



The Phyllis Schlafly Report



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THE TRUTH BEHIND WARREN'S RESIGNATION

The deal by which Earl Warren resigned from the U.S. Supreme Court in order to permit Lyndon Johnson to name the new Chief Justice was the ultimate betrayal of the Republican Party by a man who has received the highest honors the Party has to give. News reports make it clear that Warren deliberately resigned in order to prevent a new Republican President, especially Richard Nixon, from naming the next Chief Justice.

Earl Warren was elected Governor of California, was the Republican nominee for Vice President in 1948, and received the highest appointment President Eisenhower had to give during his eight years in the White House. After receiving favors from the Republican Party all his life, Warren stuck a knife into the Party by making a deal with LBJ which will permit him — and not the winner of the November election — to control the Court for years to come.

HOW THE RESIGNATION HAPPENED

Nobody in Washington believes that Warren is quitting because of his advancing years. He enjoys robust health and the prestige of his office, and would like to continue under a liberal President.

Warren's resignation was precipitated on June 5 when he learned that California Republicans had nominated Max Rafferty for the U.S. Senate, thereby terminating the political career of Senator Thomas Kuchel. This upset victory sent shivers down Warren's spine and destroyed his faith in polls (which had predicted that Kuchel would win).

Rafferty is a conservative who has said he would not have voted to confirm a single Justice on the present Supreme Court. Kuchel is a longtime protege of Warren. When Governor of California, Warren plucked Kuchel from obscurity and made him state comptroller. Then, Warren appointed Kuchel to fill the Senate vacancy caused by the resignation of Richard Nixon to become Vice President of the United States. Kuchel has reciprocated by slavish adherence to the Warren brand of liberalism.

Warren became agitated for fear that a conservative tide was rising which would elect Republicans, possibly Nixon, against whom Warren carries a grudge. Warren's animosity toward Nixon is so longstanding and so petty that, in 1957 when the American Bar Association held its annual Convention in London, Warren agreed to attend only after being promised by ABA officials that Nixon would not attend (because Nixon as Vice President would have outranked Warren as Supreme Court Chief Justice at the formal functions arranged by British lawyers for visiting dignitaries).

Here is the sequence of events which preceded the public announcement of Warren's resignation, as revealed by the *Chicago Tribune* and its great reporter Willard Edwards.

Earl Warren confided to Lyndon Johnson his fears that a Republican President might change the liberal lineup of the Supreme Court. With time

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"EAGLES" WILL MEET IN MIAMI

All donors to the Eagle Trust Fund and their friends are cordially invited to meet in Miami during the week of the Republican National Convention. Phyllis Schlafly will be hostess in the Eagle Hospitality Suite at the Hotel Deauville in Miami Beach from August 4 through 8. This is a rare opportunity for conservative Republicans from 50 states to get together, exchange ideas and information, and make new friends.

You are invited to send any refreshments, special products from your state, or decorations, which can be used in this Hospitality Suite. By doing so, you can help entertain and refresh the weary "eagles" who are fighting the political battle for you at the Republican National Convention. Send your "care" packages to:

MRS. PHYLLIS SCHLAFLY

HOTEL DEAUVILLE

MIAMI BEACH, FLORIDA

and time them for arrival between July 30 and August 5. Be sure to include a card with your name and address so those who enjoy your goodies will know who sent them. Messages and greetings will be posted on the Message Board.

The Hospitality Suite will be formally opened at noon on Sunday, August 4 and will remain open through the final day of the Convention. However, the Suite will be open informally beginning July 29. You are urged to call as soon as you arrive and advise us of your Miami residence.

The Truth Behind Warren's Resignation

(Continued)

running out to "save" the Court from this fate, the President was informed by Warren that he was prepared to resign, thereby permitting Johnson to fill the vacancy. Warren hinted that he might even be able to prevail upon one or two of the older Justices to join him in this sacrificial act in order to prevent a new Republican President from appointing conservatives to the Court.

What occurred was a real horse-trading session between two unscrupulous politicians who know how to secure the maximum for their quid pro quo. Warren agreed to Johnson's elevation of his close friend and personal lawyer, Abe Fortas, to the Chief Justiceship. A tentative bargain was reached to "take care of" lame duck Thomas Kuchel by an appointment to the Circuit Court of Appeals. Kuchel has so little legal experience that he lacks any rating in the official California listing of lawyers, but this is unlikely to deter Johnson.

According to one Congressional source: "Warren took Kuchel's defeat as a personal affront. He wanted revenge on both California Republicans and the Party as a whole. He could not tolerate the prospect of Nixon as President. President Johnson did not agree with these gloomy views of a Democratic defeat. But he could not reject this marvelous farewell gift in the closing months of his administration."

How Warren Got On The Court

Political deals involving the Supreme Court are nothing new to Earl Warren. That is how he got where he is today. He certainly did not win his appointment to the Supreme Court by merit or experience. He got it because of a dishonest political deal he made at the Republican National Convention of 1952. Here is how it happened.

