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END LIFE TENURE FOR FEDERAL JUDGES

The nomination of Sandra O'Connor to the U.S. Supreme Court provides a perfect opportunity to arouse the nation to restore a proper balance of powers among the three branches of our federal government.

Over the past 40 years, the Supreme Court has set itself up as a super-legislature and handed down many decisions in sensitive areas which the majority of Americans find offensive. The most shocking of all such decisions was Roe v. Wade in 1973 which invented the right of a woman to kill her unborn baby.

There are many other pseudo-legislative actions by the Federal courts which offend the majority of Americans. These include ordering forced busing, abolishing prayer from the public schools, unleashing pornography, abolishing capital punishment and other deterrents to crime, and dismantling our internal security.

In the election last November, the American people brought about landmark changes in the executive and legislative branches of the Federal Government. But the judicial branch remains untouched, even though it is the Federal courts which have done so many of the things about which voters are angry.

The reason why Supreme Court Justices feel free to hand down pseudo-legislative, unpopular decisions and then ignore public outrage is that all Federal judges, including Supreme Court justices, enjoy life tenure. They do not have to run for reelection; they do not have to be reconfirmed; they have lifetime job security no matter how unwise or unpopular their decisions are.

The American voters repudiated the Jimmy Carter's Administration and policies in the election of 1980. But President Carter appointed 45 percent of the Federal court judges on the bench today, and they will be writing the Carter policies into our laws for the next 30 years.

If the American people disapprove of Ronald Reagan's policies they can throw him out of office after four years. We can change our Congressmen after only two years.

(more)

But Supreme Court Justice Sandra O'Connor could be making pro-abortion and other unpopular law for the next 30 years.

President Dwight Eisenhower appointed Earl Warren and William Brennan as Justices of the U.S. Supreme Court. Later, President Eisenhower told friends that he regretted the Warren appointment more than anything he ever did. If Eisenhower had lived longer, he would have regretted Brennan even more. Eisenhower had only eight years as President, but Earl Warren spent 16 years on the Court and Brennan has been there 25 years, wielding tremendous power against almost everything Eisenhower stood for.

How did President Eisenhower get conned into making such important appointments that he would regret all his life? The Warren appointment resulted from a rash political promise made during the Republican National Convention. Eisenhower appointed Brennan on the basis of inaccurate information about Brennan's views. (The O'Connor appointment resulted from both a rash campaign promise and inaccurate information about her pro-abortion record.)

Justice William Douglas was appointed to the Supreme Court because President Franklin Roosevelt wanted to replace what he called the "nine old men" with youthful liberal justices. Douglas outlived Roosevelt and stayed on the Court for 36 years (writing 1,200 opinions), through the terms of Presidents Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford.

Douglas' prejudice against religion was so intense that he even questioned the constitutionality of chaplains in the armed services and the words "In God We Trust" on our money. He had four wives. Congressman Gerald Ford tried (unsuccessfully) to impeach Douglas because of his money dealings with Las Vegas gamblers.

A Supreme Court justice is appointed for life -- for better or worse, no matter how bad his decisions or his private life, until death do us part. That's why many people are upset at the idea of giving life tenure on the Supreme Court to someone who is out of step with the pro-life, pro-family policies on which Ronald Reagan was elected.

The best remedy for bad Federal court appointments is to require all Federal judges and Supreme Court justices to stand for reelection as most state court judges do. A constitutional amendment to Article III, which would require elections along the lines of the successful "Missouri Plan," would be a constructive step toward ending judicial usurpation and restoring the proper balance of powers between the three branches of our government.

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