



John Woolley and Gerhard Peters

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JIMMY CARTER

XXXIX President of the United States: 1977-1981

National Association of Women Judges Remarks at a White House Reception.

October 3, 1980

(as delivered)

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I just had the exciting experience of meeting personally some of the judges that I've been able to appoint since I've been in the White House. These are names all very famous to me because the selection process, before it's made public, is a very long and detailed one. And to meet you personally is indeed an honor and a pleasure.

I met Judge Joan Dempsey Klein and Judge Vaino Spencer a good many months ago, I think about 2 years ago, in Los Angeles. They were on the platform when I addressed the Bar Association. Several people in the audience demanded equal time after I got through with my speech. [Laughter] But I've reread the speech, and I meant every word of it and wouldn't change it if I had to make it now.

This is an opportunity for me to come and see you. And I'm also grateful to see how many of you there are—many representing others in one of the finest and most gratifying developments in which I've been a part since I've been President. It's a special pleasure to have you here at the White House, because you are a special part of a significant breakthrough in our country.

Susan B. Anthony said in 1897, and I quote from her: "There never will be complete equality until women themselves help to make laws and elect lawmakers." Radical as that statement was back in that time, it does not go far enough, as I'm sure all of you would agree. She left out a very crucial point, and that is the interpretation and the administration of the law.

My own political career began in Georgia at a time of great change in this country, especially in my region. The judiciary, and especially the Federal judiciary, played a vital role in that change, not only in matters of racial discrimination, which were sensitive and difficult to accommodate, but also in matters of political discrimination based on where people lived.

The courts had outlawed the white primary in the 1940's. In the 1950's and the 1960's they insisted that the dual school systems must go, that all votes must be counted alike, and that discrimination of all kinds under the law must end. No longer would it take hundreds of votes in Atlanta to equal one vote in some of the small counties of my State under the unit rule, nor could the legislature decide whether or not it wanted to reapportion congressional and legislative districts. The courts were in the forefront of those changes that freed us from the twin fetters of undemocratic government and enforced legal racial discrimination.

Many of the judges involved had to be men of great courage and sound legal scholarship. But the phrase that became the rallying cry of the political equality was, "One man, one vote." And when I say the men who were judges it kind of grates on me now— [laughter] —because I don't use that kind of phrase any more, and to say, "One man, one vote," is indeed at this time an anachronism. Behind us we are reminded that there were no women on those courts, although about half the people of Georgia were women. There were no blacks on the district and circuit courts that made those decisions in my State or anywhere in the South, although one-third of the people in my State were black.

I learned, too, the vast authority and influence and power that local judges could have, particularly in the human kinds of interrelationships involving criminal cases. I went into the law office of a young black legislator in Savannah, Georgia, when I was running for Governor in 1970, and he had a photograph on his wall that told the story in vivid terms. It was a photograph of a white person standing in the criminal docket as the accused, and the judge was black and all 12 jurors were black and the sheriff was black and the bailiff was black— [laughter] —and all those in audience in the court were black. I think that impressed me more than any photograph or even public demonstration that I've ever seen.

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My own election to the State senate finally rested on a court decision involving voting irregularities. I learned the first time I ran for public office the importance of justice. There were only 330 ballots that had been officially cast in one precinct where the election hung in balance; 330 people had voted. There were 433 ballots in the box— [laughter] —and the last 126 had voted in alphabetical order. [Laughter] And when the officials went there to recount the ballots and unfolded the ballots, sometime there would be eight ballots inside of one folded document. Many of the people on the list were dead or in prison or had moved away a long time ago. Reform in that county that was proposed afterwards, that was that no one could vote who had been dead more than 3 years. [Laughter] Well, those kinds of travesties of justice not only afflicted black citizens and those who don't speak Spanish [English] well and women, but they also afflicted others without political or social or financial influence.

