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# NOMINATION OF ENDICOTT PEABODY

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HEARING  
BEFORE THE  
COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE  
NINETIETH CONGRESS  
FIRST SESSION  
ON  
NOMINATION OF ENDICOTT PEABODY, OF MASSACHUSETTS,  
TO BE AN ASSISTANT DIRECTOR OF THE OFFICE  
OF EMERGENCY PLANNING

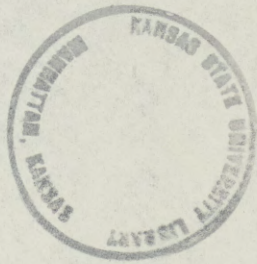
APRIL 6, 1967

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NOMINATION OF ENDICOTT PEARBY

HEARING  
COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE  
NINETEENTH CONGRESS

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## NOMINATION OF ENDICOTT PEABODY

THURSDAY, APRIL 6, 1967

UNITED STATES SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The committee met, pursuant to call, at 10:30 a.m., in room 212, Old Senate Office Building, Senator Richard B. Russell (chairman) presiding.

Present: Senators Russell, Stennis, Symington, Jackson, Cannon, Inouye, McIntyre, Byrd of Virginia, Smith, Miller, Pearson, and Dominick.

Also present: William H. Darden, chief of staff; T. Edward Braswell, Jr., and Gordon A. Nease, professional staff members; Charles B. Kirbow, chief clerk; and Herbert S. Atkinson, assistant chief clerk.

The CHAIRMAN. The committee will come to order.

Former Gov. Endicott Peabody of Massachusetts has been nominated to be an Assistant Director of the Office of Emergency Planning, vice John E. Cosgrove.

Senators Kennedy and Brooke of Massachusetts are accompanying Governor Peabody this morning and the Chair is glad to recognize these Senators for such introduction or observations as they care to make.

Senator Kennedy, I will call on you first.

### STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. I am glad to have this opportunity to bring the qualifications of Endicott Peabody to the attention of the Armed Services Committee and to express my strong support for his nomination as Assistant Director of the Office of Emergency Planning.

It has been my pleasure to have known and worked with Governor Peabody for many years. From this past experience I can attest to his ability and devotion to public service. Public service is a tradition in the Peabody family, and Governor Peabody has upheld that tradition with honor. He has taken part in Massachusetts government since 1955, when he began his 4-year term on the Massachusetts Governor's council. In 1962, he was elected Governor of Massachusetts, and his administration was marked by integrity and progress.

As Governor, Endicott Peabody passed a major constitutional reform program. He saw almost all of his legislative programs enacted into law during each of the 2 years of his term, while he worked closely with the Massachusetts congressional delegation here in Washington, to assure that our State got the maximum benefits from Federal programs available to it. This is the record of a success-

ful and able public servant—a record of achievement that will continue here in Washington.

Governor Peabody is an especially appropriate choice for the Office of Emergency Planning. During his term as Governor of Massachusetts, Endicott Peabody brought civil defense in Massachusetts to a high level of efficiency. He worked very closely during that time with the Director of the Office of Emergency Planning, Edward A. McDermott. Both Governor Peabody and his civil defense administrator were held in high regard by the Secretary of Defense for Civil Defense.

I think that President Johnson has chosen wisely in making this nomination. Endicott Peabody is uniquely qualified for this post, and his past record of dedication to the public good is a clear illustration that he will perform his new duties well.

I am happy to endorse this nomination. Along with all of the people in Massachusetts, I have great respect for Governor Peabody. I think the Nation will be well served by him as Assistant Director of the Office of Emergency Planning.

The CHAIRMAN. Senator Brooke, do you care to make any observation?

#### STATEMENT OF HON. EDWARD W. BROOKE, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator BROOKE. Mr. Chairman and members of the committee, I am very grateful for the opportunity to speak on behalf of Gov. Endicott Peabody of Massachusetts.

I served as the attorney general of the great Commonwealth of Massachusetts when Governor Peabody was serving as Governor and the degree of cooperation between our offices was something to be admired.

I have great respect for his ability and his integrity, and the progressive legislation that he was able to have passed during his term as Governor of the Commonwealth, and I feel that he will perform a rich service to this Nation in his capacity as Assistant Director of the Office of Emergency Planning. I compliment the President on his foresight in choosing so wisely a man to fill that very sensitive post.

Endicott Peabody has well served Massachusetts, and I feel that he will be a credit to the U.S. Government in this job.

The CHAIRMAN. Thank you, Senator.

Governor, you come here will endorsed by members of both parties in your State, and particularly your erstwhile opponent. We would be glad to have you give us a short oral summary of your biography.

