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[From the Elyria, Ohio, Chronicle-Telegram, Mar. 16, 1968]

"No one has yet invented a way to finance government without cost to the taxpayer. There are only ways of putting off the day of reckoning."

That fact of economic life is pointed out again by Sen. Harry F. Byrd, Jr., (D-Va.) in an article in Spotlight, a publication of the Committee for Constitutional Government, Inc.

The article was written before the gold crisis developments of the last few days, but it is especially timely in view of that crisis.

"No government," Sen. Byrd wrote, "can play a constructive role in the lives of its citizens except on the basis of economic strength. It is not that dollars are more important than people and their needs. It is simply that without a sound dollar, all programs and projects financed by the government will be undermined."

Sen. Byrd's warning deserves thoughtful consideration by all Americans. The day of reckoning may be nearer than most Americans have believed.

[From the Staunton, Va., Leader, Apr. 4, 1968]

The Senate would have won considerable applause had it also written into its excise tax bill the proposal of Sen. Harry F. Byrd, Jr., D-Va., to ban loans to countries trading with the Communist enemy in Vietnam.

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### Andreas Papandreou Meets the Press

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1968

Mr. FRASER. Mr. Speaker, on March 10 the guest on the National Broadcasting Co.'s "Meet the Press" was Andreas Papandreou, chairman of the Panhellenic Liberation Movement and former Greek Cabinet member. Mr. Papandreou, who was freed in December after 8 months' imprisonment, spoke forcefully for restoration of liberties in Greece and against the oppressive military rulers who have governed for more than a year. It is particularly fitting that Mr. Papandreou's comments be reprinted at this time, because yesterday, April 21, was the anniversary of the coup that plunged Greece into darkness.

The "Meet the Press" interviewers were Robert Novak, of the Chicago Sun-Times, Philip L. Geyelin, of the Washington Post, and James Robinson and Lawrence E. Spivak, of NBC. Edwin Newman of NBC was the moderator. The full text of the interview follows:

Mr. NEWMAN. Our guest today on "Meet the Press" is Andreas Papandreou, the exiled Greek political leader who is coordinating the Greek resistance movement. Mr. Papandreou was a member of the Greek Cabinet and Parliament, and he served as chief aide to his father, George Papandreou when he was Prime Minister.

A former naturalized American, Mr. Papandreou was an economics professor at the University of California before he returned to Greece in 1963 to enter politics.

He was charged with high treason under the government of King Constantine and later arrested by the military junta. He was recently released from prison and has just arrived in this country on a visit.

We will have the first questions now from Lawrence E. Spivak, permanent member of the "Meet the Press" panel.

Mr. SPIVAK. Mr. Papandreou, in your speech before the ADA last night, you said, "I must add that the U. S. Embassy in Athens gave strong moral support to the King and the Greek establishment in their violation of the democratic processes in Greece, thus paving the way for the military coup of April 21, 1967."

Are you charging the United States with responsibility for the coup?

Mr. PAPANDEOU. The United States Embassy I charge with historic responsibility, not necessarily involvement in the coup itself. Actually coups don't occur accidentally. An atmosphere has to precede a coup, and the U.S. Embassy, I think, participated in creating the atmosphere that led to the coup, Mr. Spivak.

Mr. SPIVAK. You went further. The Washington Post quotes you as saying that the "present Prime Minister of Greece, Mr. Papadopoulos, is probably the first CIA agent who has managed to become a Prime Minister."

Are you saying that the United States helped put him in power?

Mr. PAPANDEOU. That is a fact, what I said in Oslo. Namely, Mr. Papadopoulos was the key coordinator of the Natsainas KYP, the KYP leader in Greece. KYP is the CIA of Greece, the Greek CIA. Papadopoulos was the contact man with the American CIA.

And I add that the American CIA finances the Greek CIA directly, not via the Greek Government, as Mr. Sulzberger himself, has disclosed in an editorial in The New York Times.

Mr. SPIVAK. Are you saying that the United States could have prevented the coup?

Mr. PAPANDEOU. The United States might not have been in a position to prevent the coup, but the United States could surely have overthrown the junta, had it wished.

Mr. SPIVAK. Do you say now that the United States ought to help overthrow the dictatorship?