So, you hold tremendous power, whether you are a Federal, State, or local judge, whether the cases that you consider are capital cases or child custody cases or disputes over contracts or over political matters or over an interpretation of what our Constitution says. You have the power to make our system work and to administer the laws in a sensitive and humane way, to stop those who would misuse power against their less powerful fellow citizens, to hold us all to the very high standards set forth in our Constitution, the power to see that justice includes mercy.

In my judgment, our system of justice still has a long way to go. The innovation for the removal of injustice ought to originate among lawyers and among those who are professionally trained, but in the past that has not been the case. Because I knew the power and importance of judges, I was determined when I became President to get the very best people possible to serve on the Federal bench. I was also determined to see that women and minorities, whose destinies have so often depended upon the kind of justice that our courts can provide, should be included in those judgeships. The highest possible quality and women and minorities—I have found no conflict in those two aims.

When I became President, only 10 women had ever been appointed to the Federal bench in more than 200 years. I've appointed 40 more. And if the process was not so complicated, involving the United States Senators who represent a particular State— [laughter] —there would have been more still. [Laughter] And some of the delay in making the appointments of those represented here today had been because of long and extended arguments, almost always done in private, to induce progressive, sometimes even liberal, Members of the United States Senate to change their previous practices and consider women and blacks and those who speak Spanish.

And I have to confess to you that I also took one excellent Federal judge away—Shirley Hufstедler. But education has always been one of my prime interests, and when I was ready to fill the new office of Secretary of Education, I wanted the very best. And I've not been disappointed. Shirley Hufstедler is one of only six women in the history of our Nation who have ever held a Cabinet post, and I appointed three of them. Patricia Harris, who was speaking to your group, is another one who's served superbly in two Cabinet posts.

As you know, Federal judges are not only powerful but they're also more or less permanent. [Laughter] And I was amazed a few minutes ago, when I looked at that group, how young women judges are. [Laughter] Few things that a President does will have as much long-term effect as the judges that are appointed. When I leave this office in January of 1985, I hope— [laughter] —my successor can turn out my Cabinet, as you know, and other officials in the executive branch of Government. They can reverse or dismantle the executive decisions that I've made. They can change the programs that have been initiated. They could even convince the Congress to repeal laws that I've proposed or supported. But the judges that I've appointed will remain.

I'm concerned, as are many of you, that some groups around this country are attempting to set up ideological eligibility tests for judges. It's never been done before. It's a radical departure from what all previous Presidents, Democratic or Republican, have done. And as long as I'm President, potential judges will not be subjected to tests of religion or gender or race or personal beliefs on someone's list of so-called "right" attitudes.

I know that your association is on record favoring the appointment of a woman Supreme Court justice, and 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, that my next appointment will be a woman. I would be honored to be the first President to appoint a woman to the Supreme Court, but I cannot make such a promise. I can promise, based on my record so far, that women and members of minority groups 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, to me, to promise ahead of time that I would comply with your wish would violate the principles for which you and I have both fought so hard and would violate the trust that's been placed in me as President. I know that you, whose lives are full of critical decisions and who have experienced personal discrimination because you're female and arbitrary exclusion because you are women, understand that better than most people.

I'm proud of what I've been able to do this past 3 1/2 years, but I'm not through yet. We still have a full agenda before us, including the passage of the equal rights amendment, which has been so grossly distorted and about which so many lies have been told. The amendment simply says that neither the Federal Government nor any State can pass a law which would discriminate against women—a simple, obviously badly needed amendment. And I want to see that embedded in

the Constitution of the United States so that every judge, male or female, will have a clear constitutional standard to follow in the years ahead.

We share a lot together—you as exciting new public servants in the system of administering justice in our Nation and myself as the President of the same Nation. I'm honored by that shared partnership, and I'm deeply grateful for what you have already and will contribute to make our wonderful Nation even greater in the future. Thank you very much.

Note: The President spoke at 1:08 p.m. in the East Room at the White House.

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