(The nomination reference and biography of Mr. Endicott Peabody follow.)

#### NOMINATION REFERENCE AND REPORT

IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
March 20, 1967.

*Ordered*, That the following nomination be referred to the Committee on Armed Services:

Endicott Peabody, of Massachusetts, to be an Assistant Director of the Office of Emergency Planning vice John E. Cosgrove.

Endicott Peabody, former Governor of the Commonwealth of Massachusetts, nominated by President Johnson on March 20 for the post of Assistant Director, Office of Emergency Planning, was born February 15, 1920 in Lawrence, Massachusetts the son of Malcolm E. and Mary (Parkman) Peabody.

He attended Groton School 1933-38, graduated from Harvard College in 1942 and received his LL. B. from Harvard Law School in 1948. He was admitted to the Massachusetts Bar and engaged in the practice of law in Boston. During 1955-56 he was a member of the Governor's Council of Massachusetts. In 1962 he was elected Governor of Massachusetts on the Democratic ticket. Since the expiration of his term he has been counsel to the law firm of Roche and Leen in Boston. During World War II, Governor Peabody served as a naval officer and was awarded the Silver Star for gallantry in action.

Governor Peabody, has been active in health affairs in Massachusetts and serves as a Member of the Corporation of New England Deaconess Hospital. In 1941 he was awarded the Knute Rockne Memorial, and the All-American Football trophies. The Boston Chamber of Commerce named him "Outstanding Young Man" in 1954. He is a member of the Elks, the American Legion and the Boston, the Massachusetts, and American Bar Associations. He serves as a vestryman in the Episcopal Church.

Governor Peabody was married to the former Barbara Gibbons in 1944. They have three children, Barbara, Endicott and Robert L., and reside at 19 Larch Road, Cambridge, Massachusetts.

The CHAIRMAN. We would also like to know whether you own any securities or have any financial interest in any organizations that could be affected by your position in the Office of Emergency Planning.

#### STATEMENT OF HON. ENDICOTT PEABODY, NOMINEE TO BE AN ASSISTANT DIRECTOR OF THE OFFICE OF EMERGENCY PLANNING

MR. PEABODY. Thank you, Mr. Chairman. I am not sure whether I shouldn't stop now that I am ahead.

But I am very honored to be nominated by the President of the United States as Assistant Director of the Office of Emergency Planning, and to appear before this distinguished committee, and to be presented to you by my Senators, Senator Kennedy, who was elected to this august body in 1962 when I was elected Governor, and Senator Brooke who, as he said, was elected attorney general when I was elected Governor in 1962. I think my difficulty was that I did not maintain the same momentum as these gentlemen did.

I am glad to be present here and to be permitted to play my part in serving the United States of America.

I would like to give a little background as to my position in supporting emergency planning. This is not a new experience to me, because as Governor I had the opportunity of directing a fairly forthright program following the missile crisis in Cuba. To assist in developing this plan, the Massachusetts Office of Emergency Planning, in cooperation with OEP, recruited some 1,200 outstanding executives and leaders from business, labor, and agriculture to participate in a Massachusetts emergency government program. This program has been kept up to date by my successor.

In addition, I know of the excellent job OEP has done as the President's coordinator of Federal disaster relief operations. Because of the serious drought which affected New England in 1964 I called on the Office of Emergency Planning to assist us in furnishing disaster relief to the rural and farm population of western Massachusetts as well as the business community of central Massachusetts. In this effort I had the effective support of OEP's regional office in

coordinating the efforts of several Federal departments in helping State and local officials in Massachusetts engaged in drought relief.

While I am only now becoming familiar with the technical operations of OEP and its statutory obligations, I assure the committee that I will give them intensive study, and I will do my best to carry out the intent of the Congress of the United States.

With regard to the holdings that I have, Mr. Chairman, I have holdings, minimal holdings, I would say, in stocks that are sold on the big board and in some mutual funds. I am willing to dispose of them, or to put them in a trust, as the committee suggests, although they are almost insignificant as far as the percentage of ownership of these corporations is concerned.

I have been counsel to the law firm of Roche & Leen in Boston, Mass. I am bringing this practice to a close. I do not participate or share in any of the profits of this firm. But I will remain as of counsel.

I would like to say, Mr. Chairman, that I had the privilege of presenting before this committee as a young lawyer in the early 1950's an amendment to the doctors draft law. The former Senator, who is a cousin of mine, Senator Saltonstall, was serving on the committee. And you saw fit to adopt that amendment and incorporate it into law.

The CHAIRMAN. I recall that.

