

REMARKS BY SENATOR HUBERT H. HUMPHREY

HASTINGS LAW SCHOOL

SAN FRANCISCO, CALIFORNIA

MARCH 24, 1972

I COME BEFORE YOU TODAY TO SPEAK OF JUSTICE  
IN AMERICA.

A JUST SOCIETY IS ONE IN WHICH THE CIVIL LIBERTIES  
OF ALL OF ITS CITIZENS ARE SECURE AND WELL PROTECTED.

A JUST SOCIETY IS ONE IN WHICH LEADERS OF GOVERNMENT  
SEEK TO GUARANTEE EQUAL PROTECTION AND DUE PROCESS OF LAW  
FOR ALL OF ITS CITIZENS.

A JUST SOCIETY IS ONE IN WHICH GOVERNMENT IS FREE OF  
FEAR AND FAVOR.

A JUST SOCIETY IS ONE IN WHICH THE GOVERNMENT  
ENFORCES THE CIVIL RIGHTS GIVEN TO ITS PEOPLE WITH ALL OF  
ITS CONSTITUTIONAL POWER.

AND ABOVE ALL A JUST SOCIETY IS ONE IN WHICH JUSTICE  
IS DISTRIBUTED EQUITABLY AND EQUALLY TO ALL THE PEOPLE.

BUT TODAY, BY ALL OF THESE STANDARDS, THE UNITED STATES  
IS NOT A TRULY JUST SOCIETY.

OUR LEADERS ARE NOT COMMITTED TO THESE BASIC PRINCIPLES  
OF JUSTICE.

AND I FIND THIS INTOLERABLE.

AND OUR LEADERS FEEL THAT WE MUST CHOOSE BETWEEN LAW  
ENFORCEMENT AND JUSTICE IN AMERICA. I BELIEVE WE MUST HAVE  
BOTH.

AND VICE PRESIDENT AGNEW IMPLIES THAT GOVERNMENT  
MUST CHOOSE BETWEEN STRICT LAW ENFORCEMENT AND INVESTIGATING  
THE ROOT CAUSES OF CRIME. HE AND THE PRESIDENT HAVE ONLY  
CHOSEN STRICT LAW ENFORCEMENT.

I BELIEVE WE MUST HAVE BOTH.

WE ARE REPEATEDLY REMINDED OF THIS ADMINISTRATION'S  
INSENSITIVITY TO JUSTICE AS A GOVERNMENT'S FIRST  
RESPONSIBILITY.

NEVER BEFORE HAVE SO MANY AMERICANS FELT SO INSECURE  
IN THEIR FREEDOM.

NEVER BEFORE HAVE SO MANY AMERICANS FELT THAT  
GOVERNMENT SERVED TO THREATEN THEM--NOT PROTECT THEM.

THE NIXON ADMINISTRATION HAS FAILED TO REALIZE THAT  
A JUST SOCIETY REQUIRES THAT GOVERNMENT DEDICATE ITSELF TO  
ENDING DISCRIMINATION AND INEQUALITY WHEREVER THEY EXIST.

THAT IS WHAT OUR CONSTITUTION DEMANDS OF GOVERNMENT.  
BUT HAVE THE SO-CALLED STRICT CONSTRUCTIONISTS OF THE  
NIXON ADMINISTRATION RECENTLY READ THE BILL OF RIGHTS?

THEIR ACTIONS WOULD NOT LEAD US TO THINK SO.

FOR THE CIVIL LIBERTIES GUARANTEED TO THE PEOPLE OF  
OUR NATION HAVE BEEN CONTINUALLY UNDER ATTACK BY THE PEOPLE  
WHO ARE ENTRUSTED WITH THE SUPERVISION AND MANAGEMENT OF  
JUSTICE IN AMERICA.

I SEE LITTLE COMMITMENT TO JUSTICE IN THIS  
ADMINISTRATION. BUT I DO SEE THE VIOLATION OF CIVIL  
LIBERTIES, ENCROACHMENT OF PRIVACY, UNWARRANTED  
SURVEILLANCE, BUT CERTAINLY LITTLE JUSTICE.

I QUESTION THE COMMITMENT TO JUSTICE OF THE JUSTICE  
DEPARTMENT AND ITS FORMER LEADER JOHN MITCHELL AND ITS  
PRESENT HEAD RICHARD KLEINDIENST.

THESE MEN HAVE DONE AN EXCELLENT JOB BUGGING PHONES,  
AMASSING DOSSIERS ON INNOCENT CITIZENS AND ARBITRARILY  
INVESTIGATING JOURNALISTS.

