same old black overcoat winter and summer. He would come into the store and read the papers and have a cup of coffee, neither of which he paid for. He never talked about Earl even though his son was a very prominent man in California.

Earl Warren's "Liberal" biographers enthuse over his wonderful home-life as a boy, and the sacrifices made by Matt Warren to assure his son an education. Old-timers in Bakersfield scoff at this. As one of them put it: "Methias thought school was a bunch of bunk. I can't imagine him sending his son to college." To his credit, Earl Warren worked hard at odd jobs as a youth and financed his own education. He overcame the handicap of his miserly and cruel father by hard work — and getting out of Bakersfield. The old man apparently despised his son, and ignored him; Earl Warren could hardly have been blamed for loathing the old man.

Matt Warren was brutally murdered on Saturday night, May 14, 1938, in the dilapidated home he had occupied alone for many years at 707 Niles Street. The body was not discovered until the next day. The headlines on the Monday issue of the town newspaper, the *Bakersfield Californian*, screamed: "Mystery Killer Hunted In Warren Pipe Murder: Wealthy Real Estate King Beaten To Death." The paper revealed:

Warren's body, the head horribly beaten, was found in a blood-soaked bed yesterday morning. . . . A trail of blood led from a chair in Warren's kitchen to the

bed. . . . Warren's head, according to investigators, was beaten by a piece of pipe — later found thrown over the fence into a neighbor's yard by a "shadow killer." The pipe had been picked up in the back yard of the Warren home.

The *Bakersfield Californian* continues:

The slayer, who knew Warren's habits and house well, halted in the yard long enough to pick up a three foot length of (2 inch) rusty galvanized iron pipe, one of a dozen pieces near the rear walk, entered the rear door, which was unlocked, and approached the man whose back was to the door. The slayer crossed a short distance to the chair and struck Warren with such force that it cleft his skull. . . . He struck a second time and the blow ripped the flesh from Warren's forearm, raised involuntarily by the stricken man. As Warren lapsed into unconsciousness, the slayer may have carried him to the bed, tossed him in and drew a sheet over him.

The *San Francisco Examiner* of May 16, 1938, adds this information:

On the abandoned pipe were fingerprints by which police hope to determine immediately whether the slayer was one of those whom Earl Warren had sent to prison.

Earl Warren, says the *San Francisco Chronicle* of May 16, 1938, learned of his father's murder "as he was preparing to address a Masonic meeting at the Claremont Hotel in Berkeley. . . . Warren recalled that last Friday night he was close to his father, although he did not see him. 'I flew directly over his house in Bakersfield,' he said. 'I was on my way from San Diego to Yosemite to attend a Sheriffs' convention.'" Yosemite is less

than two hundred miles from Bakersfield.

The *San Francisco Examiner* reveals that the investigation was turned over to Warren:

As one of California's outstanding prosecutors, as candidate for the post of State's Attorney General, Warren was paid the signal honor by Bakersfield and Kern County authorities of being given the leadership of the murder investigation. The house in which his father was slain was locked up by Bakersfield authorities immediately after their preliminary survey. They wired Warren the facts, asked him to take over.

On his arrival in Bakersfield, the *Californian* quoted Warren as stating, "These things happen to everyone. I want to find out more before I say much."

The *New Republic* tells us that the murder was committed by a thief, but the *Californian* states, "The theory that Warren was slain by a disgruntled tenant was advanced late last night after a robbery motive was discarded as too 'thin.'" Two days later the same paper reported:

That two men, one of them possibly Mathias Warren himself, were locked in a violent argument in the yard of the Warren home about 11 o'clock Saturday night, barely an hour before the elderly real estate man was murdered, was a sensational new development today in the baffling case which puzzled crime experts from three counties. . . . The story of the quarrel, which is expected to throw a new light on the last hours of the wealthy Warren and a new slant on the investigation, was told police by a youth whose name was withheld by [Chief Robert] Powers. The Chief said the boy was in the

service station yard adjacent to the Warren property at 11 PM Saturday. He heard two men engaged in an argument which he described as "pretty hot." He listened for a minute but failed to catch the drift of the conversation and becoming frightened at the violence of the sounds, left the place. He gave police the best description of the men he could get but the darkness hampered him. . . .

