Transcript of the President's Announcement

Following is a transcript of President Nixon's televised announcement of his Supreme Court appointments last night, as recorded by The New York Times:

Good evening.

During a four-year term the President of the United States sitting at this desk in this historic room makes over 3,000 major appointments to various Government positions.

appointments he makes are those to the Supreme Court of the United States. Presidents come and go, but the Supreme Court through its decisions goes on forever.

Because they will make decisions which will affect your lives and the lives of your children for generations to come, I should like to share with you tonight my reasons for selecting the two individuals whose names I will send to the Senate tomorrow for confirmation as Justices of the Supreme Court of the United States.

Scores Recommended

Over the past month I have received thousands of letters from all over the country recommending scores of able men and women for appointment to the two vacancies on the Court.

Because one of the vacancies is that left by the retirement and death of Mr. Justice Black who was a United States Senator before he was appointed, there has been a strong support for the appointment of a member of the Senate or House, so that the point of view of the Congress would be represented on the Court.

A great number of letters have recommended the appointment of a woman, since no woman has ever been appointed to the Supreme Court of the United States.

And a number of others have recommended the appointment of representatives of religious, racial and nationality groups not presently represented on the Court. I believe, as I'm sure all Americans do, that the Supreme Court should in the broadest sense be representative of the entire nation.

Obvious Limitations

With only nine seats to fill, obviously every group in the country cannot be represented on the Court.

These are the criteria I believe should be applied in naming people to the Supreme Court: First, the Supreme Court is the highest judicial body in this country. Its members, therefore, should above all be among the very best lawyers in the nation.

Putting it another way, in the legal profession, the Supreme Court is the fastest track in the nation and it is essential that the Justices on that Court be able to keep up with the very able lawyers who will appear before that Court arguing cases.

The two individuals I am nominating to the Court meet that standard of excellence to an exceptional degree.

The second consideration is the judical philosophy of those who are to serve on the Court.

Now I emphasize the word 'judicial" because whether an individual is a Democrat or Republican cannot and should not be a decisive factor in determining whether he should be on the Court.

Judicial Philosophy

By judicial philosophy I do not mean agreeing with the President on every issue. It would be a total repudiation of our constitutional system if judges on the Supreme Court, or any other Federal court for that matter, were like puppets on a string, pulled by the President who appointed them.

When I appointed Chief Justice Burger I told him that from the day he was confirmed by the Senate he could expect that I would never talk to him about a case that was before the Court.

In the case of both Chief Justice Burger and Mr. Justice Blackmun, and in the case of the two nominees that I shall be sending to the Senate tomorrow, their sole obligation is to the Constitution and to the American people, and not to the President who appointed them to their positions.

As far as judicial philosophy is concerned, it is my belief that it is the duty of a judge to interpret the Constitution anrd not to place himself above the Constitution or outside the Constitution.

He should not twist or bend the Constitution in order to perpetuate his personal, political and social views.

Disagreements Expected

Now this does not mean that judges who adhere to this philosophy that I have just described will find that they always agree on their interpretation of the Constitution. You seldom find two lawyers who will agree on any close question.

We have an excellent example of this in the record of the two judges whose vacancies I now have the duty to fill—Mr. Justice Black, Mr. Justice Harlan.

When they retired from the Court a month ago, most observers labeled Mr. Justice Black as a liberal, and Mr. Justice Harlan as a conservative. There was a measure of truth in this, but I would say that both were constitutionalists.

It is true they disagreed sharply in many cases. But as I learned, not only from reading their opinions over the years but from appearing twice before them in arguing a case before the Supreme Court, both were great judges with the brilliant ability to ask questions that went to the heart of the matter, and then to make a decision based on their honest interpretation of the Constitution.

In the debate over the confirmation of the two individuals I have selected I would imagine that it may be charged that they are conservatives. This is true. But only in a judicial, not in a political sense.

Pledge on Nominations

You will recall, I'm sure, that during my campaign for the Presidency, I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy which is basically a conservative philosophy.

Now let me give you an example of what that philosophy means. Twenty-one months ago Mr. Walter Lippman wrote: The balance of power within our society has turned dangerously against the peace forces, against Governors and Mayors and Legislatures, against the police and the courts. I share this view.

Over the past few years many cases have come before the Court involving that delicate balance between the rights of society and the rights of defendants accused of crimes against society. And honest and dedicated constitutional lawyers have disagreed as to where and how to maintain that balance.

