

The original documents are located in Box D32, folder “Bar Association, Ventura County, CA, November 19, 1971” of the Ford Congressional Papers: Press Secretary and Speech File at the Gerald R. Ford Presidential Library.

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Remarks by Rep. Gerald R. Ford before the Ventura County, California, Bar Association, 7 p.m. P.S.T. Friday, November 19, 1971.

There currently is taking place in this country a restructuring of the Supreme Court.

Established to check the other two branches of our Federal Government and to protect values sometimes neglected by the legislative and executive branches, the Supreme Court is a unique institution.

Winston Churchill once said the Supreme Court is "the most esteemed judicial tribunal in the world."

It certainly is that, and now it is being restructured.

It is being restructured because the recent Court all too often took upon itself the responsibility of making laws instead of simply carrying out its assigned role of a reviewing tribunal.

In the past two decades, the Supreme Court has assumed an expansive and activist role, particularly in civil rights, reapportionment and criminal law.

Four vacancies have occurred on the Court during Richard Nixon's Presidency. Only six Presidents have filled more Supreme Court vacancies than have already occurred during President Nixon's term. And there is speculation that there will be still another vacancy before the 1972 elections.

We saw the pattern of Nixon appointments to the Court with the naming of Chief Justice Warren E. Burger and Justice Harry A. Blackmun. That pattern is being carried forward with the nominations of Lewis F. Powell Jr. of Virginia and William H. Rehnquist of Arizona.

I am pleased that the President has named men to the Court who strictly construe our constitution.

These appointments mean that the Supreme Court will have a clear "conservative" majority for the first time in many years.

In naming four Supreme Court justices in less than three years, Richard Nixon will have appointed more members of the Supreme Court than any other President since George Washington in so brief a span of time.

I am not unhappy that Mr. Nixon has abandoned the procedure of seeking advance American Bar Association clearance of prospective Supreme Court nominees.

News leaks concerning prospective nominees are most unfair to the persons involved, and such leaks are inevitable if the ABA is consulted in advance of a nomination.

I mentioned earlier that I look with favor on Mr. Nixon's latest Supreme Court appointments.

I feel these are first-rate appointments because of the philosophies expressed by the two men, Powell and Rehnquist, in their writings and their public statements.

I agree completely with Powell that the charge of widespread abuse of civil liberties in America is simply leftist propaganda. And I share his belief that many Americans genuinely concerned about civil liberties have simply been taken in by the radical left and parrot its phony charges.

Like Powell and Rehnquist, I firmly believe that court-sanctioned wire-tapping is a useful and necessary tool in fighting crime and that every safeguard

is being taken to prevent any abuse of that tool. Wiretapping is also, as they assert, the most effective means of detection in espionage and subversion cases--one that has been used for three decades under six Presidents.

It so happens my views also coincide with those of Powell and Rehnquist on the mass arrests resorted to last May Day when demonstrators, so-called, attempted to shut down the government.

As Powell pointed out in an article published last August 1 in the Richmond (Va.) Times-Dispatch, "The alternative to making mass arrests was to surrender the Government to insurrectionaries," and to deprive thousands of Washington area residents of the right to travel to their offices and homes.

As Powell stated, it is "sheer nonsense" to contend that mass arrests under such circumstances constitute repression and the suppression of free speech. He speaks the truth when he declares that the only abridgement of free speech in this country is on the part of the radical left who shout down those they disagree with or drive them away from the podium.

I also applaud the position taken by Powell on racial balance in the schools. I think he sees the problem with great clarity when he says: "The effort to attain racial balance promotes resegregation and movement to suburbia. These results defeat the goal of racial balancing, adversely affect education and contribute to urban deterioration. The goal of the desegregation movement must be to achieve the highest quality of education."

Powell is an eminently fair person. He disagrees, for instance, with those who argue that Supreme Court opinions of recent years have actually

encouraged crime. But he also contends--and with this I agree--that "the net effect of court decisions over the past decade has been adverse to law enforcement." I also agree with him when he says that "law enforcement has been unduly handicapped while society suffers."

Rehnquist's testimony before the Senate Judiciary Committee indicates that his views are very similar to Powell's.

In my opinion, both of these men will make excellent Supreme Court justices.

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