



Department of Justice

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"JUSTICE, HUMANITY, AND EDUCATION"

ADDRESS

BY

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BEFORE

THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

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I am often asked the question, how are you doing as Attorney General? Tonight I would like to answer first by giving a short view on how our President is doing. What of the Carter Administration's first year?

In ancient Greece, where the ideas that lie at the core of our type of government were taking shape 2,500 years ago, there was a maxim that "the measure of a man is what he does with power." Our own country's experience confirms that maxim, and we can measure President Carter accordingly.

He found Washington in need of repair. Our federal establishment had been consumed for almost 20 years by three great issues: the civil rights revolution of the 60s, the Vietnamese War, and Watergate. Insufficient attention had been paid to the state of government itself.

There were and are many accumulated problems. President Carter has faced those problems and of more importance, he has and is coming to grips with them. He has not taken a public relations approach for quick or contrived victories. Rather, he has directed his attention and his intelligence and his powers of moral leadership to all problems, no matter how difficult.

This approach offers few immediate rewards. Nevertheless, the welfare of America is involved and it is not a time for one to flinch. It is not a time to divide the problems on an annual basis, with some being delayed for next year and the next and the next.

The American people have a right to expect no less than this approach. In my view, as a citizen with close proximity to the scene, he has done with the power of the presidency in his first year just what should have been done.

I am encouraged by the progress that has been made to date, but it is progress in the sense that solutions are only in process and will mainly come to fruition during 1978. Our constitutional system operates in a ponderous fashion, and offering the solution is only the beginning of the debate which must ensue in Congress thereafter. I look forward to a strong showing by the end of 1978.

Adverting now to the first question, what has been accomplished in the Department of Justice? I believe that we have made substantial strides toward restoring the confidence of the American people in their Department of Justice.

I began with two concepts. The first was that the Attorney General had the duty to offer national leadership in our total system of justice: federal, state, and local; criminal and civil. I have made every effort to do this. Our goal has been and is to make "equal justice under law" a living and meaningful promise, with justice available to all on a prompt and inexpensive basis. We are working toward that end, and I am encouraged.

The other concept was that the Department of Justice is the Department in which every American has a vested interest. If the Department of Justice is not to be trusted, what Department is? I knew that the Justice Department had to be a place of openness. And we insist on it being open. We make all information available that can be made available within the strictures of law and ethics. We meet with any group which wishes to meet. I work closely with the media and have never made a statement off the record.

We insist, of course, on absolute integrity. We expect the highest standards of professionalism on the part of all of our employees.

We also expect restraint in the use of power, for we know that power is often abused by government agents. My rule is that the best use of power is not to use it at all except when absolutely necessary, and then to use it sparingly.

We teach fundamental fairness in the sense that there are levels to be reached in dealing with American citizens which go beyond due process in terms of decency and civility.

Operating in this frame of reference, we investigate and prosecute crimes, we defend the government in civil suits, and we bring civil suits on behalf of the government. In addition, we give the legal opinions to the President and to other high government officials and even to Congress when requested. In short, we are the lawyers for the Nation.

The President is charged with faithfully executing the law, and in that capacity I am his agent. I am also his agent for intelligence matters. But as I perceive the Office of Attorney General, I am really the lawyer for the American people in the end, and that is the way it should be.

It is a challenging job, and one to which I am fully devoted. My hope is that we will refurbish the Department of Justice, putting systems and people in place with the result that the Department will function in an efficient and capable manner and will in every word and deed symbolize the rule of law in our country.

And now a few remarks more to the point of your meeting. Tolstoy was a contemporary of President Lincoln, although they never met. During the Thanksgiving weekend I took down Sandburg's Lincoln from my library shelf in Atlanta and read again the tributes to Lincoln upon his assassination. One was by Tolstoy. A group of Russian tribesmen asked him to tell them about Lincoln. He said that Lincoln was a great man -- greater than Frederick the Great, greater than Napoleon, and greater than Washington. He said that no person could endure in history as being great unless his greatness was rooted in four precepts: humanity, truth, justice, and pity. He said that Lincoln's greatness was rooted in all four.

