



Department of Justice

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ADDRESS

BY

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ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE AMERICAN BAR ASSOCIATION CONVENTION

9:00 A.M.
WEDNESDAY, AUGUST 13, 1975
SHERATON-MT. ROYAL HOTEL
MONTREAL, QUEBEC, CANADA

At one time I had thought to use this forum for a general presentation of the work of the Department of Justice. For reasons, which I suppose are obvious, I soon realized this would not accomplish what I had in mind. The Department is accountable in many ways and to many groups. As Elliot Richardson frequently pointed out, lawyers are in a minority if one counts the total roster of the Department. Yet it is to the members of the bar I am most anxious to convey a sense of how the Department is approaching its problems and how it views the nature of some of its concerns. Your understanding is of the utmost importance, for we share responsibilities. In light of this I have thought it best to make some general comments and then to select four areas for this discussion. Each area is entitled to a much more detailed presentation. Yet the combination, I hope, will be of interest to you.

In preparing for this meeting, I recalled the timing of last year's gathering in Honolulu. The months preceding it were marked by a frenzy of activity and an expectation that there would soon be an historic trial in the United States. Then, only days before Chesterfield Smith officially opened your deliberations, the President of the United States resigned. The powers of the executive branch of the Federal Government passed to a new President. This year's meeting comes at a time when the business of law and government proceeds much more normally. The history of the transformation is a strong reaffirmation of the vitality of our institutions. The legal

profession is free of some of the tensions of 1974. But the institutions of law and the profession still have the legacy of a skepticism which has grown over many years. Skepticism can be useful. Mistrust can be corrosive. Justified mistrust places the heaviest burden upon us.

Not long ago I conferred with members of your Special Committee to Study Law Enforcement Agencies. I was given the privilege then of seeing certain tentative recommendations-- part of a work in progress and subject to change--aimed at protecting the stature of the Department of Justice and insulating it from partisan politics. I agree that among the functions of the Department--and perhaps its most important, for it summarizes all the others--is as a symbol of the administration of justice. There is no half-heartedness in our effort to achieve and maintain a Department of the highest professional competence and standards, free of partisan purpose. I choose to think my colleagues and I would not be at the Department if it were otherwise. The tentative suggestions of the Committee which I have seen have not as yet been presented to you, and of course I shall not discuss them either now or later in this talk. My guess is that the Committee, although I may be wrong, will not find fault with my view, that both for the short and the long effort, it is the spirit, the quality and the recognized goal of the Department which will count the most. The remedy is thus simpler and more difficult than automatic solutions.

This is true not only of the Department but for our profession as a whole.

I need not remind this gathering that the Department of Justice does not carry sole responsibility for the fair and effective administration of the laws of the United States. Much of it rests upon you. The nature of our laws; the procedure and judgments of the Courts; the work of law enforcement officials; the wisdom, skill and zeal of the bar are all involved. In a larger but most important way, it is the combination and relationship among the executive and legislative leadership of government--in the context of federalism; the performance of units with specific professional responsibility for the law; and the mood, habits and ideals of our communities which determine the quality of justice. This larger picture--which is realistic--may seem to diminish the good which can be accomplished by any individual unit or segment. But the opposite is true. The system can change and be responsive. The recognition of interdependence is a necessary starting point, even as we insist, as we must, on the necessary independence which the discharge of specific duties requires. The Department of Justice must be seen in this setting.

The Department of Justice is an integral part of government. The oath of the President is to defend the Constitution, and the Constitution requires that he take care that the laws are faithfully executed. Because of the nature of the rule of law, the Department has a pervasive and particular role.

If one looks at Article One, Section Eight of the Constitution, a lawyer, at least, will immediately recognize the point. The Department does not negotiate issues of conflict or trade with foreign nations, manage the national debt or coin money. It does not supervise the national programs for agriculture or for the regulated industries. It is not the administrator for systems of taxation and social welfare, nor for the protection of the environment and the sources of energy. But the Department over time has been concerned in greater or lesser degree in some way--and sometimes deeply--with all these activities. Indeed I am sure that one or more of my colleagues in the Cabinet may be pleased and surprised at this statement of partial renunciation. The Department has to be a special advocate, not only in defending governmental decisions at law, but in the attempt to infuse into them the qualities and values which are of the utmost importance to our constitutional system. Thus there must be a special concern for fair, orderly, efficient procedures, for the balance of constitutional rights, and for questions of federalism and the proper regard for the separation of powers. It is sometimes said that, so far as the Department is concerned, courts alone have this duty. I do not agree.

