



# The Phyllis Schlafly Report

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## WHAT THE VOTE ON ABE FORTAS MEANS

The rejection of Abe Fortas for Chief Justice of the U. S. Supreme Court by the U. S. Senate was a victory which approaches in importance the winning of a Presidential election. Here is the significance of this remarkable event:

1. The United States has been saved from having the Supreme Court dominated for years into the future by a leftwinger who is more extreme, abler, younger, and more energetic than Earl Warren.

2. Conservatives, constitutionalists, and all freedom-loving Americans have been given an inspiring example of how truth and justice can triumph over the combined power of the executive branch of the Government and the liberal press.

3. The backroom deal for control of the Supreme Court, made between Lyndon Johnson and Earl Warren (revealed in the July *Phyllis Schlafly Report*), was killed. This was the secret deal whereby Earl Warren would resign in mid-1968, in order to permit LBJ to name a liberal Chief Justice, and thereby prevent Richard Nixon from naming a conservative one. According to this plan, if Fortas had been confirmed, three more Justices on the present Court would have also resigned in 1968 — thereby permitting LBJ to control the Court for the next decade and preventing Richard Nixon from naming anyone to the Court for the foreseeable future.

4. The rejection of Fortas was a political defeat of the first magnitude for LBJ. Abe Fortas was Johnson's closest personal friend, adviser, and lawyer. No other man had ever been as close to Johnson except Bobby

Baker and Walter Jenkins. Inasmuch as LBJ deprived us of the chance to defeat him personally in the November election, it is just and good that patriots were able to administer this well-deserved political defeat.

### "ADVISE AND CONSENT"

5. All those who believe in the American constitutional system can rejoice that the Senate has reasserted its long-dormant prerogative to "advise and consent" to Presidential nominations. It improves the health of the American separation of powers for the Senate to reject some nominees. It is the *duty* of the Senate to make a thorough investigation of all nominees. If the Senate had done its investigative duty at the time of the Earl Warren appointment, our country would have been saved from the thousands of criminals and hundreds of Communists who have been set free by decisions of the Warren Court. When President Eisenhower announced the appointment of Warren, one Republican Senator announced that he intended to conduct extensive hearings into Warren's background and fitness for the position. This Senator was unmercifully pilloried by the press, the public, his Party, and his Senate colleagues for suggesting that the Senate proceed with its constitutional duty to "advise and consent." Any investigation would have shown that Warren had no judicial experience of any kind, that he was offered the highest judicial position solely because of a crude political deal (see the July *Phyllis Schlafly Report*), and that Warren was personally responsible for the most grievous invasion of civil rights in the history of our country. (As Attorney General of California at the begin-

ning of World War II, Warren approved and enforced the legal papers which caused thousands of innocent men, women and children to be arrested and thrown into concentration camps, notwithstanding their American citizenship and solely because they had Japanese ancestors.) But all this never came out because of the tremendous pressure on the Senators to hurry up and confirm Warren *without* any investigation. The Fortas case proves what an enormous amount of dubiety may be uncovered *after* a real investigation is begun.

6. The defeat of Fortas will probably have a very salutary effect on future decisions of the Supreme Court. It is a very good thing for Supreme Court Justices to know that their Court decisions in favor of Communists, pornographers, and against prayer, their dubious sources of income, and their extra-curricular activities, will be exposed to the glare of publicity and Senatorial scrutiny.

7. The roll call vote on Fortas provides the American public with a clear record on each Senator which we can use for years to come. This roll call vote is a good litmus-paper test to separate the good guys from those willing to reward a lawyer who represented pornographers and also Owen Lattimore (called "a conscious articulate instrument of the Soviet conspiracy" by the Senate Internal Security Subcommittee). Keep this record for future use.

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# WHAT IS YOUR P.Q. FOR 1968?

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P.Q. stands for Political Quotient, just as I.Q. stands for Intelligence Quotient.

