

**SENATOR
SAM ERVIN
★ SAYS ★**

The long list of priority legislation and the prospects of summer adjournment make it improbable that Congress will now delve much into new fields. Yet, the June 15th Supreme Court decisions on State legislative reapportionment and their wide departure from precedent have virtually assured a next year congressional probe into the grave issue involved. Simply stated it raises the question of the proper role of the Supreme Court.

The feeling on the part of Congress is that the Supreme Court has been going beyond its allotted domain. This feeling goes beyond unreasoned and personal attacks, for it goes to the real issue over the functioning of constitutional government.

The latest decisions with far-reaching effects upon all of the States have already brought some 55 resolutions in Congress to amend the Constitution to permit the States to apportion the less numerous branch of their State legislatures on factors other than population.

The court decree ordered both branches of State legislatures to adhere to its majority opinion requiring apportionment on the basis of "one man, one vote". This comes in the aftermath of other criticisms arising over the decisions banning prayer and Bible readings in the public schools which have caused 147 members of Congress to introduce bills to overrule those court opinions.

In times past, the Supreme Court exercised judicial restraint and based its decisions on limited grounds within the confines of constitutional law charted by previous rulings and the intent of the Founding Fathers. The legislative process and its right of constitutional amendment was preserved for board remedies to deal with social, economic, and political problems.

In recent years, however, the Supreme Court has sought to inject itself more and more into the areas long held to be within the province of the states or the people, or within the jurisdiction of the legislative bodies. This is a departure from the cardinal rule that the federal system works best under philosophy of judicial self-restraint.

For most of our nation's history, one of the great bulwarks of our system of government has been the intricate system of checks and balances between the states, the federal government, and the people, on the one hand, and between the executive, legislative, and judicial branches of the federal government, on the other hand. Impairment of this system of checks and balances has always been a matter of the utmost concern. It is for this reason, I think, that there is now cause for anxiety.

The danger to the nation lies in the fact that broad and encompassing judicial edicts are not founded on the refinements of legislative debate and court laws are therefore not hammered out by and with the consent of the governed. Reforms which these decisions attempt to bring often bring far greater problems.

The issue raised ought not to be solved on the basis of irrational emotionalism, but Congress and the Country are entitled to ask reasonable questions and probably will be doing so for some time to come.

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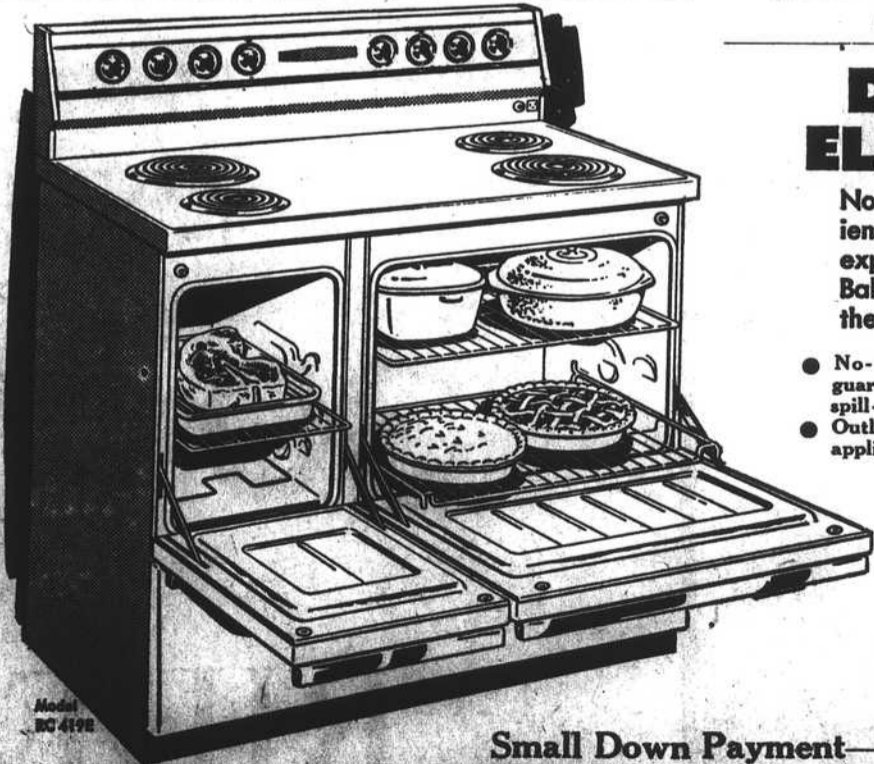
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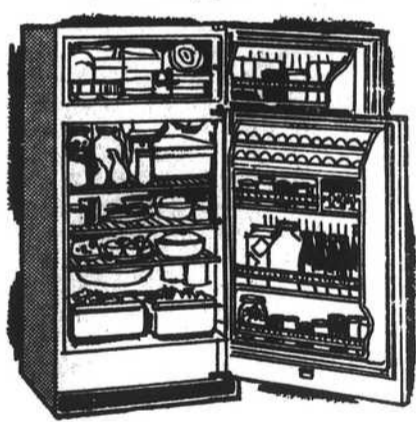
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