



Department of Justice

ADDRESS

OF

THE HONORABLE GRIFFIN B. BELL

ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE

NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

1979 BROTHERHOOD AWARDS BANQUET

JACKSONVILLE CHAPTER

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7:30 P.M.

GULF LIFE TOWER

JACKSONVILLE, FLORIDA

I am honored to be your speaker tonight. There is probably no other organization that has worked more consistently for the vindication of human rights in this country than the National Conference of Christians and Jews. The Judeo-Christian ethic is one of the bedrocks of our entire constitutional and legal system, and your work has been to extend that ethic to all segments of our society.

The President learned that I was coming here tonight and sends his own personal best wishes and commendation for your good work. He solicits your prayers for his own work as our President and particularly in the struggle to bring peace and economic stability to this country and to the world. History will judge the result of his efforts and of this Administration. We face great problems and few are capable of resolution in the short term. As citizens, we must have patience and take comfort in the fact that the President is addressing the great problems.

James Madison wrote in the 51st Federalist Paper: "Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it is obtained, or until liberty be lost in the pursuit." The President and I both share this belief that the ultimate purpose of our government is to render justice.

As Attorney General, it is my function to be the government's chief lawyer, and in that regard I am the person whose main function is to be at pains to ensure the delivery of justice.

One of the major concerns of the National Conference of Christians and Jews has been racial justice. The tragic history of the United States in race relations is too familiar for me to review here. Instead, let me recount how the law has enabled this nation to surmount the historic barriers of racism. In two days it will be the 25th anniversary of the landmark opinion in Brown v. Board of Education. No single case in this century has had more to do with the elimination of racial discrimination, and no case has dealt with a right more fundamental and more basic than the right to equal educational opportunity. As a result of this case and the hundreds of lesser-known cases that followed, the schools in the South have been desegregated. Education, the passport to the American dream, is available to all on an equal basis; at least in the South.

In retrospect, it seems strange that the black children in the Brown case were required to bring a suit to gain the right to attend the school nearest their home. That was the situation addressed in the school districts involved in the Brown case. Whites attended white schools.

Black children were required to pass white schools en route to black schools. The hope was to have just schools.

Under the leadership of Presidents Kennedy and Johnson, the first major civil rights laws since Reconstruction were adopted. These have enabled black Americans -- and others who have suffered from discrimination because of race, color, religion, or national origin -- to vote, to seek employment and housing, and to vindicate their other civil rights. Congress has repeatedly extended and expanded these laws to make certain that racial barriers will not stand in the way of equal opportunity for all Americans.

As a former federal judge, I cannot help but reflect that, in the main, the federal courts have historically taken a leading role in the protection of the rights of minority Americans. For example, the most basic statement of the law of equal protection under the Fourteenth Amendment was handed down by the Supreme Court in 1886 in Yick Wo v. Hopkins, involving racial discrimination against the employment of Chinese in San Francisco. And in Shelley v. Kraemer, the Supreme Court in 1948 held that restrictive covenants in regard to race were unconstitutional, thereby opening up housing opportunities previously unavailable to black and other minority Americans. These are but a few of countless examples of the American legal system rendering justice.

This Administration has been no less vigorous in pursuit of justice in its policies and practices. Within the Justice Department, we have an active Civil Rights Division, headed by Drew Days, who was formerly with the NAACP Legal Defense Fund. Mr. Days litigated many of the major school desegregation cases in the South and often appeared before me when I was a federal judge. He is the first black lawyer ever to head that Division. Although I offered him any job in the Department, he asked for that assignment and recently told me that he was glad he had taken it. Through his leadership and that of many other dedicated lawyers within our Department, we are safeguarding the rights of all Americans.

But it is not only within the Civil Rights Division that we are concerned with doing justice. Every lawyer and every employee within the Justice Department must be committed to that goal. There is an inscription on the rotunda of my own office which reads: "The United States wins its point whenever justice is done its citizens in the courts." We are less concerned with winning our cases than with the fair treatment of all Americans as we litigate and prosecute.

