



Department of Justice

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"TWO STRINGS TO OUR BOW"

REMARKS OF

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I'm delighted with this opportunity to speak directly with so many members of the press who are responsible for new communication in this country. For I am proud of our performance in the past 3 1/2 years, and of our programs that are continuing into the future. Assuming that we can make these efforts known to the people, the Nixon Administration is most willing to stand before the bar of public opinion.

As Deputy Attorney General I had already been so much a part of the administration of the Justice Department that you would not expect any drastic departures in policy at this time, and you would be right. But it would be helpful to you, I think, if I would describe the particular way in which I look at our achievements and our goals, the personal attitude that I bring to these tasks, the prism through which I would sort out our priorities --in short, how I view this job.

Mark Twain is one of many who tell the story of Hank Monk, the world's greatest stagecoach driver, who carried Horace Greeley over the mountains to California. When they started from the Nevada side the famous newspaper publisher told Hank that he had to give a speech in Placerville the next evening.

"Don't worry, Horace," said Hank Monk, "I'll get you there on time."

The driver whipped up his horses and soon Horace Greeley was whirling around the side of cliffs in fear of his life. As he bounced around inside the coach he begged Hank Monk to slow down. He said he didn't care if he was late.

Finally he pleaded that he didn't care whether he got to Placerville at all. But Hank Monk kept up the same dizzy pace and shouted back:

"I've got my orders!"

According to the story Horace Greeley's stagecoach got to Placerville on time but as the crowd came out to greet him they saw his head sticking through the roof.

Now the analogy in this story is that we in the Department of Justice have two major roles--two strings to our bow.

The first is to enforce existing law, and in doing so we may admire the determination and singlemindedness of Hank Monk.

But the second string to our bow is to observe the effects of the law and if it is found wanting, to propose changes. Here we may sympathize with Horace Greeley, who may be said to have drafted the original legislation but realized that conditions had changed.

So my first point in this analogy is that we must enforce the law as we find it, and if we do not like the law our remedy is not to bend it or ignore it. None of the governmental branches--executive, legislative, or judicial--may usurp the powers of the others. If our system of government is distorted in order to do what we think is right, a precedent is set for distortion to do wrong.

No one had a better sense of these refinements than Mr. Justice Oliver Wendell Holmes. One time his good friend, Judge Learned Hand, dropped him off at the Supreme Court, and said, "Good-bye--Do Justice!" Mr. Justice Holmes stopped abruptly, turned around, and declared: "That is not my job. My job is to play the game according to the rules."

If we are to maintain our government as one of laws and not of men, we must agree with Mr. Justice Holmes when he said, "I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law."

My second point is that we are more than administrators limited to enforcing the law. We are also human observers charged with seeing whether existing laws are doing their job and whether they need to be improved to meet the needs of society.

In other words, the lady who serves as the symbol of Justice may be blindfolded to assure equal rights to all who are brought before the law. But in my opinion, she should not be blinded to the injustice or inadequacy of bad laws, and the need to improve them or make new laws that will better serve humanity. In such cases it is the duty of the Justice Department either to seek further interpretations from the Courts, or, if this is not appropriate, to propose new legislation to Congress.

These, then, are the two separate strings to our bow. How are we making use of the first string--that of enforcement?

When we came to office in 1969, we believed there was, in fact, an enforcement problem in the United States. A crime wave had mounted alarmingly in the 1960's and President Nixon had promised to do something about it. In the Federal jurisdiction we marshaled all the resources of government in the most comprehensive attack ever made against organized crime and the drug traffic. Whereas the previous Administration had refused to use the court-authorized wiretapping that Congress had provided in 1968, we acted on the principle that we were here to enforce all Federal laws. Due to our stepped-up efforts, including the use of court-authorized wiretapping, we have nearly doubled the annual number of convictions of organized crime figures over those in 1968. Last year we removed from the world market about five times the heroin and other opium derivatives that were removed in 1968. In city after city, we have brought leading racketeers under the processes of Justice. We have secured the cooperation of governments in all the countries that are leading sources of heroin. They are cracking down on the traffickers, and in Turkey the production of opium is being stopped this summer.

Here in Washington, D. C., the one major city in the continental United States under Federal control, we have reversed a very dangerous crime epidemic. In fact, for the first quarter of 1972, crime in the District of Columbia was down more than 30 percent from the same period in 1971.

We have used this string to our bow just as forcibly in other enforcement areas. Partisan critics have tried to claim that we have pulled our punches in civil rights. The truth is that in practically every category--education, employment, housing, voting and public accommodations--we have brought actions against more defendants in the same period of time than any previous Administration.

