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REMARKS BY SENATOR HUBERT H. HUMPHREY

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14TH ANNUAL CONVENTION AND SEMINAR

CHARLESTON, WEST VIRGINIA

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IT IS MY GREAT PLEASURE TODAY TO MEET WITH SUCH
A DISTINGUISHED GROUP OF JURISTS AND ATTORNEYS.

THE LAWYERS OF WEST VIRGINIA--AND THE LAWYERS OF ALL
AMERICA--ARE THE ^{front line} ~~true~~ SOLDIERS OF FREEDOM IN OUR COUNTRY.

YOU ARE THE PROTECTORS OF THE CONSTITUTION. YOU ARE THE
PROTECTORS OF OUR LAWS.

YOUR COMMITMENT TO LAW IS BOTH NOBLE AND NECESSARY,
FOR WITHOUT LAW THERE CAN BE NO JUSTICE.

--WITHOUT LAW THERE CAN BE NO RESTRAINT ON GOVERNMENT
POWER. ~~Law is not only to provide~~
~~protection for~~

--WITHOUT LAW THERE CAN BE NO FREEDOM. Government
has as its primary duty the protection
of the people - the assurance
of justice. And law has as its
duty to protect the people from the abuse
of Power by Government

AND WITHOUT YOUR CONSTANT VIGILANCE, OUR CONSTITUTION *al rights*
WILL ~~BE~~ ^{not be} PROTECTED.

BUT WE MUST RECOGNIZE THAT OUR CONSTITUTION IS UNDER
ATTACK--THERE HAVE BEEN ALL TOO MANY ATTEMPTS TO UNDERMINE
OUR BASIC RIGHTS IN RECENT YEARS.

I am deeply concerned by the
~~IT IS~~ THIS ADMINISTRATION ~~AND THE~~ JUSTICE

DEPARTMENT'S ATTITUDES AND ACTIONS IN THE FIELD OF CIVIL
LIBERTIES, ~~WHICH UNDERMINES OUR NATION'S COMMITMENT TO~~
~~JUSTICE AS A GOAL AND GUIDELINE OF GOVERNMENT.~~

--WE HAVE SEEN NO-KNOCK AND PREVENTIVE DETENTION LAWS.

--WE HAVE SEEN ATTACKS ON THE PRESS AND INVESTIGATIONS

OF LEADING REPORTERS LIKE DANIEL SCHORR.

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--WE HAVE HEARD VERBAL ATTACKS ON OUR COURTS AND OUR
JUDGES.

--WE HAVE SEEN THE ARMY COMPILE DOSSIERS ON SENATORS,
ON CONGRESSMEN, AND ON WORKING MEN AND WOMEN ACROSS THIS
 LAND.

*We have witnessed a wholesale
 violation of privacy - with wiretaps -
 investigators + official snoopers.*

AND WE NOW FIND ATTEMPTS TO REWRITE THE ESSENTIAL
 PROTECTIONS OF THE PEOPLE CONTAINED IN THE CONSTITUTION--

ALL IN THE NAME OF PUBLIC AND PRIVATE Security.

WE NOW FIND THAT THE SUPREME COURT IS NO LONGER THE
 MAIN TARGET OF THOSE WHO SEEK TO REARRANGE THE PATTERN OF
 GOVERNMENT AND JUSTICE IN AMERICA. NOW WE SEE THE REAL
 TARGET--THE BILL OF RIGHTS, AND THAT IS FRIGHTENING.

Not as the product of theory -
It is the written testament of
experience.

↳ THE BILL OF RIGHTS WAS NOT ADOPTED TO OBSTRUCT GOOD
GOVERNMENT. { IT WAS ADOPTED TO CREATE GOOD AND JUST

GOVERNMENT. { WHEN THE CIVIL LIBERTIES OF OUR PEOPLE ARE
TAMPERED WITH, THE BASIC FOUNDATIONS OF OUR SYSTEM OF

GOVERNMENT ARE WEAKENED. { AND THIS IS UNACCEPTABLE--TO YOU,
TO ME, AND TO THE AMERICAN PEOPLE.

↳ SURVEILLANCE PROCEDURES, IF EMPLOYED AT ALL, MUST BE
USED WISELY AND JUDICIOUSLY. { BUT UNDER THIS ADMINISTRATION,
SURVEILLANCE AND INVESTIGATION PROCEDURES HAVE BEEN ABUSED.

↳ AS SENATOR SAM ERVIN HAS SAID, "SUCH A SYSTEM CAN
RESULT IN GRAVE PERSONAL INJURY TO THE INNOCENT IN THE FORM
OF SOCIAL OSTRACISM, LOSS OF EMPLOYMENT, AND, . . . LOSS OF
LIBERTY. DEMOCRACY CANNOT SURVIVE IF THE PEOPLE ARE SULLEN,
SCARED AND REBELLIOUS."