Governor, I would ask you to submit to the committee a list of the corporations in which you own stock. You need not list the number of shares—we do not want to pry into your business—in order that we may determine whether we think there is any conflict of interest.

Mr. PEABODY. I would be glad to do so, Mr. Chairman.

The CHAIRMAN. I may say to the members of the committee that Director Bryant of the OEP called me with respect to this nomination. He very strongly approves of having Governor Peabody as his assistant.

Governor, I believe you informed the committee through its staff that you would be the recipient of a testimonial dinner in your home State.

Mr. PEABODY. Yes.

The CHAIRMAN. To raise funds for political purposes, or to pay political debts. I think you should give the committee an account of that.

Mr. PEABODY. I would be glad to, Mr. Chairman.

I have served in the political life of Massachusetts for the past 20 years, and I have been in five or six political campaigns. Unfortunately, I have always incurred deficits after most of those campaigns are over. I stand now with a deficit following the last two. On my behalf a bipartisan honorary committee has been set up to run a dinner in my behalf. I am happy to say that Senator Brooke is a member, and other Republicans, as well as, of course, Senator Kennedy and many Democrats, ecclesiastical leaders, Cardinal Cushing, Bishop Stokes, and others, and many of the business and educational leaders as well. This dinner is going to be held on the 12th of June. It is hoped that the proceeds of this will pay off the rather high debts remaining from the last campaign.

If my worthy opponent, Senator Brooke, hadn't been so effective, the deficit might not have been so large.

The CHAIRMAN. Who will handle these funds, Governor? Will they be handled by your campaign committee?

Mr. PEABODY. Not a campaign committee. The committee, the chairman of which is the registrar of motor vehicles in Massachusetts, will take charge of the funds, and I will not participate. They will not be deposited in my name, in any checking account of mine.

The CHAIRMAN. And these funds are to be used solely and exclusively for the purpose of paying indebtedness incurred in your recent campaign?

Mr. PEABODY. Solely and exclusively to pay off the debts incurred in past campaigns, so that I will not carry a mortgage on my future as a result of political activities.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Chairman, I shall not oppose the nomination of Governor Peabody, but I do feel that I must express my personal opinion about the postelection testimonial fundraising dinner. I am opposed to them. I do not particularly like fundraising dinners, and I particularly disapprove of fundraising dinners after election.

Frankly, Mr. Chairman, I think the proposed fundraising dinner which you and Governor Peabody have referred to is extremely unfortunate. I would think that it would be embarrassing to the President, and I certainly do not relish the thought of the committee's acting on the nomination. However, I shall not oppose the nomination.

The CHAIRMAN. Had this dinner been arranged before you were extended this nomination?

Mr. PEABODY. Yes. I brought this to the attention of all the parties involved before my appointment was made.

The CHAIRMAN. Senator Symington.

Senator SYMINGTON. Thank you, Mr. Chairman.

Governor, I look forward with pleasure to voting for your confirmation, and am sure this dinner problem you will handle in a manner characteristic of the way you handled previous matters, in the fine traditions of your family.

There has been a lot of emphasis on civil defense in your testimony. The OEP has a great many different ramifications in its activities in Government besides civil defense. I for one have become increasingly apprehensive about the way the stimulated Vietnamese economy is finding our estimates of what we need in possible future war being reduced to accommodate that economy. This is especially true in such metals as copper and nickel. I would hope that, inasmuch as you are going to be the No. 2 man over there, and inasmuch as your organization sets the policies under which the General Services Administration operates you would carry a message back to Governor Bryant that we view with increasing apprehension—many members have spoken to me about it—the constant downgrading of the estimates of what is needed in the stockpile in case of national emergency, which would seem to be an accommodation based on what is going on today.

Mr. Chairman, I have no further comments, and no questions.

The CHAIRMAN. I associate myself with Senator Symington with respect to the stockpile. He is chairman of the Subcommittee on the Stockpile, and has been I think since its inception.

This is a very vital question, and it is one that is becoming increasingly important, because of the tendency to use the stockpiles at times, and keeping them far below the standards that have been fixed in order to stimulate various portions of the economy. It was never intended

that they be used for that purpose, as helpful as it may be. Should we have a certain outbreak of war our adversary would not be interested in any stimulation of the economy; it is what we have to fight with.

Senator JACKSON.

Senator JACKSON. Mr. Chairman, the Governor certainly has a very fine record. I shall vote for the nomination.

Senator BROOKE. Mr. Chairman, I have to leave. May I have the privilege of introducing Mrs. Endicott Peabody?

The CHAIRMAN. You may indeed.

Senator BROOKE. She is a very effective campaigner, and in no small measure contributed to my deficit. And she is a very gracious lady.

The CHAIRMAN. Senator Miller.

