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THE INSTALLATION OF
PHILIP B. HEYMANN, DEPUTY ATTORNEY GENERAL,
WEBSTER L. HUBBELL, ASSOCIATE ATTORNEY GENERAL,
AND
DREW S. DAYS, III, SOLICITOR GENERAL

Washington, D.C.

7 June 1993

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P R O C E E D I N G S

(10:35 a.m.)

THE WELCOME

ATTORNEY GENERAL RENO: As each day has gone by, I become prouder of this department and each of the individuals with whom I come in contact. The quality of the legal work, the thoughtfulness, the dedication, and the incredible hours are a great testimony to the public servants of this Nation, and I am so very proud.

I am proud to have the opportunity to work with Congress, both parties, in trying to forge a partnership to deal with the critical issues that face this department, and I am so proud to see members of Congress here today.

But if you had told me when I graduated from Harvard Law School 30 years ago this June that I would be standing here as Attorney General and introducing the Deputy that I introduce to you today, the Associate Attorney General that I introduce to you today, and the Solicitor General as mine, I would never have believed it. And I consider myself inordinately fortunate.

First of all, I would like for everyone to stand as we play the National Anthem.

The Colors will be presented.

(Whereupon the presentation of Colors was

1 conducted, and the National Anthem was sung.)

2 INTRODUCTION OF JUDGE PATRICIA M. WALD

3 ATTORNEY GENERAL RENO: I would like to thank
4 the Joint Armed Services Color Guard and the United States
5 Marine Band Brass Quintet.

6 And now, ladies and gentlemen, to install the
7 Deputy Attorney General of the United States, Philip B.
8 Heymann, I would like to ask Judge Patricia Wald to come
9 forward.

10 Judge Wald was appointed to the D.C. Court of
11 Appeals by President Carter. I have known her for a very
12 long time. She was Mr. Heymann's selection to install,
13 and it is a particular honor for me to welcome her and to
14 thank her.

15 (Applause.)

16 INSTALLATION OF THE DEPUTY ATTORNEY GENERAL

17 JUDGE WALD: Would you raise your right hand and
18 repeat after me.

19 I, Philip B. Heymann.

20 MR. HEYMANN: I, Philip B. Heymann.

21 JUDGE WALD: Do solemnly swear.

22 MR. HEYMANN: Do solemnly swear.

23 JUDGE WALD: That I will support and defend the
24 Constitution of the United States.

25 MR. HEYMANN: That I will support and defend the

1 Constitution of the United States.

2 JUDGE WALD: Against all enemies.

3 MR. HEYMANN: Against all enemies.

4 JUDGE WALD: Foreign and domestic.

5 MR. HEYMANN: Foreign and domestic.

6 JUDGE WALD: That I will bear true faith.

7 MR. HEYMANN: That I will bear true faith.

8 JUDGE WALD: And allegiance to the same.

9 MR. HEYMANN: And allegiance to the same.

10 JUDGE WALD: That I take this obligation freely.

11 MR. HEYMANN: That I take this obligation
12 freely.

13 JUDGE WALD: Without any mental reservation or
14 purpose of evasion.

15 MR. HEYMANN: Without any mental reservation or
16 purpose of evasion.

17 JUDGE WALD: And that I will well and faithfully
18 discharge.

19 MR. HEYMANN: And that I will well and
20 faithfully discharge.

21 JUDGE WALD: The duties of the office.

22 MR. HEYMANN: The duties of the office.

23 JUDGE WALD: On which I am about to enter.

24 MR. HEYMANN: On which I am about to enter.

25 JUDGE WALD: So help me, God.

1 MR. HEYMANN: So help me, God.

2 JUDGE WALD: Congratulations.

3 (Applause.)

4 REMARKS OF PHILIP B. HEYMANN,

5 DEPUTY ATTORNEY GENERAL

6 MR. HEYMANN: Attorney General Reno, Judges,
7 other distinguished guests, including my family, all the
8 way down to my grandchildren. I apologize for looking so
9 pleased.

10 (Laughter.)

11 MR. HEYMANN: Webb Hubbell, Drew Days and I
12 promised to be brief, and I will keep that promise for
13 fear that my grandchildren will remind me that I did not
14 keep it.

15 In any event, my message is a simple one. Once
16 a rare while you get to work on great problems under a
17 great leader. We have that chance. That's why I accepted
18 Attorney General Reno's offer with unseemly haste.