Mr. PAPANDEOU. No less than that, Mr. Spivak. I would, however, qualify by saying surely it should not assist the junta, and the recent exhibitions of friendship, and the U.S.S. Roosevelt, the recent statements of Admiral Horatio Rivero in favor of the junta in Greece surely shocked the democratic forces of Greece that are struggling for a free country, for a country that can take its place among the western nations.

Mr. SPIVAK. Mr. Papandreou, when you look back to the period when you and your father ran the government, do you find you too may have been to blame for the coup to some degree?

Mr. PAPANDEOU. Mr. Spivak, no one is ever free, totally, of some historic responsibility. No one. And it is not for me to judge whether I am or not. It is for others to judge.

Mr. GEYELIN. Mr. Papandreou, I understood you to say that you thought we should have moved in and thrown the junta out in the first instance. How do you do that?

Mr. PAPANDEOU. This is more complicated than that, Mr. Geyelin. If the United States did not lend its moral and material support to the government of the junta, the junta would collapse of its own weight, for it has no strength among the Greek people, and it has no strength in fact among the Greek armed services.

Mr. GEYELIN. Was there no danger of a civil war at that time?

Mr. PAPANDEOU. Of course not. The junta has charged that the Communists had arms with which they would threaten to overtake the country. In the ten months of their government they have not been able to discover one single cache of arms. And, after all, the Democratic Center forces were overwhelmingly in the majority in Greece.

Mr. GEYELIN. Is it your view now that the Communists are possibly getting stronger, although you apparently believe there was no threat at the time of the coup? Do you think the junta is creating a threat?

Mr. PAPANDEOU. I should think that as time goes on it is quite likely that the more extremist forces in the country will become dominant.

Mr. GEYELIN. All you would have us do now, as I understand it, is what? Withdraw recognition from this government or withdraw all aid? What would you have us do, specifically?

Mr. PAPANDEOU. Let me put it this way: Recognition is a formal thing. Sometimes one recognizes even governments it doesn't like. First of all: to stop the display of enthusiasm, love and affection for the government; second: to stop shipping arms to the junta with which they subjugate the Greek people. After all, what are the Greek people to say when the alliance which they joined to protect their freedoms arms this mafia, these few officers, to keep the country in bondage.

Mr. NOVAK. Following up Mr. Geyelin's question about extremist elements in the resistance, Mr. Papandreou, the government-controlled Greek newspapers are now contending that your call for a united liberation front is in effect an invitation for the Communists to cooperate with you, is that correct?

Mr. PAPANDEOU. Mr. Novak, the Panhellenic Liberation Movement, which I have the honor to lead today, calls upon all Greeks, not upon parties, not upon party platforms, to join in the effort to overthrow the junta and establish on a permanent and solid basis a democratic process, democratic institutions. Those Greeks who wish to offer time, effort and their life in the effort to establish democracy in Greece—which, after all, is the key principle of the Western World—those Greeks are all welcome. None excluded.

Mr. NOVAK. Even if they are Communists?

Mr. PAPANDEOU. I will not look at the files of an individual. Any individual who wishes to offer his services for democracy may offer his services. We do not form a front among parties. We merely call upon the Greeks to join the effort to one single objective: overthrow the junta and establish a democratic government where the Greek people freely, with judicial protection, may express their views and run their own country.

Mr. NOVAK. As far as not forming a front among parties is concerned, as I understand it, the leader of the Greek Communist Party, the KKE, speaking from Rumania, had endorsed your purposes.

Do you rebuff that endorsement or do you refuse to in any way collaborate with him?

Mr. PAPANDEOU. My position, Mr. Novak, I have made very clear. The Panhellenic Liberation Movement is a coordination of resistance movements. It is not a collaboration among parties.

Mr. NOVAK. Going back, Mr. Papandreou, in April, at the time of the coup, some of the colonels claimed that if you had—if the elections had taken place and the Center Union Party had won, you would have invited Communists into the government in a coalition popular front. Was that charge correct or not?

Mr. PAPANDEOU. Mr. Novak, why should it be valid—after all, our party had 53 per cent of the vote in '64. On the basis of objective estimates, we would have had more than 53 per cent of the total national vote in '67. Why would any party invite any other party to collaborate when it can run the country on the basis of its own strength? So the question itself is not a sensible question—not your question, but the question that has been put and which you transmit.

