Department of Justice

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Address by

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

COMMENCEMENT EXERCISES

SETON HALL UNIVERSITY

South Orange, New Jersey

Saturday, June 4, 1966

Your Excellencies, Archbishop Boland and Bishop Dougherty, honored guests, members of the faculty, graduates and friends of Seton Hall.

It is an honor to come to my home state and to receive from this University its doctor of laws. It is an embarrassing occupational handicap of those who receive honorary degrees at commencement season that their badge hardly reflects the personal effort--and sacrifice--which have been made by our fellow graduates in the audience.

Education no longer has the simplicity suggested by a former president of my undergraduate university who assured a parent, "Madam we guarantee results--or we return the boy!"

I can assure you, though, that my five years in Washington have not lacked their full quota of oral exams, of long and frequent seminars, and a rigorous and largely prescribed course of study. I might claim, in fact, that the Department of Justice is the largest--and oldest--law school in the country. But to do this invites charges from my hard-pressed associates in the Department that it more nearly resembles a boarding school whose inmates have little opportunity for off-campus activity or recesses.

A graduation speaker rides an unruly horse. He is easily dismounted by temptation. It is all too easy simply to ask you to inhale warm adulation. It is easy, too, to invoke a jeremiad about a turbulent world. Or I could seek to turn your attention to well-worn ancestral pieties about the responsibilities of the educated man and woman.

There is about graduation too often the sense expressed in a Greek proverb, "The same persons are telling to the same people the same things about the same things." I hope you will permit me, therefore, to speak with you about some special concerns of mine as a public official and citizen which relate to the educational process you are completing today and which many of you will renew by further study or practical experience, or by self-education.

On a day such as this one it is clear that our colleges and universities have a central role in the creative tensions and social changes within our land. During your lifetime there has been an enormous diffusion of knowledge and educational experience. During the past 20 or 25 years there has been as much new scientific investigation and published results as in all previous human history. It is estimated that in ten years, fifty per cent of the knowledge acquired by the trained engineering graduate of this June will be obsolete. The new fifty per cent which we will then require to keep abreast of his field has not even been discovered as yet.

During the past two decades the college population has tripled and in graduate schools the growth has been even more. And the calls which local, state and federal governments have made on the talents, research, and advice of the teaching staffs and students of our universities have multiplied many times over.

As President Johnson said at Princeton last month, "While learning has long been the ally of democracy, the intellectual has not always been the partner of government. As recently as the early years of the century the scholar stood outside the pale of policy with government usually indifferent to him."

Yet each year the federal government alone needs more than 10,000 highly trained career specialists in science, medicine, engineering, economics and law. This need would be more than doubled if the federal government could not further draw on the research contract and consultant services of American higher education.

Inevitably, this levy imposed on our colleges and universities must have both disturbing and liberating effects. The traditional ideals of the university enshrined a certain sense of insularity and, unquestionably, detachment. While acknowledging the role of the university in cultivating the popular mind, in setting standards of public excellence and national taste, Cardinal Newman a century ago argued that "knowledge is capable of being its own end... its own reward." University training he felt properly prepared a man "to fill any post with credit, and to master any subject with facility."

Today some still share this fear of contaminating the wellsprings of truth with public concerns and the distractions of transient political controversies. Others fear that we are placing too large a burden in both numbers and felt national requirements so that, in the words of one president, universities will gradually resemble the dinosaur, "extinct because he grew larger and larger and sacrificed the evolutionary flexibility he needed to meet changing conditions." Many see the paradox of a university whose body has become too large for its brain.

However we depict the ideal, it is an irreversible fact that universities have become essential agencies of social change. Though at their institutionalized worst, they may snuff out the sparks of creativity and innovation, at their best they provide illumination not only of what has gone before but also of future imperatives. At their worst, universities can become vendors of mere conformity and received tradition, but at their best they are both laboratories for and pilots of essential social adjustment.

Who can doubt the role of the college and university in the rapid purgation of religious discrimination from almost all aspects of our national life? Who can question their role in defining and justifying our largest national goals such as the assault on poverty and on crime? The expanding involvement of professors and graduates as analysts and activists have been indispensable assisting forces in the shaping and development of almost all national policies be they as narrow in focus as bail reform or as broad as the Alliance for Progress.