As a judicial conservative, I believe some Court decisions have gone too far in the past in weakening the peace forces as against the criminal forces in our society.

In maintaining—as it must be maintained—the delicate

on Two Nominees for Supreme Court

balance between the rights of society and defendants accused of crimes, I believe the peace forces must not be denied the legal tools they need to protect the innocent from criminal elements.

And I believe we can strengthen the hand of the peace forces without compromising our precious principle that the rights of individuals accused of crimes must always be protected.

It is with these criteria in mind that I have selected the two men whose names I will send to the Senate tomorrow. Everything that Lewis F. Powell has undertaken he has accomplished with distinction and honor, both as a lawyer and a citizen.

Excellence has marked his career since his days as a student at Washington & Lee where he was Phi Beta Kappa and first in his class at Law School. He has practiced law in Richmond since 1931 except for four years of distinguished service during World War II.

In his unique legal career he has received virtually every honor the legal profession can bestow upon him. He has been president of the American College of Trial Lawyers, president of the American Bar Foundation, president of the American Bar Association.

Leadership by Powell

In that latter role he provided leadership in the provision of legal services for the needy and for the revision of the standards for administration of criminal justice.

Lewis Powell is from Virginia. But like another great Virginian, Chief Justice Marshall, Lewis Powell is recognized by his legal colleagues throughout the nation as being a man who represents not just Virginia and the South —he is first and foremost a very great American.

William Rehnquist has been outstanding in every intellectual endeavor he has ever taken. He was graduated from Stanford University, Phi Beta Kappa, 1948. He graduated first in his class from the Stanford University Law School in 1952.

And then he was awarded one of the highest honors a law graduate can achieve: He was chosen as law clerk for Mr. Justice Robert Jackson, one of the most outstanding members of the Supreme Court in the past half-century.

In this position, he acted as legal assistant to the justice, and his duties included legal research of the highest order.

Rehnquist's Experience

On leaving the Court, Mr. Rehnquist engaged in the general practice of law for 16 years in Phoenix, Arizona, until 1969 when I appointed him Assistant Attorney General, Office of Legal Counsel.

Now that's a very technical name. Let me tell you what it means. The legal counsel has a very special function in the Department of Justice, serving as the chief interpreter for the whole Government of the Constitution and the statutes of the United States.

He is, in effect, the President's lawyers' lawyer.

I was a member of a major New York law firm, a senior partner. I have had the opportunity, both in Government and in private practice, to know the top lawyers in this country and, as a matter of fact, some of the top lawyers in the world.

And I would rate William Rehnquist as having one of the finest legal minds in this whole nation today. He has discharged his responsibilities in his capacity as the President's lawyer's lawyer with such great distinction that among the thousands of able lawyers who serve the Federal Government he rates at the very top as a constitutional lawyer and as a legal scholar.

Lewis Powell, William Rehnquist—those are names you will remember because they will add distinction and excellence in the highest degree to the Supreme Court of the United States.

Prompt Approval Urged

I'm asking the Senate to approve their nominations promptly so that the Court can move forward in the backlog of cases that is building up because of the two vacancies which have occurred in recent weeks.

Let me add a final word tonight with regard to a subject that is very close to my heart because of my legal background and because of years of study of the American system of government.

I've noted with great distress a growing tendency in the country to criticize the Supreme Court as an institution. Now let us all recognize that every individual has a right to disagree with decisions of a court. But after those decisions are handed down, it is our obligation to obey the law whether we like it or not.

And it is our duty as citizens to respect the institution of the Supreme Court of the United States.

We have had many historic, and even sometimes violent, debates throughout our history about the role of the Supreme Court in our Government. But let us never forget that respect for the Court as the final interpreter of the law is indispensable if America is to remain a free society.

Except for the contribution he may be able to make to the cause of world peace, there is probably no more important legacy that a President of the United States can leave in these times than his appointments to the Supreme Court.

I believe that Chief Justice Burger, Mr. Justice Blackmun, by their conduct and their decisions have earned the respect not only of those who supported them when I nominated them, but also those who opposed them.

And it is my firm conviction tonight that Lewis Powell and William Rehnquist will earn the same respect and that as guardians of our Constitution they will dedicate their lives to the great goal of building respect for law and order and justice throughout this great land of ours.

Thank you and good night.