

# Supreme Court Day Banquet

## REMARKS

THE HONORABLE HUBERT H. HUMPHREY

DRAKE LAW SCHOOL

DES MOINES, IOWA

APRIL 11, 1970

Chief Justice -  
Edwin Moore

member of the Court

Applause for Judge

President Shart

Dean Scartlett

Jerry Weislander

Dale Ridge

Dietz

1960's

Recall Power, Power, & Decision

In a Democratic system, criticism is healthy, indeed, it is essential to the process of self-government. A measure of discontent is the fuel for change and growth. But there is another side to the equation, as well. We must be equally candid -- equally forthright -- in recognizing the progress that is achieved. If our Democratic system is to remain healthy, the people themselves must retain their faith in the system's ability to achieve the fundamental goals we set for ourselves.

Negative  
Reaction

\* There is no govt. - no executive, no legislature  
w/o suff to govern without constant  
exposure to informed criticism. Freedom  
is hammered out on the anvil of discussion, debate,  
and dissent which yields to decision that can be supported  
by the people

001833

↳ In a brief quarter century we have travelled farther

in fulfilling our nation's ideals and promise than in any  
other period of our history.

↳ Poverty - 1st 1000  
↳ Educ - 1st 1000  
↳ Race - 1st 1000  
↳ Economy - 1st 1000  
↳ Transplants

Civil Rights

↳ Yet a spiritual isolation is possible in today's world

that was hardly possible in a less organized, less techno-

logical age. ↳ Science and technology may have made the

world into a global village, but a neighborhood to be a

community must become a brotherhood. ↳ Man today is

farther removed from the fruits of his labors than ever

before -- and his unhappiness in the face of economic

success has shown that material comforts alone do not

guarantee a satisfying and rewarding life. ↳ Crowded by

multitudes, yet he feels lonely. ↳ Flooded by goods and

things, he thirsts for happiness and satisfaction.

The threat of nuclear war; the draft; rising rates of  
crime and violence; fear of impoverishment through illness;  
and the rapid changes in all aspects of our public and  
private lives -- these are shocks that few men in any  
age have had to bear so continuously and relentlessly.

So, Is it any wonder that so many of our people retreat  
into conformity -- and reject the new freedom that our  
material achievements seem to offer? <sup>and,</sup> Is it any wonder  
that many of those who oppose what they call the "system"  
also tend to conform to inflexible social patterns and

"systems" of their own? ~~There is uncertainty in freedom --~~ <sup>Keep.</sup>

~~an uncertainty few of us are equipped to handle -- freedom~~

~~demands the daring of an explorer and the dedication of~~

~~a patriot~~

There are those who would  
destroy the system and men who  
would withdraw in self imposed  
isolation. There are those of us  
who seek to change the system -- to  
adjust and adapt it to the new demands  
of the times. <sup>Conflict between those who would  
destroy those who preserve --</sup>

System

J. S. Mill - Let a man have nothing  
to do for his country + he shall have to  
die for it - ~~we must search for~~  
~~ways to~~

But there is an alternative -- one that can give  
individuals greater meaning in their lives and, at the  
same time, preserve the essence of Democracy.

This alternative is found in a single word: participation --  
a challenge to our democratic system no less than the  
one posed by the great depression.

Some will say that this is too simple and obvious.

Perhaps. But the undeniable fact is that in today's world  
the chance to take part in society and government is limited

indeed. The forms of participation have expanded manifold,  
as barriers preventing access to social and political institutions  
have been lowered. More people vote; more people go to  
college; more people are able to travel and communicate with  
others.

Participation



Yet the substance of participation -- a sense of being able to have a say in what happens -- seems to have remained the province of a very few. The question remains, how can the powerless share in power? How can the governed give their consent or exercise their right of dissent?

(V)

We need first to gain a more accurate view of the individual's role in our mass society. ~~Few of us can be satisfied if we are continually judging ourselves -- and being judged -- by standards encompassing two hundred million people, and it may be difficult to find meaning in what we do, if only certain problems or activities are said to be worthwhile or glamorous -- or if we take too seriously what others think of our concerns. Too often we discover that "where the action is". . . we aren't. . . and perhaps~~  
*rightly so. or only certain problems and activities are said to be worthwhile or glamorous.*

We are in danger of becoming  
Patriot "Had This" 001837

Just yesterday, it seems, the nation's attention was focused on racial injustice; then it is Vietnam and the urban crisis; yet now we discover that popular attention is focused on the crises of our environment. Indeed, as the focus of mass attention has shifted, many activities of great importance -- such as the search for racial justice -- no longer attract the popular interest and commitment needed to continue and finish the job.

Then it Today it has become popular to talk of "doing your own thing." At worse, this is an effort to abdicate from social responsibility, to "drop out," or to obscure the hard work of social change beneath simple slogans.

But at best, "doing your own thing" is a healthy development, urging each person to develop his own sense of personal worth - his own commitment and involvement.

