



Department of Justice

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ADDRESS BY

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SECOND ANNUAL PRESIDENT-PRESIDENTS CONFERENCE
THE ASSOCIATION OF STUDENT GOVERNMENTS

SHERATON PARK HOTEL
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Ladies and Gentlemen:

I must congratulate the Association of Student Governments for bringing these two levels of leadership -- administrators and students -- together in a national conference. The dialogue you are developing can go far in solving campus problems, and I appreciate being able to participate.

I am aware that you student body presidents have been elected by the 18 to 21 year-old vote. From what I see, I'm reassured that in lowering the voting age we are doing the right thing.

Later in my remarks I'd like to discuss some of the policies and activities of the Justice Department. I would particularly like to clear up some misunderstandings that may exist among students.

But first, I'd like to talk a little about campus violence. I'd like to isolate it from peaceful demonstrations and other legitimate campus activities.

Now, how serious is campus violence? We've kept some statistics on it for the past two school years, and I'd like to share them with you.

In the 1968-69 school year there were 61 bombings and arson or attempted arson. In 1969-70 the figure was 261.

Sit-ins and building seizures numbered 200 in 1968-69 and 313 in 1969-70.

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Number of arrests, over 4,000 in 1968-69; 7,200 in 1969-70.

Property damage, over three million dollars in 1968-69;
over nine and one half million dollars in 1969-70.

Deaths, one in 1968-69; eight in 1969-70.

Injuries, 125 in 1968-69; 462 in 1969-70.

These figures show an alarming rise in campus violence for the two years in which we have kept records. The threat is serious, and it must be faced and dealt with by authorities on and off the campus.

In my opinion this threat could be contained and the situation unscrambled by the simple process of drawing a line. I mean a line between peace and violence. This line was well stated by President Nixon in his recent speech at Kansas State:

"In a system like ours, which provides the means for peaceful change, no cause justifies violence in the name of change."

Now I would like to turn to the Department of Justice itself, and discuss some of its policies and activities that may have become issues on the campus. I'm particularly happy to do so since I have the nagging feeling -- derived from my talks with students -- that some of these activities are being misunderstood on the campuses.

Part of the reason is that the campuses have been subjected to a flood of slogans and rhetorical scare words on these issues and have suffered a serious famine in the realm of facts.

We have 2300 lawyers -- most of them career public servants and many of them young men not long out of law school -- and thousands of other dedicated employees. They like to go home and face their families at night, and they don't really think they deserve some of the names they've been called.

So today I would like to dispel a few current myths about the Justice Department.

First of all, I am not here today representing law enforcement agencies generally. I am speaking only for the Justice Department.

I emphasize this because of what I would call Myth No. One -- the tendency of many people, including some students, to think of law enforcement agencies as a single monolithic structure -- a kind of general bodyguard for the so-called establishment.

In response to this I would refer to the definition of "justice" by the late Judge Learned Hand.

"Justice", he said, "is the tolerable accommodation of the competing interests of society."

We represent no one competing interest in society. Rather, we conceive it our duty to recognize, for example, the right of individuals accused of a crime and also the right of innocent victims to be protected against crime.

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It may also be of interest that we have brought indictments and have obtained convictions against policemen in various states for violating the rights of individuals as protected by federal law.

In this context, I would like to challenge the term "repression" as it has been used by some against the Justice Department. The term implies an arbitrary exercise of power against legitimate dissent -- what I would call Myth No. Two.

I must respond that the Justice Department is here primarily to enforce existing federal law. Secondarily, where it believes from experience that such law is inadequate to cope with activities against the public interest, it proposes further legislation. We can do no more and we should do no less than Congress has empowered us to do.

I'll be more specific and take up a few particular issues with which many students are familiar. You hear a lot of charges that this Administration is just interested in preserving the status quo.

This is what I would call Myth No. Three. Because whether you want to talk about pollution control, civil rights or antitrust action, we have been more aggressive than the previous Administration.

Let's take a look at ecology. This Administration is the first to begin dealing with pollution control in a comprehensive, serious way. Again confining my remarks to actions by the Justice Department, let me point out that we have filed far more cases, both civil and criminal,

against alleged pollution law violators than any other Administration in the same span of time.

