



Department of Justice

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ATTORNEY GENERAL

U. S. DEPARTMENT OF JUSTICE

Addresses

Employees of the Department of Justice

at the

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Deputy Attorney General Sneed: It is my pleasure to introduce to you the Attorney General of the United States, Mr. Elliot Richardson.

Attorney General Richardson: Thank you very much, Dean Sneed. Colleagues in the Department of Justice. I appreciate very much the generosity of that introduction, Joe, but the truth of the matter is that the real reason he didn't give you all of the biographical background, is not because I am such a great man, it is because he discovered in looking it over that I have never been able to keep a job. And so he just didn't know how many of these things to recite. But I am glad to be back in the Law and associated with a Department whose responsibility is to the Law. As Dean Sneed said, I am prepared to respond to your questions later, but he overstated a little and I feel that as a careful lawyer, compelled to call attention to this when he said that I would answer your questions. I may or may not answer them, depending on whether or not I know the answer.

I am delighted, though, just to have the opportunity to, in a sense, to get acquainted with more of you, or at least, since it is difficult even to see you, against the background of these lights, to let you see me and to get some sort of a feel for what kind of a person it is who is the new head of your Department.

It is with a special sense of respect that I address you, respect for the significance of the historical circumstance in which we find ourselves, respect

for the integrity and confidence with which you do your jobs, and respect for ability to perform a unique service. That service is no less than the strengthening of confidence in our legal system and, thereby, in our government itself.

When I took the oath of office as Attorney General, I said the first concern of the administration of Justice must, of course, be the individual. The second concern is the truth. The first of these demands fairness, the second demands fearlessness. I shall do my utmost to be faithful to both. I know you join me in this pledge. We must better ensure that there is fairness across the board, not only, not one law for the rich and another for the poor, not one law for the strong and another for the weak; not one law for Washington and another for the country. We must pursue the quest for a better legal system beyond the search for improvements in the administration of justice to the discovery of more effective methods of prevention and rehabilitation.

Perhaps the saddest manifestation of the circumstance in which we find ourselves today is the readiness with which people think of government in relation to themselves as they, and not we. They attribute to government the representation of the interests of big business or the insider, rather than all of us. This, of course, is not new. It is an attitude toward government that Americans have traditionally had, and, in many respects, it is a healthy attitude. It is a challenging one, one that keeps government continually called upon to produce on behalf of people in general. And yet, at the same time, carried too far and etched too deeply, this corrosion of belief that government

really cares for everybody is incompatible with the very principles upon which our institutions of free self-government rest.

We, in this Department, have a particular responsibility and a special opportunity, both to combat the attitude I have spoken of, but more especially, to combat the conditions that give rise to it.

I often quote, because it expresses better than anything else I know my general attitude toward the responsibility of government, the dedication of a book I once read, called McSorley's Wonderful Saloon. McSorley's was a great old place on the lower East Side of New York. In the days before Women's Lib, it excluded women entirely; it was the center for a remarkable collection of characters who were memorialized in this book by Joseph Mitchell, and the dedication went, "This book is dedicated to the people who are sometimes called the Little People. Well, I want you to know they are just as big as you are, whoever you are." This Department, the Department of Justice of the United States, has a special charge to represent all the people of this country on the basis that they are just as big as you are, whoever you are. They are just as big as any interest, whatever it is; that they, indeed, we, more accurately, are the very reason for the existence of our government. We are in a unique position to do something to make realities of this kind of commitment to people.

In the area of Civil Rights, for example, the past two decades have seen a rate of progress fully unprecedented since the era in which the Bill of Rights

itself became part of our Constitution. In areas of education, employment, housing, public accommodations, the legal process, the courts, lawyers, all the government of the United States, in this Department, have been in the forefront of making realities of this kind of promise to the full dignity of the individuals. A more rapidly, rather, and even more recently evolving area of legal responsibility involves the protection of the individual in his or her capacity as a consumer. This Department, of course, has long responsibilities in this area and with respect to price fixing and the exploitation of monopolistic economic power, but we have seen, and I am sure we will see, increasingly, the responsibility of government. . . I have been talking about the evolving frontier of the law, and the area generally of consumer protection, truth in lending, truth in advertising, protection against fraudulent business practices, generally. There is an even newer area into which we are just beginning to enter, and this involves the right of the individual to receive the benefits of government programs and of the skills and help that can be provided only through governmental institutions. And so we see the first steps toward the definition of the right to treatment or the right to rehabilitation, or in the case of the retarded, the right to habilitation for individuals who, without that kind of help cannot become complete self-fulfilled individuals at all.