I am convinced that a university such as this one is the more effective and healthy because it focuses on these controversies and their solution. The community of learning cannot be a dozing and unreverberant audience. There is every evidence that universities and their graduates are not losing by contributing generously to the public good. The experience of direct involvement in the machinery of social change is of enormous value to the professor, his students, and his

institution in insuring that the questions and answers upon which a reflective community feeds are relevant ones.

Seton Hall and its students have set such an example by the profound concern they have shown for the racial discrimination and strife which still disfigure the life of our country.

In this diocese, too, the churches and church-sponsored educational institutions have embraced a spirit of ecumenism which has already greatly deflated many of the barren controversies of church and state and have begun to cure the deep-seated aches and costs of racial inequity and disorder. In this awareness, students have been as conspicuous as clergy and teachers.

It was the churches and the educational generation that came of age during and after World War II who were real path-breakers in this decisive human effort. Not often in history has there been such a fusion between the energies and hopes of the clergy and the young. At no time in recent memory have men of the cloth of all faiths had so large a part in making history. They have carried the banners of a revolution that is as much moral as it is social, and as much spiritual as it is secular.

During the Washington march in 1963 and the Selma march of 1965, nuns marched alongside rabbis and patriarchs of Greek Orthodoxy beside Negro Baptists. These were occasions and issues on which all who believed in the brotherhood of man could walk together without worrying about doctrinal differences. These demonstrations of unity had enormous public influence. They stirred whites who had been relatively insulated from and indifferent to civil rights and also--for the first time--convinced the Negro community that the predominant force of church influence was truly behind them.

The guiding legal principles have been validated many times over in the courts, and the Executive and Congress have worked together in passing four major civil rights laws in the last nine years. We have introduced another which we feel requires passage this year. Officially-sanctioned segregation is in its death throes in the United States.

Why, then, is civil rights still the overshadowing national issue? Why have we just had a White House Conference on Civil Rights? Why have we again begun the intensive consideration of further civil rights legislation? Why must we undergo the pain, the

discomfort, the enduring uncertainty of pursuing still further means to resolve this crisis of citizenship?

What we have rapidly come to learn in these past years is that the inequities suffered by Negroes are not isolated legal or economic infirmities which can be separately treated and cured by the specialisms of the lawyer, the educator, the clergyman, or the welfare worker. No problem raises more urgent moral issues. Yet none more clearly illuminates the complexities of our human experience. A whole web of forces must be comprehended and treated as they interact, not just as separate threads. And they must be seized at every level of association--in the parish, the city and town, the school, in all organs of government.

Judicial fiat, legislative statute, administrative ingenuity are but partial remedies, though necessary ones. Law is a remedy, but no statute alone can trumpet down the ghetto walls. No statute alone can provide the hope, the education, the skills and the applied resources that actually fulfill opportunity.

Progress and the force of inertia are in constant clash. Hopeful beginnings are sometimes outraced by fresh developments, and problems are hardly defined before they have new mutations. As we have made measurable and historic advances in achieving legal rights for the Negro, there have been slippage and stalemate in non-legal facets of the national effort in civil rights.

Nothing has illustrated this for me more meaningfully than the search to provide equal opportunity in education. We are, at last, beginning to see the practical end of school desegregation. Yet in this Age of Space, the task of providing quality, and not just perfunctory, education to all our children is one of unparalled need and equally great complexity. Such education requires unwavering commitment of resources and attention.

In the twelve years since the school desegregation decisions and particularly in more recent times since the passage of a series of national bills on education, we have made some reassuring disclosures.

We have found that the supposed iron laws of cultural lag have begun to yield to the findings of experience, research, and experimentation in our schools and colleges. We have found that we can overcome it--if we want to overcome it. Good teaching and good learning are almost always mutual servitors.

We have found, too, that contrary to theories once widely prevalent, perhaps most markedly in universities, there is not a fixed reservoir of ability and potential for excellence in society. Rather, we find that wide expansion is possible when opportunity is open and incentive explicit.

