

Goldberg to Succeed Frankfurter, a Legal Legend

By DOUGLAS B. CORNELL
of the Associated Press

No Hams For Goldberg

WASHINGTON (AP) — Supreme Court Justice-designate Arthur J. Goldberg declared recently he would not accept any gifts more expensive than a 20-pound birthday cake.

Goldberg described his interpretation of ethical conduct for government officials in a speech to the convention of the American Bakery & Confectionery Workers AFL-CIO.

The union had sent him an enormous cake to celebrate his 54th birthday last Aug. 8. Goldberg, who wrote organized labor's code of ethics, said Sen. Paul Douglas, D-Ill., had a rule barring any gifts that cost more than a 10-pound ham.

That, he said with a smile, did not seem an appropriate rule for a member of the cabinet named Goldberg. So he adopted the birthday cake yardstick.

Incidentally, he had the cake frozen and served it at a picnic for college students holding summer jobs at the Labor Department.

than attempt to carry on at a faltering pace.

President Kennedy immediately chose Secretary of Labor Arthur J. Goldberg to succeed the wiry, waspish little man with a big mind and a flair for piercing questions who had served on the nation's highest court for 23 years.

And the White House said a successor to Goldberg would be named promptly, too.

Goldberg's top assistant, Undersecretary W. Willard Wirtz, reportedly was on the list of persons receiving consideration. Assistant Secretary Esther Peterson, who said she is not a candidate for the Cabinet vacancy, got a fast, strong endorsement from state Sen. Frank Moss, D-Utah, as "the most capable person available at this point."

But there was a possibility also that Kennedy would reach outside his official family. He did that for the surprise appointment of Anthony J. Celebrezze as secretary of welfare.

Frankfurter's retirement and the Goldberg appointment were announced at the outset of a presidential news conference Wednesday.

It could have been no surprise that Frankfurter stepped down from the bench, and little surprise that Goldberg received the presidential nod to step up.

Frankfurter at 79 gave way to the inevitable inroads of mounting years and waning

health after his years of outstanding yet controversial service on the high court. He suffered a stroke April 5. His speech was impaired. He has been away from the court ever since.

With a twinge of pathos and a refusal to compromise with principle, Frankfurter wrote President Kennedy Tuesday of his decision.

In keeping with his years of pondering the law and the law books, Frankfurter started off by citing "28 U.S.C. Sec. 371 B, 68 Stat. 12"—the statute permitting his retirement.

"To retain my seat on the basis of a diminished work schedule," he said, "would not comport with my own philosophy or with the demands of the business of the court. I am thus left with no choice but to regard my period of active service on the court as having run its course."

In a warm letter of reply, Kennedy voiced for himself and all Americans "our respectful gratitude for the character, courage, learning and judicial dedication with which you have served your country over the last 23 years." It was characteristic,



ARTHUR GOLDBERG FELIX FRANKFURTER
Ailing Justice and His Successor

he said, that Frankfurter had taken the judgment of his doctors and "set it sternly against your own demanding standard of judicial effectiveness."

The Kennedy reply was de-

livered by his special assistant on national security affairs, McGeorge Bundy.

Goldberg happened to be at the White House about that time. The President was sending him to Chicago to try

to head off a strike of telegraphers against the Chicago and North Western Railway, and they had been talking about the dispute.

Kennedy, an aide said, told the secretary of Frankfurter's retirement, discussed the question of a successor, offered Goldberg the position and received an immediate acceptance.

Goldberg is 54, greying, usually smiling, always bouncing around with seemingly unflagging energy. He was among those mentioned for the Supreme Court at the time Kennedy made his first appointment to the tribunal, that of Deputy Atty. Gen. Byron R. White.

There are similarities and differences between Frankfurter and the man who promised to do his best on the court even though "I cannot fill the place of an eminent jurist as Mr. Justice Frankfurter."

Both Frankfurter and Goldberg are Jews. Both came from immigrant stock. Both battled their way upward.

Both battled, too, for unpopular causes they felt were right. But Frankfurter's legal background was largely that of the Harvard professor. Many of his students became "brain

trustees" in the New Deal days of President Franklin D. Roosevelt. Frankfurter was regarded as a crusading liberal in his earlier years and then as a conservative on the court.

Goldberg's 30 years of law were largely in the labor field. He had a key role in the merger of the AFL and CIO.

In Congress, words of regret that failing health had forced Frankfurter to retire were coupled with generous appraisals of Goldberg.

Senate Republican Leader Everett M. Dirksen of Illinois—Chicago is Goldberg's home town—said the cabinet member "measures up to every standard required for a place on the Supreme Court." Sen. Barry Goldwater, R-Ariz., a conservative, said he thought Goldberg would make a good justice and would win quick Senate confirmation.

A number of Democrats were equally ready with applause. For Frankfurter, in retirement as in his years of active duty, there are sure to be conflicting appraisals. Some lawyers have called him petty. Others have called him one of the greatest of all American jurists.

Some contended his fancy

Officers Named

UNITED NATIONS (AP)—The United Nations has named 21 officers from India, Ireland, Nigeria, Brazil, Sweden and Ceylon to serve on the UN military observer team assigned to supervise the cease-fire in West Guinea.

British Tycoon Dies

LONDON (AP)—Sir Eric Bowater, leading tycoon of the British paper industry, died Thursday. He was 67. Cause of death was not disclosed.