The *San Francisco Chronicle* of May nineteenth identifies the young man as Hildred Taylor. That is the last time anyone ever heard about this witness and "the sensational new development."

In *Warren, The Man, The Court, The Era*, biographer John Weaver quotes Earl Warren's own chief investigator, Oscar Jahnsen, as saying: "The old man knew who hit him. I'm convinced of that."

The *San Francisco Examiner* of May 20, 1938, reveals that numerous fingerprints were found and "Skilled criminologists studied a collection of more than fifty fingerprints today in an effort to obtain a concrete clue to the identity of the killer of 73 year old Mathias Warren." The local paper of the same day indicated that police were relying heavily on one particular print:

On a single faint fingerprint found in the house. . . is expected to rest the identity and apprehension of the brutal slayer. . . . This print, said Powers, is believed to be the turning point in the investigation which has entered its sixth day. On this print, it is believed, will depend the arrest of one of nineteen persons under surveillance in the case.

Nothing ever happened.

Within five days the story which had been banner headlines disappeared from the pages of the state's newspapers. The

May twenty-ninth issue of the *Californian* writes *finis* to the unsolved crime with a small story in the second section headlined: "Warren Killing Fades Into Limbo Of Unsolved Crimes." Twenty-two men had been arrested but all were released.

What ever happened to the fingerprints? Did any of them match Jahnsen's suspect? We aren't told.

Those who believe that Earl Warren was later blackmailed over something involving the murder of his father have three theories. Theory Number One, too awful to contemplate, is that Earl Warren actually murdered his own father. The case for this was explained to me by the man who has for years collected materials for a book about it. His argument in a capsule is this: Earl Warren had announced that he was running for Attorney General of California. He desperately needed money for his campaign. He went to this wealthy but miserly father to ask for the money. When he was turned down, possibly with the usual bitter insults, he went into an insane rage, ran out into the yard, picked up the pipe, and returned to the house and struck his father. My informant, who has researched the case in detail, claims:

Matt Warren obviously knew his murderer or he would not have had his back turned to him. There was no struggle because Matt Warren knew his killer. [Confirmed by Jahnsen.] The report of the violent argument rules out robbery because you don't argue with a man you are about to rob. I think Matt Warren was murdered by someone he knew well, who did it in a rage and then instantly regretted what he had done. How else do you explain the murderer carrying Matt Warren into the bedroom and then taking the trouble to cover him with a blanket?

I expressed incredulity and asked this former County official, who had talked

privately with virtually all of those who were close to the murder investigation, if many of them thought his theory was malicious or crazy. "No, not one," he replied, "but there are lots of them who think I am right. At the time it happened, almost everyone in town thought Warren had something to do with it. These were not rumor-mongers or political opponents, but just people who knew the Warrens and the circumstances involved. People still talk about it around here, but never in public. Everyone is still afraid of Earl Warren and his power."

A second theory holds that Warren had his father murdered because the old man was an embarrassment and a hindrance to his political career. The number of informed persons I found in Bakersfield who hold to this view shocked and amazed me.

The third theory, most generally credited, is that Earl Warren had nothing to do with his father's murder, but did not want the killer apprehended. That is why, they believe, the primary suspect was allowed to go free and the newspapers gave reasons for his release other than the fingerprints not checking. Supporters of the third theory point out that Warren was not likely to go to his father for money since the two did not get along and the wealthy father had effectively disinherited his only son.

I was able to confirm this last point by checking Methias Warren's probate records (File No. 6567, available in the Kern County Clerk's office.) Methias Warren owned over a hundred pieces of real estate, a large number of shares in Kern Mutual Building & Loan Association, and a large amount of stock in Transamerica (owners of Bank of America). Although the newspapers claimed the elder Warren was worth up to a million dollars, his actual estate, after probate costs, was \$174,653.63. Warren's wife received \$124,938.35, his daughter Ethel Warren Plank received \$49,715.28, and Earl Warren received nothing. Ethel

Plank, not attorney Earl Warren, was named administratrix of the estate.

