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WEDNESDAY, June 29, 1949.

Judgeship Restrictions

The Senate-approved restrictions on new District Court judgeships have the desirable objective of insuring representation on that tribunal of judges who have benefited from the actual practice of law. The restrictions also would prevent selection of the three new judges from present or recent employees of the executive establishment. But there is little wisdom in writing into law such limitations on presidential appointive powers.

Under the McCarran amendment, all three nominees for the proposed new District Court vacancies must have been "actively engaged in the private practice of law" and must have been free of any Federal employment for three years preceding their appointment. Two of them must have been engaged in the private practice of law in the District for at least five consecutive years prior to appointment. The restrictions would apply permanently to three District Court judgeships.

Chairman McCarran of the Judiciary Committee told the Senate the provisions are intended to give the District Bar adequate representation on the court and to control a tendency in recent years to give most District Court judgeships to Government attorneys, some of whom have had little or no experience before the bench. But, as Senator McGrath of the District Committee pointed out on the floor, no such standards for other Federal judgeships outside of the District, but nothing else. Senator McGrath expressed his belief that the President would veto the whole judgeship measure if such a limitation were imposed on him. It would automatically exclude from presidential consideration men who might be exceptionally well fitted to serve on the District bench, but who lacked a few months of practice to qualify, or who had accepted a call to Government service within the three-year period.

The President should not be handicapped by an inflexible legal provision in seeking the best possible men for the three additional District Court judgeships provided in the pending legislation. No such restrictions would apply in the case of the three new appellate court judgeships. The Senator's action may have a salutary effect, however, in bringing to the attention of the President and the Attorney General the desirability of choosing for these posts lawyers who, in addition to other qualifications, have had the advantages of court experience. And if it will induce the Attorney General, who makes recommendations to the White House, to give more consideration to candidates suggested by the District Bar Association, so much the better. But The Star believes that the prospect of a presidential veto on the vital judgeship legislation as a whole and the questions as to the propriety, if not the constitutionality, of restricting the presidential appointive powers, warrant elimination in conference of the McCarran amendment.

The Belgian Elections

The outcome of the Belgian parliamentary elections has several interesting aspects. The outstanding one is the failure of the Social Christian Party to obtain an outright majority in the next Chamber of Deputies, which would have enabled it to do away with the present coalition arrangement and form a cabinet exclusively its own.

The Social Christians represent the conservative and clerical elements in the population. The party likewise reflects the linguistic and cultural division of Belgium between Flemings and Walloons. The Flemish-speaking part of Belgium is more strongly Roman Catholic, more conservative in outlook, and more rural than the Walloons, who speak French and include the chief urban and industrial areas. Although the two racial elements are approximately equal numerically, the Flemings tend to vote more as a unit, whereas the Walloons tend to divide between the Socialist, Communist and Liberal parties. The result is that the Social Christians have long been the largest single party in parliament, though they have not in recent years been able to transform their plurality into a majority.

This was their aim in the current election. They were encouraged by the fact that, for the first time, women exercised the franchise, and women slightly outnumber men in Belgium. Since women are traditionally supposed to be more clerical than men, the Social Christians hoped to benefit notably. Their leading plank was the return of King Leopold to the throne in place of his younger brother, Prince Charles, who has been ruling as Regent ever since the end of the war. The King's return is a complex and highly controversial issue, involving his wartime attitude toward the Germans and his morganatic marriage to a lady who comes from a distinguished Flemish and clerical family. In order to effect their proposal for a plebiscite on the King's return, the Social Christians would have had to get a majority in parliament, all

the other parties being opposed to the idea.

The Social Christians, however, have not won a majority. They will thus have to make a coalition arrangement with one or more of the other parties. The existing coalition was between them and the Socialists. But the election returns indicate that the Socialists barely held their own, whereas the Liberal Party made surprising gains, virtually doubling its existing representation in the Chamber. This indicates middle-class discontent with high taxes, cost of living and Socialist-backed nationalization and welfare projects. A conservative-liberal coalition thus becomes a political possibility, leaving out the Socialists, though the obstacles might be many.

The final aspect of the current elections is the poor showing of the Communists. They have lost approximately one-half of their voting power in the previous election, and will have only a dozen seats in the next Chamber. Since there will be a total of 212 seats, this reduces the Communists' representation to a negligible fraction.

