



# Boston City Council

NEW CITY HALL  
ONE CITY HALL SQUARE  
BOSTON, MASSACHUSETTS 02201

HON. LOUISE DAY HICKS



December 19, 1975

Dear Congressman Moakley:

Last week, I wrote to you concerning my fears over the placing of South Boston High School under Federal Receivership by Federal Judge W. Arthur Garrity, Jr. In that letter, I requested that you, as a Member of the Massachusetts Congressional Delegation, sponsor legislation in the Congress to establish a special, blue ribbon, commission charged with clearing up the confusion surrounding the ratification of the Fourteenth Amendment to the Constitution of the United States.

I am sure you will be interested in knowing that none other than the noted Constitutional scholar and Charles Weaver Senior Fellow of American Legal History at Harvard University Law School, Raoul Berger, has publicly shared my fears over the unconstitutionality of Judge Garrity's actions through the misuse of the Fourteenth Amendment.

In a rather lengthy article in today's Quincy Patriot Ledger, Professor Berger stated that he felt the American public had become the victims of a "bloodless coup" by the federal judiciary and he singled out Judge Garrity's entire desegregation order and the placing of South Boston High School under federal receivership as "new law" that has usurped powers never intended by the Founding Fathers, to be placed in the hands of the judiciary.

I agree with Professor Berger when he states that only a public outcry will chasten the federal judiciary. That outcry has been raised in the city of Boston for quite some time now, and that outcry is growing throughout the nation. It is time the Congress took action and I, therefore, urge you again to co-sponsor legislation to establish a special commission empowered to clear up the confusion surrounding the Fourteenth Amendment. As Professor Berger stated, let us dedicate the Bicentennial "to setting our house in order with the judges in the courthouse, the President in the White House and the legislators in the Capitol."

I have enclosed a copy of the Berger article so that you may read it in its entirety.

Sincerely,

Louise Day Hicks

last September it's a terrible surprise to President Ford to suppose that he could be manipulated by something like this . . . It wasn't my doing."

**MASS. LOTTERY**  
 Green: 4558; Yellow: 336;  
 Blue: 80.  
 TV Game: 13412

ning 'Tide' will be going into the Cities Service terminal.

There was no indication that Ford saw the two drafts, although

representing him." He also assured the committee

chamber. She said she then agreed to represent him." He also assured the committee

rested last night, according to the office of Plymouth County Dist. Atty. Thomas Finnerty. Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

tables in the cafeteria" and black students in classrooms sit near each other.

"There's tremendous peer pressure in the building," Reid said. "I think the judge is naive about that."

Robert Donovan, a member of the faculty senate, said Garrity's statement about a lack of proper education in the school could be made only by someone who was "either totally ignorant or a damned liar."

BOSTON (UPI) — U.S. District Judge W. Arthur Garrity, who placed South Boston High School under receivership, has been criticized by the school's headmaster and some of its teachers.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

Last week, Garrity put the school under receivership, ordered the transfer of Reid and the rest of the school's administrative staff, and stripped the Boston School Committee of powers affecting desegregation.

Cunningham said a number of the teachers would seek transfers because of "character assassination against the teachers."

Garrity had said the "central impressions" formed by his visits were that "the services being afforded the students were primarily custodial and only incidentally educational."

"I think the thing that disturbed me most was the accusation that we were making false reports on teacher and pupil attendance," Headmaster William J. Reid said yesterday. "Because that's an outright lie, and the judge should know better."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

## Southern Order Called Illegal

By RICHARD KENT  
 Patriot Ledger Staff Reporter

CAMBRIDGE—The takeover of South Boston High School by Federal District Court Judge W. Arthur Garrity is without "legal foundation" says Raoul Berger, a leading member of the Harvard Law School faculty and prominent liberal.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

"The end does not justify the means," he said and added that the "view of judges and liberal community, of which I am one, does not justify creating law from the bench. They fail to understand it will be difficult to reverse something considered 'evil' in the future."

"Law made by judges based on oracles, social scientists, crystal ball gazing, and personal feelings requires, as is the case in Boston, more and more oppression and enforcement. It is like Prohibition Laws, unenforceable," stated Mr. Berger.

"Why has he waited a year and segregation or integration order and the recent federal court receivership order involving South Boston High School as 'new law'."

"I am upset at such untruths coming from a person on the federal bench."

