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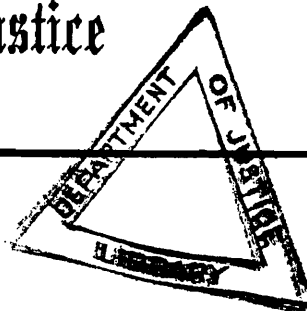
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Department of Justice

FOR RELEASE ON DELIVERY



ADDRESS

BY

HONORABLE ROBERT F. KENNEDY
ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery
at the
LAW DAY EXERCISES
of the
UNIVERSITY OF GEORGIA LAW SCHOOL

Athens, Georgia
Saturday, May 6, 1961
11:00 A.M., EST

For the first time since becoming Attorney General, over three months ago, I am making something approaching a formal speech, and I am proud that it is in Georgia. Two months ago I had the very great honor to present to the President, Donald Eugene McGregor of Brunswick, Georgia. Donald McGregor came to Washington to receive the Young American Medal for Bravery. In twelve bad hours, he led a family of four to safety from a yacht which broke up in high seas off the Georgia coast. He impressed all of us who met him with his quiet courage. And, as the President said, Donald McGregor is a fine young American - one of a long line of Georgians who have, by their courage, set an outstanding example for their fellow Americans.

They have told me that when you speak in Georgia you should try to tie yourself to Georgia and the South, and even better, claim some Georgia kinfolk. There are a lot of Kennedys in Georgia. But as far as I can tell, I have no relatives here and no direct ties to Georgia, except one. This State gave my brother the biggest percentage majority of any state in the union and in this last election that was even better than kinfolk.

We meet at this great University, in this old State, the fourth of the original thirteen, to observe Law Day.

In his Proclamation urging us to observe this day, the President emphasized two thoughts. He pointed out that to remain free the people must "cherish their freedoms, understand the responsibilities they entail, and nurture the will to preserve them." He then went on to

point out that "law is the strongest link between man and freedom."

I wonder in how many countries of the world people think of law as the "link between man and freedom." We know that in many, law is the instrument of tyranny, and people think of law as little more than the will of the state, or the Party - not of the people.

And we know too that throughout the long history of mankind, man has had to struggle to create a system of law and of government in which fundamental freedoms would be linked with the enforcement of justice. We know that we cannot live together without rules which tell us what is right and what is wrong, what is permitted and what is prohibited. We know that it is law which enables men to live together, that creates order out of chaos. We know that law is the glue that holds civilization together.

And, we know that if one man's rights are denied, the rights of all are endangered. In our country the courts have a most important role in safeguarding these rights. The decisions of the courts, however, much we might disagree with them, in the final analysis must be followed and respected. If we disagree with a court decision and, thereafter, irresponsibly assail the court and defy its rulings, we challenge the foundations of our society.

The Supreme Court of Georgia set forth this proposition quite clearly in 1949 in the case of Crumb v. the State (205 GA. 547-552). The court, referring to U. S. Supreme Court decisions, said there and I quote:

"And whatever may be the individual opinion of the members of this Court as to the correctness, soundness and wisdom of these decisions,

it becomes our duty to yield thereto just as the other courts of this State must accept and be controlled by the decisions and mandates of this Court. This being a government of law and not by men, the jury commissioners in their official conduct are bound by the foregoing ruling of the Supreme Court of the United States, notwithstanding any personal opinion, hereditary instinct, natural impulse or geographical tradition to the contrary."

Respect for the law - in essence that is the meaning of Law Day - and every day must be Law Day or else our society will collapse.

The challenge which international communism hurls against the rule of law is very great. For the past two weeks I have been engaged, for a good part of my time, in working with General Taylor, Admiral Burke, and Mr. Dulles, to assess the recent events in Cuba and determine what lessons we can learn for the future.

It already has become crystal clear in our study that as the President has stated so graphically, we must reexamine and reorient our forces of every kind. Not just our military forces, but all our techniques and outlook here in the United States. We must come forward with the answer of how a nation, devoted to freedom and individual rights and respect for the law, can stand effectively against an implacable enemy who plays by different rules and knows only the law of the jungle. With the answer to this rests our future -- our destiny -- as a nation and as a people.

The events of the last few weeks have demonstrated that the time has long since passed when the people of the United States can be apathetic about their belief and respect for the law and about the necessity of placing our own house in order. As we turn to meet our enemy, to look him full in the face, we cannot afford feet of clay or an arm of glass.

Let me speak to you about three major areas of difficulty within the purview of my responsibilities that sap our national strength, that weaken our people, that require our immediate attention.

In too many major communities of our country, organized crime has become big business. It knows no state lines. It drains off millions of dollars of our national wealth, infecting legitimate businesses, labor unions and even sports. Tolerating organized crime promotes the cheap philosophy that everything is a racket. It promotes cynicism among adults. It contributes to the confusion of the young and to the increase of juvenile delinquency.

It is not the gangster himself who is of concern. It is what he is doing to our cities, our communities, our moral fiber. Ninety percent of the major racketeers would be out of business by the end of this year if the ordinary citizen, the businessman, the union official and the public authority stood up to be counted and refused to be corrupted.