Mr. ROBINSON. Mr. Papandreou, you have made some very serious charges saying that the Central Intelligence Agency of this country is directly supporting the junta leaders,

and you have said you would bring out proof of these charges. When could we see these proofs?

Mr. PAPANDEOU. When did I make the charge that it is supporting? And in what fashion did I make the charge?

Mr. ROBINSON. You said the Prime Minister Papadopoulos was in the pay of the CIA. You said that the Minister of Coordination—

Mr. PAPANDEOU. Not in the pay. What I said was that Mr. Papadopoulos was the contact man between the Greek CIA and the American CIA and that the American CIA financed directly the activities of the Greek CIA, not via the government, a question which as Minister to the Prime Minister I raised—one of the reasons in fact that I have been charged, early, as being anti-American, a charge that is false, [but] I am against interference of the irresponsible agencies in the internal affairs of other countries.

Mr. ROBINSON. Mr. Papandeou, as far as I can see from your country, you have had no support there. The Center Union Party has denounced you, Karamanlis, probably one of the most famous Greek exiles, has not come to your support. The Royal Family has not come to your support. Where is your backing?

Mr. PAPANDEOU. Mr. Robinson, the Center Party has never denounced me. One man dared say something under the pressure from the junta, and he has been scratched from books of the party officially in Greece. Mr. Spanoriggas who made this statement is no longer a member of the Center Union. As for Mr. Karamanlis, I don't need Mr. Karamanlis' support. He is the head of a different party. As for the King, he has no business supporting anybody, me included.

Mr. ROBINSON. Mr. Papandeou, when you went to the United States Embassy in Athens a few weeks ago to get a visa—

Mr. PAPANDEOU. No, not to get a visa; I got my visa in Paris.

Mr. ROBINSON. The United States Embassy anyway reported back to this government here that you gave them assurances that you would not indulge in political activities while in this country. Is this true?

Mr. PAPANDEOU. Quite to the contrary, there was no discussion about what I would be doing. When asked by Mr. Pattakos, the Deputy Premier of the junta what I would do abroad, I said I would be true to myself; you know my history and you can guess the rest. And my discussion with Mr. Talbot had nothing to do with my own personal plans.

Mr. SPIVAK. Mr. Papandeou, as you know you have been called far left by some and Communist by others. How do you describe your politics?

Mr. PAPANDEOU. My politics can be described in very few words. Politically I am a fanatic democrat. I believe in the Bill of Rights, the freedom of speech, of press, of syndicalist and political organization.

I believe, second, in a judicial system which is independent of the executive and can protect the citizen from police and arbitrary executive intervention.

Socially and economically, I am what you may call a New Dealer. Insofar as foreign policy is concerned, I believe that Greece as a member of the western alliance ought to have a voice in matters that affect its own future. It should not be a satellite, but an ally. And I do want to register my great chagrin, Mr. Spivak, that today this alliance that Greece joined to protect its freedom is supplying the junta with arms. This is unacceptable, Mr. Spivak.

Mr. SPIVAK. Would you under any circumstances support a Communist regime in Greece or would you fight it as you are now fighting the junta?

Mr. PAPANDEOU. I am against totalitarianism of all forms, Mr. Spivak, and this is something that is in the record. I shall fight for freedom no matter who threatens it.

Mr. GYELIN. Mr. Papandeou, when you attack the United States government for its policy in Greece, are you talking about Pres-

ident Johnson's policy or the Secretary of State's, or are you suggesting that there are agencies such as CIA that are out of control and beyond the effective discipline of the government?

Mr. PAPANDEOU. I have myself been very puzzled to understand the way the political process leads to a policy, a foreign policy. I am aware from my experience in Greece that the various agencies of the U. S. government have often not been in accord and that often the more irresponsible elements make out—the responsible elements being forced to follow a fait accompli.

Mr. GYELIN. Would you have us now cut off economic assistance of all kinds to the junta at the expense of the people in order to weaken them?

Mr. PAPANDEOU. Indeed I would. For the Greek people have to bear one kind of sacrifice or another. One is the economic sacrifice for the short run. But if the junta were to survive because of economic and military support of the West, then the sacrifices would be much greater for they would have to engage in an active resistance effort, very costly, very costly indeed to Greece, Europe and the free world as well.