Early October Getaway Eyed Politics to Keep Congress in Session

By WILLIAM F. ARBOGAST
Of the Associated Press

WASHINGTON (AP) — Politics, which usually speeds Congress to adjournment early in an election year, may keep it in session beyond the end of September this year.

Too many members are vitally interested in primary elections and nominating conventions in the next few weeks to permit any action, at least in the House, on major controversial legislation.

The House has an unwritten but never-broken rule it will not vote on days on which members are involved in primary elections.

There are two such days next week, and leaders plan to schedule no bills controversial enough to require roll call votes. The House may meet only next Tuesday and next Thursday, as many members have Labor Day speaking engagements.

The following week finds nine states having primaries, while in the succeeding week New York has a convention and Massachusetts a primary.

The tip-off to abandonment of plans for adjournment in September came Wednesday when Rep. Otto Passman, D-La., told the House the annual foreign aid appropriation bill will not be called up until Sept. 19. Foreign aid legislation is in more trouble than usual this year, and leaders fear that to vote on the measure before all members return from the campaign trail may get into more trouble.

House Republican Leader Charles A. Halleck of Indiana said he is "hoping" for an Oct. 3 getaway.

Sen. Hubert Humphrey of Minnesota, assistant Senate Democratic leader, is eyeing Sept. 22 as the adjournment day but conceded that legislators might be held up as long as Oct. 3.

Shortly after classes started eight more white children entered the school, making a total of 25 white pupils.

Father Schneider, asked if any Negroes were expected for future classes, replied: "I just can't say."

A crowd of nearly 100 white persons gathered outside the school. Many carried placards protesting the desegregation, which was ordered last spring by Archbishop Joseph Francis Rummel for the entire 11-parish Archdiocese of New Orleans.

Excommunicated political leader Leander H. Perez Sr. had predicted a total white boycott of the Catholic school. All the pupils Thursday came from the Boothville-Venice area south of Buras, which spectators said is an anti-Perez community.

The Roman Catholic hierarchy picked this town in the heart of Perez' political domain near the mouth of the Mississippi River for the first parochial school desegregation in Louisiana.

Perez, president of the Plaquemines Parish (county) Council after years as district attorney and judge, was expelled from the Roman Catholic Church last spring.

An ardent segregationist, he urged defiance of Archbishop Rummel's directive.

The school had about 340 white pupils last year.

Women Climbers

MILAN, Italy (AP)—Fulvio Camplotti is devoted to mass mountain climbing. He has led 100 women on a climb of 15,203-foot Monte Rosa, and later took several children. Next week he will lead 29 women, all qualified Alpinists, up 15,781-foot Mont Blanc.

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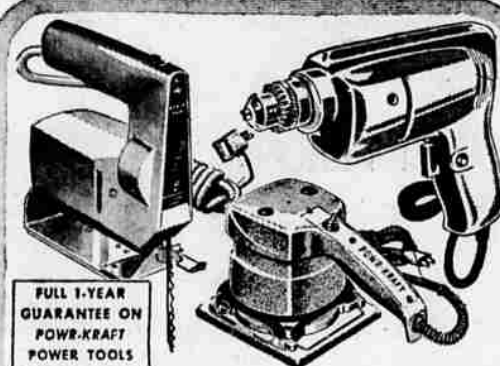
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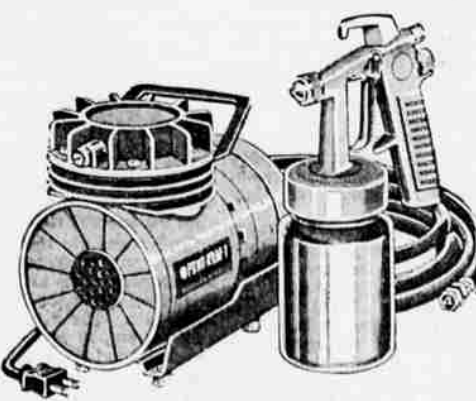


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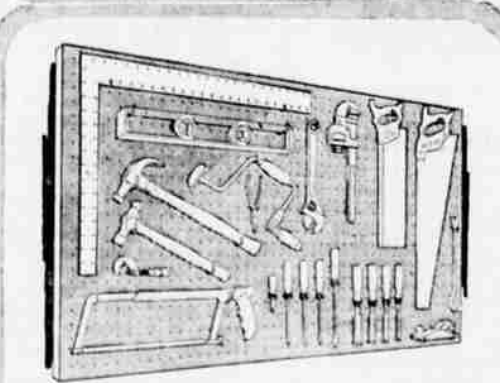
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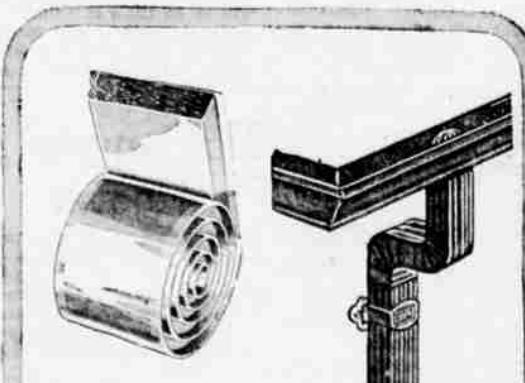
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