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## Law Day 1978 - Moot Court Banquet

Sam Nunn  
*U.S. Senate*

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JUDGE EDWARD R. FINCH LAW DAY U.S.A. SPEECH AWARD

Untitled Address by Ambassador Andrew Young

U.S. Ambassador to the United Nations

On the Occasion of

Law Day, 1978 Observance at

The University of Georgia

April 29, 1978

Submitted By: The School of Law

The University of Georgia

Attention; Mrs. Gwen Y. Wood

1-404-542-7959

Thank you very much. It's a privilege to be back in Georgia and especially on such a beautiful spring day in the presence of so many good friends and people who I hope will be my friends after this address! I see in the audience two people who were among my first supporters when I decided to run for Congress--Mr. and Mrs. Hamilton Lokey. I hope they have never regretted their early support of me, although you shouldn't blame them for all the things that I have done that you don't like. It was Congressman Bob Stephens who met with me on the banking committee, and he advised me through the early days of Congress. In fact, it was with Congressman Stephens that I made my first trip to Africa as a member of the Congress of the United States. But of course I wouldn't want to blame Bob for any of the troubles I have been in either. I'd rather blame them on my good friend Dan Young because, for many years in the Civil Rights movement and through our work together as part of the Southern Christian Leadership Conference, he was and still continues to be a good friend and advisor. We say we are cousins but we don't really know.

And then to be from the state that has given us one of our great Secretaries of State. Although our association has not been one that has brought us together for much time, it has been an association that has always been very valuable and meaningful to me. I can almost remember every conversation I've had with Dean Rusk because I feel as though in his life and experience is

embodied a wisdom and a knowledge of our country's dealings with foreign affairs that help to create our world as we know it. And makes it possible for us to be here on this occasion of a Law Day talking about law in the context of peace.

And so I would like to share with you some of my thoughts this morning on the task of making peace through law. I grew up in a part of this nation where I was taught that law did not give me the peace and the promise and the rights to which I was entitled. And yet I was always taught to respect the law. I was taught that law was a partial fulfillment of the aspirations and expectations and principles by which men live. I was taught that one must never be content with law as it is but one must see law as a growing body of experience helping people to reasonably come to an understanding of new ways of relating to each other which provide justice and equality and human opportunity to all citizens. And so growing up in Louisiana in the 1930's and 40's--where law was largely experienced by me as a means of racial oppression--there was, nevertheless, simultaneous with that a tradition of law merging in the black community that helped us to see law as a means of achieving all of the things that we knew and understood and believed in.

One of the only things I remember from elementary school was a civics teacher taking us down to a federal courtroom. The court case was being argued by now Associate Justice Thurgood Marshall and it was an argument over the equalization of teachers' salaries in the state of Louisiana. At that time black teachers received one salary and white teachers received another. For him

to be able to stand up before that court of law and give arguments that helped to equalize teachers' salaries and to actually put money into the pockets of people was an experience that always helped me to understand that law is not just an abstract theological or philosophical commodity.

But law is about real problems. I think my good friend Chuck Morgan expresses it in helping people to understand the jury system in the laws in the South. He said that more wealth changes hands under the law in the United States than Karl Marx ever dreamed would exist. And that--my first experience with the law--was an experience where the law provided a financial equity that had been previously denied. It was not long after that before we saw the law in 1954 declare that separate but equal was unconstitutional. But while that was the landmark case, most people don't know the whole long history that we lived through and celebrated when the law first desegregated the dining cars, when the law first desegregated the law schools, and when the law first desegregated higher education in my state. There was also that period when the law first provided equal job opportunities, and when the law provided under the protection of the First Amendment the right to peacefully picket for the redress of grievances.

The law then paved the way for the Civil Rights Act in 1964 and a Voting Rights Act in 1965 that made it possible for us to undergo one of the most extensive revolutions that any society has ever known. The law is helping us to undergo that revolution peacefully. Nonviolent social change was possible in the Deep

South because of the quiet dedicated work of hundreds of lawyers who saw that it was possible to bring about change not in the streets with violence but in the courtrooms with reason. I think that some of the heroes of this nation--the unsung heroes of this nation--are those judges of the Fifth Circuit that really reshaped our region under law and made it possible for us to live together in peace and promise and prosperity as we now do. And so I'm always grateful for the law--not for the law as it stood carved in concrete or handed down to Moses as in Bible commandments--but law as a constantly evolving creative dialogue between men and their government; between men and women and each other; between nations because through that reasoning process of law we have seen the possibilities of bringing about change in peace.