THEY GLORY IN "NO-KNOCK" AND ENDORSE ILLEGAL MAY DAY  
MASS ARRESTS.

THEY EXHIBIT LESS THAN COMPLETE CANDOR ON THE QUESTION OF ITT FUNDING OF THE REPUBLICAN NATIONAL CONVENTION IN RETURN FOR ALLEGED JUDICIAL FAVORS. IS THIS A DEMONSTRATION OF THEIR COMMITMENT TO JUSTICE?

AND NOW, MR. AGNEW, WHEN QUESTIONED ON THE SERIOUS ALLEGATION RAISED BY LIFE MAGAZINE WITH RESPECT TO THE NIXON ADMINISTRATION'S ADMINISTRATION OF JUSTICE IN THE STATE OF CALIFORNIA, CAN ONLY RESPOND BY SAYING THAT "I DON'T USUALLY READ FICTION EARLY IN THE MORNING." IS THIS A COMMITMENT TO JUSTICE?

WORST OF ALL, AS DANIEL SHORR HAS POINTED OUT, THIS ADMINISTRATION HAS CREATED A CLIMATE OF SUSPICION, HOSTILITY AND SKEPTICISM, NOT JUST AMONG THE AMERICAN PRESS, BUT AMONG ALL SEGMENTS OF THE AMERICAN PUBLIC.

LET THESE MEN WHO ARE ENTRUSTED WITH THE MANAGEMENT OF JUSTICE IN THE UNITED STATES REMEMBER THAT THEIR WORDS AND ACTIONS WILL SHAPE THE FUTURE OF JUSTICE IN AMERICA.

AND I ASK YOU, WHAT KIND OF SOCIETY ARE THEY BUILDING FOR US AND OUR CHILDREN?

LET THIS ADMINISTRATION REMEMBER THAT JUSTICE IS NOT JUSTICE IF IT IS NOT APPLIED EQUALLY TO ALL CITIZENS.



LET THEM REMEMBER THAT WE HAVE HAD ENOUGH OF JUSTICE FOR THE RICH, JUSTICE FOR THE ADVANTAGED, JUSTICE FOR CAMPAIGN CONTRIBUTORS, AND ONLY FOR THESE FAVORED GROUPS. LET THEM REMEMBER, FOR ONCE AND FOR ALL, THAT "WE THE PEOPLE" MEANS ALL THE PEOPLE, NOT JUST SOME OF THE PEOPLE.

THE STREAM OF marginally constitutional procedures employed by the Nixon administration are used in the name of law and order.

BUT WHEN WE LOOK AT AMERICA TODAY WE REALIZE HOW LITTLE LAW AND ORDER WE HAVE IN REALITY. AN ADMINISTRATION THAT FOUGHT AN ELECTION CAMPAIGN TRUMPETING THE FACT THAT IT WAS COMMITTED TO DEALING WITH THE PROBLEM OF CRIME HAS NOT BEEN ABLE TO ELIMINATE THE FEAR OF CRIME FOR MILLIONS OF AMERICANS.

NO ONE WILL DENY THAT CRIME IS A MAJOR SOCIAL PROBLEM  
IN THE UNITED STATES TODAY, FOR AMERICANS LIVE IN FEAR.  
THEY FEAR FOR THEIR CHILDREN'S SAFETY, THEY FEAR FOR THEIR  
OWN LIVES. THEY FEAR TO WALK IN THEIR OWN STREETS.

AND THOSE AMONG US WHO LIVE IN THE GREATEST FEAR OF  
CRIME ARE THE POOR, THE OLD, AND THE BLACK. WE SHOULD NOT  
FORGET THAT OUR NATION EXISTS IN FEAR. AND FEAR AND  
PARALYSIS ARE NOT WORTHY OF AMERICA. WE MUST ADDRESS OURSELVES  
TO THE PROBLEM OF CRIME BEFORE THAT PROBLEM CONSUMES OUR  
HOPES, AND DESTROYS OUR DREAMS FOR A JUST SOCIETY.

WE WILL NOT SUCCESSFULLY BEGIN TO COPE WITH THE PRESSING  
SOCIAL PROBLEMS OF OUR NATION AS LONG AS NO PROGRESS IS MADE  
ON CRIME.

AND THOSE IN OUR GOVERNMENT WHO USE THE ISSUE OF CRIME TO DIVIDE OUR POPULATION, ARE DOING OUR NATION THE GREATEST POSSIBLE DISSERVICE.

YET THERE ARE THOSE WHO WOULD TELL US, AND EXPECT US TO BELIEVE, THAT THE PROBLEM OF CRIME IN THE UNITED STATES IS DECREASING. WELL, LET'S LOOK AT THE FACTS.