The work of the Department inevitably frequently involves most directly the safety and well being of the community and the protection of individual rights. This fact elevates the review which the Department must make of its performance and priorities to more than an exercise in

efficiency, although that is important. The Department's work is likely to be at that central point where conflicting values meet. One traditional way for the law to meet such problems is to fashion a realm of ambiguity. Particularly where the government is involved, with its inherent coercive power, these cloudy areas invite suspicion and mistrust. Where the values are in conflict, the law is not as clear as it should be, and the matter is of great importance to the safety of our country, the burden upon the Department is heavy.

I do not suggest ambiguities can be completely avoided. I know they cannot be. And the case by case approach of our law which thrives on ambiguity--to say nothing of the lack of clarity in legislation--is part of the genius of government and no doubt is necessary. But a prime and useful function of the law as it operates is to help explain the conflict in values and often to bring to issue the problems which are involved. This is not always possible; discussion may be difficult. The central position and power of the Department are such that it ought to attempt to be articulate about these conflicts in values. The role is one of law revision, resolution, or acceptance of dichotomies which in a democratic society ought to be set forth. There are other areas where change through legislation is much needed, but because emotions are high on both sides, no proposal is easy to advance. Again I think it is the duty of the Department, where the administration of justice is concerned, to encourage the discussion and to make suggestions.

I do not regard these views as surprising. They are not always easy to follow.

The Federal Bureau of Investigation is established by statute in the Department of Justice. The basic jurisdiction for the Bureau's investigative work in the detection of crime derives from general legislation which gives the Attorney General the power to appoint officials "to detect and prosecute crime against the United States." Other statutes vest in the Bureau specific responsibilities to investigate particular types of violations. The same general legislation which criminal investigative authority also allows the Attorney General to appoint officials "to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." This provision and the authority of the President, exercised through executive orders, presidential statements or directives, have been the foundation of certain investigative activities of the Bureau that do not necessarily relate, and frequently do not relate, to criminal prosecutions.

Shortly after I took office, I appointed a committee in the Department of Justice to study the practices of the Federal Bureau of Investigation and to develop a comprehensive set of guidelines to govern its future conduct. The committee of six attorneys, including one from the Bureau has been meeting several times a week over the last five months. The mandate of the Committee is broad: to reconsider the whole range of Bureau investigative practices from the use of

organized crime informants to the use of warrantless electronic surveillance to collect foreign intelligence information. The Committee has written detailed proposed guidelines in four areas: investigations requested by the White House, investigations for Congressional and judicial staff appointments, unsolicited mail, and investigations to obtain domestic intelligence. The Committee is proceeding to draft guidelines for additional areas such as organized crime intelligence, criminal investigations, the federal security employee program, counter intelligence and foreign intelligence investigations, and background investigations for federal judicial appointments.

Each of the guidelines has special problems and requires particular solutions. For example, some of the alleged instances of misuse of the FBI over previous periods have involved directions from the White House, often from low ranking officials, given orally, and couched in terms of law enforcement or national security. They involved such matters as surveillance at a political convention, investigation of a newsman unsympathetic to the Administration cause, or the collection of information on political opponents. The proposed guidelines require that the request be made or confirmed in writing, specifies those who may make requests, requires the official initiating the investigation be identified, the purpose of the investigation stated among certain routine areas, and where a field investigation is initiated, an attestation that the subject has given consent.

During Congressional hearings, a great deal of concern was voiced about the FBI's retention in its files of unsolicited derogatory information about individuals-- including Congressmen and Senators. The Bureau does receive a great deal of information which is unsolicited by the Bureau and does not bear upon matters within its jurisdiction. It is the repository of many complaints--some of which concern personal habits or incidents. As I commented at the hearings, there are policy considerations which argue in favor of retention of unsolicited allegations. A vitriolic accusation concerning a Congressman can become of substantial importance if there is a subsequent attempt at anonymous extortion or other threats. There are other examples not difficult to imagine in which the allegation, as part of a developing later picture, becomes significant. Moreover the destruction of material which later might be thought to have been an alert to all kinds of serious problems can be seriously criticized. Nevertheless I expressed the hope that a procedure could be devised to screen materials to be retained. The proposed guidelines would require that unsolicited information, not alleging serious criminal behavior that ought to be investigated by the FBI or reported to other law enforcement agencies, be destroyed--within ninety days of receipt. Other guidelines confront directly the question of the length of time other kinds of investigative materials should be retained.