Biographer Leo Katcher says, "Early in May 1938, Warren's mother had to undergo an operation to save her sight. During the period of her recuperation she was staying with her daughter, Ethel Plank, in Oakland." Katcher is here rewriting history again. Matt Warren had been estranged from his wife for many years. The *Bakersfield Californian* of May sixteenth reveals: "According to inspectors, Warren had lived alone for more than twelve years." John Weaver, the other primary "biographer" of Earl Warren, also gives the impression Crystal Warren, Matt's wife, was away only because of the operation. Skeptics have wondered why the seemingly deliberate attempts to obfuscate.

Why would Warren not want the murderer of his own father apprehended and punished? Methias Warren was apparently more than a miserly recluse; he was, as they now say, a "dirty old man." An old-time railroader who knew him says that few of the other men would associate with him because of this. Another, who was in a position to obtain the information, told me that the walls of the disheveled Warren house were covered with photos "from nudist magazines." A woman who ran a bar in Warren's neighborhood informed me that a man who lived very close to the Warren house had confessed in her bar that he had killed Matt Warren because Matt had molested his teenage child. Soon afterward the man moved his family back to Oklahoma.

We are assured by a very reliable informant who has spent many years in law enforcement that Matt Warren was of the Walter Jenkins type, and this was indirectly confirmed by a law-enforcement source in Northern California. The murder, it is thought, may have involved an enraged parent or a jealousy angle. We believe these sources to be absolutely reliable; documentation could be subpoenaed from a Northern California source.

It is hardly surprising, of course, that Earl Warren would not want the image of his dead father as a pervert brought out in a trial while he was running for Attorney General. The public was far less tolerant of that type of thing in those days and it could have meant the end of Earl Warren's political career.

But, great and diverse as the motives may have been, they are in themselves hardly sufficient for such widespread suspicion of so monstrous a nature. Agreed, say the skeptics, and point out how highly unusual it is to bring in a law-enforcement officer from a county hundreds of miles distant and turn a murder investigation over to him — even if the victim was his own father. In fact, that might be the best reason *not* to turn the investigation over to him.

One expert on this affair told us that Warren's gang of investigators moved in and so muddied the water that when they left ten days later it was impossible for local authorities to put the pieces back together. It is reported that, while Warren was Governor of California, the Legislature appropriated funds to further the investigation, but they were unspent. The case is still in the unsolved file of the local police department. So many key people have died in the intervening thirty-one years that it is doubtful it will ever be solved.

Now comes the pressure.

As Earl Warren was conducting his successful campaign for the office of Attorney General, the Sacramento Grand Jury was holding open hearings concerning corruption in the State Legislature which were grabbing headlines in the newspapers. The investigation primarily dealt with California's most powerful extra-legal manipulator, one Arthur H. Samish.

That the Grand Jury uncovered massive corruption was far from secret. Headlines like the following from the *San Francisco Examiner* went on for months: "Samish Gives Details On Hundred Six Thousand Dollar Income in 1937," and

"Samish Held On Perjury, Denies Charge" and "Row Over Samish Tax Returns Splits Grand Jury." The Grand Jury concluded that "very large sums of money have been paid by private interests to professional lobbyists, that payments have been so large in fact to suggest a bartering with legislators for special privileges and even actual corruption itself"

Heading the Grand Jury's investigation was an ex-F.B.I. agent, Howard R. Philbrick. Mr. Philbrick was also conducting a parallel undercover investigation at the request of Governor Frank Merriam. The existence of the "Philbrick report" on relations between lobbyists and legislators was first acknowledged in the *San Francisco Examiner* of December 30, 1938. Philbrick and his investigators had extensively used hidden microphone and wire-tapping devices to accumulate an enormous amount of evidence of scandal and corruption tied to massive crime interests. Much of the report dealt with the powerful Artie Samish. It was discovered that the King of California, as Samish was called, had close to \$500,000 cash in bank accounts and \$97,000 was traced to persons connected with the Legislature or legislation.

