

Herald and News

Editorial Page

Judiciary Judged Good

The newly expanded federal judiciary faces two big tests as the fall court term gets under way. It will be measured for the overall quality of its work, and by the vigor of its assault on a mountainous backlog of unsettled cases.

On this latter point, Chief Justice Earl Warren, long an advocate of a drastic speed-up, now renews his urgings.

Recently the Judicial Conference of the United States, a co-ordinating group of top federal judges, adopted a resolution asking that the 11 circuits in the United States system view as "judicial emergencies" all cases appropriate for trial which have been pending three years or more; 7,085 cases fall into that class.

Each circuit is urged to draw up a plan with a specific final deadline for the trial or other disposal of all such cases in its jurisdiction.

The cleanup effort will be handicapped by the fact that only 37 of the 73 new judgeships established by Congress this year have been filled. Another 17 were named by President Kennedy but not confirmed by the Senate. The other 19 are still to be chosen.

The President may further accelerate the attack on the case backlog by handing recess appointments to the 17 with pending nominations—and perhaps another dozen.

But on a handful of the pending nominations a fight may develop when Congress re-

turns. At least two, Irving Ben Cooper of New York and Ben Green of Ohio, face challenges on grounds of unfitness. This list may grow.

Yet despite these simmering conflicts the administration's record on appointments has been dubbed "splendid" by Bernard Segal, head of the American Bar Association's standing committee on the U.S. judiciary. His group advises the government on all seriously considered candidates, but its recommendations are not controlling.

These findings are released only after public hearings. Of 52 thus disclosed this year, the ABA rated 14 nominees qualified, 27 well qualified, nine exceptionally well qualified. It disapproved just two. Both of the latter were subsequently confirmed anyway.

Altogether the administration has had to cope with 120 appointments, since in addition to 73 new posts there are 47 vacancies created by death, retirement or expiration of term. The total comes to 30 per cent of the whole U.S. judiciary—and compares with the 106 judgeships Franklin D. Roosevelt filled in 12 years.

Laymen, noting the enormity of the job, can do little but rely on the bar association's professional judgment as to the administration's total performance to date. That judgment clearly is that our federal courts are, generally, getting fresh injections of good quality.

Are All The Best Men Democrats?

(Corvallis Gazette - Times)

In answer to the above question we know several people who, in their most unprejudiced judgment, would answer a resounding "Yes". But most people will admit that there are good thinking people in both political parties.

The subject that brings the question to the fore is that almost everyone in the Kennedy administration seems to agree in principle that the best qualified individuals should be selected for Federal judgeships, without regard to their political affiliations. Thus, it must be a coincidence that, to date, almost all of those deemed best qualified happen to be Democrats.

Since taking office, President Kennedy has nominated 60 Democrats for places on the Federal bench—and there are 48 more such posts waiting to be filled. Only three Republicans have been chosen to be Federal district judges; in each case they were nominated originally by President Eisenhower and their nominations not withdrawn.

Mr. Kennedy, as a candidate in August

1960, specifically stated: "I would hope that the paramount consideration in the appointment of a judge would not be his political party, but his qualifications for the office." Bernard G. Segal, chairman of the American Bar Association's Standing Committee on the Federal Judiciary, pointedly reminded the candidate that "Any policy of appointments based on qualifications will inevitably result in an appreciable number of appointments from the opposition party."

Non-partisan intentions have a way of getting lost in the tough world of practical politics. Infighting over patronage is one of the reasons that a large number of judicial vacancies remain to be filled. We realize further that Mr. Kennedy has been rather concerned over such matters as Berlin and our prestige abroad so he doubtless has left the selection of judges to some minor functionary, who is not as interested in the President's campaign promises as he himself would be if he had time to go over the rather formidable list and do something about each one.



EDSON IN WASHINGTON... Thant Dark Horse For Top UN Post

By PETER EDSON
Washington Correspondent
Newspaper Enterprise Assn.
WASHINGTON (NEA) — Mention of U Thant of Burma as a dark horse possibility to succeed U.N. Secretary-General Dag Hammarskjöld brings into Western limelight a little-known Asiatic diplomat.

There is no assurance yet that U Thant, Mongi Slim of Tunisia or anybody else will or will not get the job. As it moves into its fourth week of debate without having done anything, the general assembly is still trying to find an acceptable formula for naming Hammarskjöld's successor.

Numerous intermediaries from the Soviet Union have all brought out different versions of Russian proposals. Every one was a feeler. None was reduced to writing nor made definite enough for serious negotiations.

