



Department of Justice

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REMARKS

OF

THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE JEWISH THEOLOGICAL SEMINARY

7:00 P.M.
WEDNESDAY, FEBRUARY 25, 1976
DIPLOMAT HOTEL
HOLLYWOOD, FLORIDA

Mr. Chairman, Mr. Chancellor, honorees, distinguished scholars, community leaders, and my friends:

I want to put everyone at ease immediately. I am not going to make an address. I really wasn't asked to make an address. I was asked whether I would make brief remarks, and I wrote back and said yes, if I can be very brief. And since we have been reminded in the most gracious way possible that it is quarter to ten . . . I think that fits my plans, and I am sure it fits yours.

I did think that perhaps it would be appropriate for me to say something about why I am here.

The award which I was given is one which, of course, pleases me very much. But that isn't the reason why I came. I take pride in the award, but, as was pointed out so beautifully by Rabbi Karp this afternoon, I have a family connection with the institute and the seminary through my father, who was very proud that he was a graduate, even though he knew he was going to be a Reform rabbi.

And since authenticity is something of importance to all of us, particularly in these days -- and I should not fly under false colors -- let me affirm what Rabbi Karp said; namely, that I come from a long line of Reform rabbis. What positions they took when they were alive are perhaps less important now, because, as I hear them discussed -- and I do frequently -- I find that their positions, in true Talmudic fashion, are converted into the opposite of what I knew them to be -- but not by Rabbi Karp.

Now, I don't think ~~that~~ it is unique that I have this relationship. And I would have gone to another institution similar to this one, if invited.

That is to say, I wanted to witness, if I could, to the importance of a particular tradition and the importance of institutions of learning which are concerned with human values and the operation of our society as, in some ways, our universities must be; as, in some ways, all theological schools must be, and as, of course, one's own tradition is involved, and this, in many ways, is mine.

There is a weakness in our country, a weakness of so many institutions in American life. They need to be strengthened. Only they can provide the kind of holding together which can make our society work. So it is important that we rejoice in those that are strong and, when we can witness to them, we should do so, and, frankly, that is why I have come.

Learning is important in American life, in law, and in the administration of justice. We are in a period in American life in which it is necessary again to knit together the fabric of life, to re-emphasize the values, the very justice of the system of justice, the fairness and effectiveness, the freedom from bias which is an enormously important freedom to all groups and not just particular minorities.

This fairness of justice has to be related to learning and understanding. I don't want to bring coals to New Castle, but I thought this morning, as I was thinking of what I could possibly say to you, of the Hassidic parable that I am sure some of you know better than I about the three juries in Heaven. The unlearned man is brought before a jury composed of angels who have no conception of mortal man's temptations, so they decide strictly according to the letter of the law. Then there are those who studied early rabbinical writings, and they are brought before a jury composed of souls of early writers. These souls departed from the world so long ago that they retain only a dim remembrance of worldly desires, and their verdicts are also harsh. But one who has continued with learning and applied the learning to modern experience is brought before a jury of souls of the wise and the experience, and these could remember all the snares of the world and its passion. They, therefore, bring in a mild and compassionate verdict, taking into consideration all the circumstances.

I assume this fable says something about the necessity to be involved not only in a continuity with the past, but also with the present, and about the necessity to try to understand, in a setting of learning, our modern-day problems.

It is important for our country to remember the past, and it is important for us to face the problems of today with those values which are our heritage and which must be renewed.

Most of the problems which we have -- and I will mention them very briefly, just as examples -- are old problems, but we come at them today in a new and surprised way, in part because we have forgotten our history.

For example, there is the problem of secrecy. We forget that the Congress that drew up the Articles of Confederation met in private. It was called the dark and secret conclave. The Constitutional Convention met in secrecy, and Jefferson wrote about it, "I am sorry they began their deliberations by so abominable a precedent, that of tying up the tongues of their members. Nothing can justify this example but the innocence of their intentions and ignorance of the value of public discussion."

But I suppose the fact is that, if the Constitutional Convention had met in public, there would not have been a Constitution.

We have enormous problems in terms of secrecy today, but I think we should remember that no democratic government on the face of this earth has less secrecy than we do.

One often finds a reference to the Question Hour in England, and the reports made to Parliamentary Committees. I can assure you that the kind of information which is made available in Great Britain is perhaps one one-hundredth of what is made available in this country.

I once said this to a most eminent Senator that I respect very much, and he said, "You're right, except for one country." And that country was Israel. So I asked the Attorney General of

Israel, and I must say his answer was very swift. He said, "Can't you stop this explosion of information of a kind which we would never permit in Israel." And of course they wouldn't. They work under certain circumstances where it is quite apparent that for the security of the country they cannot reveal every fact.

If one wishes to have a healthy United States, one has to have as much disclosures as is possible, as much discussion as is possible. But there is a core of secrecy which is required, and we must approach the problem out of our tradition and with respect for honesty and consideration of the values which are involved.

If we continue to go in the direction in which we have been going, we would not be able to protect ourselves as Britain was able to when it deciphered the German Code prior to World War II.

We have extreme problems of factionalism in our country. The Constitution was framed with the knowledge that we might have. We have a problem of re-establishing the rights of individuals, recognizing groups, but not separating our country into special groups, but not separating our country into special groups opposed to the recognition of individual liberty.

We have problems of covert action. It is rather interesting to recall that this country was made possible through France's covert action. That doesn't mean we should have it, but it also doesn't mean we should be surprised that it is sometimes important.

We also have the problem of the freedom of the individual and of what will we permit our law enforcement agencies to do to detect crime and make possible effective law enforcement.

The problem of civil liberties and law enforcement is one we have to confront.

We have a serious crime problem in the United States, with increases which have been leaping every year, except, I am glad to say, apparently during this last year, in which at least the rate of increase was less.

Our law enforcement system has broken down; we are unable to detect crime when we should. It is not reported. About only one per cent of those arrested for felonies ever go to jail; only four per cent are convicted.

Our whole criminal justice system needs revamping to make it both fair and to make it effective; and I could go on to a variety of other problems.

We cannot face up to these problems unless we have institutions in our society which provide the background of values and commitment and are places of discussion so that these problems can be understood.

The family was once called the shock absorber of society; the transmission belt for the diffusion of cultural standards. For many families, that is no longer true.

Voluntary organizations have lost their strength; organizations and institutions such as this one, which remind us of the heritage of the past, can bring that heritage to the present and

give us the sense and the wisdom and the strength to confront these problems with honesty.

This is why I came, because I wanted to join you in witnessing to that heritage, and witnessing to the problems that we have to face; because the responsibility is upon each one of us. Each one of us, I know, will do our best if our country is to continue to be man's best hope.

Thank you.