

Mr. Nixon's Revenge

By WILLIAM V. SHANNON

WASHINGTON, Oct. 11—In the closing hours of the 1970 campaign, Richard Nixon climbed on the foot of his car in San Jose, Calif., and gave back to a hostile crowd of radical youths the peace sign which they regard as peculiarly their own. He received the answering roar of boos and catcalls he had hoped to elicit.

Climbing down, he said to an aide, "That's what they hate to see."

There is the same provocative, vengeful, rub-their-noses-in-it spirit at work in Mr. Nixon's prospective nomination of Senator Robert Byrd of West Virginia to the Supreme Court.

Byrd has the public record of a racist bigot. He was an organizer for the Ku Klux Klan in the 1940's, and despite his later repudiation of the K.K.K., the weight of his words and votes shows that he is of the same opinion still. He participated in the Southern filibusters against the civil rights laws of 1964 and 1965, holding the floor one night for fourteen hours while Strom Thurmond spelled him with helpful questions.

He has repeatedly made long, virulent speeches attacking the black poor. One of his favorite lines: "We can take the people out of the slums but we can't take the slums out of the people."

As chairman of the Appropriations subcommittee for the District of Columbia, he has been a relentless overseer of a city more than 70 per cent black. Over and over, he has pressed city officials to be tougher in investigating welfare recipients and in enforcing the man-in-the-house rule which cuts women and children off the welfare rolls if a deserting father can be shown to have visited the home. And if the children go hungry?

"We all get hungry," Byrd once remarked. "But hungry children are one thing. Starving children are quite another. I have not seen evidence of starving children in the District." Byrd voted against the confirmation of Thurgood Marshall on the Supreme Court. He voted for the nomination of Harrold Carswell.

There are no public or professional accomplishments to redeem this dismal record. He only graduated from law school in 1963. He has never practiced law. As a member of the Senate, Byrd has sponsored no important bills or been identified with any major causes.

Instead, he has busied himself with the minor chores of Senate housekeeping. He has kept track of unanimous

consent agreements, known which Senators to notify when an amendment is pending, inserted material in the Congressional Record on behalf of absent colleagues, and patrolled the Senate chamber ordering senatorial staff assistants off the floor.

By making himself the willing, useful servant of other men's minor necessities, Byrd has climbed the legislative ladder first to secretary of the Democratic Conference and then to majority whip. Serviceable and soft-spoken, toiling and moiling, he is the Uriah Heep of the Senate.

To send Robert Byrd to the Supreme Court is a slap across the face of every black person in America. It demeans the highest court in the land. It humiliates the legal profession, whose members in local bar associations across the country bestirred themselves to oppose the Carswell nomination. It rebuffs the claims of the American Bar Association's selection committee, which only ten days ago showed itself reluctant to recommend the Administration's previous nominee, the inexperienced but far worthier and more attractive Representative Richard Poff.

Mr. Nixon knows all that. Indeed, it is precisely these aspects of the Byrd nomination which delight him. As he responded to the Senate's rejection of the competent but unfortunate Clement Haynsworth with the nomination of the egregious Carswell, he now proposes to retaliate for the opposition to Poff with the incredible nomination of Byrd.

In Byrd the President has found a nominee whose record appalls and flabbergasts his adversaries, but a nominee whom the Senate in its craven clubbiness can hardly fail to confirm. Already so honorable and straightforward a man as George McGovern finds himself twisting and turning with feeble rationalizations and foolish remarks, nicely caught in the Nixon net.

The Supreme Court is a place of honor revered by all law-abiding citizens. As young baseball players dream of playing in a World Series, young lawyers daydream of arguing a case before the Supreme Court or sitting in one of those high-backed black chairs. A President is the keeper of certain public ideals. Is there no adviser wise enough to tell this President that in cheapening the Court he cheapens himself and impairs that dream of perfect justice which should inspire a lawful people?