Perhaps the most important guidelines the Department of Justice Committee has yet drafted involves domestic intelligence inquiries. For decades the FBI has been conducting investigations of groups suspect by it or other government agencies of being involved in subversive activities. Unlike conventional criminal investigations, these investigations have no built-in necessary, automatic conclusion. They continue as long as there is a perceived threat. They are not reviewed outside the FBI. They come close to first amendment rights.

The proposed guidelines would limit domestic intelligence activities to the pursuit of information about activities that may involve the use of force or violence in violation of federal law in specified ways. Full scale investigations would be reported immediately to the Attorney General under the proposed guidelines. He would be required to review them periodically and to close an investigation any time he determined that the justification for such an investigation does not meet certain enumerated standards. The proposed guidelines would limit the techniques the Bureau could use in domestic intelligence investigations. Informants, for example, could not be used to originate the idea of committing a crime or to induce others to carry out such ideas. Electronic surveillance could not be used in limited investigations and, when employed in full investigations, would have to be consistent with Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and subject to

specified minimization procedures.

The proposed guidelines deal with the difficult subject of the Bureau's involvement in preventive action. The Bureau and the Department have made public the fact that before 1972, and for a number of prior years, the Bureau engaged in special programs directed at domestic groups; for example, it improperly disseminated information from its files to discredit individuals, or arranged for the sending of anonymous letters, or the publication of material intended to create opposition. I have described such activities as foolish and sometimes outrageous. They were done in the name of diminishing violence. The proposed guidelines accept the proposition that in limited circumstances carefully controlled FBI activity which directly intercedes to prevent violence is appropriate. Traditionally officers of the law are empowered to prevent violence when they see it occurring. Under the proposed guidelines the Attorney General would have to determine that there is probable cause to believe that violence is imminent and cannot be prevented by arrest before he could authorize preventive action. The preventive action would have to be itself non-violent and could involve only such techniques as using informants to lead people away from violent plans; open and obvious physical surveillance to deter people from committing acts of violence; restricting access to the instrumentalities or planned location of the violence. The Attorney General would be required to report periodically to Congress on any preventive action plans he authorized.

The proposed guidelines are far more detailed than the summary I have given. But the summary suggests the nature of the exercise. Despite the argument that to an investigative agency all information it comes across may be valuable--may even turn out to be crucial--the guidelines balance the argument against the interests of individuals in privacy. Despite arguments that domestic intelligence operations are essential to national security and must proceed unencumbered by detailed procedures of authentication, the guidelines recognize the effect that unfettered investigations of that kind might have on legitimate domestic political activity and propose tight controls. The guidelines obviously are not in final form. Some might be most appropriate as statutes or executive orders. Others could be put into effect by regulation. Before any go into effect there will be more discussion, both within the Department and outside of it. They have not been adopted, although they frequently reflect current practice. Whatever the outcome, they do represent a necessary effort which undoubtedly, but for other concerns, would have been undertaken years ago.

The Department of Justice has had for many years, and now has, special responsibilities for warrantless electronic surveillance. Title III of the Omnibus Crime Control and Safe Streets Act of 1968 sets up a detailed procedure for the interception of wire or oral communications. It requires the issuance of a judicial warrant, prescribes the information to be set forth in the petition to the judge so that, among

other things, he may find probable cause that a crime has been or is about to be committed. It requires notification to the parties subject to the surveillance within a period after it has taken place. So far as the federal government is concerned, the statute provides that the application to the Federal judge must be authorized by the Attorney General or an Assistant Attorney General especially designated by him. This is hardly the procedure one would design for the continuing detection of the activities of foreign powers or their agents. The Act, however, contains a saving clause to the effect that it does not limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Apparently on the assumption that the President would use such a power, the Act then goes on to specify the conditions under which information obtained through presidentially authorized interceptions may be received into evidence. In speaking of this saving clause, Mr. Justice Powell in the Keith case wrote: "Congress simply left presidential powers where it found them."