Mr. GYELIN. The junta is making a campaign now through a public relations agency in this country to attract private American investment. What is your advice to those potential investors?

Mr. PAPANDEOU. Stay out, for when we return to Greece, we shall question all those who decided to help the junta during this period.

Mr. NOVAK. Mr. Papandeou, in your address to the ADA last night, you said that the junta did not even have the support of the Army last April. Do you feel that there is still lack of support in the Army, and that is the basis for a possible counter coup today?

Mr. PAPANDEOU. Yes, Mr. Novak, I believe this quite deeply, because the Greek Army today rents the fact that a Mafia, using the intelligence apparatus at its disposal, has taken over control, has sacked over 2,000 NATO-trained officers, and is attempting through intelligence methods and through political commissars in every unit to run the Army. There is no longer an Army in Greece. It is a setup of political cliques. The Army resents this and will have the opportunity itself, we believe, to upset the junta.

Mr. NOVAK. Why didn't the Army then respond to King Constantine's attempted coup in December? In fact, why didn't the people, if they were as anti-junta as you say—why didn't they respond to the King in December?

Mr. PAPANDEOU. It is a monument of mismanagement, Mr. Novak. The Army, itself, had not been alerted. The King, himself, decided suddenly on the date of the coup, in response to Mr. Karamanlis' appeal to the Greek people the 9th of December—I think the King became concerned that Mr. Karamanlis would make the coup and chose to make it very rapidly himself to prevent Karamanlis from carrying through a coup against the junta. It was so badly managed. And, first of all, how would the people know? He didn't even have a radio station. A taped statement from Larissa, a second-rate station, reached some Greeks.

Now, of course, I have to add that the King could have stayed there and fought. He could have in Macedonia there were military forces ready to fight and win. As for the Greek people, the King is not a symbol they can easily follow after the events of July, 1965, and thereafter.

Mr. NOVAK. Are you suggesting that if Mr. Karamanlis had led the coup, if it had gone as you say it was originally planned, that it might have been successful?

Mr. PAPANDEOU. His record is far superior to that of the King. I think it might have been better.

Mr. NOVAK. One thing I don't quite understand is that in the Nazi occupation in

World War II there were repeated incidents throughout the villages of Greece against the occupation forces, even though it meant death. Why are there no such incidents against the junta if the people are against the junta?

Mr. PAPANDEOU. It is not quite true there is no resistance in Greece, Mr. Novak. Publicity is a little difficult to get. Let's not forget we have 4,000 prisoners today and heavy convictions; we have mass firings of Army officers and civil servants. What do these things suggest? Why the tortures today? One should read the Amnesty International Report, Mr. Novak, to know the extent to which this junta has surpassed the Nazi techniques in psychopathic punishment and torture, things which are not well known abroad, for the public relations firms, including the Litton firm, which has turned out to be nothing else but a public relations firm for the junta, managed to put a cover of secrecy over what happens in Greece.

Mr. ROBINSON. Mr. Papandeou, you were a very prominent personality in Greece. Don't you think it is strange that the junta let you go?

Mr. PAPANDEOU. I do indeed. I think it is one of their critical errors. They will regret it.

Mr. ROBINSON. Might they think that you are not particularly dangerous to them—

Mr. PAPANDEOU. I think that this is what they thought, and it is not for me to judge whether I am or not, but I believe they will regret this mistake.

Mr. ROBINSON. Did you give the junta assurances that you would not engage in political activity when you went abroad?

Mr. PAPANDEOU. Quite to the contrary. None. Quite to the contrary. I said flatly that I would return to the Greek political life when the people called for me. Quite to the contrary. I have made the opposite statement.

Mr. ROBINSON. These statements you are making abroad, does this not endanger your father?

Mr. PAPANDEOU. It endangers my father. Indeed, and possibly myself.

I think that I should mention to you today, Mr. Robinson, that a government newspaper asked that the prosecutor in Greece, the public prosecutor, visit my father and ask him whether he allies himself with me or not. If he allies himself with me, then he has to be charged before a court martial with high treason. If he disowns me, then, of course, this means something for his political—his great political and historic career. This is the kind of people they are, and so far as my personal safety is concerned—you asked earlier about evidence. Well, I have evidence. It is in a safe and it is my security.