19 Let me not get too problems too quickly. We
20 should not forget that our justice system has great things
21 to be proud of. No nation has prosecutors and judges more
22 independent than ours and more willing to express a
23 conscious rooted in history. No country is more
24 protective of political and civil liberties and more
25 careful to control government power. No other nation has

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1 done so much through litigation and legislation to deal
2 with deep injustices to its minorities.

3 This is a great heritage. But this
4 administration was chosen, above all, because it promised
5 to recognize and, with boldness and imagination, address
6 the problems. Because it rejected the politics of simply
7 making people believe that all was well, that ketchup is a
8 vegetable, after all.

9 President Clinton was chosen to take the steps
10 that would create a healthy, safe and open society for our
11 grandchildren -- all of our grandchildren. Accomplishing
12 that requires both a growing economy and a just society.
13 And Justice is where we work.

14 How do we play our part?

15 Our job is first to earn trust, and then to use
16 it to deal with the areas where our Nation's efforts at
17 justice are failing, where our world is becoming less
18 safe, less open and less fair.

19 The beginning, again, is recreating the trust
20 that has somehow begun to slip away from Federal justice
21 institutions. One part is building, rebuilding the broad
22 confidence that we are nonpartisan, that we act without
23 regard to party. Another part is establishing competence,
24 establishing belief in our competence; showing that we can
25 and will use imagination and demand efficiency in managing

1 the disputes that involve the United States and the fair
2 enforcement of the law against the dangerous and the
3 manipulative.

4 A third part of restoring trust is showing
5 concern -- concern for the vulnerable that Robert Kennedy
6 best exemplified here, a willingness to light candles
7 rather than curse the darkness.

8 So trust is made of impartiality, competence and
9 concern. And once made, it is a crucial resource to
10 address the problems I referred to.

11 We have serious problems in our justice system.
12 We have a civil justice system that is inaccessible to
13 many, and that too often looks like the play thing of
14 litigators, the spawner of lawyer jokes.

15 We have an immigration system that has too long
16 teetered on the verge of collapse, and we have a criminal
17 justice system which has grown costlier and costlier, has
18 doubled and redoubled its prison population, and has not
19 provided even the most basic forms of security against
20 violent death to many of our citizens.

21 So, what besides trust can we bring to such
22 problems?

23 The answer is very simple: The courage to try
24 new solutions and rely on new problem solvers, new people
25 on the front lines when old ones have failed.

1 Let me close with just one example. In the area
2 of violent crime we have to add strings to our bow. We
3 have to add to punishment, not do without it, but add to
4 punishment steps that support families, schools, churches
5 and neighborhoods, for those are the things that create
6 communities. And the choice is ultimately between gangs
7 and communities.

8 We must punish to protect communities, but we
9 must help see that there are communities there to protect.
10 And this, for the most pragmatic of reasons known to ever
11 cop on the beat: Without community, nothing really works
12 to stop crime.

13 The administration's Community Policing
14 Initiative, and there will be many I suspect, are the most
15 obvious example of this approach.

16 In short, and now I leave you, I know that under
17 Janet Reno's leadership we will earn trust, have the
18 courage to admit and then to address the hardest problems,
19 boldly and pragmatically address them, and will bring back
20 to the Nation confidence in this department which is
21 called Justice.

22 Thank you.

23 (Applause.)

24 INTRODUCTION OF JUDGE RICHARD S. ARNOLD

25 ATTORNEY GENERAL RENO: And now to install the

1 Associate Attorney General of the United States, Webster
2 L. Hubbell, I would like to ask Chief Judge Richard S.
3 Arnold of the Eighth Circuit Court of Appeals to come
4 forward.

5 We appreciate so much your being with us, Judge,
6 a friend of longstanding of Webb Hubbell's, appointed to
7 the Court of Appeals in 1980. Thank you for being here
8 with us, sir.

9 (Applause.)

10 INSTALLATION OF THE ASSOCIATE ATTORNEY GENERAL

11 JUDGE ARNOLD: Mr. Hubbell, are you ready to
12 take the oath.

13 MR. HUBBELL: I am.

14 JUDGE ARNOLD: Would you raise your right hand
15 and repeat after me.

16 I, Webster Lee Hubbell, do solemnly swear.

17 MR. HUBBELL: I, Webster Lee Hubbell, do
18 solemnly swear.

19 JUDGE ARNOLD: That I will support and defend.

20 MR. HUBBELL: That I will support and defend.

21 JUDGE ARNOLD: The Constitution of the United
22 States.

23 MR. HUBBELL: The Constitution of the United
24 States.

25 JUDGE ARNOLD: Against all enemies, foreign and

1 domestic.

