

# Goldberg Still Man of Action, Observers of Justice Maintain

By WILLIAM J. EATON  
United Press International  
WASHINGTON (UPI)—"You know me—I'm an activist."



JUSTICE GOLDBERG—Arthur J. Goldberg described himself as "an activist" when he was labor secretary and many observers don't think he has changed much since he became a Supreme Court justice. Here he poses in judicial robes (UPI)

intervention in labor disputes and his frequent White House calls on President Kennedy.

The phrase expressed his philosophy that major problems should be attacked boldly—not avoided—even if a solution was not always possible to achieve.

The same spirit animated Arthur J. Goldberg, labor lawyer, during his many years as a negotiator for the Steelworkers' union and major adviser to the AFL-CIO in its crisis over union corruption in 1957.

Many observers believe they detect the same "activist" under the black robes that Supreme Court Justice Goldberg now wears, during his second year on the bench.

Authors Major Opinions  
Even though he is the junior justice, he wrote several major opinions for the high court's majority during his first term. He is one of the most active members of the court in questioning attorneys during oral arguments. And he stayed in Washington most of the past summer when other justices were vacationing, and acted in many matters that required attention during the long recess.

Almost invariably, Goldberg disqualifies himself from cases involving labor-management conflict. He said upon his appointment to the high tribunal that he would consult his fellow justices if he ever had any doubts on this score.

His first-term decisions have placed him in the category described by court observers as "liberal," and he was the swing-man on several 5-4 decisions. In these cases he usually was allied with other "liberals"—Chief Justice Earl Warren, Justices Hugo L. Black, William O. Douglas and William J. Brennan Jr.

Like many Supreme Court justices, Goldberg deprecates this type of classification system on the grounds that no justice can be so precisely pigeonholed.

Disclose Interests  
Goldberg's decisions disclose strong interests in civil rights, administration of justice, due process and the so-called search-and-seizure issues.

He spoke for the majority in a prodding-type opinion that declared "all deliberate speed" in the 1954 school desegregation cases did not mean that a snail's pace was justified in 1963.

His voice also was raised on behalf of a five-man majority which:

—Ruled that a native-born American cannot be stripped of his citizenship by going abroad in time of war emergency to avoid military service. This is punishment without due process of law.

—Emphasized that states must give poverty-stricken defendants as good a chance to appeal their criminal convictions as rich men enjoy.

—Declared that the Miami leader of the National Association for the Advancement of Colored People could not be compelled by a state legislature's investigating committee to bring the NAACP membership list to a hearing.

—Ruled that the New York Stock Exchange was subject to the anti-trust laws when it did not give notice and fair hearing to a firm suspended for alleged misconduct.

other unions from the AFL-CIO in 1957 when Goldberg was counsel to the labor federation. In holding that the New York Stock Exchange was required to give notice and a hearing to a firm suspected of wrongdoing, Goldberg said in a footnote: "The basic nature of the rights which we hold to be required under the antitrust laws in the circumstances of today's decision is indicated by the fact that public agencies, labor unions, clubs and other associations have, under various legal principles, all been required to afford notice, a hearing and an opportunity to answer charges to one who is about to be denied a valuable right."

Goldberg also has publicly criticized in strong terms the defiance of Supreme Court rulings. Those who heard him speak at an American Bar Association dinner in Chicago assumed he was aiming his remarks at southern officials and judges who refuse to follow the court's decisions on racial segregation.

One highly placed observer of the court believes that Goldberg's "Catholicity of interest" and energetic performance may well make him a driving force on the court within a relatively few years.

Others feel he does not show the self-restraint they believe is proper for a high court justice. This criticism was heard after his role in the abortive railroad arbitration plan.

Many lawyers said Goldberg should not have agreed to the President's request on grounds Supreme Court justices should remain insulated from controversies that are not brought before them in legal form. Judges, according to this theory, should not expose themselves to needless criticism.

Goldberg Differed  
Goldberg took a different view. He felt that arbitration is a judicial function that does not involve any dilution of the traditional separation of powers. Since the railroad case was to be decided before the fall term began, he believed it would not leave the court short-handed.

Friends of the Justice, however, are convinced that President Kennedy's public espousal of his former labor secretary as an arbitrator without getting advance approval from both sides was not done with the knowledge and consent of Goldberg, who was in the Virgin Islands at the time.

They believe there was a misunderstanding on laying the ground work for the plan which resulted in the unions' public rejection of the Justice as a neutral in their dispute. He still takes a keen interest in industrial relations. But Goldberg tells visitors that he does not miss his former headline-making life as a cabinet member because he very much enjoys the world of great legal issues.

### American Women Own Majority of Wealth

NEW YORK (UPI)—We've all suspected it right along, but someone nonetheless took the time and trouble to establish by survey that women own 70 per cent of all the private wealth in the country, 65 per cent of the savings accounts, and 52 per cent of "Big Board" securities. And now, the surveyors claim, women have established a stronghold in a relatively new sector, mutual funds.

### BOARD TO MEET

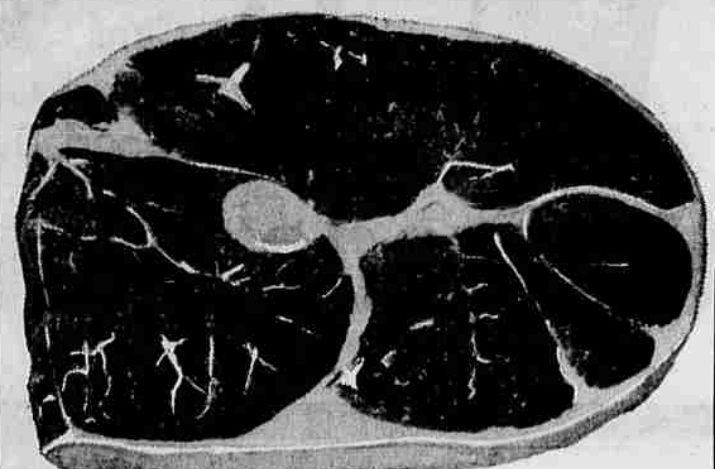
SALEM (UPI)—The next regular meeting of the State Board of Aeronautics will be held Nov. 18 at the board offices here, it has been announced by director Robert W. Dunn.

### TRAINS COLLIDE

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