1. Hubert H. Humphrey is best known as:
  - a) The mouth of the Potomac.
  - b) A man who meets every problem with an open mouth.
  - c) The apostle of the politics of joy.
  - d) The only Presidential candidate who avoided military service during World War II.
2. The real reason LBJ is not running for President is:
  - a) He couldn't be reelected.
  - b) He wants to sell his and Ladybird's memoirs to *Life* or *Look* for \$2 million.
  - c) He can't end the Vietnam War or recover the *Pueblo*.
  - d) All of the above reasons.
3. Secretary of State Dean Rusk is trying to end negotiations over Vietnam by:
  - a) Giving away South Vietnam.
  - b) Entrolling Viet Cong guerrillas in the anti-poverty program.
  - c) Inviting Ho Chi Minh to lecture at U.S. universities.
  - d) Writing an article for the *Saturday Evening Post* saying that the Viet Cong are really "agrarian reformers."
4. Secretary of Defense Robert McNamara was kicked upstairs to the World Bank because:
  - a) International finances can hardly be loused up any more than they are now.
  - b) He was too much of a political liability to keep through the 1968 election campaign.
  - c) His temperature went up to 72° and even LBJ couldn't stand his arrogance any longer.
  - d) With the American people disturbed about rising crime, it was too embarrassing to have a Cabinet official known as "Mac the Knife."
5. Averell Harriman was chosen as the chief U.S. negotiator in Paris because:
  - a) He has a full year's lease on a villa in Paris.
  - b) His previous negotiations at Yalta, in Laos, and in Moscow, give him unique qualifications to appease the Communists.
  - c) He is too rich to be bribed.
  - d) He participated in more sellouts to the Soviets than any man in public life today.
6. Eugene McCarthy will not back HHH because:
  - a) He wants to return to the French Riviera and spend his leftover campaign funds.
  - b) His hippie, yippie, and chippie supporters won't let him.
  - c) He yearns to be president of Columbia University and the students won't tolerate HHH.
  - d) He hopes Humphrey will lose the election so McCarthy can take over control of the Democratic Party.
7. Great Society economics means:
  - a) Prices and interest rates go up.
  - b) The dollar goes down.
  - c) Dollars to doughnuts is no longer good odds.
  - d) The only safe investments are in Great Society monopolies such as the LBJ television station in Austin, Texas.
8. Hubert Humphrey's plan for solving the Castro problem is:
  - a) Pretend he doesn't exist.
  - b) Offer him "Marshall Plan" aid.
  - c) Continue the JFK-LBJ policy of using our Coast Guard and Navy to protect Castro from Cuban Freedom Fighters.
  - d) Give Castro a bath.
9. The credibility gap of the LBJ Administration means it is:
  - a) Making incredible mistakes.
  - b) Not saying what it does.
  - c) Not doing what it says.
  - d) Confusing us instead of our enemies.

# NIXON PROMISES JUSTICE FOR OTEPKA

If Richard Nixon becomes President of the United States, Otto F. Otepka will be given the justice denied him for five years in his celebrated struggle for reinstatement as the top security officer in the State Department.

This pledge was made by Richard Nixon in an interview with one of the top reporters in the United States, Willard Edwards of the *Chicago Tribune*. According to Edwards, Nixon did not hesitate when asked about his views on what a bipartisan Senate group has labeled "the Otepka tragedy." Nixon was familiar with the case.

Otepka's harassment began when he was asked by Bobby Kennedy to relax security regulations so that Walt W. Rostow could be appointed to a high position in the State Department. Otepka refused to do this, knowing that Rostow had been three times rejected for employment by the Eisenhower Administration, and the

law required a security investigation for State Department officials. As a result, Otepka was put in isolation, his telephone tapped and his waste baskets searched.

After Otepka was fired in 1963, he launched a legal battle for vindication. He won a partial victory four years later when Secretary of State Dean Rusk was forced to concede the falsity of most of the charges used to dismiss him. Rusk canceled the discharge and substituted an official reprimand and demotion, and then stripped Otepka of all security duties. Otepka kept fighting, but recently the Civil Service Commission rejected his final appeal. He has announced his intention to seek justice in the Federal courts.

Richard Nixon told reporter Willard Edwards: "It will be my intention to order a full and exhaustive review of all the evidence in this case with a view to seeing that justice is accorded this man who served his

country so long and so well. I will not, of course, prejudge the case, but examine all the reports, all the hearings, to reach from the evidence an objective finding."

More than a million words of testimony taken by the Senate Internal Security Subcommittee will be available for this review. The Subcommittee reported last January 6 that Otto Otepka is "a dedicated and loyal patriot . . . (who) suffered extraordinary, calculated harassment because he attempted conscientiously to carry out the national security program."

