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THE PRESIDENT HAS SEEN....

PRESIDENT'S REMARKS AT THE
SIXTH CIRCUIT JUDICIAL CONFERENCE

SUNDAY, JULY 13, 1975

ACKNOWLEDGEMENTS

THANK YOU JUDGE ENGEL (INTRODUCES YOU)

GOVERNOR MILLIKIN

JUSTICE STEWART

SENATOR GRIFFIN

DISTINGUISHED MEMBER OF CONGRESS

JUDGE PHILLIPS

GENERAL
KJPE
VHJWJNGT

BISHOP DIMMICK

JUDGE McALLISTER

LADIES AND GENTLEMEN

BEFORE I BEGIN, I WOULD LIKE TO ASK A QUESTION
OF THIS DISTINGUISHED JUDICIAL CONFERENCE. LAST
THURSDAY, ONE OF THE TIRES ON AIR FORCE ONE BLEW OUT AS
WE WERE LANDING IN CLEVELAND. AND THAT NIGHT A
NEWSPAPER REPORTED THE INCIDENT AS FOLLOWS: "AIR FORCE
ONE LANDED IN CLEVELAND TODAY WITH A FLAT TIRE -- AND
PRESIDENT FORD STEPPED OUT". . . AND NOW FOR THE
QUESTION: CAN I SUE?

IT IS A PRIVILEGE TO MEET THIS MORNING WITH
SUCH A DISTINGUISHED GROUP OF JURISTS AND LAWYERS FROM
KENTUCKY, MICHIGAN, OHIO AND TENNESSEE. I AM
HONORED TO SHARE THE PLATFORM WITH MY FORMER LAW SCHOOL
CLASSMATE, JUSTICE POTTER STEWART, AN ALUMNUS OF THE
SIXTH CIRCUIT COURT OF APPEALS. AND I AM PLEASED TO
SEE THE FAMILIES OF SO MANY OF YOU HERE TODAY. THIS IS
PROBABLY ONE OF THE FEW TIMES YOU GET TO SEE YOUR SPOUSES
FOR SUCH AN EXTENDED PERIOD.

*Judge Tom McAllister
Law degree.
French
Judge Albert Engel.*

FOR THE PAST FEW DAYS, THIS CONFERENCE HAS
MADE ITS ANNUAL REVIEW OF THE CURRENT PROBLEMS OF THE
FEDERAL JUDICIARY, ESPECIALLY THIS CIRCUIT. YOUR
CONCERN ABOUT THE ADMINISTRATION OF CRIMINAL AND CIVIL
JUSTICE REACHES FAR BEYOND YOUR COURTROOMS, BECAUSE
YOUR WORK IS VITAL TO THE STABILITY OF THIS NATION.

*Rise in crime
Backlog in civil cases.*

DESPITE THE IMPORTANCE OF THE JUDICIARY, ITS
PROBLEMS OFTEN GO UNNOTICED AND UNREPORTED. TOO OFTEN,
WE PAY ATTENTION ONLY WHEN FEDERAL COURT DECISIONS ARE
CONTROVERSIAL OR THE PROBLEMS OF COURT MANAGEMENT
BECOME OVERWHELMING.

THE CASELOADS IN FEDERAL COURTS HAVE EXPANDED
TREMENDOUSLY IN THE PAST DECADE. THOSE OF YOU ON
THE FEDERAL BENCH KNOW PERSONALLY ABOUT THE 25 PERCENT
INCREASE IN CRIMINAL CASES AND THE 55 PERCENT INCREASE
IN CIVIL CASES BETWEEN 1964 AND 1974.

THE SIXTH CIRCUIT IS ONE OF THE BUSIEST AND
MOST PRODUCTIVE IN THE COUNTRY. AT THE APPELLATE
AND DISTRICT COURT LEVELS, THIS CIRCUIT HAS AN
IMPRESSIVE RECORD OF ACCOMPLISHMENT IN KEEPING UP WITH
THE RECENT EXPLOSION OF FEDERAL LITIGATION.

YOU ARE HANDLING TREMENDOUS RESPONSIBILITIES WELL,
BUT THERE IS A SERIOUS QUESTION AS TO HOW LONG THE FEDERAL
JUDICIARY WILL BE ABLE TO FUNCTION SMOOTHY WITHOUT
ADDITIONAL MANPOWER.

- 7A
strongly
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THIS ADMINISTRATION SUPPORTS THE RECOMMENDATIONS

FOR ADDITIONAL DISTRICT AND CIRCUIT COURT JUDGESHIPS,

WHICH JUDICIAL CONFERENCE STUDIES SHOW ARE NEEDED.

fully
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LEGISLATION TO CREATE THESE JUDGESHIPS REQUIRES SWIFT

BI-PARTISAN ACTION.

THE NUMBER OF FEDERAL JUDGES AND ADEQUATE

SALARIES ARE IMPORTANT ISSUES.