It was for this reason that the United States felt it necessary to restate its unchanged support for an interim secretary-general with full authority, named by the general assembly without a controlling group of three or four or five undersecretaries, and without political representation of any kind.

Selection of U Thant may be a compromise solution for this otherwise insurmountable difficulty. He has not pushed himself as a candidate. When his name was first suggested just after the assembly convened, the Burma statesman said he would have to ask his government if he could accept. That approval has been given.

He has been coming to the U.N. for 10 years, and for the last four has been head of Burma's permanent delegation. He knows the political ups and downs of the U.N. skyscraper and the sideways movements of its delegates' lounge.

He has the respect of his colleagues in the Afro-Asian bloc of new nations and was their chairman last year.

One principal criticism of his candidacy is that he has never held a high position in his own government. But neither had Trygve Lie nor Dag Hammarskjöld when they were named secretary-general. Their reputations were national and regional.

U Thant is 51 years old. After graduation from Rangoon University he became a high school teacher and headmaster. He was on the board which reorganized the educational system when Bur-

ma became independent after the war.

In 1947 he became press director for the Burmese government and then director of broadcasting. He became secretary to Prime Minister U Nu in 1953, then secretary of the cabinet.

American newspaper correspondents who have covered U Thant's office in both Burma and New York have found him to be a talented executive in a quiet, genteel way.

He is also a tough administrator; unyielding, impossible to push around. He did some effective work in curbing Burmese Communists. At the U.N. he has on occasion squelched even Gromyko in short, pointed speeches he writes himself, in longhand.

U Thant is a Buddhist. A man of that faith would be something different in high international councils, but his philosophy might contribute a great deal to world peace.

In his speech during U.N. general debate last year, U Thant pointed out that the main obstacle to peace was the world's division into two hostile, ideological camps, "each suspicious and fearful of the other and both scrambling to entice recruits into their respective ranks."

This would seem to mark U Thant as a neutralist. But he observed that peace cannot be established by passive neutralism.

U Thant has urged continuous efforts to reach some agreement on disarmament. And he has been an active supporter of the idea that a ban on nuclear testing is an essential preliminary to an agreement that will halt the arms race.

He supported Red China Chou En-lai's proposal of 1959 for clearing Asia and the Pacific of all nuclear weapons, not questioning its good faith.

U Thant supported Secretary-General Hammarskjöld's actions in carrying out security council resolutions in the Congo. He declared that his government saw no need to modify the secretary-general's functions nor to reorganize his office.

"The Congo," he said, "marked the start of a new phase in U.N. evolution. It is our fervent hope that it will emerge as the world's indispensable agency."

With the world in a period of acute crisis, he regarded as a most hopeful sign the fact that all significant campaigns in the cold war are being fought out in the U.N.

Gambling With World's Future

By LEON DENNEN
NEW YORK (NEA)—Berliners are again "voting with their feet" against communism.

Only now it is West Berliners who are moving to West Germany for fear that their city will ultimately fall into the clutches of Premier Khrushchev's East German puppet, Walter Ulbricht.

Western diplomats take comfort in the fact that the exodus has not yet reached the proportions of a panic. Yet the mental picture of this retreat haunts me as I return from three months of reporting in Europe.

Despite President Kennedy's promise to defend the right of access to West Berlin, thousands are quietly leaving or making plans to leave the beleaguered city.

In the view of West Berliners, the doom of their city was sealed last August when Ulbricht built his concrete wall which now separates East from West Berlin and when the West failed to knock it down.

myth that firm loyalty to the West means safety from Red encroachment.

Ordinary Europeans say they are no longer convinced that the West is in a position to negotiate with Moscow more than a face-saving solution in exchange for recognizing the East German Communist regime.

A prominent East German Communist who recently escaped West said: "Since Ulbricht was permitted to seal off East Berlin, West Berlin is no longer a bulwark against communism."

"West Berlin is still a symbol of freedom but what man in his right mind would fight an atomic war for a fading symbol?"

East Germans asserted Ulbricht and his henchmen never expected to get away with the sealing of East Berlin so easily. They were nervous about possible Western countermeasures. When these did not come, nervousness gave way to arrogant self-confidence.

Last summer Europeans were still certain that the unity of Berlin would be preserved. As I left I heard the question: "Will the free world survive?"