I have recently announced that, from now on, all Justice Department lawyers will be held personally responsible for the reasonableness and good faith of their

statements to the courts, both in briefs and in oral arguments. I have announced that we will initiate criminal prosecutions only if there is a probable winnable case, a standard somewhat higher than mere probable cause.

I have begun the examination of possible legislation to provide for the award of attorney's fees to those persons who prevail in litigation with the Federal Government if the government action was arbitrary, frivolous, unreasonable, or groundless.

I have had created within the Department an Office for Improvements in the Administration of Justice, whose sole task is to identify problems within our court and legal system and then to develop appropriate solutions to those problems. Our goal throughout all these efforts is to be sure our system of justice is available to all. And in that connection, the President, in appointing federal judges, is engaging in an affirmative action approach to make certain that the Federal courts are more representative of our society.

The Justice Department also has its role in the international arena in which President Carter has articulated his concern for human rights. We cooperate with the President through the use of the statutory authority of the Attorney General to parole those refugees whose human

rights are in jeopardy. This is in keeping with our historic tradition of offering a haven for the oppressed and the persecuted of the world.

And, again in cooperation with the State Department, the Justice Department is charged with monitoring and investigating charges of violations of the Helsinki Agreement on human rights. We use the resources of the Federal Bureau of Investigation and the Civil Rights Division to carry out this mission.

Another recent event was the exchange of two Soviet spies whom we had prosecuted and convicted, for five dissidents who had been imprisoned in the Soviet Union. It has been my belief that we can deter espionage in this country by vigorous and effective prosecutions. But to have had those two men serve their sentences in our prisons was not an end unto itself. The stakes in international diplomacy are far higher than that. The President and the Secretary of State were able through the exchange, to vindicate our policy of promoting international human rights by freeing five Soviet citizens who had been imprisoned for their outspoken criticism of their government.

But human rights can exist only where there are stable governments to protect those rights, and stability itself is dependent upon the assurance of international peace and security. It is in that sense that I want to mention the upcoming debate on SALT II, which is perhaps the most important pending issue in Washington. Following the summit meeting on June 15th for the signing of the Treaty, the Senate will again consider the ratification of SALT II.

I have been briefed on the proposed treaty by the President, the Secretary of State, and the Secretary of Defense. I am familiar with the process that was followed in reaching the agreement with the Soviets, and I am satisfied that the treaty is fair to our country and in our national interest. I am also satisfied that the compliance of the Soviets is verifiable, and that SALT II is an improvement for us over SALT I.

Once ratified or even before ratification, we will begin negotiating SALT III. These are steps that civilized nations should take, particularly nations that are world leaders. On a mutual basis, limits or ceilings should be placed on the types of strategic weapons included in the Treaty. Steps should also be taken to reduce the danger of their use in international conflict.

In closing let me say that our system is one of "ordered liberty." Our country was founded for a purpose - to enhance the individual and his or her rights. Our legal system is structured to guarantee and protect those individual rights. We have always treasured the freedom to act, to think, to speak, and to write. In that regard, I call your attention to the words of Jefferson inscribed on the Jefferson Memorial in Washington -- "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

But there are times when all citizens must recognize the need for personal sacrifice in the public interest. At such times, it is the duty of Americans to unite, to avoid pettiness, and fractious arguments. We have always done so out of a sense of sacrifice for the common good. It has been a form of national discipline.

We must now begin the transition into an era of energy conservation where personal sacrifices that were characteristic of our past will be needed. This is our energy predicament, and I have every confidence that the American people will do what is necessary.

In the end, the essence of our country is the indomitable will of our people. It is their spirit. As William Faulkner said in receiving the Nobel Prize for Literature, "The human spirit will not only endure; it will prevail."

In my experience, I have seen over 30 years of clear evidence that our laws are providing a more just and free society, vindicating individual rights but capable of responding to national challenges. I have faith in our country, and I hope we will all put a greater emphasis on the human spirit and civility. On the outer wall of the Kennedy Center in Washington facing the Potomac River, are these words:

"I look forward to an America which will not be afraid of grace and beauty I am certain after the dust of centuries has passed over our cities, we, ..., will be remembered not for victories or defeats in battle or in politics but for our contributions to the human spirit."

Thank you.

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