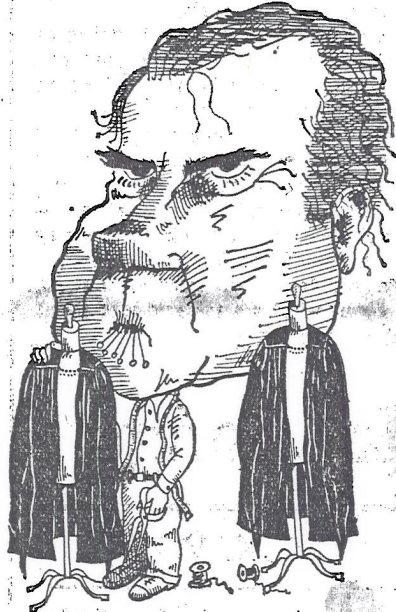


Supreme Court Opportunity

To the Editor:

Republican Senator William E. Borah, in urging Herbert Hoover to appoint Democrat Benjamin Cardozo to the Supreme Court to replace the retiring Oliver Wendell Holmes, argued that this afforded Mr. Hoover an opportunity for greatness similar to that of John Adams, whose most important act as President was the appointment of John Marshall as Chief Justice. Mr. Nixon now has a similar opportunity. One only hopes he seizes it.

Certainly choosing a replacement for Hugo Black is a monumental responsibility. Justice Black, over his long career, did as much as any public servant in American history to make the guarantees of the Bill of Rights operational realities in American society. To him, liberty and justice had to be more than disembodied ideals mouthed by politicians. They had to be functional factors operating for all Americans. As a result, despite high levels of disillusionment among the young, among Blacks, Indians, Chicanos and the economically depressed, there at least seemed to be one place where one could get a fair hearing within the system — in the chambers



J. C. Saures

of the Supreme Court.

To replace Justice Black with a judicial statesman, similarly devoted to making fundamental American

values operate, would be an act of high statesmanship. To replace him with an opponent of civil liberties and civil rights would be not only unfortunate and partisan, but an act of folly and potential catastrophe.

When millions of discontented Americans begin to see all avenues of relief within the system closed to them, the effect will not be the docile acceptance of repressive authority which many conservatives seek. It will be the creation of new levels of disillusionment, resentment and despair, and the enhancement of the appeal of those calling for violent revolution within this country. PAUL L. MURPHY
Professor of American Constitutional History, University of Minnesota
Minneapolis, Sept. 20, 1971