Mr. ROBINSON. Mr. Papandeou, just before the coup d'etat last year, you made a speech where you charged that the CIA formulated American policy, and you criticized this policy for trying to isolate the Soviet bloc from making gross errors in Vietnam, in Latin America and with our allies in NATO. Do you still stand on these charges?

Mr. PAPANDEOU. I have made—it is not a charge; it is an observation, and it is an observation which I believe objective and which I make with a great deal of sadness, Mr. Robinson, because I have lived and worked and enjoyed my life here for 22 years. I, along with many others who today are Americans—I am no longer one—feel that the foreign policy formation process in this country does not satisfy the rules of democratic government which exist in all other sectors. The checks and balances which are so important in all democratic processes in your country don't work in the case of foreign policy. The Pentagon and CIA and State Department bureaucracy play more of a role than they should. This is my point, and it is a point of critical importance to the survi-

val, not only of your country, but of all the western world, Mr. Robinson.

Mr. NEWMAN. Gentleman, we have about three minutes left. Mr. Spivak.

Mr. SPIVAK. Mr. Papandreou, in a recent article you wrote "Above all, Greece insists that its allies cease interfering in its internal political affairs."

Aren't you in effect, by what you are saying here today, interfering in our political affairs?

Mr. PAPANDEOU. No, I think not. We are too small, Mr. Spivak, to interfere in the affairs of big, great, America. However, our own fate is tied up with what America does, and to make a clear plea, Mr. Spivak, to the American people and the American political world to come to the assistance of the democratic forces of Greece is surely not interference in the internal affairs of the United States.

Mr. SPIVAK. Aren't you then asking us though to interfere in the political affairs—

Mr. PAPANDEOU. I am.

Mr. SPIVAK. Where is the logic of that?

Mr. PAPANDEOU. The logic is very simple, Mr. Spivak. When a country is occupied by an enemy force, then we are entitled to ask all peoples to come to our assistance. The Greek people are not sovereign today. If they were sovereign, I would not ask for any interference.

Mr. SPIVAK. Mr. Papandreou, there have been reports that you have been in touch with King Constantine and that you have been seeking to heal the breach between you. Are those reports true?

Mr. PAPANDEOU. They are not. I have taken no initiative. So far as the breach is concerned, it is irrelevant. In politics personal animosities should play no role.

Mr. SPIVAK. Would you like to see the King back on the throne?

Mr. PAPANDEOU. My personal view, Mr. Spivak, is that the Greek people ought to decide this question. My personal views are quite irrelevant.

Mr. NEWMAN. Two minutes, gentlemen.

Mr. GEYELIN. Mr. Papandreou, I understood you to say that the junta would fall, really, quite easily if we withheld our support, that it has no popularity amongst the people and not even any support in the Army.

What does keep it in power?

Mr. PAPANDEOU. An intelligence apparatus with modern technology. Use the tanks, the bazookas and a very good communications system and spy system and you can go a long way indeed, Mr. Geyelin.

Mr. NOVAK. Mr. Papandreou, you have met with some conservative exiled Greek leaders in Europe. Quite apart from the King, do you think it is possible that these conservatives will cooperate with you in the Liberation council?

Mr. PAPANDEOU. I believe that members of the right, of the center and of the left, indeed, in an overwhelming majority, will join forces to overthrow the junta.

Mr. NOVAK. Can you name any members of the right now exiled cooperating with you?

Mr. PAPANDEOU. I prefer not to make any mention of names, Mr. Novak.

Mr. ROBINSON. It is charged that in 1938 you were arrested by the Metaxas regime and that you confessed at that time to being a member of the Communist Party, that you were a Trotskyite. Is this true?

Mr. PAPANDEOU. First of all, let's make a distinction. Member of the Communist Party and Trotskyite are not the same thing, Mr. Robinson.

Mr. ROBINSON. You said you were a Trotskyite.

Mr. PAPANDEOU. No, excuse me, Mr. Robinson. I was tortured for many days. My jaw was broken, and at some point when I was punch drunk a piece of paper, already prepared was brought to me and I did sign the paper, whatever it contained—which I do

not remember at this moment, as a matter of fact. This is the story of that incident. I was fighting for democracy then too, against a brutal dictatorship.

Mr. NEWMAN. I am sorry to interrupt, but our time is up. Thank you, Mr. Papandreou, for being with us today on "Meet the Press."