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

## Fire Destroys Norwell House

NORWELL — A general alarm fire of suspicious origin today destroyed the old Jones house at Washington and High streets near Queen Ann's Corner.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

The house, vacant for some time and condemned, had recently been discussed at selection meetings as a possible business site.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

It was the scene of a smaller fire about two weeks ago in which

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

It was the scene of a smaller fire about two weeks ago in which

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

## Judith Campbell Denies JFK-Mafia Tie

SAN DIEGO (UPI) — Judith Campbell Exner says she had a "close, personal" relationship with President John Kennedy, but that they never discussed the Mafia leaders she was seeing at the same time, nor CIA proposals to use the same mobsters to kill Fidel Castro.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

She saw Kennedy often in 1960, including 20 times at the White House, where she was free to call him and have lunch with him, the attractive brunette told a news conference yesterday.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

She sometimes had lunch with him there, and made "a great many calls" to him, she said.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

The Senate intelligence committee reported White House records show 70 such calls.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

She never met Jacqueline Kennedy, she said.

Investigators said the youth was abducted from his Plymouth home Oct. 28, bound with wire and placed in the trunk of an automobile and brought to a home where he was blindfolded and led.

She denied she ever called Kennedy from Gianncana's home. She said Gianncana — who was shot to death in his



weeks met him a number of times, including 20 meetings in the White House. She sometimes had lunch with him there, and made "a great many calls" to him, she said. The Senate intelligence committee reported White House records show 70 such calls. She never met Jacqueline Kennedy, she said. She denied she ever called Kennedy from Gianncana's home. She said Gianncana — who was shot to death in his

## FORECAST

Tonight, variable cloudiness, colder, windy; lowest temperatures in the teens. Tomorrow, variable cloudiness, windy; highest temperatures in the mid 20s. Chance of precipitation, near zero tonight and tomorrow.

Eastport to Block Island West to northwest winds of 25 to 50 knots tonight. Tomorrow, westerly winds of 35 to 45 knots, diminishing slowly. Partly cloudy, tonight and tomorrow, snow showers squalls well offshore, some freezing spray; visibility over 5 miles.

ALMANAC  
 Tomorrow  
 High Tide: 11:25 am 11:53 pm  
 Height: 10.5 ft. 9.2 ft.  
 Low Tide: 5:13 am 5:48 pm  
 Sun Rises: 7:08 a.m.  
 Sun Sets: 4:13 p.m.  
 Length of Day: 9:05  
 Yesterday's mean temp.: 51  
 Normal: 52

Degree days yesterday: 34  
 Normal: 33  
 Season degree days: 1123  
 Normal: 1491  
 Same date last year: 1567

## INDEX

50 PAGES

Community news.....	36, 37
American Song.....	2
Amusements.....	47, 48
Class. Adv.....	40-41
Comics, Puzzles.....	42
Daily Investor.....	43
Editorial.....	44
Edward Rowe Snow.....	45
Going Tomorrow.....	46

# Law Scholar Rebuts Garrity, Judiciary

ed From Page One)

the liberal community ers, along with law fessors, have failed to vations concerning the " He said the Boston ation, a federal judge's ersonally take over this il service department, i recent report that the ernaent would like to the licensing of local s because they flunked ections "all are symp- at is happening to all of

of the Boston busing ; "that I favor it some- other times I don't, but ldn't give me reason to egregation because it n or implied law.

"To the contrary; my studies indicate the framers of the 14th Amendment would be the last to call for mixed schools."

His statement is the first to be made publicly by a leading member of the academic and legal community despite threats previously made by bar groups and Judge Garrity to silence opposition by threatening to deny the right to practice by Boston officials who also are lawyers.

The recognized expert on American law said he could see no end in sight to judicially created law. "The end to this situation will come only when the public becomes aware of the judicial takeover and demands limits be put on such power.

"Public outcry has a chastening effect on judges who already, in-

identally, have limits on their powers, but are not observing the Constitution or the intentions of the framers of the Constitution.

"Today a school house. Tomorrow? Who knows?"

"In this 200th anniversary of the nation's founding, there should be a dedication to setting our house in order with the judges in the courthouse, the President in the White House and the legislators in the Capitol," he stated and told of how he opposed both Presidents Nixon and Johnson for "usurping Congress' right to wage war, just as I oppose the executive intervention in Angola today."

Mr. Berger said he hopes his book will make the public aware that they have become victims of a "bloodless coup" by the judiciary. If anyone is looking for modern-day villains, Mr. Berger suggested the court activism might have started with Chief Justice John Marshall early in the last century.

The book is to be completed in about six months and the school integration issue will be shared with job quotas and comments on other areas of concern. The effort is the result of long study and "painstaking, step by step, fact by fact, labor," he stated.

He said the purpose of the book is to document the intentions of the drafters of the 14th Amendment. "What they meant, and not the construction a judge says they meant," he stated.

