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FROM

SENATOR LOWELL WEICKER

• CONNECTICUT

SPEECH BY SENATOR LOWELL WEICKER (R-CONN.)
BEFORE THE UNIVERSITY OF GEORGIA LAW SCHOOL
LAW DAY SPEECH - ATHENS, GEORGIA

FOR RELEASE SATURDAY
MAY 3, 1975

During the past several months, I've observed a growing fear of the Constitution of the United States. A fear on the part of the nation's leadership that too many people will insist on the Constitution in fact, rather than being satisfied with theory.

It used to be my concern that the Constitution was being forgotten or deliberately ignored. Indeed, pollsters throughout the country have difficulty gaining identification for the Bill of Rights when showing it to people. More often than not, those amendments to our constitution are labeled as "communist philosophy."

Nevertheless, however bad that situation is, this fear of constitutional reality and promise by men and women who have made it to the top is truly gross. When I refer to leadership, I'm talking not just about Presidents and Senators, but lawyers, educators, businessmen, labor leaders, law enforcement officials and the like.

More and more when talking of constitutional guarantees, individual freedoms, civil liberties, due process, privacy, openness in government, I hear compromising words such as "ideally you're right, but ... "--" in the purest sense okay, but ... " -- " legally that's so but ..."

My friends of the University of Georgia School of Law, if the United States is going to "yes, but" change the Constitution and our form of government, then I suggest it openly use Article V rather than do so in the name of national or domestic security. I not only assume that document and its final judicial interpretations mean what they say, I don't want my generation to compromise the promise

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of that document in order to expediently achieve peace and quiet during our lifetime. Whatever is given away constitutionally today exacts a price of our children's opportunities tomorrow.

Let me illustrate my apprehension.

At a time of concern over the propriety of activities of the C.I.A., F.B.I., etc., I hear persons at the top say -- "You can't have 435 Congressmen and 100 Senators aware of what's going on -- that would peril national security."

Now I can understand the physical barriers of allowing 212 million Americans traipsing through the F.B.I. and C.I.A.; but 535 elected representatives of the people?

The responsibility for national security and law enforcement is specifically charged to the Congress and the President by the Constitution. Not only that but no exemption from such charge appears for any federal agency.

Constitutionally then it's not a "have it your way" proposition. I understand law enforcement and intelligence operate better under the stewardship of a few. I'm sure Jefferson, Franklin, Madison, et al, were not unaware of that efficiency either. But they balanced a history of tyranny against the potentials of Democracy and came down on the side of Democracy.

I'm also certain they were aware that human beings multiply and therefore the argument that Democracy is great for a few million but not 212 million holds little suasion.

The problem has nothing to do with Congress' lack of standing in the law to supervise the F.B.I. and the C.I.A.; it has everything to do with 535 members finally being unwilling to let three or four members or one President represent them in their constitutional duties. The problem for some is living the Constitution rather than mouthing constitutional fantasy. To which I say "Hello Bicentennial."

If the international news is bleak, then what has happened at home provides a great and positive story.

The billions of dollars invested in public education are paying

their first dividends -- people governed who increasingly match, stroke for stroke, the knowledge of those who govern. Whether the governing is in Congress, school, business, union or church, it must increasingly be legal, relevant and logical. This is what frightens some. But to many, it spells a stronger democracy, one with a base of millions rather than a few.

I hear some say America is becoming weak, chicken, timid. Listen world, Americans are still willing to sacrifice, to suffer, to die -- but for truth, justice and humanity, not secrets, oppression or slogans. Courage with brains, not unreasoning courage, is what Democracy needs in an awakening world.

The other day I proposed tough legislation restricting access to citizen's I.R.S. returns. Various federal law enforcement agencies became apoplectic. Essentially because they would have to observe our legal processes in conducting their investigations.

The I.R.S. with all its information voluntarily supplied by taxpayers could no longer act as a lending library for the federal establishment.

The reaction of the Justice Department is best described in the oft repeated statement:

"Come on, Senator, the Constitution is great but we live in a real world."

There is the challenge. As our world has changed from one of log cabins and frontier peril to condominiums and ease, it is the Constitution which sadly has become unreal for affluent Americans.

But what of those who in 1975 figuratively belong to our rough beginnings -- in the sense of opportunity and quality of life? Constitutionally, isn't what boosted so many of us, good enough for them. Or has America subconsciously agreed to a "real world" compromise of Constitutional rights and opportunities.

Law Day is nothing without the message that the Constitution of the United States is tough duty getting tougher. Especially with the ascendancy of the good life.

Well, I'd like to hear it as follows:

We can have success in foreign relations -- and the Constitution.

We can have order in the streets -- and the Constitution.

We can have justice -- and the Constitution.

We can have love of America -- and the Constitution.

It is not a matter of Americans being put to choices. And the job of making that clear is always the lawyers'. The Constitution of the United States, though always changing by court decision and amendment, has been constant in expressing the worth of man and the decency of his instincts.

Years won't change that!

Numbers won't change that!

Only people can. Ladies and gentlemen, not us.