

DEMOCRATS

Dissidents' Dilemma

In Portland, Ore., the building that once housed the headquarters of Eugene McCarthy's volunteers is now the campaign headquarters for Nixon and Agnew. Directly across the street is the Humphrey-Muskie headquarters, a 70-foot walk for any dispossessed McCarthyites in search of a cause. But last week, in Portland and across the nation, few were taking the stroll.

Their reluctance to make it rattled Hubert Humphrey, who invoked his 20-year friendship with Gene McCarthy to ask once again for his support. "It is inconceivable to me that we wouldn't be together when the choice is between Nixon and Wallace and myself," he said. In a brief Washington press conference, McCarthy merely announced that he would not declare support for any candidate until his return from a vacation on the French Riviera. He added that he would probably not decide to back Nixon.

The great majority of his followers would agree. Some have even gritted their teeth and gone to the aid of their party. But many of them are bitter, angry and frustrated; a number of youthful campaigners now actively oppose Humphrey by working in Nixon's youth division. A few disgruntled Midwest supporters even vow that they will protest by voting for George Wallace. Ann Hart, Michigan Senator Phil Hart's daughter, who tirelessly helped from New Hampshire on, says she cannot "in conscience" vote for Humphrey. Sue Moores, a 27-year-old Seattle housewife, puts her objection more bluntly: "I won't vote for a phony even if he's a Democratic phony."

Some McCarthy dropouts strike a wistful note. Says Nobel Prizewinning Biochemist Arthur Kornberg of Stanford, who had never worked in politics before the McCarthy campaign: "I thought I could make some contribution, but it is very disappointing to have the business-as-usual people taking over." McCarthy's celebrity corner is largely in despair. Actor Walter Matthau calls the Humphrey-Nixon face-off "a choice between strychnine and arsenic." Paul Newman, one of McCarthy's busiest advocates at the convention, promises "a month of serious drinking" before he decides whether to support Humphrey actively, though he has already decided at least to cast his ballot for him. Only Steve Allen among McCarthy's Hollywood supporters has thus far lent his name to the Humphrey campaign.

Artist Ben Shahn, 70, who drew posters for F.D.R.'s 1944 campaign, did the same for Henry A. Wallace in 1948 and this year produced the McCarthy peace poster, plans to sit the election out. "I don't have a candidate," says Shahn. "I feel disenfranchised." There are temptations, though. "I'm thinking of doing a painting called *The Happiness Boys*, showing Humphrey and

Muskie dancing in straw hats—going offstage."

New Coalition. The McCarthyites who have switched colors and lined up behind H.H.H. are more frequently the political pros who value party allegiance. Some are in races in which party unity is important. Thus Oregon's Wayne Morse has solidly endorsed Humphrey. Iowa's Governor Harold Hughes, who nominated McCarthy for President, is not even anxious to have McCarthy support his own senatorial campaign—until and unless the Minnesotan also supports the national ticket, as Hughes does.

Others are working to take over the party and remake it to their own specifications. New Hampshire's David Hoeh, New York's Al Lowenstein,

ARTHUR BROWER—THE NEW YORK TIMES



PAINTER BEN SHAHN
But others gritted their teeth.

Georgia's Julian Bond and Wisconsin's Donald Peterson, who talked himself hoarse making McCarthyite motions at the convention, are hoping eventually to gain control of the party machinery through the New Democratic Coalition, headquartered in Minneapolis.

Numerous dissidents are putting pressure on Humphrey to modify his views in exchange for their support. Michigan McCarthyites returned home from Chicago and in a subsequent state Democratic convention pushed through a Viet Nam statement approximating the national convention's rejected minority plank. Thus armed, they may now offer to back Humphrey in exchange for a permanent role in the Michigan party structure.

Virtually every liberal Democratic organization not already for Humphrey may ask some price for its support. The Americans for Democratic Action will meet this week to decide whether

to endorse Hubert, and John Kenneth Galbraith boasts: "Only our people can elect him." But, he insists, "we aren't going to endorse the war. We aren't going to endorse the old foreign-policy priesthood that got us into this mess, and we aren't going to endorse the right of the Chicago police to beat up the youngsters who work for us. So everything depends on whether Humphrey comes clean on these issues."

If he does not, most McCarthyites will dutifully go to the polls anyway to vote for local candidates, write in McCarthy's name, vote for a fourth party in the few places where that will be possible, or simply leave the presidential box unmarked. Unmarked ballots are counted in presidential elections, and the abstainers hope that there will be enough of them to shake the party hierarchy.

Picking Up the Pieces. The most disaffected of the McCarthyites cast themselves in the role of both punisher and redeemer. U.C.L.A. Philosophy Professor Donald Kalish, a leader of Los Angeles' Peace Action Council, insists that a Humphrey defeat "must be resounding" so that Democrats will know better next time. Anne Marcus, executive director of Robert (*The Man from U.N.C.L.E.*) Vaughn's Dissenting Democrats, says more harshly that the party "should be destroyed." In their dream, these apostles of apocalypse see themselves picking up the pieces after the disaster and building a new party.

The trouble with that approach is that it is often the regulars who pick up the pieces after a disaster; witness the comeback of Richard Nixon, the G.O.P.'s man-in-the-middle after the party's monumental 1964 drubbing. Even if the McCarthyite irregulars were to succeed in wrecking the old party structure in order to build a new one, they might also succeed in guaranteeing an eight-year White House tenancy for Richard Nixon.

