



Department of Justice

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FOR RELEASE AT 12:30 P. M.
FRIDAY, MAY 1, 1959

ADDRESS

BY

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Prepared for Delivery

at the

SECOND ANNUAL OBSERVANCE
of
LAW DAY

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Citizens' Committee for "Law Day USA"

Philadelphia Bar Association

Bellevue-Stratford Hotel

Philadelphia, Penna.

Friday, May 1, 1959

A few years ago, and I guess they still do it, the first of May was the occasion for the Communist Party in this country to stage and publicize an annual parade. Its purpose was to defame and discredit the institution of democracy.

It is most appropriate that today throughout the United States in hundreds of cities and towns many thousands of Americans are meeting on this second Annual Law Day to pay tribute to one of democracy's most noble concepts - equality under law for all people.

To be in Philadelphia on this day and to be a guest at this impressive luncheon with such a distinguished audience is a great honor for me. It occurred to me in reading the list of sponsors that there is enough talent here to hold another Constitutional Convention. Not that there is anything wrong with our present Constitution - it's just that there is nothing wrong with this audience either.

May I thank all of you for making this such an outstanding occasion.

We are here to discuss the rule of law and what it means to our nation.

Sometimes its importance to our nation is obscured by jokes about the legal profession. You may have heard about the letter a woman wrote to her lawyer which read as follows:

"I want to thank you for winning my case. I especially liked the way every time that other lawyer asked me those unfair questions, you jumped up and objected. I'm recommending you to friends as a real objectionable lawyer."

Sometimes the luster of the system is dimmed by those who approach legal matters with ulterior motives. For example, The President received a letter a while back from a boy which reads as follows:

"Dear Mr. President:

I would like to know if the laws makes school teachers get drafted in the service. If they do I know one who has not been. His name is _____ and he is 26 years old.

Thank you."

Notwithstanding some cynicism about law and lawyers the American people from the early days of our country have recognized the importance of and have had a fundamental respect for our legal system.

In 1790, George Washington said:

" *** Knowledge is in every country the surest basis of public happiness. *** To the security of a free Constitution it contributes in various ways: By convincing those who are intrusted with the public administration that every valuable end of Government is best answered by the enlightened confidence of the people: and by teaching the people themselves to know and to value their own rights; *** to distinguish between oppression and the necessary exercise of lawful authority; *** "

It is in that spirit that we are gathered here today.

What is the rule of law? Is it merely a pleasant phrase?

A shibboleth of democracy? Not at all. It is the basic concept of our way of life. It means that all people are equal before the law - and that no one, however powerful or prominent, has any more rights nor are his rights determined any differently than the humblest or least known among us.

When we talk about civil rights that is what we are talking about. Obviously all men are not equal in all things - some are stronger, some are richer, some are wiser - but before the law they are all equal. The rights and privileges guaranteed to citizens by the

government must be equal. How can it be otherwise in a free nation which fervently believes in equality?

When we fail in this regard there are unfortunate repercussions all around the world.

An editorial in an Asian paper a few years ago said:

"*** When an Indian Ambassador is pointedly asked to sit in the 'coloured' section of an American airport, when a Burmese invitee (of the United States) is turned out of a restaurant, the whole of Asia is stirred to its emotional depth."

A newspaper in Africa recently said:

"The problem of the status of American Negroes is one that America must settle at once, if she sincerely wants to win the good will of Africans."

In thinking about this problem remember one fact. It is the rule of law which makes the individual the most important entity in our system. In a way, it is the soul of our free way of life.

You may ask - because we are inclined to take many worthwhile things for granted - does the rule of law affect me? It affects every person directly and vitally. It makes your home your castle. It protects you in your business activities. It guarantees your right to speak, write, and worship as you please.

If I as the Attorney General bring an action in the name of the United States against an individual - we enter the court on equal footing, we are bound by the same rules of evidence, we have the same rights of appeal and he may be confident that the court and

all concerned are imbued with a deep sense of fairness. It is in this spirit that there is engraved in the wall outside my office these words: "The United States wins its case whenever justice is done one of its citizens in the courts."

Granted that the rule of law is a good one, how is it imposed on a free people? As you know, it is not imposed - it represents the will of the people.

In a very real sense our laws are the moral codes of a free people. They are not directives or edicts from any man or any group of men. Instead they are the mature formulation of views of all our people and are changed or altered by pre-arranged methods as experience dictates it is wise to do. Because our laws have this solid foundation and have developed and matured in accord with the considered views of the people of our nation they should and must have the respect of the American people.

Unfortunately, in recent years there have been persons who, failing in this regard, have tried to put themselves above the law. Even though incidents involving mob scenes, bombings, and now a lynching, have been relatively few, they have shocked and dismayed the sense of decency and fairness of all responsible people. More than that, the cost to our nation in terms of our prestige throughout the world cannot be calculated.