In the antitrust field some people have assumed that we have "gone easy" on business. But we will match the number of cases that we have brought against antitrust defendants against those of any previous Administration, and in some of the most important areas we have broken new ground in antitrust enforcement. The previous Administration could not even find a legal means to combat the alarming rise of conglomerate mergers in the 1960's. But we have done so, and we have successfully halted the conglomerate trend among large corporations.

I assure you that as we look ahead there will be no let-up in our use of this first string to our bow. In fact, our programs have reached a high level of efficiency and I anticipate even more striking results in the future.

Now let me turn to the second string to our bow--the responsibility to observe the human condition and determine what should be done that has not already been done.

Among our first steps were the drafting or promotion of new laws in such fields as organized crime, drug control, and criminal justice reform in the District of Columbia.

These laws have given us better enforcement tools, and they have worked, but how many know about the other aspects of this legislation that remove inequities and promote human rights?

How many know that new laws passed in 1970, drafted and advocated by the Nixon Administration, provided the first Public Defender Service in the Federal system and provided more funds to secure lawyers to defend the indigent poor?

How many know it was the Nixon Administration that procured the establishment of the Narcotics Treatment Administration that has treated thousands of addicts in the District of Columbia?

How many know that the drug control act of 1970, while increasing the penalties against traffickers, reduced the impact of the law against possession of marihuana? It reduced simple possession from a felony to a misdemeanor and provided for expunging the record of a first offense for young defendants.

Again, it was President Nixon who marshalled all Federal narcotics treatment and research efforts into a coordinated program, with increased funding and effectiveness.

It was the Administration which, beginning in 1969, started a ten-year program to reform the Federal Prison System as an example of the most modern methods of treating and restoring ex-offenders to useful lives in

their communities.

It is the Nixon Administration which has vastly expanded Federal aid to states and localities for prison reform, narcotics treatment and education, increased minority hiring by police forces, more sensitive handling of juvenile offenders, and better community relations between minority groups and police agencies.

In fact, as early as May 1969 I advocated at a national conference some unique steps to foster better understanding between the community and its police, and I quote: "Militants should be invited to lecture at the police academy. Recruit classes should spend a week living in the ghetto..."

It is the Nixon Administration that has given new support and expanded funds to the Community Relations Service, a part of the Justice Department created to help communities to resolve disputes and difficulties arising out of discrimination based on race, color, or national origin. In fact, to enlarge this assistance, the Community Relations Service developed a Conflict Resolution Program to provide expanded conciliation services to communities torn by racial conflict, and also a new mediation service to assist Federal courts in resolving cases through mediation rather than litigation.

Let me mention, too, that it was the Nixon Administration that in large part succeeded in desegregating the school districts in the eleven

Southern States. From the Brown decision in 1954 to the 1968-69 school year, less than six percent of the black school children in the South were enabled to attend desegregated school districts. Up till then the main weapon was the threat of withholding Federal funds. Since then we have used negotiation and court action. Today well over 90 percent of the black school children in the South attend desegregated school districts, and we are hard at work with the remaining systems.

Again, it was the Nixon Administration that found new means of enforcement against water pollution. We greatly increased criminal actions under the Refuse Act of 1899, but since the penalties are relatively light, we sought and won a new weapon under this act--the civil injunction. This provides immediate relief, and so far we have initiated 117 civil injunction suits against water pollution--many of them against large corporate defendants.

More recently, as a result of a new court decision, we have begun invoking Federal common law in bringing actions against pollution as a public nuisance. In our opinion this new weapon opens up a whole new strategy against both water and air pollution, and we intend to pursue it to the fullest extent.

These are only some of the arrows that we have put to the two strings in the bow of the Justice Department. I firmly believe in both strings and I intend to continue using both as we carry out our duties in the future. We are here to enforce existing law, and we are here to observe and sense

how we can propose improving the law. We have our Hank Monks and our Horace Greeleys, and many whose job it is to approach society from both viewpoints.

There are some critics who seem to feel that law enforcement is somehow separate from and maybe in conflict with social consciousness. I do not agree with that concept. When I see the stranglehold that organized crime has had on some communities; when I see the human blight that can occur through the drug traffic, through discrimination, through environmental neglect, I feel very strongly that law enforcement is a social cause.

The Justice Department is not HEW and it is not HUD, but in the long run we march in the same crusade. In that cause we have two strings, and we are using both of them on the bow of American justice.