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I ASK YOU, CAN THIS COUNTRY LONG ENDURE IF ITS
PEOPLE ARE FRIGHTENED AND AFRAID OF SPEAKING OUT AND
PARTICIPATING IN OUR POLITICAL SYSTEM?

∟ THE ANSWER, THE ONLY ANSWER, IS "NO."

∟ I AM COMMITTED TO GOVERNMENT THAT HAS JUSTICE AS
ITS HIGHEST PRIORITY--JUSTICE WITHOUT FEAR OR FAVOR.

∟ THE ATTORNEY GENERAL CANNOT JUST BE THE NATION'S
CHIEF PROSECUTOR--THE ATTORNEY GENERAL MUST BE A SECRETARY
OF JUSTICE.

∟ I PROPOSE A REDIRECTION OF THE DEPARTMENT OF JUSTICE.

--TO ASSURE THE PUBLIC OF DILIGENT AND SENSITIVE
ENFORCEMENT AND PROTECTION OF ITS RIGHTS.

--TO ASSURE THAT THE DEPARTMENT IS TRULY ONE OF JUSTICE
FOR ALL, AND NOT JUST PART OF THE TRIAL-AND-CONVICTION
PROCESS.

VERY SHORTLY I WILL INTRODUCE LEGISLATION TO CREATE
A NATIONAL INSTITUTE OF JUSTICE--INDEPENDENT OF GOVERNMENT
CONTROL--AND DEVOTED TO THE IMPROVEMENT OF OUR ENTIRE
LEGAL SYSTEM.

--DEVOTED TO THE COORDINATION OF LEGAL RESEARCH AND
LONG-RANGE PLANNING.

--DEVOTED TO THE REFORMS OF OUR CRIMINAL AND CORRECTIONS
INSTITUTIONS.

--DEVOTED TO THE CONTINUED CONSTITUTIONAL PROTECTION OF
THE CIVIL LIBERTIES OF THE PEOPLE, AND ABOVE ALL

--DEVOTED TO THE ERADICATION OF INJUSTICE IN AMERICA.

L SUCH AN INSTITUTION, COORDINATING THE WORK OF BAR
ASSOCIATIONS, LAW SCHOOLS, AND CRIMINOLOGISTS 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.

L DOUBLING THE CONVICTION RATE, AS HAS BEEN SUGGESTED
BY PEOPLE AT THE HIGHEST LEVELS OF THIS ADMINISTRATION, IS
NOT THE ANSWER. PRISONS HAVE BECOME CRIME FACTORIES--MOST
OFFENSES ARE COMMITTED BY REPEATERS.

L WE NEED JUDICIAL REFORM.

L WE NEED PENAL REFORM.

↳ WE NEED METHODS TO CHANGE THE EXCESSIVE USE OF PLEA-
BARGAINING WHICH IS BECOMING COUNTER PRODUCTIVE TO JUSTICE
IN AMERICA. ↳ THE NATIONAL INSTITUTE OF JUSTICE CAN HELP
TO MOVE OUR NATION TO BECOME WHAT IT ALWAYS HAS BEEN IN
THEORY--A NATION FOUNDED ON JUSTICE.

↳ I COME BEFORE YOU TODAY WITH NO EASY ANSWERS--BUT AN
AWARENESS OF COMPLEX PROBLEMS. ↳ WHAT WE NEED ABOVE ALL IS
A REAFFIRMATION OF OUR CONSTITUTIONAL RIGHTS--OF THE
PRINCIPLES OF JUSTICE--AND OF THE CONCEPT OF A STRONG AND
FREE JUDICIARY.

↳ AS FORMER CHIEF JUSTICE EARL WARREN HAS SAID: "THE
GREATEST ADHESIVE POWER WE HAVE IS THE PROFOUND BELIEF OF

THE AMERICAN PEOPLE IN OUR CONSTITUTIONAL SYSTEM, THE
DEDICATION OF OUR PUBLIC SERVANTS TO OBEY ITS INJUNCTIONS,
AND THE INDEPENDENCE OF THE JUDICIARY."

↳ THE BASIS OF ALL WE CAN DO--ALL WE MUST DO--TO REALIZE
AMERICA'S GREAT POTENTIAL FOR ALL ITS PEOPLE--LIES IN OUR

CONSTITUTIONAL SYSTEM, AND THE BILL OF RIGHTS,

↳ WITH A GOVERNMENT SECURE IN ITS COMMITMENT TO THIS
SYSTEM AND TO THESE RIGHTS, WE CAN WITH CONFIDENCE MOVE
AHEAD IN THE YEARS BEFORE US.



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