ALSO NEED ATTENTION.

The Chief Justice has talked to me, the

BUT OTHER PROBLEMS

*at this request
I arranged a
relationship.*

IN MY CRIME MESSAGE, I STRONGLY SUPPORTED

LEGISLATION TO EXPAND THE JURISDICTION OF UNITED STATES

MAGISTRATES.

*You know better than I
how this could help.*

ACTION ON THE SCOPE AND PROCESS OF FEDERAL JURISDICTION

-- INCLUDING THE RANGE OF DIVERSITY JURISDICTION, THE

ADVISABILITY OF THREE-JUDGE COURTS, POSSIBLE AVENUES

OF FEDERAL-STATE COOPERATION AND RELATED PROPOSALS -- ALL

COULD HELP TO REDUCE CASELOADS. ACCORDINGLY,

I HAVE REQUESTED A COMPREHENSIVE REVIEW OF ADMINISTRATION

EFFORTS ON JUDICIAL IMPROVEMENTS AND AN EXAMINATION

OF THE FULL SPECTRUM OF PROBLEMS FACING THE JUDICIARY.

BECAUSE THE STATE COURTS ARE BEING TAXED BY
SPECIAL PROBLEMS, I HAVE RECOMMENDED AN EXTENSION OF THE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION PROGRAMS
CALLING ATTENTION TO FINANCIAL AND TECHNICAL ASSISTANCE
REQUIREMENTS OF STATE COURT SYSTEMS.

THE ADMINISTRATION ALSO IS AWARE OF THE NEED
TO CONSIDER THE JUDICIAL IMPACT OF ANY NEW LEGISLATION,
AND WE WILL EXAMINE THE POTENTIAL FOR LITIGATION ARISING
FROM OUR PROPOSALS. TOO OFTEN, FEDERAL LAWS HAVE
BEEN PASSED WITHOUT ADEQUATE CONSIDERATION OF THEIR
EFFECT ON FEDERAL COURTS.

FROM ITS FOUNDING, THE NATION HAS EXPECTED ITS COURTS
TO PERFORM IMPORTANT FUNCTIONS, AND, IN RECENT YEARS,
THE FEDERAL BENCH HAS WRESTLED WITH MANY ISSUES IN OUR SOCIETY.

IN FACT, WE ARE TURNING TOO OFTEN TO OUR FEDERAL COURTS
FOR SOLUTIONS TO CONFLICTS THAT SHOULD HAVE BEEN TACKLED
BY OTHER AGENCIES OF GOVERNMENT OR THE PRIVATE SECTOR.

WE AS A PEOPLE CANNOT EXPECT THE JUDICIAL
BRANCH TO RESOLVE AND BALANCE ALL OF OUR OPPOSING VIEWS.

NEITHER CAN WE RELY ON FEDERAL COURTS AS THE SOLE

PROTECTORS OF OUR INDIVIDUAL LIBERTIES.

THE JUDICIARY IS THE NATION'S STANDING ARMY IN DEFENSE
OF INDIVIDUAL FREEDOM, BUT ALL SEGMENTS OF OUR SOCIETY --
GOVERNMENT, BUSINESS, LABOR, EDUCATION -- MUST WORK
TO SEE THAT THE INDIVIDUAL IS NOT STIFLED.

IN OUR FIRST CENTURY, THE NATION ESTABLISHED
CONTINENT-WIDE A UNIQUE SYSTEM OF GOVERNMENT; IN THE
SECOND CENTURY, A STRONG ECONOMIC SOCIETY; AND IN THE THIRD,
THE CHALLENGE IS TO ADVANCE INDIVIDUAL INDEPENDENCE.

DANIEL BOONE MOVED WEST TO FIND 'ELBOW ROOM'

-- AND 'ELBOW ROOM' FOR THE INDIVIDUAL IS WHAT OUR NEXT

CENTURY AS A NATION MUST BE ABOUT. WE MUST GIVE

OURSELVES AS INDIVIDUALS AMPLE ROOM TO GROW, \ TO

ACHIEVE, \ TO BE DIFFERENT - \ AND TO DEFINE THE QUALITY

OF OUR PERSONAL EXISTENCE.

OUT OF THE SLOGANS, MYTHS AND MEMORIES OF

200 YEARS OF AMERICAN HISTORY, THE FIRST WORDS STILL

RING TRUE: 'WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT

ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY

THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT

AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS."

THOSE WORDS ARE NOT JUST FOR POLITICAL
ORATIONS OR COURT DECISIONS . . . THEY ARE THE WATCHWORDS
OF WHAT WE MUST BE ABOUT AS A PEOPLE IN THE COMING YEARS.

FREEDOM FOR A NATION BEGINS AND ENDS WITH THE
FREEDOM OF THE INDIVIDUAL. WITH THAT COMMITMENT, OUR
FUTURE WILL BE MORE GLORIOUS THAN OUR PAST.

END OF TEXT