On Wednesday the newspapers carried a story from Paris where, as you know, western foreign ministers were meeting in an effort to solve grave international problems. This story said that "a front-page photo in France's largest selling daily paper last night had nothing to do with Christian Herter. It showed Mrs. Elizia Parker weeping for her son Mack, lost and presumed lynched." The story went on to say that "it was hard to realize what something like Poplarville does to America until you are an American walking down a foreign street in the spring sunshine and someone with a newspaper stops you and says: 'Who are you Americans to tell Europe what to do when you murder innocent people in your jails.'"

The writer of the story noted that the United States Information Agency had done a good job in calling attention to the fact that Southern officials and newspaper editors deplore what the masked jail raiders did to Mack Parker and asserted that thoughtful people in Europe are aware of the real progress of American Negroes despite some spectacular setbacks. The story ended, however, with the reminder that many Europeans "say America can't afford even one Little Rock, Arkansas, or one Poplarville, Mississippi - not and be the world's leader too."

When we speak of a government of laws, as distinguished from a government of men, we do not mean that our system is

self-executing - that somehow the day-to-day conduct of national affairs is controlled by abstract principles which require no human participation. Of course this is a false notion because it is a dynamic concept which requires the participation of all of us. And because we are the leading nation in the free world today we have a greater obligation than ever before to act with a sense of propriety and fairness - within the framework of our laws.

In our effort to emphasize the rule of law we must not forget that no legal system works well unless citizens recognize their individual responsibilities. Clemenceau once said that "freedom is nothing in the world but an opportunity for self-discipline." He might have added that no society can effectively make law enforcement a substitute for personal character. Every day the rule of law must be buttressed by the self-disciplined and courageous conduct of the people of our country.

Let me refer to one area where I believe we are falling down.

The average law abiding citizen has not fully recognized his responsibility in a society governed by the rule of law to help reduce the rate of crime in our country. When he learns, for example, that the rate of crime is exploding four times as fast as the rate of growth of our population or that the total cost of crime may be somewhere in the neighborhood of 20 billion dollars he is apt to think "that is a problem for law enforcement agencies."

Law enforcement agencies cannot do the job without the active help of the public. Crime in this country has become a profitable business to a considerable extent because of public apathy. Organized syndicates made up of criminals have coordinated and extended their operations over many states; they have invested their ill-gotten gains in legitimate business; they have infested some labor unions and extorted huge sums of money from contractors.

Experience has shown that organized crime on a profitable basis cannot long exist in any area without the willing or unwilling cooperation of a great many persons, including some public officials.

If successful inroads are to be made against racketeers and extortionists, law enforcement agencies whether they be on the federal or local level, must receive the active and alert cooperation of the public at large. Tie-ups between crime and politicians must be reported. People must be willing to give information to law enforcement agencies and testify in court. The man who makes a payoff in the face of threats and refuses to assist law enforcement officials becomes a silent partner in a nefarious activity.

The point I would emphasize is this - law enforcement in any community is only as effective as the local citizens demand and are willing to support. The community must be made aware of its responsibility in seeing to it not only that individuals obey the law, but that they must actively cooperate with the law enforcement officials

if they want to live in a law-abiding community. Under our system there is no place for public apathy, much less for unconscious support of unlawful activities.

Notwithstanding some of the problems that face our nation - such as civil rights and the rise of crime - on the whole our legal system is working well.

In America - and in the other free nations of the world - we place reliance upon law. But, as the President mentioned in a letter which I read at Independence Hall this morning the great need of the world community in which we live today is "to substitute processes of law for the weapons of war."

Of course, it is recognized that processes of law will not necessarily solve all of the problems of the world. There is no reason to believe, however, that an independent and impartial court, given the opportunity, cannot solve many of them.

The President and all of us in the Administration are firmly of the belief that we must move along this road. The fact is that although for the last 50 years every President of the United States, and many of the world leaders during that time, have supported this idea there has been little progress made.

The International Court of Justice, which is the principal judicial organ of the United Nations, must be given more effective

jurisdiction, and the Administration is supporting a resolution now before the United States Senate to that effect.

In addition, as the Vice President said recently in a speech in New York, we must constantly seek to embody in our treaties and international agreements, and induce other nations to do so, provisions to the effect that any disputes concerning the interpretation or application of such agreements will be referred to the International Court of Justice, and its decisions will be binding.

In this day and age, it is no longer enough to recognize the rule of law for the settlement of domestic difficulties. The world will have lasting order and stability only as the rule of law is accepted as the method of resolving legal disputes between nations of the world. So universal is the yearning for peace none can doubt that the overwhelming weight of public opinion will support measures to this end. The United States must take the lead in this vital endeavor.

Daniel Webster observed many years ago: "Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together."

The purpose of Law Day, as I see it, is to build and strengthen sound public opinion in support of the rule of law for it has meant freedom for us and as we look to the future it holds the greatest promise for order and peace in the world.