It is ironic that this idea should be cherished as though it were new. For it surely is not. On the contrary, it is the highest expression of all our efforts, in two centuries of American political and social development. This is what we have always been about as a nation, John Adams referred to this personal involvement -- "doing your own thing" - as "the spirit of public happiness - a spirit which is reflected in the life of the people, in participation in public discussion and public action." He described this spirit of public happiness as "a joy in American citizenship, in self government, in self control, in self discipline, in dedication."

- Have we lost this?

We need to channel the development of individual integrity into activities at the level of families . . . neighborhoods . . . communities.

are we overwhelmed by  
Problems, difficulties -  
& not seeing the opportunities  
& challenges

6. What we do at home may not make headlines, but it should make for greater personal happiness, as well as greater fulfillment and tranquility for us all.

~~But surely we~~

A We need a renewed awareness that true freedom comes not from withdrawing from society, but from taking

part -- Democracy is not self-executing. We have to

make it work. *is the People's business and the* It is the people's business and the people

*people must take care of their enterprise* must take care of their enterprise. We need to remember

with justice Holmes that "every calling is great when

greatly pursued."

*and how do we take care of the People's business*

And like it or not, individuals must act through institutions much of the time. And there are few institutions

more pervasive than government and politics. The role they

play is the key to the individual's ability to take part in Democracy.



access

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Only through access to our representative institutions -- to the political process -- can each one of us be guaranteed our right to help chart the future course of our country. Only in this way will we have a real say in decisions that most intimately affect the course of our lives. There is no party,

no executive, no cabinet or legislature, wise enough to govern without constant exposure to informed criticism.

Freedom is hammered out on the anvil of discussion, debate, and dissent, which ultimately yeilds to a decision that can be supported by the public.

This will require some reform, if we are to insure access, equal participation and effectiveness. Starting with the political parties, we need to improve the method of delegate selection, and to modernize the rules and procedures of national party conventions.

Parties

Reform

The nomination of a president: and the adoption of a platform are too important to be the result of a process that is unrepresentative, undemocratic, or unfair.

The vitality of the political process also demands the removal of every unnecessary barrier to exercising the franchise, including:

- -Granting eighteen year-olds the right to vote in Federal and state elections;
- -A national election holiday;
- -A national election commission to insure fairness in all elections;
- -A program of national registration for all eligible voters;

- -The elimination of all vestiges of voting discrimination based on race through the extension of the Voting Rights Act of 1965 now pending before the congress; and

- -The election of president and vice-president by direct popular vote.

*and* The processes of Democratic politics must not be restricted to those who have the wealth, the time, the education, and the opportunity for political participation. Everyone -- the worker, the housewife, the student -- must have an equal chance to take part.

⌈ We must change -- yes, clean up -- the method of financing political parties. Whether through tax credits, deductions, or general revenues from the U. S. Treasury, we must eliminate special privilege, corruption, and suspicion from the multi-million dollar business of running for public office.

TV: Redw

Television stations should make free time available to all qualified candidates ~~on airwaves owned by the public.~~

The process of revitalizing politics must not stop here.

Ineffective government is also a source of frustration, and produces increasing resistance to the intrusion of ~~bureaucracy~~ *government* in our private lives.

We must face some harsh truths about the congress and our state legislatures. Can we deny that congress is unresponsive to the public interest -- that it discourages individuals from taking part -- when it takes seventeen years to pass medical care for the aged? Can we deny this when programs to provide economic opportunity are always funded after the defense budget is settled? Must we continue to choose congressional committee chairman solely on the basis of seniority?

How about State Constitutional reform - & the form of local Government?



Goals - Frontier

Or do we have the wisdom to find a better way?

Executive

The executive branch of the government, as well, must be made to respond more quickly to current problems and concerns of our people, and must have a more systematic approach to long-range planning. In the President's office, for example, we need a council of social advisors analogous to the council of economic advisors. Just as the latter seeks to inform and advise the President and the congress on all economic matters, so the council of social advisors would act in areas of social and environmental concern -- including housing, health, education, civil rights, crime, welfare, and poverty. ~~And this capacity for judgement and decision is needed at every level of government -- Federal, State, and local.~~

Free -  
Bully  
Pulpr.  
Wilson

And the Covers - Equal opportunity  
Equal ATS

Legal Aid CEO

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*The capacity for judgment and decision  
is needed at every level of human activity*

We need to preserve and develop those institutions of American life that have long made this their goal -- from the grade school to the university. We must help them

liberate man through the ability to think *to develop the capacity for judgment and decision.*

Today, however, at least one of these institutions, the American University, is under attack!

After more than two years of strife, we have a chance to see what has been happening on the campus.

At many colleges, the response of students, teachers, and administrators has been admirable: they have questioned the place of the university in society; reformed governing procedures; *renamed Curran* and re-created the sense of a university community.