Senator MILLER. Thank you, Mr. Chairman.

I want to be associated with the remarks made by the chairman and by Senator Symington. All I wish to add is that you are stepping into the shoes left by one of my fellow Iowans. If you perform your duties in the same manner that Mr. Cosgrove has, I for one will be thoroughly satisfied. I wish you the best of luck.

The CHAIRMAN. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

Governor, I, too, want to associate myself with the views of the chairman and Senator Symington concerning the stockpile situation.

In your statement you mentioned that you were of counsel with this law firm, that you did not draw any dividends, but you would remain of counsel. What does that mean?

Mr. PEABODY. It does not mean anything more than what I understand is a permissible procedure under the American Bar Association rule of ethics. I intend to devote my full time to my position, but at the conclusion of my position in Government I intend to return to the practice of private law.

Senator CANNON. Would your name be attached to the letterhead of the firm as of counsel at the same time you maintain this position?

Mr. PEABODY. At the bottom of the letterhead would be the words "Of Counsel," which I understand under the American Bar Association rules is permissible. If I am incorrect on that, I certainly will be glad to change it, if the committee feels that I should.

Senator CANNON. But you would not be available on a consulting basis with the firm during that period?

Mr. PEABODY. I would not be.

Senator CANNON. Nor to render any advice to clients or prospective clients?

Mr. PEABODY. That is correct. I do have one or two matters, Senator, which I am now bringing to a close, but I do not anticipate undertaking any more.

Senator CANNON. That is all I have.

The CHAIRMAN. Senator Inouye.

Senator INOUE. Mr. Chairman, I wish to commend the President on his wisdom in selecting Governor Peabody. I think his selection is very fortunate.

The CHAIRMAN. Senator Pearson.

Senator PEARSON. Mr. Chairman, I am unprepared on the question in mind.

May I ask counsel, is this the agency that has the department that aids in the economic adjustment of communities and cities where bases have been closed within the United States?

Mr. DARDEN. No sir; I believe not, Senator.

Senator PEARSON. I thank the staff for that.

Then I will just comment, as a digression, that the Governor comes well recommended to the Office, and he is prepared to be confirmed by this committee and the Senate. And I congratulate him and wish him the best of luck.

Mr. PEABODY. Thank you, Senator.

The CHAIRMAN. Senator McIntyre.

Senator MCINTYRE. As a fellow New Englander, I have followed the career of Endicott Peabody with great admiration.

Endicott Peabody was a distinguished and creative Governor of the State of Massachusetts. His long career in public service makes him admirably suited to be Assistant Director of the Office of Emergency Planning; and I have no hesitation in supporting his nomination.

Endicott Peabody is well qualified for this post and I want to take this opportunity to offer him my congratulations and best wishes as he undertakes his new responsibilities in Washington.

I believe and have no doubt, Mr. Chairman, that he will perform in this posit on with his usual excellence.

Mr. PEABODY. Thank you, Senator.

The CHAIRMAN. Senator Dominick.

Senator DOMINICK. Governor, I am happy to be here and participate in this hearing. You certainly will not get an objection from me.

I would like to call at least one point to your attention. Last October Governor Bryant sent to the Treasury Department the warning and the request that the silver reserve as originally asked for be set aside for defense. The Treasury came back and said that they would if they found that they had done anything else that they wanted to do. In other words, it is not set aside at the present time. I have a bill before Congress now urging that 165 million ounces of silver be set aside as a stockpile defense reserve, and I would anticipate staying in touch with you and the Governor in order to try and work this into a legislative set-aside before we are through. I just want to alert you to the fact that at the present time we simply do not have enough free silver to supply our defense needs over a 3-year period.

Mr. PEABODY. Thank you, Senator. I will certainly look into that.

Senator DOMINICK. I might say in that connection that I had some difficulty with my great and revered colleague, Senator Saltonstall, and your cousin, who was on the side of the industrial users of silver. You may find yourself in a rather difficult position from your constituency.

The CHAIRMAN. Senator Byrd.

Senator BYRD of Virginia. Thank you, Mr. Chairman.

I shall be glad to support the nomination of the distinguished former Governor from Massachusetts. I extend to him my very best wishes.

I have no questions.

Mr. PEABODY. Thank you, Senator.

The CHAIRMAN. Any further questions?

If not, we thank you, Governor Peabody. And this will close the open hearing of the committee. We will now go into executive session.

(Thereupon, at 11 a.m., the committee went into executive session.)  
 (The nomination of Endicott Peabody to be an Assistant Director of the Office of Emergency Planning was approved by the committee in executive session and confirmed by the Senate on April 10, 1967.)