2 MR. HUBBELL: Against all enemies, foreign and

3 domestic.

4 JUDGE ARNOLD: That I will bear true faith.

5 MR. HUBBELL: That I will bear true faith.

6 JUDGE ARNOLD: And allegiance to the same.

7 MR. HUBBELL: And allegiance to the same.

8 JUDGE ARNOLD: That I take this obligation

9 freely.

10 MR. HUBBELL: That I take this obligation

11 freely.

12 JUDGE ARNOLD: Without any mental reservation or

13 purpose of evasion.

14 MR. HUBBELL: Without any mental reservation or

15 purpose of evasion.

16 JUDGE ARNOLD: And that I will well and

17 faithfully discharge.

18 MR. HUBBELL: And that I will well and

19 faithfully discharge.

20 JUDGE ARNOLD: The duties of the office.

21 MR. HUBBELL: The duties of the office.

22 JUDGE ARNOLD: On which I am about to enter.

23 MR. HUBBELL: On which I am about to enter.

24 JUDGE ARNOLD: So help me, God.

25 MR. HUBBELL: So help me, God.

1 JUDGE ARNOLD: Congratulations.

2 (Applause.)

3 REMARKS OF WEBSTER LEE HUBBELL,

4 ASSOCIATE ATTORNEY GENERAL

5 MR. HUBBELL: Thank you so much.

6 I am honored and privileged to serve you as the
7 Associate Attorney General.

8 I first want to thank the Attorney General, the
9 President of the United States, and I know that is in the
10 wrong order.

11 (Laughter.)

12 MR. HUBBELL: My wife, my family, my children
13 who are not here today except my son. My daughter is back
14 home. My two sisters, Patty and Terry, my Uncle Bud, my
15 Aunt Virginia, and all my many friends who are here from
16 Little Rock. It is so special to have them here.

17 It is so special to have my new friends -- and I
18 see many of my new friends from the Congress, both the
19 Senate and the House. And I look forward to working with
20 all of you as I have enjoyed the confirmation process.

21 (Laughter.)

22 MR. HUBBELL: I see my old friend, Ambassador
23 Kantor, who over a year ago told me, Webb Hubbell, your
24 life is not going to be the same. And I never knew what
25 he was talking about until today.

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1 And I see Peggy Richardson, and I will always
2 recognize the IRS Commissioner.

3 (Laughter.)

4 MR. HUBBELL: And I see my friend Mike Cardoza,
5 who, with me, almost five months ago, walked into this
6 building, not exactly knowing how long he would be here,
7 but was one of the true unsung heroes of this early
8 administration.

9 And most importantly, I want to thank the people
10 at the Justice building and the Justice Department who
11 have put up with me over these past almost five months.
12 My demands that Doonesbury be put in the clips and my
13 request that the turnstiles be made a little bigger.

14 (Laughter.)

15 MR. HUBBELL: I am reminded, after following the
16 Attorney General and the Deputy Attorney General Phil
17 Heymann, which I will be doing a lot of, of an old
18 Arkansas story, and that is that an Arkansan died in an
19 Arkansas flood and he went to heaven. And Saint Peter
20 asked him: We are having a seminar and we would like you
21 to speak. He said: We would like you to offer something
22 that would be of value. And he said: Well, I would like
23 to talk about the flood. I feel I have something to
24 offer. And Saint Peter said: Great, you will follow
25 Noah.

1 (Laughter.)

2 MR. HUBBELL: So, when I follow the Attorney
3 General and Phil Heymann, I feel a little bit like that
4 Arkansas farmer who died in the flood.

5 But speaking of dialogue, today I just want,
6 with the Attorney General, Phil Heymann and Drew Days, and
7 you, to open a dialogue, which we hope to continue in the
8 weeks and the months ahead, a dialogue about justice in
9 America. A just America needs both an effective criminal
10 justice system and an accessible civil justice system.
11 Both systems are outlets for people's frustrations and
12 outrage. And both provide a forum to address inequity and
13 injustice. Both systems must work. They are not
14 exclusive. The Attorney General and
15 Deputy Attorney General have no rivals when it comes to
16 talking about criminal justice. I hope to make a small
17 contribution on the civil side. I want us to hold up civil
18 justice to examination, to build upon what works but to
19 correct what doesn't, to lower its cost, to eliminate its
20 delay, and to make it accessible to all our citizens.

