



Department of Justice

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ADDRESS

BY

THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE FEDERAL WOMEN'S PROGRAM KICK-OFF LUNCHEON

11:30 A.M.
TUESDAY, JUNE 4, 1974
THE GREAT HALL
U.S. DEPARTMENT OF JUSTICE

It was kind of you to invite me to take part in the kick-off luncheon of the Federal Women's Program today.

The goals you seek to achieve are not only valid in themselves but they also represent a larger concern of the Department of Justice.

Equality and Fairness must begin at home.

We seek to enforce the laws in a fair and just manner throughout the Nation. But in our own internal operations, the Department also has a deep obligation to see that its hiring and promotion practices live up to both the letter and the spirit of the law.

Some measure of progress has been made in some areas since the Federal Women's Program began nearly two years ago.

But at the same time I am certain we also could all agree that a great deal more remains to be done.

Progress always come more slowly than most of us would wish. And when the full dimensions of problems do become apparent, many of us are amazed we didn't see them much earlier.

The struggle by women to achieve equal rights is certainly a case in point.

In 1776, when John Adams was in Philadelphia at the Continental Congress, his wife, Abigail, wrote him and I quote: ". . . in the new code of laws . . . I desire you would remember the ladies and be more generous and favorable to them than your ancestors."

Adams replied with a touch of chauvinism hardly befitting a founding father when he said of the request: ". . . I cannot but laugh."

A great deal has happened in the intervening two centuries as far as women's rights are concerned. But our presence here today is only one sign that progress has been agonizingly slow,

The snail's pace is all the more surprising in view of the large number of articulate spokeswomen for equal rights over the years.

The matter of women's rights is not a frivolous one. No rights are frivolous -- and neither is any effort to fully achieve them in a responsible fashion.

Anyone who holds the view that the quest for equal rights by women is somehow silly should take a good look at the hard and bitter conditions from which the movement grew in the 19th Century.

In a book called The American Sisterhood there is an account by Susan B. Anthony of the wretched poverty in which millions of women lived in the 1870's.

There seems to be a general consensus that the concept of the working woman is a recent development. But Miss Anthony wrote that in 1875 fully half of the adult women in the United States worked at either full or part-time jobs.

The disparities in pay were so great, she wrote, that many women were forced by hunger into lives of crime -- and worse. She said that the wonder was not that "so many poor girls fall (but) that so many escape."

Nearly 100 years later, her fine sense of moral outrage comes through to us undiminished. And moral outrage is something this country could use in larger doses today -- whether we are considering equal rights for all or such matters as Watergate.

The gross conditions described by Miss Anthony have of course changed substantially for the better. But rights are rights, and they must be extended to all.

We can have a great impact as we seek to enforce in fair and impartial ways the responsibilities that have been given to us.

When I became Attorney General a few months ago, I said that I hoped I could make a contribution to the Department -- and leave it in a better condition that I found it.

One of my great hopes is to enhance the career service -- to attract the best qualified men and women possible and to help each of our 48,000 employees to function more effectively.

Among other things, this means that we must be scrupulously fair in our own hiring and promotion practices.

Some obvious problems have existed in the Department for a long time as far as minorities are concerned.

No member of a racial minority has ever served as Attorney General or Deputy Attorney General. And as far as we can discover, none has ever been an Assistant Attorney General.

Until the recent appointment of Carla Hills to be in charge of our Civil Division, it had been more than 50 years since a woman was named to head one of our legal divisions. Prior to Mrs. Hills, the last woman to be an Assistant Attorney General was Mabel Willebrandt, who was appointed in 1921.

In all of the Department, there are only 270 minority males holding positions in the 13 to 18 GS levels -- compared to 8,440 white males.

There are only 181 women in those grade levels -- 14 of whom are members of racial minority groups.

There has been some modest improvement during the past year in the number of women in the Grade 7 salary range and above.

But the average grade of male employees is still nearly twice as high as that of women. And when we consider that 70 percent of all the female employees of the Department are in the grades from 1 to 6, it is apparent we have some distance to go.

In the past two years, some 38 women have been accepted as Special Agents of the FBI. Four women are now deputies in the U. S. Marshals Service. And more women are being hired in professional jobs by such agencies as LEAA and DEA -- though there still are no women agents in the Border Patrol.

However, I have discussed this matter with General Chapman, the Director of the Immigration Service, and he assured me he expects favorable developments soon.