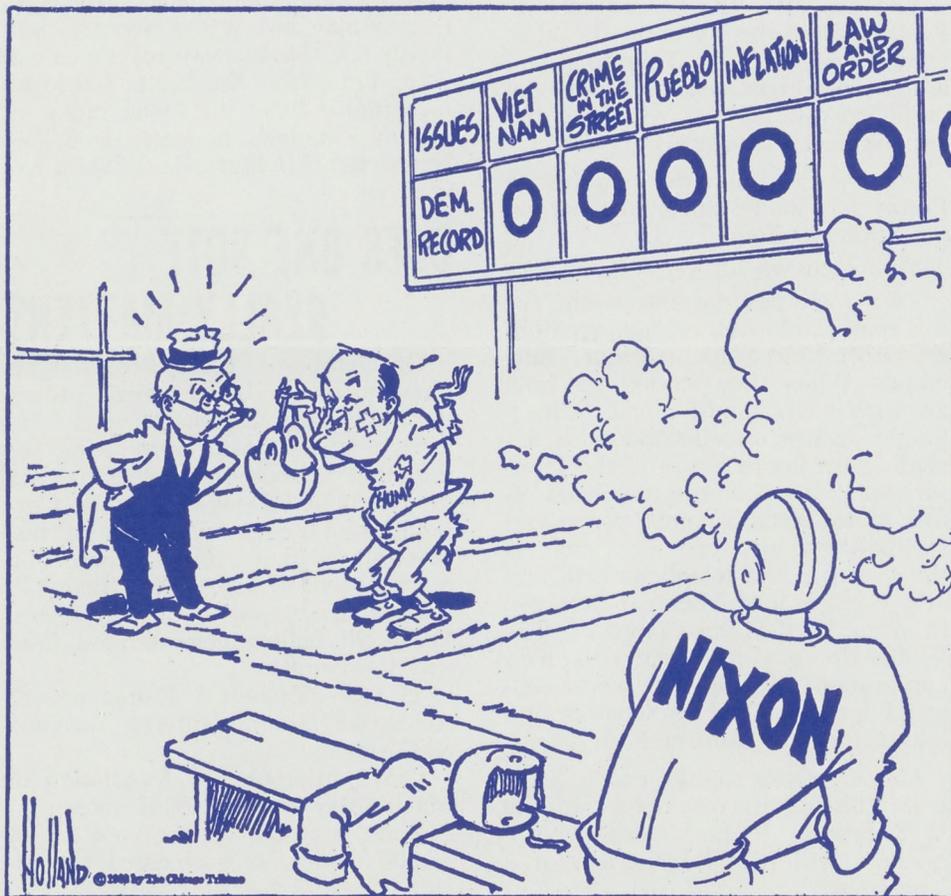
## BEWARE OF A WORD FROM WALTER

We don't know whether Richard Nixon can survive this, but Walter Lippmann, the oracle itself, has come out in favor of Nixon for President. Everything has been going so well with Nixon's campaign — but into each life some rain must fall, and Lippmann is it.

Walter the Lip is best known as the pundit who, prior to the presidential election of 1948, announced that the Gallop Poll was so accurate that we should dispense with the national election altogether, save the taxpayers all that expense, and simply declare Tom Dewey the winner over Harry Truman.

Lippmann's record for being wrong is so lengthy that his endorsement is not welcome. We trust Richard Nixon will survive the blow.

### HIGH TIME WE CHANGED QUARTERBACKS



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## FOR FORTAS

### Republican—10

Brooke (Mass.)	Hatfield (Ore.)
Case (N.J.)	Javits (N.Y.)
Cooper (Ky.)	Kuchel (Calif.)
Dominick (Colo.)	Percy (Ill.)
Goodell (N.Y.)	Scott (Pa.)

### Democrats—35

Anderson (N.M.)	Metcalf (Mont.)
Bayh (Ind.)	Mondale (Minn.)
Brewster (Md.)	Monroney (Okla.)
Burdick (N.D.)	Montoya (N.M.)
Clark (Pa.)	Moss (Utah)
Gore (Tenn.)	Muskie (Me.)
Harris (Okla.)	Nelson (Wis.)
Hart (Mich.)	Pastore (R.I.)
Hartke (Ind.)	Pell (R.I.)
Hayden (Ariz.)	Proxmire (Wis.)
Inouye (Hawaii)	Randolph (W.Va.)
Jackson (Wash.)	Ribicoff (Conn.)
Kennedy (Mass.)	Symington (Mo.)
Magnuson (Wash.)	Tydings (Md.)
Mansfield (Mont.)	Williams (N.J.)
McCarthy (Minn.)	Yarborough (Tex.)
McGee (Wyo.)	Young (Ohio)
McIntyre (N.H.)	

## AGAINST FORTAS

### Republicans—24

Allott (Colo.)	Hickenlooper (Ia.)
Baker (Tenn.)	Hruska (Neb.)
Bennett (Utah)	Jordan (Idaho)
Boggs (Del.)	Miller (Iowa)
Carlson (Kan.)	Mundt (S.D.)
Cotton (N.H.)	Murphy (Calif.)
Curtis (Neb.)	Pearson (Kan.)
Dirksen (Ill.)	Prouty (Vt.)
Fannin (Ariz.)	Thurmond (S.C.)
Fong (Hawaii)	Tower (Tex.)
Griffin (Mich.)	Williams (Del.)
Hansen (Wyo.)	Young (N.D.)