21 We are also committed to taking a close look at
22 what we do here at the Justice Department. We cannot talk
23 about enforcing ethical guidelines on others unless the
24 very highest ethical standards are the touchstone of the
25 Department of Justice. We should not urge private lawyers

1 to make the fullest possible commitment to pro bono
2 activities unless we are willing to look at ways that we
3 can expand our work with others.

4 We cannot consider ourselves lawyers for the
5 people if we are viewed as the overbearing Government
6 lawyers. We cannot be committed to opening the doors of
7 civil rights through our civil rights laws if we,
8 ourselves, are not committed to opening the doors of this
9 building to more diversity among ourselves. Finally, we
10 cannot talk about serving the cause of justice unless we
11 are devoted to justice and properly trained to fight for
12 it.

13 All of us at the Department of Justice have a
14 particular calling in this quest for justice, day by day
15 challenged. But if you know me, we're going to have a
16 little fun. We will move forward to restore justice in
17 the hearts and souls of all America.

18 Thank you.

19 (Applause.)

20 INTRODUCTION OF JUDGE JONES

21 ATTORNEY GENERAL RENO: Now, to install the
22 Solicitor General of the United States, Drew S. Days III,
23 I would like to ask Judge Nathaniel R. Jones, Circuit
24 Judge for the 6th Circuit, to come forward. Judge Jones
25 was appointed in 1979 to the Court of Appeals, and it's an

1 honor for us to have you here with us today, Judge.

2 (Applause.)

3 INSTALLATION OF THE SOLICITOR GENERAL

4 JUDGE JONES: If you are prepared to proceed,
5 Mr. Days, would you raise your right hand and repeat after
6 me?

7 I, Drew Days III --

8 MR. DAYS: I, Drew Days III --

9 JUDGE JONES: -- do solemnly swear --

10 MR. DAYS: -- do solemnly swear --

11 JUDGE JONES: -- that I will support and defend
12 the Constitution of the United States --

13 MR. DAYS: -- that I will support and defend the
14 Constitution of the United States --

15 JUDGE JONES: -- against all enemies --

16 MR. DAYS: -- against all enemies --

17 JUDGE JONES: -- foreign and domestic --

18 MR. DAYS: -- foreign and domestic --

19 JUDGE JONES: -- that I will bear true faith --

20 MR. DAYS: -- that I will bear true faith --

21 JUDGE JONES: -- and allegiance --

22 MR. DAYS: -- and allegiance --

23 JUDGE JONES: -- to the same --

24 MR. DAYS: -- to the same --

25 JUDGE JONES: -- that I take this obligation

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1 freely --

2 MR. DAYS: -- that I take this obligation

3 freely --

4 JUDGE JONES: -- without any mental

5 reservation --

6 MR. DAYS: -- without any mental reservation --

7 JUDGE JONES: -- or purpose of evasion --

8 MR. DAYS: -- or purpose of evasion --

9 JUDGE JONES: -- and that I will well and
10 faithfully discharge --

11 MR. DAYS: -- and that I will well and
12 faithfully discharge --

13 JUDGE JONES: -- the duties of the office --

14 MR. DAYS: -- the duties of the office --

15 JUDGE JONES: -- on which I am about to enter --

16 MR. DAYS: -- on which I am about to enter --

17 JUDGE JONES: -- so help me, God.

18 MR. DAYS: -- so help me, God.

19 JUDGE JONES: Congratulations, and God speed.

20 (Applause.)

21 REMARKS BY MR. DAYS

22 MR. DAYS: Attorney General Reno, my colleagues
23 up here, Phil and Web, our families, distinguished guests,
24 ladies and gentlemen:

25 On the day that my nomination was announced, my

1 immediate family was not able to be with me. I flew back
2 to Connecticut and was waiting at the airport for my
3 family to arrive, and I saw a car pull up that looked very
4 much like our automobile, but it had a red object in the
5 window on the passenger side. As I approached the car,
6 confident that it was mine, I began to read what the sign
7 said. It said, "No Soliciting."

8 (Laughter.)

9 MR. DAYS: In seriousness, it's truly an honor
10 to stand before you this morning as the Solicitor General
11 of the United States. I want to express my deep gratitude
12 to President Clinton and Attorney General Reno and the
13 United States Senate, of whom I see some representatives
14 out in the audience, for giving me the opportunity to take
15 on this most important assignment.