The Best Way Out

The apparent reluctance of the President to be put in a position where he would have to cut from 5 to 10 per cent out of the funds appropriated for the executive establishment in the next fiscal year is understandable. But it is beginning to look as though this is the best, if not the only, way to avoid a deficit of well over a billion dollars.

It is, of course, the responsibility of Congress to appropriate funds, and there is more than a suggestion of politics in the Republican-dominated move to pass the buck to the President. There is one curious aspect of this situation. In former years there has been agitation, endorsed by the White House, to give the President the power to veto selected items, and the present proposal is very similar to that. A decade ago, however, Congress was strongly opposed to such a plan. Now, it seems, the opposition comes from the other end of Pennsylvania avenue.

Be that as it may, the fact remains that sixty-one Senators have signed a petition directing the President to make the economy cuts, and enough others have signed their support to indicate that a veto of the proposal would be overridden in the Senate.

What Majority Leader Lucas will do in this situation is uncertain. His position has wavered, but he seems to be against the plan, presumably in line with the President's wishes. Five weeks ago, however, Senator Lucas said he was opposed to Republican efforts to trim each appropriation bill 5 per cent, and that Republican economy effort collapsed. But at the same time the Majority Leader said he would support a move by Democrats on the Appropriations Committee to work out some formula for economy.

It looks as though Mr. Lucas now has that formula. He does not seem too happy about it, perhaps because of the preponderance of Republican signatures on the petition, but he must know that the choice is between this plan and a deficit. And he must also know that the administration cannot escape the obligation to do its best to avoid a deficit simply because the Congress dodged its responsibility.

Secrecy Can Hurt

There is nothing particularly new in what Dr. Karl T. Compton has just said about secrecy and security. But it is the sort of thing that needs to be restated and re-emphasized in these days when all too many people seem to have the idea that rigid and wholesale controls on scientific information will automatically promote the safety of the Nation.

Nothing could be less true. Speaking as chairman of the Research and Development Board, our top agency for scientific planning, Dr. Compton has reminded everybody that secrecy and security are far from being synonymous. Of course, in such fields as atomic energy and guided missiles, common sense demands that restrictions be placed on various types of information. But common sense also demands, as Dr. Compton has warned, that those restrictions should not be carried to excess, for if they are, then they are likely to hurt us much more than they will help.

Actually, excessive secrecy can be dangerous. An iron-curtain atmosphere is not conducive to the development of new ideas. In Dr. Compton's words, science flourishes best under conditions that permit free inquiry. Restraints hold it back, put a brake on its progress, handicap it wherever it needs to move without blinders. If in the field of A-weapons, for example, we should allow only twenty-five experts to know about a project that could be handled better if fifty knew about it, some other country conceivably could catch up with us or outstrip us in the atomic race.

Unfortunately, given the kind of world we have, a large measure of secrecy is necessary. As Dr. Compton has said, however, such secrecy is "the negative or defensive aspect of security," and we must be on guard against the danger of carrying it so far that we impede the "continual technological progress" on which we must primarily rely to keep the Nation secure. The point should be mullied over by anybody who supposes that the way to be safe is to place everything in impenetrable darkness.

Frederic D. McKenney

During more than sixty years Frederic Duncan McKenney exemplified in Washington the conception of De Tocqueville that "the profession of law is the only aristocratic element which can be amalgamated without violence with the natural elements of democracy, and which can be advantageously and permanently combined with them." His view of the work of courts was that it should represent the principle of government by the best qualified in terms of honor and equity. He sought by his own devoted endeavor to strengthen the profession to which by deliberate choice he belonged. None of his contemporaries held the bar in higher esteem or greater affection.

The story of Mr. McKenney's career is a story of natural growth. He was born to his vocation as the son of the seventh clerk of the Supreme Court, an officer who held that post from 1858 to 1913. The

manner as well as the bent of his mind was largely the making of his father. He was graduated from both Princeton and what now is George Washington University. His closest associates included such distinguished practitioners as Samuel F. Phillips and Wayne MacVeagh, both first-rate lawyers. He appeared with success and distinction before the ultimate tribunals here and abroad. His knowledge of international jurisprudence was profound. At home he contributed to American industry and commerce the counsel of a disciplined yet a creative mind.

Not everybody knew him intimately. Mr. McKenney was no seeker after personal followers. He would not have lifted a finger in the interest of fame. His objective instead was the quiet satisfaction of adding to peace and order in the world. Above everything else he wanted a balanced, fundamentally equitable civilization. His long years of faithful application to that purpose were constructively spent, so that it might be remarked of him that he was in effect "an architect" as Scott employed the word in "Guy Mannerling"—a builder of a tolerable society.

