Department of Justice

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Remarks

by

Attorney General Robert F. Kennedy

at

Ceremonies Celebrating

the

175th Anniversary of the Ratification of the Constitution

Independence Hall

Philadelphia, Pennsylvania

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We are here to celebrate one of the greatest documents ever conceived by man.

The Constitution of the United States, in a few thousand words, established a way of life that has built this nation into greatness as the world's leader and champion of freedom.

It is fitting that our celebration should be held in the great city of Philadelphia, at the very site where the Constitution was drawn up, and where it was finally ratified a hundred and seventy-five years ago today.

And it is fitting too, I think, that we should pause to examine the meaning and the spirit of our Constitution now, at an hour in our domestic history that can only be described as a time of profound national unrest.

The wise and brave Americans who pledged themselves, in their Preamble, that their Constitution would "establish justice, insure domestic tranquility, promote the general welfare..and insure the blessings of liberty on ourselves and our posterity" -- those patriots had no way of predicting the vast, swollen, infinitely complex society their document would one day come to govern.

Philadelphia, the largest city then, had a total of sixty thousand inhabitants, and there were only six other cities in the nation with populations of more than eight thousand.

The whole country contained only four million people -- less than the population of Philadelphis today -- and more than one-eighth of those four million were Negro slaves.

No, the signers of the Constitution, for all their foresight, couldn't have dreamed of the America we live in today. The remarkable thing is that their work is as alive and as meaningful for us as it was for them -- and as it will be for our grandchildren.

Curiously, the authors of the Constitution were for the most part very modest in their own appraisal of what they had achieved.

"I wish the Constitution had been made more perfect," George Washington wrote, "but I sincerely believe it is the best that could be obtained at this time."

Thomas Jefferson, who was later to caution future generations against looking on the words of the Constitution "with sanctimonious reverence," described it merely as "a good canvas, on which some strokes only want retouching."

And a note of outright gloom was sounded by John Marshall when, some years after the Ratification and not long before his death, he wrote:

"I yield slowly and reluctantly to the conviction that our Constitution cannot last."

But it did last.

It even weathered the Civil War, and it has continued to weather our crises and serve to illuminate our progress ever since, to the envy of all other nations on this planet.

In 1878, the British statesman Gladstone said that "The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man." And the same sentiments have been echoed time and again around the world.

But perhaps no one has better defined the unique nature, the unique significance of these treasured papers than Woodrow Wilson.

"The Constitution of the United States," he wrote, "is not a mere lawyers' document. It is a vehicle of life, and its spirit is always the spirit of the age."

President Wilson's words have proved true through the governmental, industrial and social upheavals of two World Wars and a major economic Depression -- for in each of those critical times the spirit of the Constitution did indeed become the spirit of the age.

And what about <u>this</u> age?

What about the America we know now, at a time when the inadequate phrase "Civil Rights" has come to reflect an urgent nationwide struggle for equality by the ten-and-a-half percent of our people whose skin is not white?

Clearly, and beyond any possible argument, the Constitution and its Amendments have set forth the basic particulars of "Civil Rights." Negroes were freed from slavery under the Thirteenth Amendment, and granted the right to vote under the Fifteenth.

The time is long past when any sensible American could tolerate the denial of free voting rights to all races, or the existence of "White Only" signs on public facilities -- even by the narrowest interpretation, these things are unconstitutional.

And nine years ago the Supreme Court ruled that the old faulty dictum of "separate but equal" schooling for Negroes was unconstitutional too.

But must we now wait, as intelligent modern Americans in a changing society, must we now wait for the Supreme Court to spell out each new particularity of civil rights for us?

Whatever color we are, let us hope not.

Now as always, when the Constitution is too narrowly interpreted on a word-for-word basis, it can too easily become a crutch for reaction, a rationalization, an excuse for maintaining the status quo.

This is the very thing that Jefferson feared, so long ago, when he urged us not to regard the wording of the document with "sanctimonious reverence."