But elsewhere, teachers have retreated pell-mell before the first serious questioning of their beliefs in a generation!

Some have adopted positions of blind rigidity; others have joined in the parrotting of meaningless slogans, or have tolerated students who disrupt classes out of fear for their own prejudices. In the community at large, this polarization would be undesirable; in the university, it is intolerable.

Let us face what is happening: Our universities are in crisis. We do ourselves no service either by trying to ignore this crisis, by dismissing it *just as* the work of trouble-makers, or by failing to note how far the role of the American University has strayed in the past years.

First we must ask: what should the universities do? How is their work related to the future of America? We have always expected them to bring intelligence to bear in defining, fostering, and carrying on the values of civilization, and to use those values to ensure that the rational process serves human ends.

In recent years, we have also asked our universities to take an active part in applying values. We have demanded that the ivory tower come to the market place, without losing the characteristics of either. Inevitably, these two functions have now come into conflict.

↳ A new generation of students is rejecting the functional role of the university in providing skilled people for pre-determined slots in society, instead of trying to reshape it.

↳ They reject values in society that place more emphasis on the university degrees a man holds than what he is. !!

They resent an education that is directed more toward the credentials of a B. A. or a Ph. D. than an understanding and appreciation of life.



These students challenge the ability of an educational institution to reconsider values -- the why of civilization and society -- when research is sponsored by government and corporation, or when many of the best teachers find outside work and prestige in the very institutions whose role and purpose is being most severely scrutinized.

~~In recent years, for example, the universities have provided valuable help to the Federal government. But in too many cases, professors have succumbed to Potomac fever; instead of bringing to Washington the best that our universities have to offer, they have carried back to the classroom the tired attitudes and barren issues of the bureaucracy.~~

Is it any wonder that students often rebel against teachers who spend more time on junkets for the government or industry than they do in questioning the directions and purposes of our society?

~~But~~ This conflict is made even more difficult to resolve by the demand of ~~the~~ students themselves that universities be actively involved in day-to-day events through educational standards that are more "relevant" to society's needs. ~~But~~

~~Therefore~~ we must strike a careful balance between a university's direct involvement in reshaping society and its function in analysing society's problems and carrying on the rigorous search for truth.

~~But~~ Involvement will necessarily influence the forms and content of criticism, blunting its cutting edge with the inevitable compromises of involvement.

~~But~~ If we fail to maintain these standards ~~of~~ this intellectual approach -- then we will risk having no process -- no habits and traditions of inquiry -- to apply to problems yet unseen.

L Education will then become no more than a form of on-the-job training!

However we resolve this conflict, we must of course preserve the existence of the universities themselves!

L It is simply fantasy to believe that destroying or crippling a university -- whether by student violence or intellectual timidity on the part of professors -- will change society, itself!

L Destroying the university will merely end all hopes for improving society at large. And it will end traditions of thought and action that are necessary if change is not to be aimless and arid.

As the president of Yale University, Kingman Brewster, has said:

"Even the most noble purpose cannot justify  
destroying the university as a safe haven for the  
ruthless examination of realities."

I agree with President Brewster. A university cannot  
survive in violence, turmoil, and an atmosphere of intolerance.  
It cannot be allowed to become a physical battleground. Above  
all else -- we must preserve it as an arena for the pursuit of  
truth. We must preserve the "ruthless examination of  
realities" -- however painful that may be - if we are to have  
any hope of mastering the larger dangers to society, and to  
man's place in it.



Finally, the threat posed to the university illustrates an important element of taking part in Democracy -- that it also involves responsibilities, including the responsibility to pursue change in an orderly fashion. 1

Indeed, this is the essence of a free society -- to balance the rights conferred on each man with what he is asked to do in return. In a community, this is the only way in which we can make true freedom possible -- for everyone.

✕  
L We demand that all citizens obey the law -- and we pride ourselves that we are a nation of laws, and not of arbitrary power. L But this responsibility can have moral force only if the laws are made by a process that is open to all our people, and are enforced impartially, with fairness and justice.

✓ The rule of law is today under attack -- from both the right and the left; in the courtroom and on the streets. We cannot permit either extreme to destroy the orderly processes of law and the administration of justice -- or there will be no justice for anyone. We must take our stand for the due process of law . . . the surest bulwark for individual liberties ever developed. ✓ Those who violate that due process - - or disrupt the orderly proceedings of the courts, whether from the judge's bench or the courtroom floor - - weaken and destroy the very institution which best protects the individual and his rights.

✓ But we must insure that our law-making and law-enforcing procedures serve the interests of all individuals.

Only when we insure that rights are equally conferred will we be fully justified in demanding that responsibilities be equally met. This is what true participation in a democracy is really about.

In sum, we must look critically at the needs of the 1970's and honestly evaluate the ability of our existing governmental structures to meet those needs. I am convinced that many changes are now overdue. We must find the wisdom and courage to make them.

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