

September 27, 1980

MEMORANDUM FOR ANNE WEXLER, AC, JR, JP, JW, SE, LM,  
SW

FROM: Al McDonald  
Rick Hertzberg  
Achsa Nesmith

SUBJECT: Presidential Remarks:  
Reception for National  
Association of Women  
Judges

Scheduled delivery:  
Fri, Oct 3, 1 p.m.  
Residence

Attached is a copy of the President's  
remarks for this reception. Please  
give your comments to Achsa Nesmith  
(x6487) by COB on Monday, Sept 29.

B-1 9/27/80  
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National Association of Women Judges

(Salutation to come)

It is a special pleasure to have you here at the White House. You are part of a significant breakthrough in our country.

Susan B. Anthony said in 1897 that "There will never be complete equality until women themselves help to make the laws and elect the lawmakers." Radical as that statement was at the time, it does not go far enough. She left out a crucial element -- the interpretation of the laws.

My political career began at a time of great change in this country, especially in the South. The judiciary, and the federal judiciary in particular, played a vital role in that change, not only in matters of racial discrimination, but also in matters of political discrimination based on where people lived. The courts had outlawed the white primary in the the 1940s. In the 1960s, they insisted that dual school systems must go, that all votes

must be counted alike, that discrimination of all kinds must end. No longer would it take hundreds of people in Atlanta to balance the vote of one in our smallest county, nor could the legislature decide not to reapportion Congressional and legislative districts. The courts were in the forefront of the changes that freed us from the twin fetters of undemocratic government and enforced racial discrimination.

Many of the judges involved were men of great courage and sound legal scholarship, but the phrase that became the rallying cry of political equality "One man, one vote" reminds us that there were no women on those courts, although about half of the people of Georgia were women then. No blacks were on the district and circuit courts that made those decisions, although one-third of our people were black.

I learned, too, the vast power that local judges had over the lives of people brought before them, especially in criminal cases. My own election to the State Senate finally rested on a court

decision involving voting irregularities. Only 330 ballots had been officially issued in one precinct, but 433 ballots were in the ballot box, and 126 of those had been voted alphabetically. When some of the paper ballots were unfolded there were as many as eight ballots folded inside them. Many of the people recorded as casting those ballots were dead or had moved away long ago.

You hold enormous power, whether you are a federal, state or local judge, whether the cases you consider are capital crimes or child custody, disputes over contracts or over the Constitution. You have the power to make our system work -- to stop those who would misuse power or abuse their fellow citizens, to hold us all to the high standards set forth in our Constitution, the power to see that justice includes mercy.

Because I knew the power and importance of judges, I was determined to get the very best people possible to serve on the federal bench. I was also determined that women and minorities whose destinies have so often depended upon the kind of justice

our courts provided, should be included in those judgeships.

I have found no conflict in those two aims.

Only 10 women had ever been appointed to the federal bench when I took office. I have appointed 38 more. I also took one away, Shirley Hufstedler, but education has always been one of my highest priorities and when I was ready to appoint the first Secretary of Education, I wanted the best. Shirley is one of only six women who have held Cabinet posts in the history of our nation -- and I appointed three of them.

Federal judges are not only powerful; they are more or less permanent. Few things any President does have the long-term effects that the judges he or she appointed can have. When I leave this office my successor can turn out my Cabinet and other officials in the Executive branch, can reverse or dismantle my best policies and programs, can convince the Congress to repeal the best laws I have proposed or supported. But the judges I have appointed will remain.

I am proud of what I have been able to do in three-and-one half years -- and I am not through yet. We still have a full agenda before us, including passage of the Equal Rights Amendment so that every judge, male or female, will have a clear Constitutional standard to go by.

I know that some of you are hoping that I will promise today that, should the need arise for me to fill a vacancy on the Supreme Court, I will appoint a woman. I cannot promise that. I can promise that women and members of minorities will be fully considered, but I will not rule out anyone -- male or female -- on the basis of sex, or race or religion or national origin. To do that would violate the principles we have fought so hard for, would violate the sacred trust placed in me as President, and I know that you, whose lives are full of critical decisions, understand that better than most.

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