Tonight I want to speak of justice and of education and of how they relate one to the other.

At the time of Tolstoy's tribute, he could not have known that education would become the bedrock of a just and democratic society by virtue of being made available to every person. He would have known that an unjust society is in the end unendurable. He could not have known that there would be a nation where public education would become the undergirding for equal opportunity -- a fair chance for every citizen. And thus, we must add the availability of education as an element of humanity and of justice -- two of the four precepts of greatness mentioned by him. And we must think in terms of a great country rather than a great leader, for these four precepts are as well a test of the greatness of a country.

I revere public education as we know it in America. It is the passport of every American child to the social and economic mainstream.

As a citizen, I have puzzled for years over the future of public education. Serious questions have been posed as to whether our school systems have been assigned more than their share of the nation's problems. Another question has been whether the quality of education has been enhanced or harmed by the transition from local control to local-state control, and finally to local-state-Federal control.

I cannot say that education has not been given more than its share of the nation's problems. Schools were on the front line of the effort to eradicate racial discrimination for a very good reason -- the schools were where the discrimination was found.

But you have met the challenge of desegregating our schools. In the South, we are approaching a pluralistic society in many areas. In the process of desegregation, you have performed with valor, sensitivity, and sensibility. I salute you for it.

President Kennedy once said, in speaking of us, that we were Southerners and Americans. This is still true but I am proud to say that I have never found a conflict between being an American and a Southerner.

But there are other problems which bear heavily on education and which must be shared rather than being left entirely to the schools. We have become a mobile society. Most of us are far from our roots. Many of us are in new and sometimes strange environments. There has been some breakdown in discipline. The advent of the drug problem has exacerbated this breakdown. Schools, like society in general, have been and are faced with problems of crime.

The schools are not designed as juvenile courts, nor are teachers truant officers. Those students whose conduct prevents others from gaining an education should be brought under control.

Teachers must be competent and given the opportunity to teach. The emphasis must be on quality education. We can help at the Department of Justice and we will. I am asking our officials of the Law Enforcement Assistance Administration to emphasize help for the schools in the area of discipline through our massive and on-going Juvenile Justice programs.

I am also asking our Drug Enforcement Administration to focus on what specific help can be given to schools relative to drug problems. In addition, I pledge to do all that I can do to bring about improved relations from the Federal standpoint in the shared Federal-state-local control of the public schools.

We have a new policy at the Department. It is Department-wide but is being lead by the head of the Civil Rights Division, Drew Days III. We call it our policy of conciliation. We will meet, we will talk, we will listen. We are interested in your problems.

President Carter is committed, for example, to reducing paperwork and reporting requirements. Regulations must be justified. If they are necessary, they must be written in common-sense language and be as simple as possible.

I found a very odd circumstance when I arrived at the Department of Justice last January -- two sets of Federal guidelines on preventing employment discrimination. One set was adopted by the Equal Employment Opportunity Commission, the other by the Departments of Justice and Labor and the Civil Service Commission.

Confusion and conflict were inevitable, and now our Civil Rights Division has taken the lead in developing a single set of employment standards guidelines for use by the Federal government. All four agencies, I am happy to report, have agreed on a working draft of a single set that is now being circulated for comment, both in and out of the government. We should have a final draft by early next year and the confusion will be ended.

One last thing, it may be that more inter-agency coordination on the federal level is needed to bring maximum help to local education. Presidential Executive Order 11761 of 1974 provides a basis for such coordination. The leadership of the coordination effort is imposed on the Department

of Health, Education and Welfare through the Assistant Secretary for Education. The State Department, Defense, Labor and others are included so that the resolution of common problems in education may be facilitated by the many federal agencies involved. Our Civil Rights Division -- indeed the entire Department of Justice -- stands ready to assist in this endeavor as the need appears.

You serve the public interest no less than I. We are partners in that service. We must join together to make certain that public education is enhanced to the end that equality of opportunity is preserved. It is in this preservation and enhancement that we will make certain that there is and will continue to be, in our nation, "equal justice under law" for all.

In the end, through our joint efforts, we will both meet our goals and public education in America will be all that it can. It will reflect our country's humanity and justice.