### Democrats—19

Byrd (Va.)	Jordan (N.C.)
Byrd (W.Va.)	Lausche (Ohio)
Cannon (Nev.)	Long (La.)
Dodd (Conn.)	McClellan (Ark.)
Eastland (Miss.)	Russell (Ga.)
Ervin (N.C.)	Sparkman (Ala.)
Fulbright (Ark.)	Spong (Va.)
Hill (Ala.)	Stennis (Miss.)
Holland (Fla.)	Talmadge (Ga.)
Hollings (S.C.)	

Paired for Fortas: Morse and Church, *Democrats*.

Paired against Fortas: Gruening, *Democrat*.

Not voting but announced as against Fortas: *Republicans*: Aiken and Smith; *Democrats*: Bible and Ellender.

**Note:** The above roll call was actually taken on a parliamentary motion to invoke "cloture," but it was well understood by everyone that this was the crucial vote which decided Fortas' fate. The only vote which would have been different on an actual motion to confirm Fortas would have been Senator John Sherman Cooper's, who voted for Fortas on the

cloture motion, but announced that he would vote *against* Fortas on a motion to confirm his appointment.

## QUESTION YOUR SENATOR

During this campaign and in future campaigns, you should personally ask the pro-Fortas Senators this question:

"Senator, will you please explain your vote in the Senate on October 1, 1968 in favor of Abe Fortas — a man who represented pornographers while a lawyer, who voted in favor of pornographers in 40 Supreme Court cases, and who accepted a \$15,000 fee for lectures he did not write when the money was solicited by his law partner and donated by rich businessmen, one of whom had a son under conviction whose appeal was expected to come before the Supreme Court?"

Don't let your Senator evade the issue by shifting the argument to the merits of the so-called "filibuster." The Fortas debate was *not* a filibuster at all! The Senators only debated the Fortas case for three days — and in three days, they hardly scratched the surface of the damaging evidence against Fortas. For example, the evidence about the \$15,000 payment was uncovered only on the last day of the investigation.

The day after the Senate vote on Fortas, one of the TV networks interviewed Senator Strom Thurmond and asked him to comment on Fortas' decision to ask LBJ to withdraw the appointment, Thurmond replied:

"This is the finest decision Justice Fortas has made since he went on the Supreme Court."

To which we all say, "Amen."

Two men deserve the credit for this remarkable victory: Senator Robert Griffin and Senator Strom Thurmond. When they started on June 21, they were almost alone. They fought against unbelievable odds, including the entire power of the Johnson Administration, the mobilized effort of the establishment press, and behind-the-scenes pressures such as the threat in the telephone call Senator Griffin of Michigan received from the Ford Motor Company. The White House also pressured other corporations holding Federal contracts into telephoning Senators and asking them to confirm Fortas.

Conservatives should take heart from this significant victory in the U. S. Senate. Its far-reaching consequences will benefit America for a long time.

## ARE YOU PREPARING FOR ELECTION DAY?

"The blood of free men stains my ballot sheet. Whatever others may do, I shall not carelessly make my mark. I vote not because I can but because I must. Those who died for this, my voice in government, had a right to expect that I would prepare with every faculty to use it wisely, honestly and courageously. They did not die that fools, blind partisans, or the reckless might make a game of free elections. Only my secret heart knows whether I justify the definition of 'voter' as they wrote it in the red-dening sand. If I love my country as they did, I question my qualifications again and again. I carefully study the issues and candidates to determine what is best, not for me or my minority, but for my country. I will not be confused or deceived by propaganda, slogans, or histrionics. I shield my eyes to the glitter of personalities, purge my mind of passion and prejudice, and search diligently for the hidden truth. I must be free of all influences save that of conscience and justice. I garden for dreams, but with a realistic spade. My test is not of trend or popularity, but of principle and liberty. I vote as if my ballot alone decided the contest. I may lose my preference, but I will not throw away my sacred vote. For within the booth, I hold in my humble hand the living proxy of all my country's honored dead." — Newsletter, Michigan Real Estate Association.

## DOES ONE VOTE REALLY MATTER?

On October 4, 1968, there was an election in St. Louis which proves the importance of just one vote.

Two labor unions were vying for the right to represent the employees of McDonnell Douglas Aircraft Corporation, the manufacturer of our best fighter plane, the Phantom. The unions spent \$1,300,000 for their TV, radio and newspaper campaigns. When the ballots were counted, here was the result:

TEAM (Technical Employees of Aerospace Manufacturers) received 8980 votes.

IAM (International Association of Machinists) received 8981 votes.

Thus, a switch of one vote out of 18,000 would have changed the result.