DURING THE FIRST TWO YEARS OF THE NIXON ADMINISTRATION, TOTAL CRIME INCREASED BY OVER 22 PERCENT. CRIMES OF VIOLENCE WERE UP 28 PERCENT. ROBBERIES WERE UP OVER 30 PERCENT. STATISTICS ARE COLD AND INHUMAN. THESE STATISTICS, CONVERTED INTO TERMS OF HUMAN SUFFERING ARE STAGGERING.

THE DATA REPRESENT NOT ONLY AN INCREASE IN CRIME,  
BUT ALSO AN INCREASE IN FEAR, IN HATRED, IN DISTRUST.  
THEY REPRESENT A MAJOR FAILURE OF THE NIXON ADMINISTRATION  
TO COME TO GRIPS WITH AN URGENT PROBLEM. AND THEY REPRESENT  
ONE FURTHER OBSTACLE TO THE BUILDING OF A JUST AMERICA.

IT IS A SAD FACT THAT THE AGENCY OF THE JUSTICE  
DEPARTMENT WHICH WAS CREATED TO FIGHT CRIME, THE LAW  
ENFORCEMENT ASSISTANCE ADMINISTRATION, HAS BECOME ONE OF  
THE NATION'S GREATEST AND COSTLIEST SCANDALS.

YOU AND THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW HOW  
NEARLY \$2 BILLION IN CRIME FIGHTING MONEY HAS BEEN WASTED  
BY THE MEN WHO CONTINUALLY PREACH LAW AND ORDER.

ALL OF THE DETAILS CONCERNING THE FAILURE OF THE  
LEAA TO USE ITS FUNDS EFFECTIVELY TO FIGHT CRIME WILL  
SOON BE PUBLISHED IN A REPORT BY THE HOUSE COMMITTEE ON  
GOVERNMENT OPERATIONS.

BUT I DO WANT TO TELL YOU TODAY THAT THE JUSTICE  
DEPARTMENT'S RECORD IN THIS AREA IS REplete WITH INSTANCES  
OF IRRESPONSIBILITY AND DISMAL FAILURE, WITH CORRUPTION AND  
CYNICISM, AND WITH MISMANAGEMENT AND LACK OF COORDINATION.

WHAT CONGRESS INTENDED FOR SUCH A HIGH PURPOSE HAS  
BECOME A POLITICIAN'S DREAM--AS SOME HAVE SAID, THE  
BIGGEST PORK BARREL OF THEM ALL.

FOR LESS THAN FIVE PERCENT OF THE FUNDS WHICH CONGRESS APPROPRIATED TO GO TO LOCAL ENFORCEMENT AGENCIES IN 1971 HAVE EVER FILTERED DOWN TO THIS LEVEL. IN 13 STATES, NO FUNDS HAVE ACTUALLY GONE FOR CRIME FIGHTING.

92.1 PERCENT OF THE JUSTICE DEPARTMENT'S LEAA FUNDS FOR FISCAL YEAR 1971 HAVE NOT REACHED LOCAL ENFORCEMENT AGENCIES--THEY ARE STILL TIED UP IN STATE CAPITOLS, DRAWING INTEREST NOT FOR THE NATIONAL TREASURY, BUT RATHER FOR STATE AND COUNTY GOVERNMENTS.

THOUGH LEAA HAS REFUSED TO COOPERATE WITH MY STAFF AND THE BROOKINGS INSTITUTION IN OUR ATTEMPTS TO EVALUATE THE EFFECTS OF APPROPRIATIONS ON CRIME STATISTICS, WE KNOW ENOUGH ALREADY TO SEE THE DEGREE OF SCANDAL WE ARE DEALING WITH.

YET THE NIXON ADMINISTRATION HAS CLAIMED THAT THEY ARE WINNING A VICTORY OVER CRIME. THIS VICTORY OVER CRIME IS VERY SIMILAR TO THE NIXON ADMINISTRATION'S SO-CALLED VICTORY OVER INFLATION AND UNEMPLOYMENT.

I HAVE RECENTLY JOINED WITH MY COLLEAGUES IN THE SENATE IN INTRODUCING LEGISLATION WHICH WOULD ADDRESS SOME OF THE SPECIFIC PROBLEMS INHERENT TO CRIME IN AMERICA.

WE ARE WORKING TO ESTABLISH MINIMAL STANDARDS FOR ALL PENAL INSTITUTIONS IN THIS NATION.

WE ARE WORKING TO AUTHORIZE A FRONTAL ATTACK ON THE CAUSES OF JUVENILE DELINQUENCY. THESE ARE FIRST STEPS, BUT THEY COMPRISE A NECESSARY BEGINNING.

