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Statements by Senator Edmund S. Muskie on the Supreme Court and Vietnam at the University of West Virginia

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UNIVERSITY OF WEST VIRGINIA

MORGANTOWN, WEST VIRGINIA

SEPTEMBER 18, 1971

QUESTION AND ANSWER SESSION BEFORE STUDENT BODY

QUESTION: Yes Sir; yesterday, Justice Black tendered his resignation to President Nixon. What would be your ideas on the expectations on another Hainsworth and Carswell and 2, What would you recommend to be the ideal composition of the Supreme Court?

ANSWER: You know, that's a problem I expected to be able to postpone until if and when I was elected. I, of course, have no clue to what the President has in mind with respect to a replacement for Justice Black. I would hope that his replacement would measure up to the great qualities and the great contributions that Justice Black has made to the court over the period of thirty-four years. That's the best standard I can suggest to the President. A human man, who has the courage of his convictions and who understands the essentials of freedom, and is willing to fight for them and has done so articulately in a way that prompts many people to describe the court of the last thirty-four years as the "Black Court".. Now, a man who has made that kind of a contribution to the work of the court, who has served with one third of all of the justices who have ever served on the court, one third of the chief justices who have ever served on the court. I would recommend strongly to the President to look at that man, what he represents, the qualities of mind and heart that he gave to the court and use that as his standards in a replacement for Justice Black. Now, with respect to the composition of the court as a whole, that's a difficult one to articulate on such short notice. I think perhaps I could give you a clue to my thinking best by identifying some of

those who in addition to Justice Black have commanded my respect, served as my inspiration, as a law student, as a lawyer, and as a public servant over my lifetime and who served the court. Justice Marshall, Justice Holmes, Justice Brandice, Justice Cardoza, and I've used the names from the past rather than the current court except for Justice Black in order to eliminate any suggestion that I'm being partisan. These are the Justices and so many others, Justice Warren, who set the great tradition of the court whose names are identified with it's greatest moments. It's enobling decisions, it's contributions to opening up of the horizons of freedom, the preservations of essential liberties. That's what a court should do. And above all, a court should emphazize human values as against property values.

QUESTION:

Senator Muskie, on behalf of our Viet Nam veterans against the war with the state of West Virginia, I'd like to ask you two questions. First of all, what are you going to do personally to see that more funds are allocated to help the more than one hundred thousand Viet Nam veteran heroin addicts in the United States, and secondly, if and when you were elected President of the United States would you cease these wars that are now beginning to take place in Ethiopia and stand at the end of Viet Nam in 1961?

ANSWER:

With respect to the first question, I have co-sponsored, I think, three programs at this point to deal with the drug problem in this country, including the problem of veterans of Viet Nam, not only Viet Nam, but veterans from other areas including the United States. I think the program which has the most direct relevance to your question is that sponsored by Senator Hughes, introduced this year, and I was proud to be a

co-sponsor with him to increase massively the funds available for treatment and research. I think we need breakthroughs in the development of new drugs to be of assistance in dealing with heroin addicts, and we need more widespread treatment and out-patient treatment, for example, we had hearings before my sub-committee on some aspects of the Viet Nam veterans heroin problem and it seems to me that the vets at the VA has set it's sights high enough with respect to providing services and treatment as close to the veterans as they can be provided. It's focussing, I think, too strongly on and relying too strongly on hospital treatment than clinical and out-patient treatment for veterans. I think we need to do that and that's going to require more money than has been requested at this point. The other two pieces of legislation I have undertaken to sponsor are one, and the President followed on about a month later with a recommendation of his own along the same lines, to centralize government leadership and government programs in the White House, so that we can more effectively move them, in the directions where they are needed. This requires, of course, a reorganization of those agencies and the putting of authority in the hands of the White House, and finally a program to deal more effectively with international traffic, and especially getting at the growing of the poppy itself. I think we must move aggressively to eliminate the production of the poppy in the long run, because as long as the supply is available, it is almost impossible for any country, including our own, to cut off the supply at it's borders, so long as the supply is available within our own country, especially in the period of great unrest, and unhappiness and instability in our society, the temptation to use it, and then,

once you've begun it, the user is then oppressed to expand and then it becomes a disease, an epidemic disease which spreads, through the new users, through the pushers, through the users who become pushers, and it becomes almost impossible, then, to halt the flow of the drug. So, we have to get back to it's source, where it is grown. We have to, I think, through international negotiations and arrangements enlist the active support of governments where, in countries where the poppy is grown, I think, we ought to be willing to give them financial support to get their farmers off that crop if that's the only crop that's available as a money crop to meet the economic needs of the growers. So, it's a complex program problem where right back there what with respect to the veterans themselves, one I think that we have to have a better transitional program, from the service to civilian life, to help the veteran make that transition. Secondly, we need to greatly expand our federal treatment and research efforts in the interest of dealing with the veterans problems and that of others as well.

QUESTION:

Do you think that the inconsistency of presidency in the last decade has hindered this country's progress in any way?

ANSWER:

Well, I think it's greatly undermined the credibility of our governmental institutions. If I sensed any single thing that the Americans would like to see restored, it's their own belief in governmental institutions and political leaders. I think that what the American people are hungry for is honesty, directness and candor from people in public life, and if we can contribute that effectively in this next campaign, we will have contributed a great deal to the restoration of faith in our society. Thank you all very much.