## Judicial Legislation

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1968

Mr. WYMAN. Mr. Speaker, a good part of the uncertainty and confusion that troubles our country is due to judges writing legislation into judicial decisions rather than deciding cases according to precedent as a proper interpretative function. When the Justice of the U.S. Supreme Court—often by the narrowest of margins, 5 to 4—add the "hooker" that a contrary view is unconstitutional, the only remedy is by constitutional amendment, which they well know is laborious, time consuming, and unlikely.

Lawyers around the country are becoming increasingly concerned as they seek to advise clients on what courses of action are permissible. One such lawyer is Edward F. Cummerford of the New York Bar, who wrote of the "judicial jumble" in the Wall Street Journal of April 22, 1968. Mr. Cummerford's remarks are well taken and I am including them in the RECORD at this point since it is without question of the most fundamental importance that we preserve in America a government of law and not of men:

JUDICIAL JUMBLE: ACTIVISM IS THREAT TO GOVERNMENT OF LAWS AND NOT OF MEN

(By Edward F. Cummerford)

The formal boundary between responsible self-government on the one side and tyranny or anarchy on the other is often termed "the rule of law." Never has that tenuous line been in such danger of obliteration in this country. The rule of law is mocked and attacked, not only by the criminal multitude, but by supposedly responsible elements. Educators and clergy urge us to break laws we do not like, and eager mobs implement their ideas with destructive violence: labor unions violate laws that impinge upon their power and defy court orders, usually with impunity; public officials blandly refuse to enforce the law if their political futures might suffer.

But ironically, it is within the courts themselves that the most serious threat to the rule of law has developed. This comes from a radically new concept of the judicial function called "activism." Judicial activism had its genesis in the Supreme Court about 25 years ago, when some of the Justices began to abandon the age-old principle of *stare decisis* upon which American and English law had been based for centuries. *Stare decisis* meant simply that the principles derived from previous decisions formed a body of controlling law for future decisions. The primary duty of the judge, after the facts of a case were determined, was to find the law applicable to such facts and decide accordingly, regardless of his personal feelings. On this system rested what Americans proudly called "a government of laws and not of men."

Judicial activism means that judges strive for what they deem a "just" result in a case in the light of their own philosophies and socio-economic values, with settled legal

principles being accorded little or no weight. Thus decisions turn more and more upon "who" is the judge than upon "what" is the law. As a result, law is rapidly losing its certainty, stability and continuity. Jurisprudence is becoming the handmaiden of sociology.

This concept of the judicial function reaches its apogee in the doctrine, if that is what it may be called, that even the meaning of the Constitution itself may be changed by the Supreme Court if necessary to achieve "justice" or "equality." While the power of the Court to clarify parts of the Constitution in the first instance cannot be doubted, it is no corollary that the Court may, at its pleasure, keep changing such meaning. The Constitution specifically provides for its own amendment with procedures that completely exclude the Supreme Court.

Some contemporary pseudo-scholars of the law would have us believe that judicial activism is a proper function of courts, entirely consistent with the historical development of law. This is just not true.

#### WILL OF THE LAW

Let us consider what some of the leading legal minds of the past, men whom proponents of activism claim as philosophical antecedents, have thought about the question. John Marshall, our greatest Chief Justice, declared bluntly in a landmark case: "Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or in other words, to the will of the law." Charles Evans Hughes, usually ranked second only to Marshall among Chief Justices, is often cited as an authority for the notion that the Supreme Court can change the meaning of the Constitution. This is based on a fragment from an extemporaneous speech in 1907—"the Constitution is what the judges say it is." Mr. Hughes angrily denied having meant any such thing, but the out-of-context words plagued him for the rest of his life and to this day are quoted in textbooks and by professors to justify a concept he abhorred.

Oliver Wendell Holmes, a most influential legal scholar and for 30 years a Supreme Court Justice, maintained that judges should keep their own social and economic views out of decision-making. Benjamin N. Cardozo, Mr. Holmes' disciple and successor on the Court, set forth in painstaking detail the historical and philosophical criteria to be employed by judges in reaching decisions. A liberal like Justice Holmes, he did not believe that the law must be static and never change.