Besides enforcing the recent laws on air and water pollution control, we found that the old Refuse Act of 1899 offered opportunities for additional actions.

We've filed many cases, including 10 significant mercury dumping cases, under the Refuse Act alone.

In an action brought last March against a power company in Florida, we secured a landmark ruling from a U.S. District Court that dumping hot water in a navigable stream is classed as pollution, since it can kill wildlife, and is a violation covered under the Refuse Act.

More recently we secured another favorable District Court ruling against dredging and filling in a navigable arm of Tampa Bay, a step that would have harmed fish and wildlife.

When a Maryland company continued to violate the Clean Air Act in defiance of a consent decree enjoining it from air pollution, we brought further action against it and succeeded in closing the plant down.

You have, of course, read of the million dollar penalty that was secured against a large oil company for its extensive oil spillage in the Gulf of Mexico.

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Altogether, the Justice Department filed 144 criminal cases in pollution control in the 1970 fiscal year alone -- far more than in any previous year.

These are the kinds of actions serving notice that this Administration means what it says in its fight for environmental quality.

So much for the "status quo" myth -- except that it's allied with a couple of others that I'll run through briefly:

Myth No. Four -- The Justice Department is soft on big business in enforcing the antitrust laws.

Answer -- This Administration of the Justice Department has stepped up enforcement of the antitrust laws.

To quote some figures, 50 civil and criminal cases were filed in 1968, 53 in 1969 and 59 in 1970.

We were the first to institute actions against conglomerate-type mergers of very large firms, and the number of such mergers has already decreased substantially.

Myth No. Five -- The Justice Department is dragging its feet in civil rights.

Answer -- We have stepped up action and have more results to show for it.

To give you the trend of our litigation activities in the Civil Rights Division, 98 cases were filed in 1968, 145 in 1969, and 197 in 1970.

Before the school year beginning in September 1969, only 5.2 percent of Black children in the 11 southern states attended school in desegregated systems. This was 15 years after the 1954 Supreme Court decision desegregating schools.

But the percentage rose to 21.5 percent during the 1969-70 school year and to more than 90 percent at the beginning of the current 1970-71 school year. These percentages relate to the current requirement of the courts in changing from an unconstitutional dual system to an acceptable unitary system.

Now, what about fair housing? We've tackled this difficult issue both through negotiation and litigation. During the 1970 fiscal year we brought 41 new suits in 21 states. We brought the first suits against multiple listing services. We brought the first suits against blockbusting -- that is, suits to preserve integrated neighborhoods and prevent resegregation. We entered into 18 consent decrees establishing the principle that it is not enough to stop discriminating, but that the developer must take active steps to rectify past discrimination, such as including Black newspapers in his advertising.

We filed cases against large apartment developers in New York, Miami, Los Angeles, Washington, D. C. and other major metropolitan areas. Through negotiation we secured an agreement from the nation's largest title insurance company to drop restrictive covenants from its insurance policies, and 17 other title companies have followed this precedent.

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We have been equally diligent in enforcing fair employment laws. When this Administration took office we found that 41 fair employment cases had been filed but 33 of them had never been brought to trial. By the end of the 1970 fiscal year all but six of these 33 had been brought to trial and a substantial body of fair employment law had been developed. In addition, we filed 12 new cases in the same period.

Still further, through voluntary negotiations we secured five consent decrees, compared to a total of 10 during the entire previous four-and-one-half years of the law's existence. This doesn't include the voluntary settlement obtained from the movie and television industry investigation, which was the first industry-wide fair employment undertaking, with a potential of 84 separate defendants.

I'll be glad to discuss these as well as other issues in the question period. In fact, the Department of Justice would like to have the opportunity to discuss its policies and activities with student audiences across the country.

I have this week written to the presidents of 50 colleges and universities offering to send top level representatives to their campuses. It is our hope that we can help to upgrade the quality of the dialogue between public officials and the student community. We believe this can bring a better understanding of each other's viewpoint, as well as a meaningful examination of new ideas.

In my remarks today I hope I have said enough to suggest to you that we are reasonable people trying to get a job done; that we honor the American system of checks against unwarranted use of power; that our principal reason for being is to carry out federal law made by others; and that in doing so we mean to apply it equally and fairly to all citizens.

Now, its time for a little peaceful dissent. Your questions are invited.