Incoming Governor Culbert Olson insisted the report be turned over to incoming Attorney General Earl Warren. The *San Francisco Examiner* of January 15, 1939, carried this headline: "Warren Aide Gets Philbrick Probe Report; Deputy To Hold Now Famous Document For Action By Attorney General Warren."

The Deputy could still be holding the report for all the action that was taken on it. For the first time in his life, crime-fighter Warren did nothing. He bailed out with the following statement: "Although I am Attorney General, I do not have to make public anything of a libelous nature." The report became a political football and Warren finally "made it public." That is, the papers carried the story that the report was made public, but there was no reprinting of its text.

Time passed and there were no further investigations of Philbrick's evidence. Nor were there any indictments. Governor Olson attempted to force Warren into indicting and prosecuting the guilty parties. The Governor even sent a letter to the State Senate requesting that the Philbrick report be entered into the *Senate Daily Journal*, California's equivalent of the *Congressional Record*. Olson's letter appears on Page 1083 of the *Senate Daily Journal* of April 4, 1939. The Philbrick report began on Page 1086 and ran to Page 1150. At the end of the Philbrick report was a Senate Resolution demanding that Attorney General Warren take action.

Warren was on the spot. He had reams of evidence and it was his duty as a law-enforcement officer to follow up on any information presented to him. There was no way to deny knowledge of the corruption because Samish was notorious and the newspapers had been full of the Grand Jury hearings. Now Olson and the Senate were waving around the Philbrick report and directing that Warren move.

But a funny thing happened on the way to the indictments. On the night of April 4, 1939, either Earl Warren's man or Artie Samish's man, or both, were very busy applying pressure to Senators. On April fifth, the first thing the Senate did was to expunge the Philbrick report, and the accompanying resolution demanding that Warren act, from the *Daily Journal* of April fourth. The presses were stopped and the plates destroyed. But, before they stopped the presses a handful of copies of the original unexpurgated *Daily Journal* had been printed and a photocopy of one is in my possession.

If you go to the State Library in Sacramento and check the *Senate Daily Journal* for that day you will find that it ends on Page 1102 instead of 1168 as in the original. But you will still find on the bottom half of Page 1085 the request from Governor Olson that the Philbrick report and accompanying resolution,

demanding that Warren act, be put into the *Journal*. Incongruously, what follows in the altered edition has nothing to do with the Philbrick report. Shades of 1984, with its memory holes where embarrassing history disappears forever.

Even though the evidence was expunged, Warren had still been put on public notice and was (to put it gently) derelict in his duty for not taking action. He thus violated his oath of office and should have been impeached while he was Attorney General of California.

Warren not only failed in his obligation, he did nothing about Samish and his gang during *three terms* as Governor. Why didn't he? What did Samish have on Earl Warren? Your guess is as good as that of the people in Bakersfield.

While Warren was Governor of California Samish was the subject of a two-part article in *Collier's* magazine entitled "The Secret Boss of California." There Samish bragged that he was more powerful than Governor Warren. From his headquarters in the Senator Hotel, Artie Samish decided what legislation would be enacted and what killed, which firm would get a contract and which would not, which legislator would head an important committee and which would not. Samish had almost unlimited cash at his disposal to accomplish these things and he spent it lavishly. He was non-partisan, buying and blackmailing both Democrats and Republicans. Katcher tells us: "And he got his money's worth and more for every dollar."

So arrogant was Samish about his control of the State under Earl Warren that Lester Velie tells the following story in his *Collier's* article:

A Collier's photographer was taking routine shots of him to illustrate this article. Patiently, Artie posed this way and that.

Then he burst out: "You want the real picture? I'll give you something that tells the whole story."

The big man disappeared into his bedroom and soon emerged with a dummy, togged out as a bum, its wooden toes poking from tattered hobo's shoes.

Artie Samish then lowered his round bulk into a chair and fought to control the great good humor that rolled in waves over his billowing belly and up over his jolly, convulsed face. In an elephantine imitation of Edgar Bergen, he plunked the dummy on his lap.

