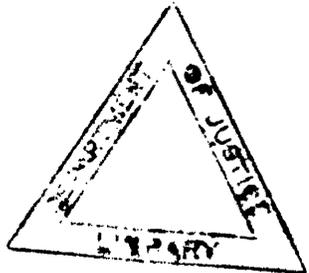


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ADDRESS

BY

HONORABLE HERBERT BROWNELL, JR.
ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery
at the
Fortieth Commencement
of
American University

American University Campus Quadrangle
Washington, D. C.
Sunday, June 13, 1954

Congratulations are in order for those who are receiving degrees tonight from American University, and I am very pleased to have this opportunity to join in the congratulations - as a neighbor in Wesley Heights, as a Methodist, and as one charged with duties in the field of law enforcement where a liberal education for our citizens in the rights and duties of citizenship, is the keystone.

Your degrees symbolize not only your achievement, but the trust of the authorities who confer them that you are worthy of the honor bestowed upon you.

Trust, of course, is not something peculiar to the field of education. It is essential in our entire way of life - to our system of government, our form of money, our courts, our relationships with each other. When our trust fails, or is destroyed, then our way of life must die with it.

The mere building of a great University, as you are doing here, can no more guarantee our freedoms or our way of life than did the mere issuance of the Declaration of Independence, or the winning of the American Revolution, or the adoption of the Constitution, or our victory in two World Wars.

Historians tell us that active political science is not a cumulative science; that most of the important lessons of government and statesmanship must be re-learned by each succeeding generation. High tuition fees in money and lives have been paid over and over again to learn some of those lessons.

Many of the problems of each era spring from tyranny, or lead to tyranny. Tyranny springs from ignorance and misunderstanding and deceit - and it uses these things as the tools of its trade. Because of your education, many of you will be called upon, in one field of endeavor or another, to lead a constant fight against tyranny - for your education has given you the means to recognize it and to recognize the underlying situation which breeds it.

Our Nation was founded on rebellion against tyranny, and its greatest strength has been in its constant battle against tyranny. Our goal has been, and is, and will be to maintain and protect the importance and dignity of the individual. So it may be appropriate tonight to review certain milestones in our country's history which every educated person will surely wish to keep alive in his thoughts.

Our system of government is a rule by law -- by law which the individuals or their representatives drafted after careful study; by law which is carried out as prescribed by our Constitution; by rules generally described as "due process of law."

No government in history was ever more deliberately thought out than that of the United States. No government at its beginning was more agonizingly scrutinized from every aspect of reason and historical experience.

Yet, the founders of this Nation were well aware that there would be new problems, changing times. They made provisions to meet changes. They realized, too, that freedom can lead to

excesses and misuse. They realized that a government of law must be carried out by men and there always will be need for restraint. So, they devised a very careful system of checks and balances.

George Washington, in a letter to Lafayette, said there are two points -- two pivots, as Washington called them -- upon which the entire government must rest. Let me read them to you in Washington's own words:

"First, that the general Government is not invested with more powers than are indispensably necessary to perform the functions of a good Government; * * *

"Secondly, that these powers . . . are so distributed among the Legislative, Executive and Judicial branches, into which the general Government is arranged, that it can never be in danger of degenerating into a monarchy, an oligarchy, and an aristocracy, or any other despotic or oppressive form, so long as there shall remain any virtue in the body of the People."

You will note that he, in the final analysis, said that Government rested upon the virtue of the people. In the same letter, Washington listed what he called "contingencies against which no human prudence can effectually provide" in a written document. Among these was the "corruption of morals," in the broadest sense. Also

among these possible threats to our way of life was "listlessness for the preservation of the natural and unalienable rights of man."

The greatest internal threat to our form of government came at the close of the Civil War. As in any period of war, the government had exercised possibly more powers than are indispensably necessary in a time of peace. And, in the spiritual listlessness which follows a period of great strife, the powers were unevenly distributed between the branches of government.

In the Congressional election of 1866, Congressman Thaddeus Stevens gained enough supporters to give him, in effect, a two-thirds majority in both the House and the Senate. President Andrew Johnson was reduced to a mere figurehead. He could prevent no bill from becoming law. His power to dismiss executive officers disloyal to him was taken away. He lost control over the armed forces. So that there would be no interference from the third branch of Government -- the judiciary -- Congress passed a bill forbidding the Supreme Court to review cases which might arise under the so-called Reconstruction Acts. For a time the courts even acquiesced. This experiment in a new form of United States Government ended with the failure to impeach Johnson.

Again we have been in a postwar period. People are tired of alarms and emergencies, some real, some contrived in the past.

Not in the foreseeable future will foreign policy again become simple. There will be no lessening of the problems of defense against foreign enemies and of protection against enemies in our own

ranks. We must be ever vigilant to preserve our liberties from those who owe allegiance to other ideologies and also from those misguided persons whose zeal may lead them into errors no less destructive. Under our system, no person can be allowed to set himself above the laws of the land; no branch of government can usurp powers of another branch -- not if our system of government is to survive.

The preservation of our freedoms and our form of government must be the business of every citizen. That does not require a return to the vigilantes of the frontier. It does require a personal vigilance in all our actions, however small they may seem at the time. President Eisenhower put it very simply in his inaugural address when he said,

"Whatever America hopes to bring to pass in the world must first come to pass in the heart of America."