My point is that the Constitution was never meant to specify every detail, every individual right in the relations of man to man in this country.

It was intended to set forth certain duties of government and certain restrictions on government -- nowhere in its wording does it pretend to tell us, as individual citizens, how to treat our neighbors.

But what Woodrow Wilson called the spirit of the Constitution does, and has always done, just that.

Interspersed throughout the Constitution and its amendments -- written in between the lines, if you will -- are the basic moral principles of democratic justice by which we all try to live.

Surely we don't need a new Court decision to tell us that the Negro is entitled to decent housing, and that his right to have such housing must not be denied or abridged because of his color.

Surely we don't need a new Court ruling to insure the Negro equal opportunities in employment, or equal opportunities to advance from unskilled into skilled and responsible jobs.

These are moral issues, not legal ones, and their constitutionality is a matter of common sense.

Not in its words alone but in what those words imply, in the underlying truths it teaches -- that is how the Constitution has always served us as an inspiration and a guide.

And today that is how it points the way clearly to what thinking Americans have known all along: that racial discrimination is not worthy of us; that the stifling air of prejudice is not fit to be breathed by the people of a nation that takes pride in calling itself free.

The shameful scenes of riot and bloodshed in Oxford last fall, and in Birmingham this spring, were only symptons of the trouble -- outward manifestations of an inner disease. And the infection is by no means localized.

Let no white Northerner delude himself that discrimination is chiefly a matter for Southern concern. It may be true that a Northern Negro is free to register at a Hilton hotel, but how much pride or pleasure can he take in this when he can't buy three meals a day for his children?

In Detroit, where Negroes account for twenty percent of the population, they account for sixty percent of the unemployed. In Chicago, one out of every four Negroes with families to support is out of work. And the same frustrating, demoralizing facts are to be found in the Negro ghettos of every other Northern city.

This is a national crisis, and it is immediate.

The Federal Government is doing and will continue to do its part. Indeed, in the past two and a half years more progress has been made in securing equal rights for all Americans -- through executive action, legislation, litigation, persuasion and private initiative -- than in any comparable period of our history. Yet a great deal more needs to be done.

But in questions of public morality, Federal action alone is not enough. In an era of great social flux and upheaval, it would be idle for anyone to suppose that real enlightenment can be brought about by governmental edict.

The surface eruptions of an internal disease cannot be cured with bandages.

The only way to cure a disease is to attack it at the source; and the sources of this disease, this malignancy that has been allowed to grow within the tissues of our national life, are as minute and various as the cells in any living body.

They are to be found throughout the texture of our society, wherever a meeting takes place between persons of light and dark skin.

That is where the treatment must begin.

There must be active and continued work toward interracial understanding at all levels -- in States, in cities, in individual neighborhoods within cities, in towns and hamlets and in homes across the length and breadth of this nation.

Leadership must be taken at every level -- by clergymen, by educators, by civic authorities, by newspapers, by businessmen and by labor unions.

But above all, I believe that the moral health of this country depends on individual citizens, white and Negro, who are able to use their minds, able to see, able to act truthfully in a time of evolutionary change.

For too many years the Negroes have been asked to "be patient", and advised that we must all "move slowly in adjusting civil rights to social custom."

The day is long gone when those phrases had any validity -- if indeed they ever did.

We know what our goals are and they are clearly in sight. But no one can afford, now, to let the power of his zeal for action be weakened by hysteria.

In these difficult days, when so many avenues of action are open to them, Negro leaders have a greater responsibility than ever before. Their decisions during the next few months will affect the lives of all Americans for years to come, as well as their own place in history.

We must understand the spirit as well as the letter of the Constitution we are celebrating today -- the spirit that "will always be the spirit of the age."

And those of us who are white, as the President said, must look into our hearts--"not in search of charity, or of tolerance, for the Negro neither wants nor needs our condescension. We must look into our hearts and find that one plain, proud and priceless quality that unites us all as Americans: a sence of justice."

Thank you.