

EMERGENCY LIBERTY LETTER NO. 24

November 3, 1969

HAYNSWORTH CONFIRMATION CRITICAL  
Defeat Would Neutralize Constitutionalism on the Bench

Will the Supreme Court ever return to constitutionalism if Judge Clement F. Haynsworth, Jr., fails to obtain clearance in the Senate?

No one knows, but the anti-constitutionalists are certainly trying to keep Judge Haynsworth from the Supreme Court.

They have been leading a baseless, scurrilous attack upon Judge Haynsworth in defiance of the truth. Why? Because if Haynsworth is defeated, then Nixon may not have the political courage to nominate other constitutionalists to vacancies as they arise from time to time. Therefore, we must bend every effort to persuade uncommitted Senators that Judge Haynsworth needs their support.

You are receiving this Emergency Letter today because at least one of your Senators is considered to be uncommitted. It is not being sent to all subscribers. Your country needs YOU--now.

What are the facts about Judge Haynsworth? LIBERTY LOBBY has waited for authoritative presentations so that a value judgment could be made about the case. Recently Clark R. Mollenhoff, Deputy Counsel to the President, published a nine-page, legal size memorandum in which he explained the charges against Judge Haynsworth and the facts relating to them. The real issue here was forthrightly expressed by Mr. Mollenhoff as follows:

He (Senator Bayh) states there is no charge of dishonesty on the part of Judge Haynsworth. He says the question is not whether Judge Haynsworth is dishonest, but simply whether Judge Haynsworth meets "the demanding ethical standards required of an Associate Justice of the Supreme Court." If there is a lack of candor, it is not on the part of Judge Haynsworth. If there is lack of public confidence in the judiciary, it is not because of any acts by Judge Haynsworth.

Mr. Mollenhoff has disposed of all the allegations made against Judge Haynsworth. We summarize his findings as follows:

(OVER, PLEASE)

Liberty Lobby

1. President Nixon has examined the allegations against Judge Haynsworth and said, "There is nothing whatsoever that impeaches the integrity of Judge Haynsworth."
2. The six other judges of the Fourth Circuit, with full knowledge of the charges against him, stated their "unshaken confidence" in the ability, the honesty, and the integrity of Judge Haynsworth. Those judges are Simon E. Sobeloff, Herbert S. Boreman, Albert V. Bryan, Harrison L. Winter, J. Braxton Craven, Jr., and John D. Butzer.
3. Many Senators who say they are going to vote against Judge Haynsworth claim to be doing so because there is "considerable public doubt" about him. The public doubt has been created largely by the continued circulation of false and misleading statements, and irresponsible accusations.
4. The spokesman for the American Bar Association and also a leading authority on judicial conflicts of interest have stated that Judge Haynsworth under the standard federal rule should not have disqualified himself, and had a duty to sit on the so-called Darlington cases.
5. Senator Cook has fully and adequately answered the allegations that Judge Haynsworth should have disqualified himself in at least five cases because of "substantial" stock interests.
6. Sen. John J. Williams, of Delaware, has exploded the so-called Bobby Baker aspects of the case as unfounded "guilt by association."

What You Can Do

1. WRITE, WIRE, AND/OR TELEPHONE your two Senators NOW and urge them to support the nomination of Judge Haynsworth.
2. ASK your friends--especially influential ones--to write, wire, and/or telephone your two Senators.
3. PLEASE SEND at least one dollar in the enclosed envelope to help cover the cost of this important, special, emergency mailing. Send to LIBERTY LOBBY, 300 Independence Ave., S.E., Washington, D.C. 20003

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Dear Colonel Dall:

I have taken the action indicated by your Emergency Letter. Enclosed is my contribution of \$1 (if more, indicate amount \$ \_\_\_\_\_) to underwrite the cost of this important message.

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