There are many persons these days who clamor that we have failed to live up to our lofty ideals, or their interpretation of those ideals. They clamor for drastic, immediate action, when a reflective man would realize there are no short cuts, no cure-alls. But encouraging and steady progress is being made in approaching our ideals. For example, in solving the problem of discrimination or segregation in education based upon race, creed or color. There is no place for it in our way of life. It breeds too many other evils. Let us look how far we have come along the path of progress in a relatively short time.

It was during the quarter century preceding the Civil War that saw the initial efforts to establish free, tax-supported public schools throughout the United States. The vast educational system we have today, you see, was but a dream.

By 1861, the principle of free public education had become accepted in almost all the Northern states. Common schools open to all, and supported by general taxation, existed in most of the cities and towns, and in a large number of rural areas.

In the South, different conditions prevailed. The essentially rural and sparsely settled character of the region made communication slow and community cooperation difficult. The institution of slavery and the acceptance of class and social distinctions were formidable barriers to the growth of public education. In addition, certain community influences tended to encourage the view that education was a parental obligation and not one which the state should assume. Consequently, education in the South prior to the Civil War was left largely to private groups. Development of the system of public education did not really begin in the South until the post-war period.

But even in the North, where public education was far more advanced than in the South, conditions hardly approximated those existing today. The schools often were small one-room affairs where, in rural areas at least, not much more than the three R's was taught. In many states the school term was only three months of a year, and compulsory school attendance was scarcely known.

The growth since then has been an integral element in stemming the pernicious threat of Communist idolatry in this country.

In the awful conflict that rages today between the godless masters of the Kremlin and the free peoples of the world force of arms and material resources are not the only weapons. There is a great competition in the realm of ideas, and the free nations are under a compelling necessity to demonstrate the superiority of their moral and social principles.

I am happy to state that in this country there have recently occurred events of outstanding significance in this area. These events have hit with great force the Communist propaganda claims, trumpeted loudly throughout the world, that this Nation, although preaching the freedom and equality of all men abroad, follows a different code at home.

I refer to the momentous decisions of the Supreme Court announced last month in the so-called segregation cases. In two unanimous opinions delivered by the Chief Justice of the United States, the Court struck down as forbidden by the Federal Constitution the practice prevailing in some seventeen states and the District of Columbia of having separate public schools for White and Negro children.

From this it should be clear to everyone, including the Communists, that the United States has taken a long step to eliminate what President Eisenhower has described as "any trace of second-class citizenship", intolerable, because in his words, it is "a reflection of second-class Americanism."

As the Court stated, "We cannot turn the clock back to 1868 when the (Fourteenth) Amendment was adopted * * * We must consider public education in the light of its full development and its present place in American life throughout the Nation." Can anyone doubt the truth of the following observations of Chief Justice Warren, which are of such significance in life today that I will take your time to read what he said:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. * * * In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

It is indeed fortunate that the provisions of our Constitution are not mathematical, impotent and lifeless formulas imposing forever the imprint of the past upon the future. They are, rather, living

principles permitting us to advance in our standards of what is reasonable and right and enabling us to meet new conditions and new challenges as they arise. It is in this sense that these recent decisions of the Supreme Court are to be viewed - as but another step toward the American goal of a life of freedom and dignity for all our young people, regardless of their race, their color, or their religious faith, and not merely for some of them.

An optimistic picture can be painted of the wonderful opportunities that face the youth of this generation. Historians could fittingly characterize this era as the Age of Marvels. Indeed, fabulous scientific and industrial discoveries, inventions and developments have opened wider the doors of opportunity than at any other period since our Nation's beginning.

These things don't just happen. They represent steps in our progress to which many men and women contribute by their own acts. These things are coming to pass in the heart of America. They are a responsibility of our freedom which we are accepting.

As we face the future, we must apply more knowledge and intellect to the problem of protecting our freedom, and less prejudice and emotion.

We must recognize that the strategy of Communism is the age-old strategy -- divide and conquer. We must not fall for it, nor follow others who fall for it. Our enemies exploit every difference among us. We cannot, as they would like us to do, lose faith in our institutions and in the essential wisdom of free men.

Neither can we accept our freedom lightly. While of itself freedom as an ideal is indestructible, the possession of freedom is not. Communist domination of a dozen once-free nations is testimony to that.

There are those among us who would be afraid, who would forget that the American way is the courageous way, that we would face up to our problems and conquer them. Truth must always be the bulwark of freedom, just as suppression of truth is the weapon of dictatorship. As the President said - a free society is in danger,

"Whenever, and for whatever alleged reason, people attempt to crush ideas, to mask their convictions, to view every neighbor as a possible enemy, to seek some sort of divining rod by which to test for conformity."

This test, he warned, must be applied to "all who seek to establish over us thought control -- whether they be agents of a foreign state or demagogues thirsty for personal power and public notice."

Both would destroy the trust on which this nation is built, the trust on which it operates.

We cannot be content to merely parry each thrust of either the Communist or the would-be demagogue. The tactics of deceit are limitless. We must counter each lie or half-truth with full truth. But, further, we must use the truth aggressively, for it is truth and trust which make men free, and keep men free.

It is my belief that, at heart, America is stronger today than ever. Our freedoms, our opportunities for the good life, our basic protection against the powers of tyranny are greater than ever. And consequently your power for good excels that of any of the preceding graduating classes from these halls of learning. I know you will accept this challenge and move into positions of community leadership, and before long into national leadership, to preserve our American heritage. Again, congratulations to you all.