16 I also want to thank members of my family and my
17 friends and colleagues here today for the love, trust, and
18 confidence that they have shown toward me over many years.
19 Indeed, as I look out at people who have known me before
20 birth, through my youth, college, law school, the Civil
21 Rights Division, Yale Law School, and at various
22 organizations which I've been involved over the years, I
23 see my life not flashing before my eyes but rather as a
24 bright, beautiful mosaic that I will always cherish.

25 One of the hardest things to do in life, I have

1 found, is to keep a sense of perspective, particularly
2 when taking on important tasks. At my office at Yale, I
3 had the benefit of looking out my window upon the Grove
4 Street Cemetery, where worthies like Eli Whitney are
5 buried. That view, one I call my naked came I from my
6 mother's womb and naked shall I return to the earth view,
7 has helped me keep a proper perspective on life fairly
8 well.

9 In my new office I can see the Capitol and the
10 Supreme Court. But more important, perhaps, I look out
11 upon the National Archives building. It reminds me daily
12 of the place of history, that prologue in all our lives.

13 A sense of prologue makes me especially happy
14 that two of my friends, and wives of two great former
15 Solicitors General, Mrs. Thurgood Marshall and Mrs. Wade
16 McCree are able to be with me and us on this wonderful
17 day. I would like them to stand, please. Will you join
18 me in a round of applause?

19 (Applause.)

20 MR. DAYS: Sissy and Doris, it's a wonderful
21 honor for you to be here this morning, and I remember both
22 of your husbands with great fondness and respect.

23 Former Solicitor General Dean Irwin Griswald
24 called the SG's job a tightrope. Justice Marshall said it
25 was the best job he ever had, bar none. I suppose what

1 they both mean is that if one keeps his balance as SG, it
2 can be an extremely rewarding experience.

3 Certainly, keeping one's balance requires
4 wisdom. When I left the Civil Rights Division in December
5 1980, I said at my farewell party what I wanted most at
6 the end of my life was to be viewed as a wise person. In
7 the intervening years, thanks to my deans, my faculty,
8 colleagues, and students at Yale, and many others, people
9 who are out here in the audience, I have become wiser, I
10 believe. But I expect that my course of instruction has
11 many more classes remaining.

12 Balance in an SG also requires that he be just.
13 He must ensure that the Department's interests are
14 properly protected on the one hand, but on the other, he
15 must, I feel deeply, see to it that his work in reviewing
16 appeals in the lower courts and litigation before the
17 Supreme Court allows that our cherished individual rights
18 in America are not threatened by the enormous resources
19 and power that the United States Government can bring to
20 bear in any given controversy. For in the final
21 reckoning, the Solicitor General is not only the
22 Government's lawyer, he is the people's lawyer, as well.

23 I hope that when my tenure is ended, you and
24 others will say about me, he was wise, he was just.

25 Thank you very much.

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1 (Applause.)

2 CLOSING

3 ATTORNEY GENERAL RENO: It is an incredible
4 honor to serve with lawyers like these men, and it has
5 been an incredible honor to serve the American people in
6 these last 3 months. This is a magnificent Nation. It
7 has problems, but there is such strength, there is such a
8 desire to change things, to make things better, that we
9 can do it.

10 I have been to an elementary school in Mt.
11 Pleasant as children were afraid, but in their fear they
12 were also strong, and they also believed that things could
13 be changed to make things safer for them.

14 I've been to West Texas, to White Plains, where
15 people cared passionately about what was going to be done
16 for America.

17 I've seen a beautiful Nation spread out below
18 me, a Nation that needs protection, its land, its air, its
19 waters.

20 I've been to Detroit and met Wade McCree's
21 grandson, a remarkable young man.

22 I have touched and been touched by so many
23 Americans who want to talk together -- businessmen at a
24 conference, Republicans, Democrats.

25 The time has come to go forward together in a

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1 partnership for America, to address the problems of crime,
2 to address the problems of discrimination, to address the
3 problems that plague our environment. And together, we
4 will work together to build a strong, safer, finer,
5 America.

6 God bless you all.

7 (Standing ovation.)

8 ATTORNEY GENERAL RENO: We will have a reception
9 on the 5th Floor, and we would welcome everybody. Thank
10 you, so much, for coming.

11 (Whereupon, at 11:06 a.m., the ceremony ended.)
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