

Douglas resigns justice position; Ford appointee could tip scales

WASHINGTON (AP) — Justice William O. Douglas retired from the Supreme Court on Wednesday because of ill health, ending the longest tenure in the tribunal's history. His retirement opens to Pres. Ford an appointment that could tip the balance of power on the court.

Douglas, 77, said he would leave the bench immediately because "I have been unable to shoulder my full share of the burden." He suffered a stroke last Dec. 31.

He had served 36 years on the court. He had made his mark as a dissenter, a civil libertarian and a figure of controversy for his private life.

Twice there had been moves in the House to impeach him as a justice — the most recent led by then Rep. Gerald R. Ford.

It was to Pres. Ford that Douglas submitted his retirement letter, ending months of speculation that he would not step down until after the next election, in hopes that someone other than Ford would appoint his successor.

"...I hereby retire at the close of this day from regular active service as an associate justice of the Supreme Court of the United States," Douglas wrote Ford.

Ford's response was a letter of praise and "warm admiration" for the man he tried to have impeached five years ago. The impeachment effort never got beyond a special House committee.

The Douglas retirement gives Ford his first appointment to the Supreme Court. Four of the nine justices were appointed by former Pres. Richard M. Nixon.

Ford's coming appointment will mean that a majority of the court holds office by nomination of the Republican administrations that began with Nixon in 1969.

White House Press Secretary Ron Nessen said he had no information about a nomination to the court vacancy.

One name that figured in the guessing on Capitol Hill was that of Carla Hills, now secretary of Housing and Urban Development.

Among others considered to be prospects for the court appointment: Atty. Gen. Edward Levi; Shirley Hufstetler of Los Angeles, a federal appeals court judge; Mary Coleman, a justice of the Michigan Supreme Court; William Coleman Jr., secretary of transportation; and Sen. Robert Griffin of Michigan, deputy Republican leader in the Senate.

Two others who figure in the congressional speculation are Federal Judge Cornelia Kennedy and former Rep. Martha Griffiths, both of Detroit.

Senate sources said Sen. Griffin, a close friend and frequent Ford adviser, has said he would recommend the nomination go to a woman.

Ford's nomination will be subject to confirmation by the Senate.

First Lady Betty Ford had said she would try to persuade the President to put a woman on the high court, where none has ever served.

Chief Justice Warren E. Burger said Douglas' retirement ends a unique career that spanned the service of five chief justices "and sets a record that may never be equaled."

Barrett McGurn, court information officer, said Douglas made the decision to retire on his own, Wednesday afternoon in his chambers, and McGurn added, "None of the justices suggested it to him."

Douglas was on the bench Wednesday after being hospitalized twice in the past two weeks. He left about a 30 minutes before the court recessed for lunch.

He wrote the President that he had hoped to be able to continue as a justice. "I have learned, however, after these last two months, that it would be inadvisable for me to attempt to carry on the duties required of a member of the court," Douglas said.

"I have been bothered with incessant and demanding pain which depletes my energy to the extent that I have been unable to shoulder my full share of the burden."

Douglas wrote that he had been forced to leave the bench repeatedly during the past two weeks because of his pain. "I shall continue to seek release from this unabated pain but there is no bright prospect in view," he said.

Ford's reply was one of sympathy and praise. "...May I express on behalf of all our countrymen this nation's great gratitude for your more than 36 years as a member of the Supreme Court," the President said.



Photo by Greg Clark

So what does your program do?

The Asian American Student Organization was one of 40 groups present at Wednesday's ASUO Program Faire. The day-long event was an attempt to show University students how ASUO-funded programs spend their money. Initiated by ASUO Vice-Pres. Jim Davis, a similar event was presented last spring.

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State employment board declines decision on misconduct charges

By PATTY FARRELL
and WALT BENSON
Of the Emerald

A state Employment Relations Board (ERB) hearings examiner made no decision Wednesday on charges of misconduct during the recent University classified employees representation election.

The final ruling will come in December after another hearing is held to establish the classification of some University employees.

Board agent Roy Edwards heard testimony for seven hours from attorneys for the University and two bargaining agents. The American Federation of State, County and Municipal Employees (AFSCME) claims that the Oregon State Employees Association (OSEA) used University supervisory employees to solicit votes in their campaign.

AFSCME officially filed its complaint with the ERB against the University. They charged that the University "dominated, interfered with, and assisted in the formation, existence and administration of an employee

organization by allowing various employees officially designated by the employer as 'supervisory' to actively aid the Oregon State Employees Association."

Midway through Wednesday's hearing, Edwards and the three attorneys decided not to address the question of defining supervisory personnel. Proof of whether certain employees included on the University's list as excluded from participating in bargaining are in fact supervisory personnel will be decided at a separate ERB hearing this month.

OSEA staff attorney John Irvin contends that such determinations should not make a difference as to the legitimacy of the union's campaign.

"That determination shouldn't relate back to make these actions invalid," said Irvin. He believes that at this point, any exclusion status is only the opinion of the University and that only the ERB can make such a determination. "We should presume that employees have bargaining rights until it is determined that they don't have."

University attorney William Hoelscher pointed out (Continued on Page 15)

Two IFC incumbents win, one unseated

Two Incidental Fee Committee (IFC) incumbents won re-election to that body while another incumbent was narrowly defeated in ASUO general elections Tuesday and Wednesday.

IFC incumbents Jamie Burns and Dave Donley retained their seats with 373 and 339 votes respectively. Other winners (with vote tallies) were Gary Feldman (338), Jan Oliver (315), Tamanika Ivi (297), Glenn Watters (268) and John Blackmore (247).

Incumbent Mayra Nieves lost her seat with 245 votes. David Parr followed Nieves with 244 votes.

Other candidates being defeated in the IFC elections were: Jeannette Florey (237), Set Steve Herlocker (232), Keven Zook (169), Steve Kaufman (169) and Gloria Gonzales (135).

Also decided during the two-day election were four Student University Affairs Board (SUAB) slots and freshman class president and vice-president.

Newly elected SUAB members include Patti Norris,

who took 26 of the 37 votes cast for position 7 (health, PE, and recreation). James Whitty won the business and economics post 69-65. Mike McClellan and Phyllis Keasey took the biology and pre-med (No. 8) and psychology (No. 12) slots with 29-22 and 23-15 wins respectively.

Winners of the race for freshman class president and vice-president were Jeff Danielson and Larry Beard. Danielson took the frosh executive position 117-84 over contender Bruce Mills. In the vice-presidential race, Beard defeated Kari Sagin 102-93.

Candidates wishing to contest the election results may do so by calling for a recount by 5 p.m. today. A petition calling for the recount should be submitted to the ASUO vice-president with a \$20 bond to defray the cost of the recount. According to section 4.9 of the ASUO elections rules, all of the bond will be returned in the event of overturn of the election results or a reversed discrepancy of 11 votes.