At least since 1940, and possibly before, Attorneys General under Presidential directives, have authorized warrantless electronic surveillance. As is well known, President Franklin Roosevelt issued such a directive to Robert Jackson in May 1940.

The directive spoke of persons suspected of subversive activities against the United States. President Truman concurred in a modified authorization to Attorney General Tom C. Clark in 1946 put in terms of cases vitally affecting the domestic security or where human life is in jeopardy. President Johnson issued such a memorandum in June 1965 to Attorney General Katzenbach. The memorandum expressed President Johnson's strong opposition to the interception of telephone conversations as a general investigative technique but recognized that mechanical and electrical devices might have to be used for this purpose in protecting national security. Under all these directives, the approval of the Attorney General was required for any action taken.

There is a history concerning the necessary approval of the Attorney General. Director Hoover over the years took a strict view of the use of wiretapping. He thought such surveillance should be used only in cases of an extraordinary nature. He once wrote that the approval of the Attorney General was a necessary safeguard to prevent "promiscuous wiretapping." He also wrote that under the system which he set up in 1940, he was the only head of a Government investigating agency "who does not have the authority to authorize a wiretap." He wrote that he felt "quite strongly" that "no Government agency should tap a phone unless it is specifically approved in each instance by the Attorney General."

He frequently made the point that the main purpose of such surveillance was for the "procurement of intelligence information" in highly sensitive areas, and he thought it was better to have one official give the authorization or deny it.

I need hardly remind you that since 1928 the law in this area, not unlike others, has changed. In Olmstead in 1928 it was concluded that wiretapping did not violate the Fourth or Fifth Amendments. This caused a flurry in the Department because it raised a question concerning the inconsistent attitude within the Department between the Bureau of Prohibition and the Bureau of Investigation. The practices of the Bureau of Prohibition were much more lax. Olmstead was followed by the passage of Section 605 of the Federal Communications Act, and by the subsequent 1937 ruling of the Supreme Court in Nardone that evidence so obtained was not admissible in criminal prosecutions in a federal court. Attorney General Biddle in 1941, summarizing what he had said at a press conference, wrote to Director Hoover that the Attorney General would continue to construe the Communications Act not to prohibit the interception of communications by an agent and his reporting of their contents to his superior office. He said that while this could be said of all crimes, as a matter of policy wiretapping would be used sparingly and under express authorization of the Attorney General.

The shape of the present law today is set by Title III and its saving clause; by the decision of the United States Supreme Court in the Keith case in 1972, and by subsequent decisions in three of the United States Courts of Appeals. In the Keith case, the Court held that in the field of internal security, if there was no foreign involvement, a judicial warrant was required by the Fourth Amendment. The Department in its subsequent practice has, of course, conformed to that decision. Justice Powell speaking for the Court emphasized "this case involves only the domestic aspects of national security. We have not addressed and have expressed no opinion as to the issues which may be involved with respect to activities of foreign powers or their agents." This was followed by a footnote giving a reference which buttresses the view that warrantless surveillance may be constitutional where foreign powers are involved. Along with two cases, the American Bar Association Project on Standards for Criminal Justice is cited. Since Keith, two federal courts of appeals--the Third Circuit and the Fifth--have upheld warrantless surveillances for purposes of foreign intelligence.

The United States Court of Appeals for the District of Columbia Circuit on June 23rd last held that a warrant was required for surveillance of the Jewish Defense League. That organization was not an agent or collaborator with a foreign power even though it was involved in violent harrassment of officials of a foreign government, and this might have had foreign consequences. The holding of the

Court was carefully limited. The far ranging views expressed by Judge Skelly Wright in the plurality opinion, however, apparently would require some kind of a judicial warrant for any kind of non-consensual electronic surveillance. But Judge Wright was careful to repeat, " we hold today only that a warrant must be obtained before a wiretap is installed on a domestic organization that is neither the agent of nor acting in collaboration with a foreign power, even if the surveillance is installed under presidential directive in the name of foreign intelligence gathering for protection of the national security." This holding is not inconsistent with what was decided in the Fifth Circuit in Brown in 1973, and in the Third Circuit in Butenko in 1974.