Mr. Berger noted the silence by the judiciary, law profession and law schools especially over the Boston receivership action and said the silence might underscore selfish motives.

"If law were simple, such as no

parking within 20 feet of a hydrant, there would be no need for lawyers. Judge-made law is no threat to lawyer fees, because the public now needs a lawyer more than ever," he commented.

He promised some surprises in his study of the 14th Amendment. The Civil Rights Act of 1964 and its dependence on the 14th Amendment "don't mesh when the thinking of the framers of the 1869 Amendment are taken into view from historical research."

His research, said Mr. Berger, indicates that the Northern drafters of the post-Civil War legislation had a "Negro phobia."

"The amendment guarantees no rights to white or black. All it does is say that if a right is granted a white man the black man also must have the same right.

"The framers sought only to grant the Negro minimal liberties and carefully enumerated them so that they would get equal protection over contracts, wages and enjoy the same rights granted a white man. But if a white man was not specifically granted a right, the Amendment is silent," he stated.

Mr. Berger said the framers of the equal-protection amendment did not include mixed schools or "mixed anything in their thinking.

"Just as in a contract or will, the court must decide what the person wanted done or agreed to do, not what the judge thinks should be done.

"The 14th Amendment has become a crystal ball for all sorts of rulings and when legal authority fails to provide a foundation for an opinion, the Supreme Court adopted the opinions of social scientists on school integration," he stated.

Mr. Berger said the Supreme Court was set back once before when Justice Holmes said the jurists had no right to substitute

their economic views for the Constitution.

"This was a time when the judges sought to fight what they said was the spread of socialism and communism by repealing minimum wage laws, child-labor laws, and other labor laws," he said and added that "if the court can't substitute its economic views there is no room now for their libertarian predilections."

The court's resort to social psychology to support desegregation he said, caused a reaction by the people of Boston and elsewhere "Like the horse led to water, but who could not be forced to drink the court continues to beat the horse," he stated.

Mr. Berger warned that defiance, reaction and loss of support for law and order follow when "judges create law. Even sociologist Coleman now has second thoughts over forced busing.

"I have never believed in accommodation or weather-vane law. Neither did the founding fathers. I do not recall any provision granting unlimited power to the nine men of the court. Such power would be undemocratic.

"Judge Learned Hand said I would not like to be governed by nine philosopher kings. Justice Holmes also said the American people had a right to go to hell their own way."

Mr. Berger said that the absence of a law could be the same as a law if there is a consensus that such a law is needed or wanted. "But should judges then proceed to meet what they think is a need or attempt to relieve a societal bind by creating a law without debate, and standing or choice of options.

The framers of the constitution "left the courts no such avenue beat a path for their feelings viewpoints."

The courts, he said, have "usurped powers never granted them and which the framers of the constitution decided withhold from the courts."

Without controls on the court Mr. Berger told of fearing what the founders feared from the examples they had seen of unlimited power — "Caesarism."

## DINE WITH US!



## The Country Fare

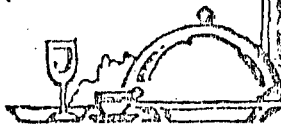
Built in 1766

Will be open on Wednesday evening, December 10, and our traditional Christmas Eve buffet at 6:30 reservation only.

also on Wednesday, December 31, New Year's for our buffet at 6:30 or 9:00 - again by reservation only.

en Anne's Corner at the junction of Routes 53 and 228, Hingham, Mass.

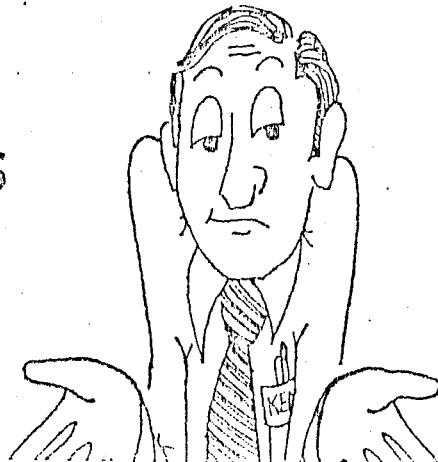
or Reservation Call 749-2260



# SORRY FOLKS!

No Stereos  
No Appliances  
No Furniture

WE'RE



FOR RENT

\$300 A WEEK

Plus Cartage. All applied if you decide to buy. Minimum Rental 3 Months.

**BALDWIN**  
PIANO & ORGANS STUDIOS  
WEYMOUTH  
Route 18 335-5507  
(DIRECTLY OFF EXPRESSWAY)