This is a problem for all America, not just the FBI or the Department of Justice. Unless the basic attitude changes here in this country, the rackets will prosper and grow. Of this I am convinced.

The racketeers, after all, are professional criminals. But, there are the amateurs -- men who have law-abiding backgrounds and respectable positions, who, nevertheless, break the law of the land. We have been particularly concerned lately in the Department of Justice about the spread of illegal price-fixing. I would say to you, however, it is merely symptomatic of many other practices commonly accepted in business life.

Our investigations show that in an alarming number of areas of the country businessmen have conspired in secret to fix prices, made collusive deals with union officials, defrauded their customers and even in some instances cheated their own government.

Our enemies assert that capitalism enslaves the worker and will destroy itself. It is our national faith that the system of competitive enterprise offers the best hope for individual freedom, social development and economic growth.

Thus, every businessman who cheats on his taxes, fixes prices or underpays his labor, every union official who makes a collusive deal, misuses union funds, damages the free enterprise system in the eyes of the world and does a disservice to the millions of honest Americans in all walks of life.

Where we have evidence of violation of laws by the "respectables," we will take action against the individuals involved, as well as against their companies. But in the end, this also is not a situation which can be cured by the Department of Justice. It can only be cured by the business and unions themselves.

The third area is the one that affects us all the most directly - civil rights.

The hardest problems of all in law enforcement are those involving a conflict of law and local customs. History has recorded many occasions when the moral sense of a nation produced judicial decisions, such as the 1954 decision in Brown v. Board of Education, which required difficult local adjustments.

I have many friends in the United States Senate who are Southerners. Many of these friendships stem from my work as counsel for the Senate Rackets Committee, headed by Senator John McClellan of Arkansas for whom I have the greatest admiration and affection.

If these Southern friends of mine are representative Southerners - and I believe they are - I do not pretend that they believe with me on everything or that I agree with them on everything. But, knowing them as I do, I am convinced of this:

Southerners have a special respect for candor and plain talk. They certainly don't like hypocrisy. So, in discussing this third major problem, I must tell you candidly what our policies are going to be in the field of civil rights and why.

First let me say this: the time has long since arrived when loyal Americans must measure the impact of their actions beyond the limits of their own towns or states. For instance, we must be quite aware of the fact that 50% of the countries in the United Nations are not white; that around the world, in Africa, South America and Asia, people whose skins are a different color than ours are on the move to gain their measure of freedom and liberty.

From the Congo to Cuba, from South Vietnam to Algiers, in India, Brazil and Iran, men and women and children are straightening their backs and listening - to the evil promises of communist tyranny and the honorable promises of Anglo-American liberty. And those people will decide not only their future but how the cause of freedom fares in the world.

In the United Nations we are striving to establish a rule of law instead of a rule of force. In that forum and elsewhere around the world our deeds will speak for us.

In the worldwide struggle, the graduation at this University of Charleyne Hunter and Hamilton Holmes will without question aid and assist the fight against communist political infiltration and guerrilla warfare.

When parents send their children to school this Fall in Atlanta, peaceably and in accordance with the rule of law, barefoot Burmese and Congolese will see before their eyes Americans living by the rule of law.

The conflict of views over the original decision in 1954 and our recent move in Prince Edward County is understandable. The decision in 1954 required action of the most difficult, delicate and complex nature, going to the heart of Southern institutions. I know a little of this. I live in Virginia. I studied law at the University of Virginia. I have been privileged to know many able Southern soldiers, scholars, lawyers, jurists, journalists and political leaders who have enriched our national life. From them I have drawn some understanding of the South, but my knowledge is nothing to yours.

It is now being said that the Department of Justice is attempting to close all public schools in Virginia because of the Prince Edward situation. This is not true, nor is the Prince Edward suit a threat against local control.

We are maintaining the orders of the courts. We are doing nothing more nor less. And if any one of you were in my position you would do likewise for it would be required by your oath of office. You might not want to do it, you might not like to do it, but you would do it.

For I cannot believe that anyone can support a principle which prevents more than a thousand of our children in one county from attending public school - especially when this step was taken to circumvent the orders of the court.

Our position is quite clear. We are upholding the law. Our action does not threaten local control. The Federal government would not be running the schools in Prince Edward County any more than it is running the University of Georgia or the schools in my State of Massachusetts.

In this case -- in all cases -- I say to you today that if the orders of the court are circumvented, the Department of Justice will act.

We will not stand by or be aloof. We will move.

Here on this campus, not half a year ago, you endured a difficult ordeal. And when your moment of truth came, the voices crying "force" were overridden by the voices pleading for reason.

And for this, I pay my respects to your governor, your Legislature and most particularly to you, the students and faculty of the University of

Georgia. And I say, you are the wave of the future - not those who cry panic. For the country's future you will and must prevail.

I happen to believe that the 1954 decision was right. But, my belief does not matter - it is the law. Some of you may believe the decision was wrong. That does not matter. It is the law. And we both respect the law. By facing this problem honorably, you have shown to all the world that we Americans are moving forward together -- solving this problem -- under the rule of law.

