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JEFFERSON'S WARNING ABOUT JUDGES

like kings and dictators, Federal judges serve for life. They are not elected. Thomas Jefferson once warned: "It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy."

Several recent Federal court decisions give credence to Jefferson's prediction.

A Federal judge recently enjoined 40 oil companies from exercising the rights they had bought for 1.1 billion dollars to drill for oil and gas in the Baltimore Canyon which extends along the continental shelf in the Atlantic Ocean from Long Island to Delaware.

Although the Federal Government sold these offshore oil drilling rights in the Atlantic Ocean to the highest bidders, this one Federal judge enjoined the successful bidders from "the exercise of any powers reportedly granted by" the sale of the leases.

The same kind of judicial interference delayed production of our Alaskan oil for four critical years, and bears a heavy share of the blame for our dependency on imported oil at the time of the 1973 Arab oil embargo and our even greater dependency today. Our economy cannot afford a second such costly mistake.

Our nation desperately needs more oil and gas. We are now importing more than 40 percent of our oil from the Middle East and from South America. Discovery of oil and gas off our east coast could be as beneficial as the production of oi'l and gas in the North Sea has been to Norway and other adjacent countries.

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Several months ago, another Federal judge enjoined enforcement of a law passed by Congress and signed by President Ford which forbade the Federal Government to provide or pay for abortions. This one judge is thus responsible for the Federal Government's killing of thousands of innocent babies in Federal hospitals.

Since January 22, 1973 one million babies have been killed each year because seven judges on the U.S. Supreme Court on that day said there is a constitutional right to kill unborn babies. No such constitutional right had ever before been discovered by any American judge or legal textbook.

These court-approved killings will soon exceed the total number of persons killed by Adolf Hitler. The Federal judges who authorized these killings should remember the way history has treated King Herod, who directed the killing of several thousand babies, a far smaller number.

Federal judicial activism has taken the courts into a great variety of areas in which the judges have no expertise. Last year a Federal judge in Los Angeles threw out the "family hour" that had been agreed upon by the television networks to curb gory violence and explicit sex on prime-time programming.

A Federal judge in Boston, in practical effect, took over the running of the public schools and told the local School Board how to vote on issues before it.

President Carter announced recently that our country needs 150 more Federal judges. We probably wouldn't need any more judges if they would refrain from assuming responsibilities that properly belong to the legislative. and executive branches of our government.

It may be time for Americans to heed Thomas Jefferson's warning of a Federal judicial despotism.

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