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Eardley's Style Contrasts With Georgian's

Talmadge's Foe Keeps His Cool

By Phil Gailey
Washington Star Staff Writer

Carl Eardley, the grandfatherly special counsel for the Senate Ethics Committee, must be a frustrating adversary for Sen. Herman Talmadge, a legendary Georgia politician used to devouring his opponents.

Eardley doesn't bleed when he is slashed, as Talmadge discovered earlier this week when Talmadge made his spirited opening statement to the committee, which is hearing financial misconduct charges against him.

When Talmadge scowled at him, Eardley smiled meekly.

When Talmadge accused him of taking "cheap shots" and leaking information to the press, Eardley never flinched. Instead, he complimented the senator on "a very, very fine jury speech."

And when Eardley heard that Talmadge views him as someone trying to use this case to make a reputation for himself, the 73-year-old Washington attorney chuckled. At his age, he told friends, it's a little late for that.

The 63-year-old senator, whose family name once was a mystical force in Georgia politics, is a flamboyant orator, cold-eyed and slightly menacing. He hisses, frowns, sneers, snarls and slashes.

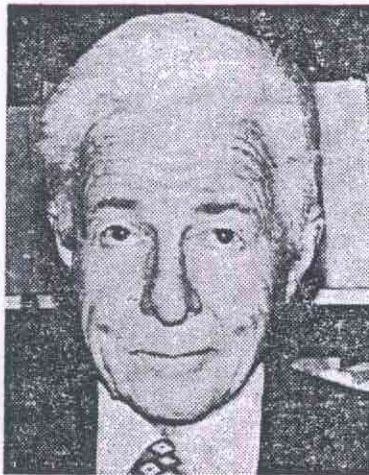
EARDLEY, with sparkling blue eyes and snow-white hair, looks like a bookstore clerk. He is a wisp of a man with soft features, a gentle demeanor and a voice that rarely shows a trace of fight or emotion.

Committee members repeatedly have to coax him to stand near a microphone so he can be heard. But even then his is the softest voice in the hearing room.

Spectators were not impressed with Eardley's opening-day performance. His brief opening statement was a terse summation of the charges. His questions seemed to ramble on without direction. He allowed Talmadge to dominate the session with his old-time oratory.

It was difficult to believe that this same Carl Eardley once beat F. Lee Bailey in the courtroom.

"It's not Carl's nature to make emotional presentations," said one of his associates at the Washington law firm of Beveridge, Fairbanks and Diamond. "His strength is the thoroughness of his preparation of a case. He



CARL EARDLEY
No emotional presentations

doesn't usually delegate authority. He prefers to research, analyze and write his own cases. He's the hardest working lawyer I ever met."

THESE QUALITIES became apparent on the second day of the hearings, when Eardley's questioning of Talmadge aides began to bring his case into focus.

There is a tough side to Carl Eardley. He demonstrated it in a college boxing ring, on the battlefields of World War II; in the desegregation of public schools in Little Rock and in street demonstrations against the Vietnam War.

Eardley was born in Salt Lake City. His father was a self-educated mining engineer and his mother a Norwegian immigrant.

At Stanford University, where he earned his law degree, Eardley was a 118-pound boxer who won the campus bantamweight championship in a bloody match.

After "a period of travail" as a young lawyer in private practice, he became active in Democratic politics in Los Angeles and used his political leverage to win an appointment as an assistant U.S. attorney.

WORLD WAR II came along and Eardley served as a U.S. major attached to the British 8th Army in Italy. He was in charge of caring for and feeding war refugees, "the one time in my life when I felt most needed."

The suffering of civilians in the war-ravaged country touched him deeply. He once threatened to machine-gun Arab troops in the Allied forces who were systematically raping Italian women as the Nazis retreated.

After the war Eardley came home and joined the Justice Department, where he was a deputy assistant attorney general for 10 years before resigning in 1971.

What Eardley calls "the worst experience of my life" came in 1954 when he was dispatched to Little Rock, Ark., to help enforce a court order to desegregate public schools there.

"My job was to prepare nine black children for their testimony in federal court," he recalled. "I spent a lot of time with them. I became very close to those little children."

AFTER THE FEDERAL court ordered their admission to Little Rock schools, Eardley, weary and exhausted, returned to Washington.

"I went straight home and got into bed," he said. "After I lay down I turned the radio on and the first thing I heard was that those children had been beaten by a white mob. I flipped. I was ashamed and angry. I was so embarrassed as a white person that members of my race had treated these innocent children like that. I wanted out. I didn't want to stay in this country another minute."

Eardley took a leave of absence and moved his family to Italy for a year to get his mind together again.

He returned to the Justice Department and plunged into civil rights enforcement, fighting the Ku Klux Klan

and other segregation forces in the courtroom.

With the civil rights struggle subsiding, Eardley came face-to-face with another moral issue — the war in Vietnam.

IN 1971 he resigned from the Justice Department to protest the Nixon administration's handling of the war.

Then-Attorney General John Mitchell was "raising hell" with anti-Vietnam protesters, Eardley said.

"The prosecution of anti-war dissidents was too much for me," he said in an interview. "I had three sons who were dissidents, so I couldn't stay in the department. I resigned and joined my wife and sons in marches opposed to the war."

He worked for two years as deputy assistant administrator at the Environmental Protection Agency in the enforcement of water pollution laws. He decided to retire in 1973.

When his old friend, former EPA Administrator William Ruckelshaus, became acting director of the FBI, Eardley came out of retirement at Ruckelshaus's request to serve as a liaison between the FBI and Watergate Special Prosecutor Archibald Cox.

THEN CAME THE Saturday Night Massacre. Richard Nixon fired Cox, and Ruckelshaus resigned, taking Eardley with him into private practice.

When the Senate Ethics Committee asked Eardley to serve as special counsel in the Talmadge investigation, he "reluctantly" agreed to take the job. He thought it would last two months. It has been a year now since he started untangling the senator's complex financial affairs.

All along Eardley has said he would not act as a finger-pointing prosecutor in the case. "My job," he has told reporters repeatedly, "is simply to present what facts there are."

With the assistance of J. Douglas McCullough, a former Justice Department Strike Force prosecutor, Eardley is trying to live up to that job description.

Talmadge and his aides have not tried to hide their dislike of Eardley. Before the hearings began, Talmadge informed the ethics panel that he would submit to questions by committee members, but not by the special counsel.