Within the area of procedural due process, again, there has been a period of rapid development in recent years. As my old boss Justice Frankfurter once remarked, in many respects the history of liberty itself is the history of the implementation of procedural due process safeguards. Decisions of late have, in effect, made available to poor defendants, rights

which have always been asserted by the well-healed and well-represented defendant. The right to be secure in our homes and on our streets, represents the affirmative responsibility of what we are seeking to do through the Law Enforcement Assistance Administration. Through the Omnibus Crime Control and Safe Streets Act. And here is an area in which the Department has enormous opportunities for expanded and more effective leadership. And there is, of course, the opportunity we have through the institutions administered by this Department itself. In the area particularly of the return of offenders to society with a better chance that they will become contributing members of society. And here we have an opportunity to assure that our institutions are at the forefront and serve as examples to the country as a whole.

At a time when our government has continued to get bigger, when the impersonal forces of the mass-production, mass-communication society increasingly tend to submerge the individual in a grey, featureless sea of homogenized humanity, the institutions of the law and the leadership of this Department, have a special contribution to make in the restoration of the individual, not only in the abstract scheme of things, but in his own eyes to his rightful place in our society.

I look forward to sharing with you in the opportunity to make the instrumentalities of the law and of federal leadership in the law a still more effective instrument for the fulfillment of these promises to all Americans.

Thank you very much.

Attorney General Richardson: I didn't time that, and I know many of you are standing. I'll count on Dean Sneed to terminate the draft when he thinks it has gone long enough, but I will be glad to, as I said, respond to questions if I can see the hands raised, which isn't too easy in this light. Yes.

Question: Mr. Richardson, I am in the Antitrust Division, and I would like to ask if it is going to be your policy and the policy of Dean Sneed that if you are discussing a case that the Department of Justice has, if you will make it your policy to have staff members who worked on the case present in your discussions?

Attorney General Richardson: Well, generally, yes. In any event, I would certainly make sure that a memorandum of the discussion was made available to the Division. I certainly would not, and I am sure that this is true of Dean Sneed also, make any commitment to any representative of an antitrust defendant or any other defendant with whom the Department is dealing without having staff present or without calling upon the advice of the Division.

I have, I might add, asked my immediate staff to review the practices throughout the Department that have to do with recording communications to the Department, whether from elsewhere in the government or by private parties with respect to matters pending in the Department. I am not implying that the practices in effect, are inadequate, but I don't know what they are. I simply feel that I should know, and that they should be consistent throughout the

Department and fully understood by everyone in the Department. Anything else? Yes.

Question: Would you be receptive to or encourage communications from staff personnel in the Department as to policy matters on suggestions and recommendations for the improvement of Departmental administration?

Attorney General Richardson: The question is would I be receptive to suggestions and recommendations from personnel of the Department with respect to policy matters that are pending in the Department and with respect to opportunities for the improvement of the Department-level administration.

By all means, yes. And going back to the point that I made earlier with respect to the presence of staff people at, for example, a conference with a defendant on an antitrust matter, generally speaking, I would like to have Division heads and agency heads or bureau heads in the Department know that I would like to have them bring to any meetings with me the people who have really done the work on whatever the subject under discussion is. I have always done and encouraged this in other government agencies where I have served, and I think it is important from the standpoint of an individual who knows that he or she has invested a lot of time and thought in a given problem and knows that it is going to be discussed in the front office to have a chance to be there, to be heard, and to know what the considerations were that entered into disposition of it, particularly if the disposition of it in any way departed from the position initially recommended. But going back again, to the

main point of your question, yes, by all means, I would welcome -- I have worked very closely when I was at State with a group of younger State Department career officers who were organized for the specific purpose of eliciting from the various bureaus of the State Department the ideas of younger people in order to make sure that they did get to the top and were fully considered. I thought it was a good group, and I am not suggesting necessarily that this be formalized, but in general, I mention it only because it is indicative of my attitude in the matter.

Question: Are you approaching your position with anything less than full confidence in the Department?

Attorney General Richardson: Am I approaching my position with anything less than full confidence in the Department? No.

I haven't seen anything that calls into question the integrity of the career people of this Department in the overwhelming majority. I can only think of one current area of investigation into one particular administrative function of the Department that indicates that they could have been doing a better job in that area. I would say that just lest I be accused of mere rhetoric. No, I have talked to people who have known this Department over a number of years, notably, my own former Dean, the Solicitor General, Erwin Griswold, who told me that he was the very first lawyer hired by this Department directly out of law school, and that was quite a few years ago. And he has had a good deal of

occasion to know about the work of the Department in the intervening years, and, of course, he has now been here for five years where he has rendered truly distinguished service as Solicitor General of the United States. And he has told me that he believes that the quality of the professional people in this Department today is higher than it has ever been in his observation, and that means very high, indeed, and I believe that.