CHICAGO

Daley's Defense

At his first press conference after the battle of Chicago, Mayor Richard Daley was gruff and to the point. "Gentlemen," he said last week, thrusting his jaw out for angry emphasis, "get this thing straight for once and for all. The policeman isn't there to create disorder. The policeman is there to preserve disorder."

It was, of course, a verbal slip by a man famous for his bouts with the language. Yet it said perhaps more than the mayor intended. Despite a 77-page official "white paper" and a blanket endorsement of his police by Daley himself, city authorities had yet to convince thousands who were there that the Chicago cops had been anything less than brutal to demonstrators, newsmen and almost anyone else who got in their way during the four days of the Democratic Convention.

Like the city's official accounting, Da-

ley's 25-minute, press-conference defense bore only slight resemblance to the events. Sometimes the mayor just got the facts wrong. He told reporters, for example, that they "forgot entirely that the confrontation was not created by police. The confrontation was created by people who charged police." There was no such charge by demonstrators during the most notorious confrontation in front of the Conrad Hilton Hotel. At other times, the mayor magnified incidents to bolster his case. What would they do, he asked reporters, if someone tried to blind the man standing next to them by hurling oven cleaner? Though oven cleaner may have been used as a weapon by a few protesters, it was not the standard equipment that Daley and others implied. By the police department's own count, only five of 198 injuries to police could have been caused by spray in the face.

Daley left out entirely anything that tended to discredit his police. While conceding reluctantly that police work, like any other human enterprise, can be improved, he stubbornly maintained that the police operations had been nothing short of "magnificent."

The Toll. Judging from letters that continued to flood newspapers and TV stations, many around the country agreed. Most of the evidence, which continued to come in during the week, pointed the other way. The Medical Committee for Human Rights said that more than 1,000 civilians required medical treatment as a result of police action. The city report had counted 60.

One of the most poignant cases was reported by Chicago's *American*, which has been generally sympathetic to the police. Hoping to find his runaway son among the yuppies, Wilhelm Vill, 59, an immigrant steelworker from Estonia,

asked two policemen in Lincoln Park for help. Before he could finish telling them about his son, Vill said, they approached him with their billy clubs ready. While one grabbed his arm, the other asked: "What do you want, you rotten bum?" Taken to the station house, Vill, a nondrinker, was booked on charges of drunkenness and disorderly conduct.

The charges were dismissed in court last week, but Vill's anger remained. "Shame on him, that police," he said. "I am scared now to turn to police. Now where we turn when we need help? We need better order for the human being."

THE CONGRESS

The Fortas Film Festival

Berating the U.S. Supreme Court used to be the fairly exclusive pastime of racists and other right-wing extremists. Now it has become a more popular preoccupation. Many people who think that U.S. society is somehow sick tend to blame the court for much of the rise in crime, the loosening of morals, the racial conflict and the general air of permissiveness. Most of those complaints have welled up in the acrimonious debate in the Senate over Lyndon Johnson's nomination of Abe Fortas to become the nation's 15th Chief Justice. Last week the argument grew angrier, and opposition to Fortas stiffened. As the fight moved toward a climax within the next two weeks, it seemed likely to increase the divisiveness in the land and become an important campaign issue.

Darkened Offices. The fight against Fortas was stepped up on two fronts. One was being carefully led on the Senate floor by Michigan Republican Rob-

ert P. Griffin. The other was pressed within the Senate Judiciary Committee by Republican Strom Thurmond, the gentleman Torquemada from South Carolina. Thurmond continued to hammer at an emotional, if elusive issue: pornography. He condemned the fact that Fortas had voted with the court majority in a 5-to-4 decision holding that a Los Angeles exhibitor did not violate the law with his raunchy films. The ruling made it easier for U.S. exhibitors to show films featuring total male and female nudity.

Day after day last week, Thurmond buttonholed his colleagues to watch the films in darkened Senate offices. One aide of Richard Nixon called it "the Fortas Film Festival." The Senators were not titillated but shocked, and they left the showings in a grim mood. The screenings apparently swayed some votes away from Fortas. Senators know that middle-class opposition to pornography is rising, and the subject—like the Supreme Court itself—has become a symbol of what is wrong in the U.S.

It mattered little that nobody really knew what Fortas thought about the films. The court judgment involving them was one of the many *per curiam* decisions, which do not require Justices to write their opinions. In an obscenity case, what is often at issue is not the merits or demerits of the film, but the manner in which it was seized, the legality of the prior court action, and the definition of obscenity in the individual situation. Definitions have been vague ever since the landmark Roth decision of 1957, eight years before Fortas was appointed an Associate Justice. That decision established several broad criteria of tolerance, all of which have created problems of interpretation.

Fortas' interpretations vary, depending on the case. In 1966, he voted with the 5-to-4 majority to uphold the conviction of *Eros* Publisher Ralph Ginzburg on grounds that he pandered to prurient interests by using overly suggestive advertising. But that did not make much of an impression upon Eastland, Thurmond and critics even farther to the right. In a large mailing, the fanatically right-wing Liberty Lobby accused Fortas of being a convinced revolutionary and a supporter of the pornography industry.

Fat Free. Fortas was asked to appear before the committee for still another grilling last week, but he declined. Convinced that they had done sufficient damage to torpedo Fortas, the opposition forces on the committee agreed to send the matter to the Senate floor this week. There it will run into trouble—and not only on the pornography issue. The skillful managers of the case against Fortas, notably Senator Griffin, saw to it that new revelations about the Associate Justice were brought out almost every day. More doubts were raised by a disclosure last week that Fortas had accepted \$15,000 for 18 hours of summer-school teach-



DALEY AT PRESS CONFERENCE
More truth in the slip than the paper.