While it may not be relevant-although I think it is- I think it can be said that the Supreme Court surely realized, in view of the importance the Government has placed on the need for warrantless electronic surveillance, that after the holding in the Keith case, the Government would proceed with the procedures it had developed to conduct such surveillances not prohibited; that is, in the foreign intelligence area, or, as Justice Powell said, "with respect to activities of foreign powers or their agents." I think the same observation can be made about the expectations in this regard which Congress must have had after the 1968 act. It could hardly have been a surprise when, three months after the Keith case, Attorney General Richardson indicated the continuation of such surveillances and placed the conditions for them in the foreign intelligence

field in terms of the "contours of the President's power as suggested by Congress in the 1968 law."

Justice Powell in the Keith case did not apply the 1968 statute. He emphasized, indeed, that the Court did not hold that the same kind of standards and procedures prescribed by the statute would necessarily be applicable in that kind of domestic security case. I believe that was an invitation to the Congress to design something different. If I read Judge Wright correctly in the expression of his wider ranging views, his belief is that courts on their own may devise new kinds of warrants, although the relationship to Title III would then seem unclear. Meanwhile the Department has continued its efforts to perfect the standards and processes used, under the authorization of the President, when the Attorney General gives or denies his consent to a proposed electronic surveillance. Last June the Department reported the number of such telephone and microphone surveillances for the year 1974. The number of subjects of telephone surveillances was 148; the number of microphone surveillances was 32. On July 9, commenting on the Department's practice, I publicly stated "there are no outstanding instances of warrantless taps or electronic surveillance directed against American citizens and none will be authorized by me except in cases where the target of the surveillance is an agent or collaborator of a foreign power." We have very much in mind the necessity to determine what procedures through legislation, court action or

executive processes will best serve the national interest, including, of course, the protection of constitutional rights.

The concern about FBI conduct and warrantless electronic surveillance are examples of the Department of Justice looking inward in its effort to confront important issues of civil liberty. The Civil Rights Division of the Department exemplifies the outward reach of this concern. In the late 1950s and 1960s it faced a situation in which many state and local governments enforced laws that blatantly discriminated. Discriminatory treatment in employment and public accommodations was the rule in large areas of the nation. Changing this situation was a long, difficult and painful endeavor. Even in 1968, sixty-eight percent of all black students in eleven Southern states went to all-black schools. The "dual school system" was still in effect. By 1972 that figure had declined to a little more than nine percent.

Today the Civil Rights Division's effort against race discrimination is a more subtle one. Often it is difficult now to show a history of de jure segregation, and more importantly, as the quest for equal opportunity becomes more successful, some of the demands of minority groups might, if met, involve unfair deprivations of others. A difficult balance is required. It is made more pressing today because a great number of private civil rights suits is being filed which makes it even more important that basic legal concepts be clarified. This clarification is impeded in many respects by semantic breakdown.

Words that could express the conundrums and conflicting values are taken to indicate a broad opposition to civil rights. Euphemisms have been substituted for logic. Thus the metaphysics of the distinctions between quotas, which are taken to be bad, and goals, which are taken to be good. Now whatever these devices which seek a sort of numerical parity among racial and ethnic groups might be called, I think it could be agreed they are appropriate when a specific showing is made about a specific institution that it has discriminated against minority groups in the past, and this form of relief is necessary. But the reach of affirmative action programs goes much further. Affirmative action would choose a parity figure and then impose it without regard to a specific showing of discrimination.

The Civil Rights Division has, of course, not solved the riddle of so-called "reverse discrimination." Neither has the Supreme Court. It had the opportunity in the DeFunis case, but it withheld judgment. Perhaps that was wise. Perhaps it is not a moment ripe for the elucidation of a principle. Temporarily--and I hope briefly--we may be standing at a moment at which the internal conflict in our ideal of equality is seeking an equilibrium which is not yet obvious--nor even, perhaps, attainable--to us. But the problem is not insoluble, even though we might not immediately see how the resolution of competing interests can be accomplished. It is the duty of the legal profession--one we should welcome--to seek accommodations in difficult situations in such a way as to protect fundamental values.

