P.S. to the NEWS
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THE SUPREME COURT

One of the most encouraging pieces of legislation passed by Congress this year was the authorization of the Trans-Alaska Pipeline. Not only will this help to supply more gasoline to meet the increasing demand, but the bill contained a provision which will prevent the Federal Courts from interfering with the Pipeline for environmental reasons. This is a healthy move by Congress to reassert its constitutional powers to check the Courts when they exceed their authority.

Article III of the U.S. Constitution specifically authorizes Congress to make "exceptions" to the appellate jurisdiction of the Supreme Court, and to decide what types of cases the lower Federal Courts may hear.

Some years ago, the great Judge Learned Hand said that the Supreme Court was becoming a super-legislature, contrary to Article I which states that "all legislative powers" shall be vested in Congress. Since Judge Hand said that, a runaway Supreme Court has done more legislating than he ever dreamed possible.

The Supreme Court has granted free speech to Communists to teach in public schools, but denied free speech to students to say prayers in public schools.

The Supreme Court has denied a jury's right to impose the death sentence on the most depraved murderers, but has granted a woman and her doctor the right to kill an innocent unborn baby.

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The Supreme Court has said that it is constitutional to require lawyers, automobile drivers, members of the Ku Klux Klan, and owners of guns to register with the government, but unconstitutional to require Communists to register.

Members of the Supreme Court often complain of their heavy workload of cases, but they spend an exorbitant amount of time exceeding their own authority, such as reapportioning State Legislatures and evaluating pornographic books and movies.

Senator Everett Dirksen, who knew more about the functioning of government than any man of our generation, believed that Congress should use Article III to remedy the mistakes of the Supreme Court.

For example, this was his solution for the pornography problem. In an article in the November 1969 READER'S DIGEST completed only the week before he died, Senator Dirksen identified the principal cause of the mounting smut epidemic as the shocking series of 22 pro-obscenity Supreme Court decisions, and he urged removal of jurisdiction from the Supreme Court in accordance with the powers granted Congress in Article III of the U.S. Constitution.

The purpose of the Dirksen anti-pornography bill was to return to local juries their right to make the final determination as to whether a book, magazine or movie is obscene.

Now that Congress has summoned up the courage to tell the Courts to keep their fingers off the Trans-Alaska Pipeline, Congress should use Article III of the Constitution to limit the jurisdiction of the Supreme Court and stop its usurpation of legislative powers.

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