Twenty-six women have been accepted into our 1974 Honors Program for young attorneys -- out of a total of 134. That is a substantial accomplishment, when we consider there were only 357 women applicants out of a total of more than 2,500.

What I think all of those things represent is a beginning -- a beginning and a fresh awareness that we are going to have to do better.

There is no way that I can promise you that a year from now the statistics will be vastly improved. I can only assure you that I am fully dedicated to the concept of equal rights and will do everything within my power to help achieve them.

One problem the Department faces in trying to recruit outstanding young lawyers who are women or members of minority groups is that private law firms usually outbid us by offering higher starting salaries.

I don't see any improvement in the salary problem until Congress gets past the election this November, which means next year before anything is done. But in the absence of any Congressional help, we should all be thinking of how we can improve the situation. We should work harder in our recruiting programs -- stressing the public service aspects of Department employment as well as the unique experience that young persons can gain here in Justice.

We should also work harder at recruiting women for non-legal areas, particularly for agent posts as well as other professional and managerial positions.

Attention should be given to better counseling programs for women, placing women in jobs which offer advancement potential, and devising broader programs of training and education.

Along with everything else must come more responsive attitudes and a greater sensitivity concerning equal rights.

In my memorandum to all employees on Women's Fair, I said that the Department has a commitment to provide equal employment opportunities.

I meant it and I require it from every manager and every supervisor throughout Justice.

If you feel there are problems, then let the appropriate office know about them.

If you have suggestions on how to improve things, let the appropriate office know about them.

And if you do not receive what you feel is an adequate reason, then let me know about it. And I promise you that I will make certain your views receive full and prompt consideration.

Before I close, there is one other thing I want to briefly discuss with you today in keeping with the theme of balancing the scales.

I am pleased to be able to tell you that the White House announced this morning that President Nixon has accepted my recommendation and has abolished the so-called Attorney General's list of subversive organizations.

This list has long been a source of contention over both its fairness and its effectiveness. The arguments are now ended. The President's order not only abolishes the list but also forbids its use by every agency of the Federal Government.

The study leading to the decision announced today by the White House was begun in the Department last year when Elliot Richardson was Attorney General, but it wasn't completed when he resigned.

After I became Attorney General, I directed that the study be continued and at its conclusion I decided to recommend to the President that the list be abolished and its further use prohibited.

Twenty-seven years after the fact, it is still apparent that there was some justification for the Executive Order issued in 1947 directing the Attorney General to compile such a list for use in the Federal employee loyalty program.

The Nation had just emerged from the trauma of World War II and was facing a bewildering series of problems in the upheavals of the post-war period.

If you look at the 300 organizations on the list, you would see groups that were of substantial concern to the government before, during, and after the war years. They ranged from the Communist Party, U.S.A., to the Ku Klux Klan, and included such groups as the German-American Bund and the Black Dragon Society -- which had been friendly to nations we fought during the war.

But as the years passed, however, it became increasingly clear that the Attorney General's list was a sort of vestigial tail on the Federal Government's security programs. It is now very apparent it no longer serves any useful purpose.

The Supreme Court ruled in 1951 that a hearing must be given to any organization requesting one before that organization could be added to the list, and very few such hearings were held.

In 1971, the President amended the original Executive Order by delegating to the Subversive Activities Control Board the job of determining which groups should be on the list following a recommendation from the Attorney General. But as you know, appropriations for the Board have since expired and it no longer exists.

Another factor in determining the worth of the list is the status of the organization themselves. No new group has been added in about 18 years. And of the 300 on the list, all but about 30 have now been out of business for five years or longer.

Perhaps the most serious failing of the original directive in 1947 was that it permitted the Department of Justice to assemble the list without the considerations for due process that were later ordered by the Supreme Court.

If the list serves no other purpose now, it should continue to be a reminder that whatever we do must be fair and in full accord with the law and the protections it affords to all.

Personnel security programs will naturally be continued in the Federal Government and the new Executive Order issued today contains adequate safeguards for the rights of all individuals.

Let me tell you once again how much I appreciate the opportunity to be with you here today and it was a pleasure to be able to address this distinguished group.

As you begin your work, you might want to keep in mind what a spokeswoman for equal rights said in the mid-1800's:

"I ask no favors for my sex, . . . All I ask of our brethren is that they take their feet from off our necks."

To that, I say Amen, and I pledge that I'll do everything I can to see that such burdens are lifted.

Thank you.