As the Republican National Convention of 1952 approached, the majority of Delegates favored Senator Robert A. Taft. But the New York kingmakers had decreed that Taft must be defeated at all costs and Dwight Eisenhower nominated instead. The pressure-and-propaganda tactics of the kingmakers accelerated and, as the Convention opened, every vote was important.

The 70 votes of California were pledged to the candidacy of Governor

Earl Warren, who cherished the illusion that Taft and Eisenhower would deadlock at the Convention and the nomination would fall to him as a compromise. Warren had falsely led the Taft supporters to believe that he was secretly friendly to Taft.

The kingmaker forces, led by Thomas Dewey, Sherman Adams, Herbert Brownell, and Henry Cabot Lodge, then came up with the perfect lure to bring Warren into line. They said to Warren: Keep your California Delegates pledged to Warren for President, but vote with us to throw out the contested Taft Delegates and seat the Eisenhower Delegates, and also vote with us on the change we want in the Convention rules. In return for this crucial favor, the Dewey forces promised Warren the first vacancy on the Supreme Court.

As a result, on the two decisive votes of the Convention, the large California delegation voted *not* on the merits of the issues, not after hearing the evidence, but as instructed by Earl Warren. Newspapers on the street proclaimed Warren's announcement of how his state would vote even before the Credentials Committee had finished hearing the testimony on the contested delegations.

The votes on the change in rules and on the contested Delegates were what defeated Taft and gave the nomination to Eisenhower.

The first vacancy on the Supreme Court was the death of Chief Justice Fred Vinson. By this time, President Eisenhower had been apprised of the deal which had been made in his behalf. President Eisenhower dispatched Attorney General Herbert Brownell to California to tell Warren that he could have a seat on the Court, but another Justice would be elevated to Chief. Warren is reported to have staged a tantrum, insisting that he was promised the first vacancy, and that, despite his complete lack of judicial experience, he was entitled under the deal to the Chief Justiceship. So, Eisenhower appointed Warren.

Most of the California Delegates had no idea that, by voting as Warren instructed them, they were simply feathering Warren's own nest for a personal payoff, or that as Supreme Court Justice he would be responsible for decisions which are contrary to all American history and prior

court decisions in the fields of criminal law, internal security, prayer in the schools, and election of representatives. This is why it is important to have Delegates who know what is going on at National Conventions and who are not pawns in the hands of their Governor or other state boss.

What kind of hidden deals will there be at the Republican National Convention of 1968? The stakes are tremendous, and the mantle of responsibility falls on *your* Delegates.

LBJ Turns On The Pressure

On June 26 President Johnson announced the appointment of two old cronies to the Supreme Court: Abe Fortas to be elevated to the Chief Justiceship, and Homer Thornberry to the vacancy. By nightfall, 18 Republican Senators had signed a petition circulated by Senator Robert Griffin of Michigan and Senator George Murphy of California to oppose confirmation of these lame duck appointments even if it required a filibuster.

The appointments of Fortas and Thornberry are the last word in government by crony. Fortas was the personal lawyer to whom Johnson turned first when his protege, Bobby Baker, got into trouble. After Walter Jenkins was arrested in the Washington, D. C. YMCA men's room, Fortas was sent by Johnson to local editors to try to keep the fact of this arrest out of the newspapers. Thornberry was LBJ's own Congressman, whose career has been notable only as a 100% supporter of the President.

The Griffin-Murphy drive against confirmation was gaining momentum rapidly — and then LBJ turned on the White House pressure. Senator Griffin received a telephone call from "a highly placed person" in the Ford Motor Company recommending that he drop his fight to block LBJ's appointments. Ford is one of the largest Government contractors in Michigan. Griffin said that other Senators had been receiving similar "telephone calls from the heads of corporations doing business with the Government." Griffin added, "The White House is pulling out all the stops."

Another Republican Senator pledged to assist Griffin in his fight received a phone call from a Justice Department lobbyist. The Senator was reminded that he is sponsoring

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Rockefeller Promotes Trade With Reds

The Rockefeller Blitz continues at full blast with full-page newspaper ads and television spots. Reproduced on the right-hand side of this page, however, is a skeleton in his closet which Rockefeller is not featuring in any of his advertisements. On January 16, 1967, the front page of *The New York Times* carried the sensational story of an "alliance" to promote trade with the Reds between a corporation organized by Governor Nelson Rockefeller and a corporation controlled by the Cyrus Eatons. Read the beginning of the article in the box to the right, which is an exact reproduction from *The New York Times*.

Those who know Governor Rockefeller say that he was furious when this news story appeared because he felt it would be hurtful to his chances of being elected President. And indeed it is hurtful. Who wants to elect as President a man who is making profits out of trade with Communist countries which in turn are sending arms and supplies to Vietnam to kill American boys?

The lengthy *New York Times* article continued: "The joint effort contemplated by International Basic Economy [the Rockefeller company] and Tower [the Eaton company] is seen as combining the investment skills and resources of the Rockefellers and the special entree to Soviet-bloc officialdom that Tower enjoys, largely as a result of contacts cultivated over the last 15 years by Cyrus S. Eaton, Sr. The elder Eaton has been an outspoken advocate of closer ties between the United States and the Soviet Union. He has backed his convictions by visiting Russia and entertaining high Soviet leaders — including former Premier Khrushchev."