Anything else, maybe we ought to leave.

Question: What is your attitude towards wiretapping?

Attorney General Richardson: I am going to have to testify at length about that on the Hill pretty soon, and the formulation of my position on this in detail is being developed presently. But, in general, I have a fairly clear view of it. As Attorney General of Massachusetts, my staff and I, with help from outside consultants, developed an electronic surveillance statute. I came down to Washington at that time to testify before the House Committee of the Judiciary in support of what is now Title III of the Omnibus Crime Control Act. I believe that electronic surveillance, under court order, on the basis of an adequate showing of probable cause, is a justified means of combatting certain types of crime, particularly organized crime.

In the national security area, I think that there are situations which justify the use of electronic surveillance, including wiretapping. The problem there is to assure that the justification is really adequate, that a genuine national security interest is being protected or advanced. I take it that

the court cases so far as one can base a conclusion on them to date, support this view. The Keith case, of course, essentially is a case which says that the risk of domestic subversion disorder is not, in itself, a sufficient justification for utilizing the national security basis for justifying wiretapping. I think that decision was valid, and, of course, it is being observed by the Department. That perhaps is enough by way of a general answer.

Anything else?

Question: Sir, Mr. Kleindienst, Mr. Gray, and Mr. Petersen all stated unequivocally that the investigation was probably the most intensive and exhaustive ever undertaken by the FBI. Do you think there is any possible stigma or do you think that the Department might be tainted by the fact that there have been so many subsequent revelations? I mean, assuming that there might be some more indictments, assuming that there had been some obstruction, would you feel that the Department can justify the fact that maybe we didn't go as far as we possibly could have or do you think that it is only because of public revelations that now would allow us to have further indictments?

Attorney General Richardson: Well, of course, an answer to this can be misconstrued as resting in some final judgment of the quality of the Department's work, which I am not in any position to make. But I can say that based on what I do know, that it is at least consistent with all of the available information. That the Department did conduct a very thorough,

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far-reaching investigation. But that information was not made available to them simply because given individuals chose not to talk. It could well have been part of the prosecutive plan from the outset that the ability to get additional testimony would, in the end, depend upon the imposition of sentences or the opportunity to get individuals who had already been sentenced to talk when they had not been willing to do so before. It is also consistent with the available information with respect to the obstruction of justice or the so-called cover-up that the cover-up succeeded well enough to prevent the investigation from obtaining information that might otherwise have been obtained. If you assume, in other words, that there was a cover-up, and if you assume further that it was at least partially successful, then it would follow by definition that its effect was to prevent the investigators from getting information that they might otherwise have obtained.

Question: I believe that the D. C. Court of Appeals recently affirmed Judge Pratt's decision on an HEW case, stating that --

Attorney General Richardson: In which I am named the defendant.

Question: Stating that even though the Department of Justice may not have sufficient resources, . . . are you going to ask for additional financial resources in order to file more Civil Rights cases?

Attorney General Richardson: Well, let me comment first that the inference that HEW wasn't doing much about the desegregation of schools, of course, is wrong. We did accomplish more desegregation in the years that

I was there, not by any means entirely because of anything that I did, it was a lot of the momentum that had already been developed, but it was, in fact, accomplished during those two years. We accomplished more desegregation than in the whole history of the process up to that time. There were residual cases presenting a great deal of difficulty in the application of the Charlotte and Memphis decisions. There were also problems of resource allocations. But I think, by and large, that it has to be recognized that an extremely good job was done both by the Civil Rights Division of this Department and by the Office of Civil Rights in HEW in bringing about the substantially complete dismantling of dual school systems. Now, as to what additional resources may be needed, in order to carry out the decision of Judge Pratt, I just don't know at the moment. It so happens that the present chief of the Civil Rights Division in this Department is the former head of the Office of Civil Rights in HEW, Stan Pottinger, and he has only told me a little bit about what he foresees as needed. I can only say that we are certainly going to do, we and HEW, our conscientious best to carry out the requirements of the court order, and if this takes additional resources, we will seek the additional resources.

Perhaps that is enough for one day. I have enjoyed this opportunity and I look forward to the pleasure of coming to know a great many more of you individually. Thank you very much.