I AM ALSO PREPARING TO INTRODUCE LEGISLATION WHICH WOULD CREATE A NATIONAL INSTITUTE OF JUSTICE, INDEPENDENT OF GOVERNMENT CONTROL, DEVOTED TO THE IMPROVEMENT OF OUR ENTIRE LEGAL SYSTEM--TO THE COORDINATION OF LEGAL RESEARCH AND LONG RANGE PLANNING, TO THE REFORM OF OUR CRIMINAL AND CORRECTIONS INSTITUTIONS, AND DEDICATED, ABOVE ALL, TO THE ERADICATION OF INJUSTICE IN AMERICA. SUCH AN INSTITUTION, COORDINATING BAR ASSOCIATIONS, LAW SCHOOLS, CRIMINOLOGISTS AND SOCIAL WORKERS, WOULD COMPRISE THE NATIONAL EFFORT WHICH IS NEEDED TO DIRECT ALL FORMS OF EXPERTISE TO THE PROBLEMS OF JUDICIAL AND PENAL REFORM IN OUR NATION, SO THAT WE WILL BECOME IN REALITY WHAT WE HAVE ALWAYS BEEN IN THEORY, A NATION FOUNDED ON JUSTICE.



AND WHEN WE SPEAK OF JUSTICE TODAY, WE MUST ALSO  
SPEAK OF A SOCIETY WHICH STRIVES TO ELIMINATE ECONOMIC,  
SOCIAL AND POLITICAL INEQUITIES. FOR THESE INJUSTICES  
WHICH PLAGUE US ARE OFTEN AT THE ROOT OF CRIME AND VIOLENCE.

BUT YOU AND I KNOW THAT IT WILL BE DIFFICULT TO SOLVE  
OUR CRIME PROBLEMS UNTIL WE BEGIN TO MEET SOME OF THE MOST  
PRESSING SOCIAL AND ECONOMIC PROBLEMS WE FACE TODAY.

HUNGER, POVERTY, DISEASE, UNEMPLOYMENT ARE INEXTRICABLY  
AND INEVITABLY TIED TO VIOLENCE IN AMERICA.

BUT AN ADMINISTRATION THAT SEES INCREASES IN THE  
NUMBER OF POLICEMEN AND CONVICTIONS AS THE ENTIRE ANSWER  
TO CRIME AND VIOLENCE IS ONLY PROVIDING THE AMERICAN PEOPLE  
WITH HALF A SOLUTION TO OUR NATION'S CRIME PROBLEMS.

A JUST SOCIETY DEMANDS THAT WE HAVE NATIONAL LEADERSHIP FIRMLY COMMITTED TO EFFECTIVE AND FAIR LAW ENFORCEMENT INCLUDING AN INTELLIGENT AND HUMANE PRISON SYSTEM COUPLED WITH AN ASSAULT ON HUNGER, ON UNEMPLOYMENT, ON POVERTY.

IN THE PAST FEW YEARS, MORE AND MORE YOUNG LAWYERS HAVE TAKEN UP THIS COMMITMENT, HAVE JOINED THIS ASSAULT. THEY ARE ADDRESSING THEIR ENERGIES TO THE PROBLEMS OF THE POOR, THE DISADVANTAGED, THE COMMUNITY, THE CONSUMER.

YOU HAVE A RESPONSIBILITY TO HELP MAKE AMERICA A JUST SOCIETY AND TO CONTINUE ENTERING THE PRACTICE OF PUBLIC-ORIENTED LAW.

ONLY IF YOU DEDICATE YOURSELVES TO THIS RESPONSIBILITY  
CAN MY GENERATION BE CERTAIN THAT OUR INCOMPLETED WORK--OF  
BUILDING A JUST SOCIETY--CAN BE FINISHED SOON--FINISHED BY  
YOUR GENERATION.

MEMORANDUM

TO: SENATOR

FROM: DAN

SUBJECT: HASTINGS LAW SCHOOL SPEECH

Hastings is a law school with an excellent academic reputation, specializing in public service law. It is a liberal school in a liberal community. Marc Siegel has done the major part of the research on the speech and we have included only a fraction of the damaging testimony on LEAA before Congressman Monahan's Government Operations Subcommittee. A total report will be issued by the subcommittee within the next several weeks and it should be a real blockbuster.

All references to statements and policies of Administration officials can be substantiated. The emphasis in the speech should be on justice and equity rather than on tough law and order.

April 3, 1972

001509

Marsha,

Dan has taken the  
Hastings speech out.  
Max has it and will  
return it to you.

Lela

March 24, 1972  
San Francisco



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