But I think it is important for us to look a little beyond that law because that law was not occurring in isolation. Those changes were brought about not just by the lawyers but those changes were also brought about by the peaceful mobilization of the people by their quiet protests; by presenting themselves publicly in protest of injustices that they perceive to themselves and those protests, conducted nonviolently, created the issues and called attention to the problems that the law was then later to resolve. There could have been no change of the law unless there had been also a challenge of the law. For almost everything that we did in the 1950's and 60's was by challenging existing law--in some courts then considered illegal--by the deliberate method of challenging those laws that we felt to be unjust. They were unjust because they were developed by one

group of people to apply to another group of people and not to themselves.

The people to whom the laws applied had nothing to say in the framing of the laws. We thought that law, in order to be just and equitable, had to involve the participation of all of the citizens and had to apply to all citizens equally. And so when we felt that some aspects of the law did not reach the criterion of justice as we understood it, we deliberately and publicly and nonviolently organized to challenge those laws. It was done in the context of protest that made possible not only a challenge of law in the courts, but also made possible, because of our mass media, a challenge of certain concepts in the minds of millions of citizens. In fact, mass media made possible the reeducation of the American people along new concepts of justice--along new concepts of equality--and when they saw for themselves dramatized on the evening news the fruits of unjust law they were then moved, essentially by their religious commitments and their own humanitarian idealism, to respond politically and socially to a changing of the laws of our land so that those laws did provide more justice and more equity for more of our citizens.

But there was another part that went along with that concept. That was the role of the business community. For, in addition to the First Amendment demonstration of what we felt to be an inequity, there was also a determination not to cooperate with those laws and practices in any way. And so the withdrawal of cooperation from a system that we felt was unjust created an economic reverberation that brought about a sense of

urgence to the situation. When black Americans and white Americans of good will began to say that non-cooperation with evil is as important as cooperation with good, and when they began to identify certain laws and customs as tradition and traditions as unjust or evil and withdraw their cooperation, it meant that the economic system could not function. And it meant that the economic system, which really has perhaps only a 10 percent plus or minus profit margin, is far more vulnerable and far more sensitive and thereby far more responsive than the political system. So while it takes a 51 percent majority to get a politician upset it doesn't take but about a 10 percent minority to bring about a new sensitivity and a new awareness in the business community.

So it is not surprising that the combination of cooperate power--the combination of people operating under the First Amendment -- joined together in helping to create a strangely unMarxian kind of coalition that brought about the changes in the law as we know them in this period of history. The tragedy is that we don't have any language that explains why it happened so quietly and so effectively in many ways that we didn't develop and why there aren't any slogans that we could export around the world. And so the place in the world where perhaps the most dramatic class and racial changes have taken place have occurred in the context of a free enterprise system. They have occurred in the context of a free society under a law democratically determined by all of its citizens. Yet that is hardly understood anywhere in the world. And that is the reason I wanted to take this occasion to speak to you, because, in spite of the



fact that everybody here lived through that period, hardly a handful of us know what really happened. We found ourselves reacting negatively sometimes and getting angry; getting upset. We found ourselves living through periods responding in fear. We found ourselves in great clashes of emotion but, because of the law we rarely, if ever, found violence erupting in our nation.

And so the law became, in a sense, the final barricade which preserves civilized order and kept us from spilling over into a kind of destructive situation where all that we have might have been destroyed. Nobody wins a war. The amazing thing about the South of the United States is that we never went through a period where we looked like Northern Ireland, or Southern Lebanon. It was largely because of the faith that we share: a religious faith which is essentially a humanitarian concern for each other and, in spite of the fact that we were separated by unjust laws during a period, we nevertheless went through that same period united in a kind of faith and a kind of respect and a kind of mutual love for each other that made it possible for us to go through those stormy days and resolve our differences under the power and majesty of our land.

Now I am just crazy enough to believe that if it could happen here it could happen anywhere. Everybody says to me: "But Southern Africa is different from South Georgia." And I say, "Yes, it is quite different--but the process of change does not necessarily have to be different." Although the situation maybe quite different, nevertheless, international law can bring about peace just as federal law protected peace in this nation.