Though its major work is still in the area of minority rights, the Civil Rights Division lately has begun to assert the rights of other disadvantaged groups within society. Beginning more than two years ago with an important test case that involved the issue of a constitutional right to treatment for the institutionalized mentally ill, its work has extended into other sorts of institutions whose purpose require some limitation on individual liberty and whose residents are not in a position to assert their rights unaided. The aim is to ensure that every effort is made to minimize those limitations so that even the powerless and the infirm might enjoy some measure of freedom and obtain decent, civilized treatment. The Division has become involved in cases asserting a right of juvenile offenders to be treated during their incarceration, cases attacking negligent conduct by states in placing children who have become their wards, and cases seeking to require state officials to bring nursing homes for the aged up to minimum health and safety standards.

It is well to recall in all these efforts on behalf of the disadvantaged among us, however, that our most benign efforts sometimes yield hurtful results. When society turned its gentle eye upon the young some decades ago, it produced the juvenile justice system which today is in many places a shambles. Likewise, the corrections reform movement of about a century ago insisted upon the humane ideal of rehabilitation, and that concept has led to indeterminate sentences, dubious efforts at behavior modification, and

despair so deep that the whole idea of helping those who are convicted of crime has been called into question. This is not to cast doubt upon the importance of the Civil Rights Division's efforts, of course, because they are aimed at righting some of the wrongs earlier reforms produced. But it is to suggest that as lawyers we must know the limits of the law and the fact that other social institutions are sometimes able to do that which law cannot do.

I come now to the fourth area I wanted to discuss with you--the problem of crime. For some years the federal government acted as if its abilities in bringing crime under control were limitless. It created expectations in the public that could not be met. Public disappointment provoked, not a re-examination of the basic assumptions of the federal government's efficacy, but rather an increasing emphasis on toughness, even vindictiveness against those convicted of crime. This obscured a feature of the crime problem that is important now to reconsider. Every success in reducing crime--especially street crime people fear most--is a victory for individual liberty so long as the success does not come at the expense of constitutional rights guaranteed criminal defendants. The sense of vindictiveness that intruded upon the discourse about crime led to the misapprehension that prosecuting criminals somehow infringes upon rights rather than protect them.

Serious crime rose 18 percent during the first three months of 1975 compared with the same period last year. In 1974 serious crime was up 17 percent, according to the FBI's

Uniform Crime Statistics. Increases in the rate of violent street crime have paralleled the total increase. These sad figures do not begin to measure the effect on individual freedom increasing crime has had. It has affected not only the immediate victims of violence and theft; it has also embedded fear in the minds of countless Americans. Freedom of movement, freedom of association, even the freedom to rest secure in one's own house have been impaired.

Law enforcement is a central part of the protection of human rights. The sentiments that lead officials to believe it is better to minimize law enforcement in poor and minority group neighborhoods of our cities are at best misguided. A study by the Law Enforcement Assistance Administration of crime in five large cities showed that blacks were nearly twice as likely as whites to be the victims of robbery or burglary. In four of those cities blacks were also more likely than whites to be the victim of violent aggravated assault. Lack of adequate law enforcement, more so even than lack of other government services, deprives the poor of their right to live a decent life.

The President has recently delivered a message on crime which, while it admitted the limitations of the federal government's ability to solve the problem of crime, offered some reforms in the federal criminal justice system which might serve as models for states to follow. It set forth a program of gun control that offers the possibility of stemming some of the violence that besets our cities. It emphasized the

plight of the victims of crimes and thus began a process by which the problem of crime can be rescued from the rhetoric that has trapped it for years. The Department of Justice, in addition to working to implement the President's program, is attempting to develop a strong research and policy study capability that can help us direct efforts against crime more effectively. This is being done through a revitalized National Institute of Justice.

I have chosen these four areas for discussion because I believe they give some flavor of how the Department of Justice is approaching problems important to it and to the thrust of law in our society. I have chosen them as examples not only because they are important in themselves but also because they indicate ongoing work by the Department in areas involving the conflict of important social values. Our hope is that we can meet problems with candor and some depth of understanding, informed by the history of our discipline, conscious of the ideals to be maintained, vigilant for the welfare of our society and the protection of human rights; in short, in a way which fits the best traditions of our profession.

I thank you for inviting me to speak at this meeting which as much as any event in the law reminds us of who we are and of the purposes we serve.