In Belgrade and in East and West Berlin, in Paris and London I was repeatedly asked whether President Kennedy actually meant it when he said: "We intend to have a wider choice than humiliation or all-out nuclear war."

The American President still is popular among ordinary Europeans. His courageous speeches are written in a language that Europeans love to read. The right word spoken by the President at the right time usually gives to the man-in-the-street a lift.

But gradually dismay is beginning to creep in. The ordinary European can hardly be blamed for being confused and frightened by the conflicting statements on Berlin and the recognition of Communist East Germany by influential Americans such as Senators Mike Mansfield and J. W. Fulbright and Gen. Lucius Clay, President Kennedy's special emissary in West Berlin.

Europe watched as in a state of hypnosis — like in a tale of Kalka — the construction of Ulbricht's wall behind which terror will prevail and freedom will be excluded forever more. One began to sense how the credit of our President—and of America—was ebbing away.

"What does the future hold in store for us?" ordinary people began to ask me.

"Is Kennedy's new frontier Ulbricht's wall?" was one sardonic question.

Only closed minds are against East-West negotiations about Berlin. But the consensus of Europeans—intellectuals, labor leaders and ordinary men—was that President Kennedy must insist on the razing of Ulbricht's wall before he sits down to negotiate with Khrushchev.

They are convinced that if the Allies permit Khrushchev to violate all existing agreements on the four-power control of all Berlin his puppet Ulbricht will only be encouraged to further aggression.

If the West can be frightened by Moscow's atomic blackmail why should not the Communists use it again and again to impose the Kremlin's will on so-called "hostage" nations like Britain and France and ultimately on the United States as well?

The memory of Munich and the disastrous war that followed is still fresh in the minds of Europeans.

THE WORLD AT STAKE

This in capsule is how Leon Dennen, veteran Newspaper Enterprise Analyst, sees the international situation after three months of intensive reporting in Europe.

Dennen has covered the Berlin crisis and the Belgrade conference of unaligned nations. He has talked with diplomats, intellectuals, neutralist leaders, East German and Russian Communist, West German government officials, labor leaders and men on the street in Germany, France, Yugoslavia and England.

His conclusions:

Russia does not want war. Russia hopes to get the rewards of war from President Kennedy by negotiation.

If the U.S. knuckles under in Berlin the West will lose West Germany to neutralism and NATO will collapse.

It would be a grave error on the part of the Western leaders to underestimate the impact of this action on the German people.

It would be another mistake to ignore its effect on Europeans of all walks of life or on the leaders of the neutralist nations whom I recently met at the Belgrade conference.

For the Germans, the open door of Berlin was precious because it was the last remaining breach in the wall between East and West Germany. Its slamming awake the sense of national emergency.

Ulbricht's wall expelled the

Almanac

By United Press International
Today is Friday, Oct. 13, the 286th day of the year with 79 to follow in 1961.

The moon is approaching its first quarter.

The morning star is Venus.

The evening stars are Jupiter and Saturn.

On this day in history:

In 1775, the Continental Congress ordered construction of a naval fleet, thus originating the U.S. Navy.

In 1792, the cornerstone of the President's house, the first public building to be built in Washington, D.C., was put down by George Washington.

In 1943, Italy declared war on its former ally partner, Germany.

A thought for today: Ali Ibn-abu-talib, the Arabic philosopher said, "He who has a thousand friends has not a friend to spare."

Therefore let us be grateful for receiving a kingdom that cannot be shaken, and let us offer to God acceptable worship, with reverence and awe.—Hebrews 12:28, First worship God.

He that forgets to pray Bids not himself good-morrow Or good-day.

—Thomas Randolph.

DOWN

1 Curves

2 Soviet river

3 Desert

4 Wipe out

5 Spout

6 Turn right

7 Sarcasm

8 Vegetable

9 English river

10 Decimal digit

11 Short dagger

12 Proven dessert

13 Fruit

14 Confined

15 Food fish

16 Italian money

17 Flower

18 Way of cooking

19 Pastoral home

20 Meat dish

21 Popular French food

22 Breakfast bread

23 Chinese city

24 Feminine application

25 Food seasoning

26 German river

27 Wages

28 Decrees

29 Sand hill

30 Mentally sound

31 Breakfast bread

32 Chinese city

33 Feminine application

34 Food seasoning

35 German river

36 Wages

37 Decrees

38 Sand hill

39 Mentally sound

40 Breakfast bread

41 Chinese city

42 Feminine application

43 Food seasoning

44 German river

45 Wages

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