The international business community is every bit as powerful, if not more powerful, on an international basis as were the corporations and businesses which responded so sensitively to our problems in this region. The public awareness and the power of world opinion is even more significant in the era of satellite television and worldwide communications which we enjoy in 1978 than it was when we went through our struggle in the early days of the 1940's, 50's and 60's. I said to people in South Africa back in 1974 when they were about to start television broadcasting (there was no television in South Africa until 1974): "You know within two years you'll have racial difficulties." They said: "But you don't know this government. This government will have television so censored and restricted that it won't have any political impact at all." I told them that the truth of it is there is no way that you can censor. There is no way you can restrict the visual images of a free and prosperous world which come across television. You can restrict what people say but the power and impact of television is not what people say at all. It is what they see. And when poor starving people see a middle class American lifestyle--even in old Ronald Reagan movies--they wonder if there will ever come a day when they can live in that kind of luxury and freedom.

Already the seeds of uplifted aspiration have been planted. More and more we find ourselves now in a world that is internationally independent economically. We can do whatever we choose with our military power, but no matter what we do with our army, we can't bolster the value of the dollar. The power of our army

has not been able to deal with a 45-billion dollar trade deficit. We find that our relationships around the world and the things that we use--the very metals that make up the technology that we enjoy--don't just come from this country. In fact, eight of the fifteen metals and rare minerals that we need to keep our economic and technical society going are derived largely from the southern portion of Africa-- the countries of Rhodesia, South Africa, Namibia, Zambia, and Zaire. So, what happens internationally along political and ideological lines ends up having tremendous economic consequences for us here.

So we find our nation engaged in trying to bring about an international order under law that preserves peace and tranquility, that protects the human rights of other citizens because we believe in human rights, and because we know those are the highest standards by which we can live together. It is also because of a new awareness of an economic independency. Trouble anywhere might threaten us. Martin Luther King used to say over and over again that injustice anywhere is a threat to justice everywhere. And so we have what essentially looks like a very ambitious, aggressive foreign policy. A foreign policy that, for the most part, is not quite popular because it looks like we are dabbling in everybody else's business and we are not settling any problems. And yet there is an awareness in this administration that the aggressive application of attempts to negotiate settlements--the aggressive attempts to involve our nation in a mediating capacity establishing and international framework for legal agreement--is perhaps the best way of insuring the future peace

and prosperity of this nation.

If, in fact, there is a massive uprising and racial upheaval in Southern Africa, the great danger is perhaps not that it will go Communist--because I don't think that Africa will ever go Communist--but the great danger is that there will be a period of chaos. The thin veneer of educated leadership that, for the most part, has been introduced over a hundred years by Christian missionaries from the United States and Europe will be killed off and you end up with a Uganda-like situation where formerly prosperous and highly educated African elite were destroyed; allowing that country to sink back into a level of tribalism and savagery that make it impossible for us to have any kind of political or economic dealings with them. That is not a great problem for us because we are not dependent on Uganda for anything. We are, to a certain extent, economically dependent on certain minerals which come from Rhodesia, South Africa and Namibia. In order to have a steady supply of those things, it's important for us here to maintain a certain level of law and order. To do that we must provide justice. And so we have engaged in the Middle East because we believe in the rights of the people of Israel to have a land of their own and for that land to flourish in peace. But we also have to believe in the ability of the Arabs to control the price of oil and the self-interest combined with the ideals is the perfect situation to bring about negotiations under law that might establish justice equity.

Essentially, that's what we have been trying to do at the United Nations: apply some of the things that we have learned

through our struggle for peace and justice in this country and in our relationships with the rest of the world. Right now there is, in the General Assembly, a debate going on the question of Namibia and that question is going on essentially because in 1968 a group of lawyers from the American Bar Association joined with a group of lawyers in South Africa to defend the rights of black citizens in Namibia. And as a result of the involvement of the Washington and New York Bar Associations with the struggle of black people in Namibia, an awareness of the problem of South Africa's continued domination of that country became a part of our awareness. It may not have become a part of your awareness. Certainly did not become a part of my awareness--I had so many troubles of my own in 1968, I didn't even know what Namibia was. And yet, even then, there was a foundation of law being laid that led to a United Nations General Assembly resolution that was followed by a United Nations Security Council resolution in 1976-- Resolution 385. Under that Security Council resolution, we were able to pull together the western nations who make up the Security Council and begin negotiations with the Republic of South Africa last August. The United States, along with France, Britain, Germany and Canada have worked for almost a year to bring about a formula for the transfer of power and free elections in the nation of Namibia under United Nations supervision. And because of that history of aggressive legal and diplomatic action, we do now have the potential of bringing about a transition of majority rule in that country with a minimum of bloodshed and violence. We can maintain a stable economy. We can keep the

lives of those citizens--black and white--who have worked so hard to develop that land. We can see that those natural resources continue to come in to supply our factories and keep our citizens working. As we pay them for those resources they will in turn buy more goods produced from our factories and we set up a kind of economic prosperity for all growing out of the maintenance of law and order in the search for peace.