No Cause to Investigate the FBI

It is reassuring, though not surprising, to learn that President Truman has no intention of ordering an investigation of the Federal Bureau of Investigation and its methods of operation. He has acted wisely in announcing this fact publicly through a White House spokesman. The announcement should put an end to the clamor by some critics of the FBI—for an "impartial" study of the bureau's investigative, reporting and filing policies.

The demands for an investigation of the investigators came in the wake of the disclosure of confidential FBI files at the Coplon trial. The disclosure was made against the advice and over the protest of Director Hoover. But the release of the records does not justify the attacks which have been made on Mr. Hoover and his agency by those who were shocked at the publication of "unevaluated information." From all reports, Mr. Hoover, too, was shocked that they were published. The files in question are no different, in the nature of their content, from those in other intelligence organizations. The FBI uses the same questioning techniques, records its findings and holds its reports for future reference in the same way that other investigative agencies in this country and abroad do. There is nothing in its long record under Mr. Hoover to warrant fears of witch-hunt tactics or other abuses of its authority. And until there is some evidence of such tactics or abuses, there is no reason to conduct the proposed investigation.

This and That

By Charles E. Tracwell

"ALEXANDRIA, Va.
"Dear Sir:
"The American egret has returned. Last night I saw five wading in the marshes at Four-Mile Run, just south of the National Airport. Last year, I did not see any until August. Perhaps we're going to have even more of these spectacular birds with us this year. I hope you'll devote a column to this very interesting visitor.
"Yours very truly, B. W. Jr."

They are truly beautiful birds, these egrets, now making a comeback in the South. The National Capital is glad to have them come here.

They are, however, no prettier than our other birds. They are larger than some of the other water birds, but not particularly more beautiful. Nor are their habits any more interesting.

A nice gull, for instance! There is a good one.

It is always interesting, more so to some than others, to see something rare.

And the egret is a rare one, at least has been for many years.

Since the comeback started, dozens of them have been seen along the East Coast, as far as New York and even in lower Massachusetts.

As far as we are concerned, we will take a blue jay, or a cardinal, or a chickadee!

These are fine birds, too, and appeal to thousands because they come to their very doors.

There is something especially appealing, these people think, to the dooryard bird. Dooryard is a word once used more than it is today. During the Civil War and thereafter, people often spoke of dooryards. Today we say gardens. In the old days, people planted little gardens at doors. They did not have the idea of foundation planting, as we say. Some of the old-fashioned dooryard gardens were filled with annual blossoms. They used well known flowers, the simple things one could "start" from a cutting, or from plants given by a neighbor. The idea of foundation planting came in with modern real estate developments. Folks did not want to wait and do their own planting when they bought a house. They wanted the builder to do it for them. It was the beginning, perhaps, of that essentially modern idea, to permit some one else to do what one ought to do for one's self. In the old days every one had a shotgun and a pistol, and was ready to defend his own home, but now he wants to call the police. Clean people walk along and see trash on the street but they seldom, if ever, stop to pick it up. That is some one else's job, too. We are very departmentalized.

The old days, often sneered at, had many good points. An egret was no rarity, then. There were plenty of them. People hadn't killed them off for their feathers. Farther back, the passenger pigeons gathered by their millions. They, too, were no rarity. They were all killed off. Conservation work has not been thought of, then. Every man was his own killer, in the old days. There was some individuality about it. Nowadays we kill in packs, called regiments.

Watch the egrets, when you get a chance, but do not despise the little plain birds, some of them, that come to our dooryards.

The egret is big, 40 inches of him, with no crest, but with a plume springing from the back and extending beyond the tail.

Plumage is entirely white. The bill is yellow, the feet black.

The egret is more picturesque, certainly, and larger—

But a brown creeper is a beauty, too, though he is but a few inches long.

Over the years, the creeper is more valuable to man, because he creeps over our trees and cleans them of harmful insects.

He is a pleasant little fellow to have around, one of the sturdy band of home birds that steadfastly refuse to lurk near rivers but are willing to make their homes at our little places in the suburbs.

Let us value them and realize that a creeper on his tree is quite as spectacular, in his way, as an egret on the river. It is the beauty of bird watching that we can have

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