Yet we have made other discoveries which must sober our sense of accomplishment. These apply particularly to the disadvantaged Negro.

We find that education for Negroes, when compared with whites, remains less available, less accessible, and especially less adequate. In some areas, most noticeably in the rural South, the gap has even widened when measured by drop-out rates, by years of formal education completed, and by college attendance.

We find in only a few instances, North or South, any equality between "Negro education" and "white education." The migration of the Negro to the city and the white to the suburb creates further breaches--in expenditures per child, in the competence and training of teachers, and in the career skills which are provided to the pupils.

Today, proportionate Negro college attendance and completion throughout the country is considerably less than half that of whites; the high school rate is about half that of the whites. We witness not only the social cost of the segregated school in the South but also of the resegregated ghetto school in the North.

In short, the erasure of what Father La Farge called the "handwriting of human hate and prejudice" is susceptible to no simple cure. Nor can it be conquered without a vast army of private volunteers and laymen across the land.

It would be rash to predict the end of civil rights as a dominant national issue by a date certain. It depends far too much on the meshing of public and private actions in many sectors of life. What I can suggest is that great measures of social and political transformation often follow each other in rapid succession and are interfused with cumulative force. A true effectiveness of national effort often depends on what the scientist would call "critical mass."

Even as you have shown an intensified and expanded awareness of the problems of social justice, so, too, have you felt a growing concern about Vietnam. Here again I cannot predict a terminal date. But I can testify that for those of us in Washington these are concurrent concerns.

The war in Vietnam has not brought about an adjournment of thought and action concerning civil rights, education, the rebuilding of our cities, and poverty. In Vietnam itself the President has insisted emphatically that measures of economic progress and political reform must be reinforced and not diluted by the imperatives of military performance.

The very time during which we have had to assist directly in a conflict in Vietnam has been a time of enormous change and achievement here at home. Some of our domestic policies have felt the influence of that war but none have been deflected by it.

Our duty in Vietnam is inescapable. The steps we have taken have been carefully calculated and measured. They are founded neither on the illusions of omnipotent power or of quick cure. We are in Vietnam not because we choose to extend our power or are driven by a senseless war fever. We are there because our adversaries chose to make this the place for a test of will and good faith.

Obviously, this is not the most favorable or familiar setting for easy success; in this world we can rarely insure that our commitments are tested at those places where they are easily validated. That we are fulfilling our commitments steadfastly in Vietnam is an act not of careless interference but the painful price we pay for the maintenance of freedom. We are not trying simply to exercise force alone. We are also bringing to bear in the situation many talents and discriminating intelligences so as neither to destroy the fabric of society in Vietnam nor to leave it in a vacuum of political and military helplessness. In South Vietnam, too, we are trying to find solutions which will allow that country to determine its destiny by free decision rather than by the compulsion of force or uncontrolled chaos.

The President has put the case well:

> "The aims for which we struggle are aims which, in the ordinary course of affairs, men of the intellectual world applaud and serve; the principle of choice over coercion, the defense of the weak against the strong and aggressive, the right of a young and frail nation to develop free from the interference of her neighbors, the ability of a people--however inexperienced, however different, however diverse--to fashion a society consistent with their own traditions and values and aspirations."

In meeting and solving these predicaments, the universities are no more the sole decisive catalysts of creativity and influence in our society than are the courts or the weapons of force or of diplomacy.

What is decisive is not institutions but the fact that the world in which we live and you enter is dependent on trained intelligence and its involvement in our great public questions. In the local community as much as in the world community we depend on patience, subtle skills and insights whose cultivation the universities can most directly shape. The quality of formal education and the reinvestment of one's education in more education have assuredly become not only barometers of our society but the vital ingredient of public policy. Even individual protest and advocacy must in present times be rooted in informed understanding.

A former Justice of the Supreme Court, Benjamin Cardozo, once stated a truth fully pertinent today:

> "There is education in books but education in life also; education in solitude, but education also in the crowd; education in study, but education even greater in the contagion of example."