"That's the way I lobby," he said, pointing to the dummy. "That's my legislature. That's Mr. Legislature. How are you today, Mr. Legislature?" he inquired of the dummy.

Biographer Katcher bails out of this one with the lame rationalization that "Warren, as Governor, had sought to isolate Samish, rather than meet him in head-on conflict. He had sought to checkmate his power when he felt Samish was using it wrongly." But, throughout his Administration Warren refused to move against Samish and his attendant corruption. By law, a state officer — Attorney General or Governor — who tolerates corruption is himself corrupt. The federal government, not Warren, finally convicted Artie Samish — for income-tax evasion. Earl Warren, however, was guilty of compounding a crime, a felony for which he should have been impeached, prosecuted, and jailed.

It was not until Warren became Governor that his turn to the Left became obvious. As Governor he opposed a loyalty oath for University of California teachers, after first supporting it; he urged constant under-the-table warfare against his Party's conservative wing and supported every conceivable feature of the Welfare State; he regularly bent his knee to the Reds. Thomas Werdel, a Bakersfield Congressman, comments:

Warren never had any real idea of the Communist menace. In 1950, he insisted that it didn't exist. I'll give him credit and say that it was lack of understanding.

Congressman Werdel was being kind. The Red-baiting District Attorney of yesteryear *had simply changed sides*. Whether it was because the Far Left knew whatever Samish knew is a moot point — and hardly a defense.

How did Earl Warren, a man totally lacking in judicial experience, become Chief Justice of the Supreme Court? The events leading up to his appointment were described by Frank Hanighen in *Human Events* for January 6, 1958:

"By 1952, Warren considered himself the boy most likely to succeed to the top nomination — but, Warren-like, took out insurance to cover his candidacy. The policy was proffered, at the outset of the National Convention in Chicago, by representatives of candidate Dwight D. Eisenhower; they feared the General could not win the nomination unless the convention accepted Ike delegations sent by five Southern states in opposition to Taft delegations chosen by regular party process.

"Their proposition to Warren was simple; he could have his choice of Secretary of Labor or Interior when Ike became President, if he only cast California's 68 convention votes for himself on the actual balloting for the nomination, but he was just to vote to seat the Southern Eisenhower men. Warren demurred; the *quid pro quo* was raised to the first Supreme Court vacancy, a lifetime job. He took it, California voted for the Ike delegations,

and Taft's hopes went glimmering.

"The payoff came in September, 1953, with the untimely death of Chief Justice Fred Vinson. In a few days, Attorney General Herbert Brownell flew to Sacramento to tell Warren that, in compliance with the promise, President Eisenhower would nominate him to be an Associate Justice of the Supreme Court, naming one of the sitting Associates to the presiding chair. No, said Warren firmly; the promise to him was for the first vacancy, and since the first vacancy was the Chief Justiceship, he intended to have it."

Needless to relate, Ike caved in and Warren became Chief Justice. The rest is tragedy.

* * *

THERE you have the Leftists of the Supreme Court of the United States: the Klansman who is beloved by the "Civil Rights" movement, the wallflower "Liberal" Democrat appointed by a Republican President, the wildly Leftist and eccentric Tommy Manville in black robes, the "Mr. Fixit" who has supported more Communist causes than anyone this side of Castro, the "Civil Rights" agitator who ordered history doctored for presentation before the bench, and the crusading "conservative law-enforcement officer" who did one of the strangest ideological flip-flops in history after the mysterious murder of his father.

During his tenure in office, President Nixon will have the opportunity to appoint at least two and perhaps four new Supreme Court Justices. His choices, particularly the second one which could swing the Court to a five-to-four majority in favor of the Constitution, will tell us much about the "real Richard Nixon." ■ ■

CRACKER BARREL

■ EAGLE ROCK — The Warren Court has done its best to abolish God, but thus far God has been more tolerant.

■ EAGLE ROCK — There's a big difference between giving advice and lending a hand.

■ EAGLE ROCK — If you've really made up your mind you can't do something, you're sure to be absolutely right.

—JACK MOFFITT