He would have been shocked, however, at decisions that lightly discard decades of settled law on the strength of sociological or economic theories. Justice Cardozo observed: "Lawyers who are unwilling to study the law as it is may discover, as they think, that study is unnecessary; sentiment or benevolence or some vague notion of social welfare becomes the only equipment needed. I hardly need to say that this is not my point of view."

Sir Frederick Pollock, probably the chief authority in modern times on Anglo-American jurisprudence, repeatedly cautioned that judges should follow established precedents and legislative intent, not their personal views, in reaching decisions. Two other important jurist-scholars, Felix Frankfurter and Learned Hand, were extremely critical of judicial activism. Mr. Frankfurter, a protégé of Holmes, went on the Supreme Court a "liberal" in 1939 and retired a "conservative" in 1962—but it was the Court, not Mr. Frankfurter, which had undergone the greater change. Justice Harlan speaks of the idea that all social ills can be cured by courts as having "subtle capacity for serious mischief."

#### PURE GUESSWORK

The criticism is not confined to Olympian levels. The legal profession finds it increasingly difficult to know just what the "law"

is; hence, attorneys cannot advise clients of the merits of their cases with much assurance. If the outcome of a case depends more on the personal philosophy of the judge than on any other consideration, it is pure guesswork. What was once "Constitutional" suddenly becomes "unconstitutional." Countless Supreme Court decisions are by 5-to-4 votes, often accompanied by several different opinions and bitter, sarcastic dissents. This is the precarious state of law today.

Some activist judges go to great lengths to make sure that they will not be thought of as having unbiased minds. In speeches, articles and letters to editors they frequently take positions on controversial questions. High-ranking judges have even publicly expressed opinions on delicate questions involved in cases awaiting decisions in their own courts—judicial behavior that a generation ago would have been considered reprehensible.

No matter what euphemisms are employed to disguise its effects, careful reflection must lead to only one conclusion: Judicial activism is not merely inconsistent with the rule of law, it is the total negation of the rule of law. If cases are decided on the personal philosophies of judges, then in reality there is no law. If the Constitution has no objective meaning but means only what judges think it ought to mean, it is not a constitution at all but an empty symbol, a sort of national totem. History shows that vague laws, subjectively interpreted and arbitrarily applied, are the tools of tyrants. The equation is as old as the human race—power minus responsibility equals despotism.

Out of the vast crucible of human experience and travail we have constructed a splendid system of law and courts that it is our duty to sustain and improve. The beating heart of that system is the judge. If his mind is a closed one, which recognizes no authority save his own predilections, then all the long shelves filled with lawbooks, the great marble columns and the black robes are but superficial trappings cloaking a travesty.

Judges, like other mortals, need a large measure of humility—the conviction that one human mind can embrace but a tiny particle of all wisdom and knowledge. As one of our most respected living judges, Harold R. Medina, has expressed it so well: "I don't think I have any propensity or desire to mold the law to my own views . . . If I had a question of statutory interpretation and I was convinced the statute meant, and was intended to mean, one thing, I would never decide it meant just the opposite because I thought it was desirable social or economic policy to do so. This twisting and stretching is not for me."

Nor should it be for any judge.

### Baltimore's Friendship Airport

**HON. SAMUEL N. FRIEDEL**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1968

Mr. FRIEDEL. Mr. Speaker, 10 years ago last Thursday, April 18, Baltimore's Friendship International Airport was like a bride left waiting at the altar—all dressed up and no place to go.

As airports go, Friendship was not exactly a booming enterprise back there in 1958. In fact, she was acquiring the label: "That ghost airport over there in Maryland."

Friendship, to be precise, was not even an international airport from a practical standpoint 10 years ago. It did not originate a single international flight.

Happily all that has changed.

The change began when Pan American World Airways, using a DC-6B, began three-a-week flights from Baltimore to San Juan, P.R. The date was April 18, 1958—10 years ago this past Thursday.

Then and there, Friendship began to grow, to attract other carriers, and to slowly but steadily assume stature among the great international air terminals of the continent.

The story of this growth is impressive:

In 1958, Friendship handled fewer passengers than live in Indianapolis, Ind., a city of 460,000 plus. Last year, 1967, 2½ million passengers passed through Friendship—almost 2½ times as many persons as live in nearby Baltimore.

Today swift jets fly daily from Friendship to London, Paris, and service to Latin America has been expanded.