The same thing is going on in Rhodesia where we are working with Great Britain and the Anglo-American plan. The simple attempt is to get everybody around the table in order to agree to the terms of the new nation. And we've spared in the midst of great criticism that it doesn't make sense to get only part of the people at the table because if you get only part of the people at the table and you have 40,000 or so outside the table who also happen to have automatic weapons, then all you're doing is creating a climate for a different kind of civil war. In order to stop the fighting and bring about a transition under peace and international law, it is important to take the time to get everybody at the table and to bring about an agreement. And that does take a lot of patience.

It does take consistent deliberation but the important thing I think that the American people ought to realize is that in the Carter administration we have been able to advance the cause of peace and to maintain the role of the United States all over the world. Talking about human rights and peaceful change under that law, we have not had to send American men and women into battle. We have not had to call upon the American economy to gear up for

an advance wartime preparation. It was only a month or two ago that the invasion of Lebanon took place and there seemed to be the possibility of a new escalation of violence in the Middle East. And yet, for the first time in almost 15 years, the United States had accumulated credibility because of what the President has said about human rights, and because of what Secretary of State Cyrus Vance has done in his shuttled diplomacy around the Middle East. Because of all that we have done in trying to work with the people of Africa, we have demonstrated that we are not a bully but that we will deal fairly and equitably with the strongest and the weakest nation in the world. And the ratification of the Panama Canal treaty does more to establish the high moral standards in the sense of justice for America around the world than almost anything we have done recently. And because of that history of diplomatic activity, it was possible to go to the Security Council and, for the first time in more than a decade, have a United States-sponsored resolution passed that, almost within 36 hours, began an airlift of United Nations troops into that war-torn region in order to prevent the possibility of a further escalation of military conflict in the Middle East. And so it is a hard struggle but the struggle for peace is perhaps the only thing worth living for as far as I'm concerned. Not only is the struggle for peace a challenge in our dealing with the Soviet Union or in our dealing with Africa or Asia, but in a strange way, the struggle for peace under law is a challenge in my own household. For in these days of liberated women, I find that if we don't have a pattern of

establishing justice and equity and building up an experience of negotiating our differences, it's almost impossible for us to survive. The reason I didn't get down here last night was not because the United Nations kept me, but because my wife had a speaking engagement that she couldn't fill and I had to stay over and do that for her because of all the times that she had to fill in for me on the campaign trail. And then, with a daughter in law school and another daughter in engineering school, I find myself constantly confronted by new ideas that are strange and almost obnoxious to me. When Ms. magazine said that I was one of the people in the Carter administration who was most sensitive to the rights of women, the women in my household said the Carter administration is in terrible shape! At every level of human relationship--the rights of children, the rights of women, the rights of the poor, the right to health, the right to eat--there has been created--by this wonderful standard of living of ours, by this tremendous effort of mass communication, and by the enormous technical capacity to produce goods and services in a volume heretofore unknown by mankind--a process by which we have increased the aspirational level of all of humanity. Just as Blacks came before the law in the 1950's and 60's with their cry for freedom, and now with their search for justice under law, so we now have women. So we now have the poor, and so before long we will even have the children. It was only in fourth grade when my daughter began to raise the question of why she could not chew gum in class. If she could have afforded a lawyer, she would have sued the school board to get the right to



chew gum. The teachers take a smoke break, so why can't they have a bubble gum break? When she spelled out, at eight or nine years old, her case for the right to chew gum I began to realize the kinds of litigation that you all will be in to maintain peace in this society for a long, long time. Think of how ridiculous it seemed: all of the cases that we had just five or six years ago about long hair and beards. In every aspect of our society where there is an ideal; where there is an aspiration for freedom and justice; there will always be a challenge to the law. Thank God that our nation, under God, and under the law, is continuing to produce people who will utilize the creative aspects of the law to bring justice to people all over this world--both at home and abroad. God bless you.