The Communist "contacts" of Cyrus S. Eaton, Sr. can also be seen in the picture reproduced at the bottom of this page taken during his May 1968 visit with Castro.

The New York Times article of January 16, 1967 quoted Cyrus Eaton, Jr. as describing the Rockefeller-Eaton alliance as a "50-50 partnership." He said he had "firm inquiries" from five Eastern European countries, including the Soviet Union, for the construction of 10 rubber-goods plants, including two synthetic rubber plants. Another project which Eaton said he expects to complete this year is the construction of a \$50-million aluminum-producing plant in Yugoslavia.

Your local public library should be able to secure for you a copy of this front-page article from *The New York Times* with its carryover on page 67. Get it, and present copies to any of your Delegates who may have succumbed to Rockefeller's full-page ads. In one eastern state, a slate of Nixon Delegates scored a surprising upset victory over a slate of Rockefeller Delegates when voters at the State Republican Convention were each supplied with this remarkable *New York Times* article.

Eaton Joins Rockefellers To Spur Trade With Reds

Cleveland and New York Financiers to Set Up an East-West Exchange

By ROBERT E. BEDINGFIELD

An alliance of family fortunes linking Wall Street and the Midwest is going to try to build economic bridges between the free world and Communist Europe.

The International Basic Economy Corporation, controlled by the Rockefeller brothers, and Tower International, Inc., headed by Cyrus S. Eaton Jr., Cleveland financier, plan to cooperate in promoting trade between the Iron Curtain countries, including the Soviet Union, and the United States, Canada and Latin America.

The I.B.E.C. was organized in 1947 under the principal direction of Nelson A. Rockefeller, now New York's Governor. It was organized as an investment company specializing in

prises in **THE NEW YORK TIMES**

Jan. 16, 1967



Cleveland Financier Visits Castro

CYRUS S. EATON (left), got the attention of Cuban Premier Fidel Castro during a visit by the 84-year-old Cleveland financier to Havana.

Eaton said Castro's popularity among Cubans has increased because of U.S. policies in Vietnam.—(AP Photo.) May 14, 1968

Bobbie Ames Elected National Committeewoman



Mrs. Bobbie Ames was elected Alabama National Committeewoman in a spirited contest at the Alabama Republican State Convention held on June 29 in Mobile. Bobbie was formerly the President of the Alabama Federation of Republican Women and has been a dedicated Republican volunteer for many years.

This was the first time that the Republican women of Alabama really chose their National Committeewoman. All too often this is merely a prestige post given by the men to one who will vote as she is instructed, or to a large financial contributor, or as a reward for support in the primary. The National Committeewoman should be the choice of the women. The women are entitled to have a leader who represents them — and, besides, women

are a great deal more discerning than men when it comes to judging other women.

The Republican Party and the State of Alabama are fortunate that a woman of such high character and principle was willing to campaign state-wide against formidable odds for the post of National Committeewoman, and now is willing to undertake the full responsibilities of serving in that position. Such leadership and dedication are rare in politics. They should be cherished and supported wherever we find them.

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a prominent lawyer in his state for a Federal court vacancy, and the caller hinted that the President would find it difficult to make the appointment if the Senator persisted in aiding the Griffin-Murphy effort. Other Senators likewise received veiled threats of retaliation.

The Strange Inconsistency

On August 29, 1960, the Senate passed a Resolution sponsored by Senator Philip Hart (Democrat) and supported by the then Majority Leader Lyndon Johnson, Mike Mansfield (now Majority Leader), and Russell Long (now Majority Whip), which expressed the sense of the Senate that President Eisenhower, who had only five more months to serve, should *not* make appointments to the Supreme Court in the remaining months of his term. All 48 Senators who voted for this Resolution were Democrats.

In urging passage of his Resolution, Senator Hart said: "Whatever the outcome of the Presidential election

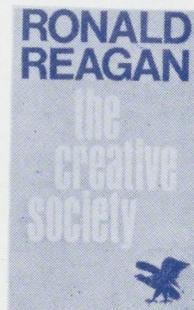
in November, a new administration will take place. None of us knows which political party will direct that administration. I suggest this is a most appropriate time for the Senate to record its extreme reluctance to see recess appointments made to the Supreme Court."

The same Democrats who voted for this Resolution in 1960 to prevent President Eisenhower from making Supreme Court appointments during the last half year of his term, are now pressing hard for confirmation of the deal which will give Lyndon Johnson control of the Supreme Court for years after he departs from the White House. It isn't merely the Fortas and Thornberry appointments at stake — if these are confirmed, three more Justices may resign before the end of 1968 thus enabling LBJ to stack the Court for years to come.

Senators Griffin and Murphy deserve our support for their valiant efforts to prevent this from happening.

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- THE GENERATION GAP
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