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STATEMENT BY SENATOR STROM THURMOND FOR HIS WEEKLY RADIO
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MY FRIENDS AND FELLOW-CITIZENS:

The Senate Judiciary Committee has approved a modification of the Jenner Bill, to place restrictions on the appellate jurisdiction of the Supreme Court. The Court has exceeded its Constitutional powers/in a number of cases in which it has functioned as a law-making body, by reading new meaning into Acts of Congress.

In order to preserve the proper balance/between the legislative and judicial branches of the government, it is important that Congress assert its rights in the legislative field. Opponents of the Jenner Bill/have claimed that it would weaken the Supreme Court and render it less effective. The real effect of the bill, however, is not to render the Supreme Court ineffective/but to help to confine its activities to the proper field.

As introduced last year, the Jenner Bill was aimed at denying appellate jurisdiction to the Supreme Court/in five areas affecting internal security. The bill was introduced after the Supreme Court, in a series of decisions, had weakened the power of the Federal government and State governments/to protect themselves against Communists and other subversives.

I have supported the Jenner Bill. When the bill was being considered this year, I testified before the Judiciary Committee. I urged the passage of the Jenner Bill, and also urged the committee to take up a bill of my own, which would

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reaffirm the right of the States to operate their own public school systems/without interference from the Supreme Court.

The bill which has been approved by the Judiciary Committee / does not contain all of the provisions /which Senator Jenner and I wanted. Nevertheless, it is a good first step in the right direction.

The bill would forbid the Court to review any cases / involving State rules for admission to the bar. In two cases last June, in which the States of New Mexico and California had denied admission of two applicants to the bar /because of their Communist connections, the Supreme Court overturned the rulings of the State bar examiners.

Additionally, the committee bill contains three amendments proposed by Senator Butler of Maryland. One would permit Congressional committees to be the final judges /of whether questions asked of their witnesses are pertinent. Another affirms the right of States to enforce their own anti-sedition laws. The third would broaden the Smith Anti-Sedition Act by reversing the Supreme Court's decision in the Yates Case.

Even its most enthusiastic advocates can hardly claim that this is a far-reaching bill, or one with sweeping effects. It deals with certain specific matters /in which the Supreme Court has gone beyond its proper powers /and has contradicted the public policy set by Congress.

If passed, I am hopeful that the bill will have the good effect /of causing the Supreme Court to practice more self-restraint /in the future.

As Arthur Krock, the noted Washington correspondent, commented in the New York Times this week, the move represents the legitimate use of one of the "checks and balances" by which the Framers of the Constitution sought to keep any one branch of the government from infringing on the powers and duties of another.

The Supreme Court does not have any Constitutional immunity from this kind of restraint. When it exceeds its powers, it is the duty of Congress to exercise its authority under the Constitution to call a halt.

I wish to thank this station for granting me this time each week, and thank you for listening.

This is Strom Thurmond in Washington.

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