Pan American, an early partner in Friendship's expanding operations, flew only 3,000 passengers and 100,000 pounds of cargo to and from the airport in that first year, 1958.

Last year, those figures had swollen to 60,000 passengers and 2,600,000 pounds of cargo.

If 10 years ago, Friendship was a bride abandoned, then certainly today she is a happy wife with a dazzling future.

In the supersonic age just ahead, Friendship International will be able to handle the biggest jets on her fine strong runways.

It is a distinct pleasure to be able to pay this tribute today to that airport they once called a "ghost."

The ghost is dead, killed by the faith and daring of the people of Baltimore, of Maryland, and the confidence of the airline industry in the success of this splendid facility.

The determination 10 years ago, Mr. Speaker, to make Friendship an international airport was reached by a man who is considered the world's greatest authority an international flight—Mr. Juan T. Trippe, chairman of the Board of Pan American World Airways. We in Maryland are particularly proud of Mr. Trippe's contributions to international flight because the Trippe family has a Maryland history and background dating back to Revolutionary days. It was like a native son returning when Mr. Trippe directed the commencement of Pan American operations out of Friendship 10 years ago.

April 18, 1968, Mr. Speaker, is indeed a day to remember in Baltimore.

### Times of Tragedy and Challenge

**HON. EDNA F. KELLY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1968

Mrs. KELLY. Mr. Speaker, this year, the Merchants & Manufacturers Association of Bush Terminal, Inc., one of the truly outstanding organizations in Brooklyn, is celebrating its 52d anniversary.

I was deeply honored to be invited to address the association's spring speaker's

luncheon on April 18—the first woman to be awarded this distinction in the history of the association.

It was an exciting experience for me to be able to exchange views on some of the basic problems confronting our community and country with this distinguished group of businessmen headed by Mr. Ted Hambley, president of the M. & M. Association.

As a Representative in Congress from the Borough of Brooklyn, I shall continue to work for the interests of our people, our community, and our country.

Mr. Speaker, the text of my remarks at the April 18 luncheon follows:

#### TIMES OF TRAGEDY AND CHALLENGE

I appreciate your kind invitation to join you for this monthly luncheon—and to share with you my views on some of the crucial issues confronting our country and city.

I can begin by pointing out that we do not meet under the most auspicious signs.

The din of clashing arms fills the air. Violence and anger are having their day. Logic, reason, and understanding seem to have lost their appeal.

The fiber of our people—the fabric of our society—the power and the resolve of our nation, are being severely tested both at home and abroad.

These times place heavy demands on all of us.

At home, we have lived with violence—or under its dreadful shadow—for nearly two weeks.

Sparked by the tragic and senseless murder of Dr. Martin Luther King, this violence found its vent in the equally senseless and tragic destruction of human lives and material resources in a score or more of our cities.

At a time when we were beginning to grope our way out of the woods—when our elective governments—on all levels—were beginning to address themselves to long-neglected problems; when our community organizations—ignoring color and religious barriers—were joining together in a common effort to help the disadvantaged and the dispossessed; when individuals—young and old, black and white, rich and poor—were laying the predicate for a viable, cooperating, healthy society—just at that very moment, the assassin's bullet found its mark—violence flared—and lawlessness reigned.

Before long, the reaction began to set in and to undo the progress of the past ten years.

And this Nation hesitated on the verge of taking a giant step into the darkness, and ignorance, and prejudice of the past.

I am not an alarmist by nature.

Neither am I the permissive type who insists that a child, or an adolescent, will be permanently repressed unless you allow him to beat your brains out.

I stand some place in the middle—believing that we must move with the times—having faith in the good will and the intelligence of each succeeding generation—admitting to the wrongs of the past—yet insisting, and insisting with every ounce of our conviction in my bones, that—you cannot have progress without some semblance of order; you cannot have freedom without responsibility; you cannot achieve a better society by destroying society itself—and the law which is the foundation of our freedom.

I sorrowed with the millions who wept at Dr. Martin Luther King's death—I hoped with the millions who shared his dream of a new America—an America reformed without bloodshed and violence; and I bowed my head in shame that my own nation would kill two leaders of our time in a single, brief period of five years.

But I have never condoned—and I shall never attempt to excuse or justify—those who, with mindless anger, tear at the very