An integral part of all this is that we make a total effort to guarantee the ballot to every American of voting age -- in the North -- as well as in the South. The right to vote is the easiest of all rights to grant. The spirit of our democracy, the letter of our Constitution and our laws require that there be no further delay in the achievement of full freedom to vote for all. Our system depends upon the fullest participation of all its citizens.

The problem between the white and colored people is a problem for all sections of the United States. And as I have said, I believe there has been a great deal of hypocrisy in dealing with it. In fact, I found when I came to the Department of Justice that I need look no further to find evidence of this.

I found that very few Negroes were employed above a custodial level. There were 950 lawyers working in the Department of Justice in Washington and only 10 of them were Negroes. At the same moment

the lawyers of the Department of Justice were bringing legal action to end discrimination, that same discrimination was being practiced within the Department itself.

At a recent review for the visiting leader of a new African state, there was only one Negro in the guard of honor. At the Bureau of the Budget, Negroes were used only for custodial work.

The Federal government is taking steps to correct this.

Financial leaders from the East who deplore discrimination in the South belong to institutions where no Negroes or Jews are allowed and their children attend private schools where no Negro students are enrolled. Union officials criticize Southern leaders and yet practice discrimination with their unions. Government officials belong to private clubs in Washington where Negroes including Ambassadors are not welcomed even at mealtime.

My firm belief is that if we are to make progress in this area - if we are to be truly great as a nation, then we must make sure that nobody is denied an opportunity because of race, creed or color. We pledge, by example, to take action in our own backyard - the Department of Justice - we pledge to move to protect the integrity of the courts in the administration of justice. In all this, we ask your help - we need your assistance.

I come to you today and I shall come to you in the years ahead to advocate reason and the rule of law.

It is in this spirit that since taking office I have conferred many times with responsible public officials and civic leaders in the South on specific situations. I shall continue to do so. I don't expect them always to agree with my view of what the law requires, but I believe they share my respect for the law. We are trying to achieve amicable, voluntary solutions without going to court. These discussions have ranged from voting and school cases to incidents of arrest which might lead to violence.

We have sought to be helpful to avert violence and to get voluntary compliance. When our investigations indicate there has been a violation of law, we have asked responsible officials to take steps themselves to correct the situation. In some instances this has happened. When it has not, we have had to take legal action.

These conversations have been devoid of bitterness or hate. They have been carried on with mutual respect, understanding and good will. National unity is essential and before taking any legal action, we will where appropriate, invite the Southern leaders to make their views known in these cases.

We, the American people, must avoid another Little Rock or another New Orleans. We cannot afford them. It is not only that such incidents do incalculable harm to the children involved and to the relations among people. It is not only that such convulsions seriously undermine

respect for law and order, and cause serious economic and moral damage. Such incidents hurt our country in the eyes of the world. We just can't afford another Little Rock or another New Orleans.

For on this generation of Americans falls the full burden of proving to the world that we really mean it when we say all men are created free and are equal before the law. All of us might wish at times that we lived in a more tranquil world, but we don't. And if our times are difficult and perplexing, so are they challenging and filled with opportunity.

To the South, perhaps more than any other section of the country, has been given the opportunity and the challenge and the responsibility of demonstrating America at its greatest - at its full potential of liberty under law.

You may ask, will we enforce the Civil Rights statutes.

The answer is: "Yes, we will."

We also will enforce the antitrust laws, the antiracketeering laws, the laws against kidnapping and robbing federal banks, and transporting stolen automobiles across state lines, the illicit traffic in narcotics and all the rest.

We can and will do no less.

I hold a constitutional office of the United States Government, and I shall perform the duty I have sworn to undertake -- to enforce the law, in every field of law and every region.

We will not threaten, we will try to help. We will not persecute, we will prosecute.

We will not make or interpret the laws. We shall enforce them - vigorously, without regional bias or political slant.

All this we intend to do. But all the high rhetoric on Law Day about the noble mansions of the law; all the high-sounding speeches about liberty and justice, are meaningless unless people - you and I - breathe meaning and force into it. For our liberties depend upon our respect for the law.

On December 13, 1889, Henry W. Grady of Georgia said these words to an audience in my home state of Massachusetts:

"This hour little needs the loyalty that is loyal to one section and yet holds the other in enduring suspicion and estrangement. Give us the broad and perfect loyalty that loves and trusts Georgia alike with Massachusetts -- that knows no South, no North, no East, no West, but endears with equal and patriotic love every foot of our soil, every State of our Union.

"A mighty duty, sir, and a mighty inspiration impels everyone of us tonight to lose in patriotic consecration whatever estranges, whatever divides. We, sir, are Americans -- and we stand for human liberty!"

Ten days later Mr. Grady was dead but his words live today. We stand for human liberty.

The road ahead is full of difficulties and discomforts. But as for me, I welcome the challenge, I welcome the opportunity and I pledge my best effort -- all I have in material things and physical strength and spirit to see that freedom shall advance and that our children will grow old under the rule of law.