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REMARKS BY SENATOR HUBERT H. HUMPHREY

WEST VIRGINIA TRIAL LAWYERS ASSOCIATION  
14TH ANNUAL CONVENTION AND SEMINAR

CHARLESTON, WEST VIRGINIA

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IT IS MY GREAT PLEASURE TODAY TO MEET WITH SUCH  
A DISTINGUISHED GROUP OF JURISTS AND ATTORNEYS.

THE LAWYERS OF WEST VIRGINIA--AND THE LAWYERS OF ALL  
AMERICA--ARE THE <sup>front line</sup> ~~TRUE~~ SOLDIERS OF FREEDOM IN OUR COUNTRY.

L YOU ARE THE PROTECTORS OF THE CONSTITUTION. YOU ARE THE  
PROTECTORS OF OUR LAWS.

L YOUR COMMITMENT TO LAW IS BOTH NOBLE AND NECESSARY,  
FOR WITHOUT LAW THERE CAN BE NO JUSTICE.

--WITHOUT LAW THERE CAN BE NO RESTRAINT ON GOVERNMENT  
POWER. ~~Law is not only to provide~~  
~~protection for~~

--WITHOUT LAW THERE CAN BE NO FREEDOM. ~~Government~~  
has as its primary duty the protection  
of the people - the assurance  
of justice. And law has as its  
duty to protect the people from the abuse  
of power by Government

AND WITHOUT YOUR CONSTANT VIGILANCE, OUR CONSTITUTION *al rights*  
*not be*  
WILL ~~BE~~ PROTECTED.

BUT WE MUST RECOGNIZE THAT OUR CONSTITUTION IS UNDER  
ATTACK--THERE HAVE BEEN ALL TOO MANY ATTEMPTS TO UNDERMINE  
OUR BASIC RIGHTS IN RECENT YEARS.

*I am deeply concerned by the*  
~~IT IS~~ THIS ADMINISTRATION ~~AND THE~~ JUSTICE

DEPARTMENT'S ATTITUDES AND ACTIONS IN THE FIELD OF CIVIL  
LIBERTIES, ~~WHICH UNDERMINES OUR NATION'S COMMITMENT TO~~  
~~JUSTICE AS A GOAL AND GUIDELINE OF GOVERNMENT.~~

--WE HAVE SEEN NO-KNOCK AND PREVENTIVE DETENTION LAWS.

--WE HAVE SEEN ATTACKS ON THE PRESS AND INVESTIGATIONS

OF LEADING REPORTERS LIKE DANIEL SCHORR.

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--WE HAVE HEARD VERBAL ATTACKS ON OUR COURTS AND OUR  
JUDGES,

--WE HAVE SEEN THE ARMY COMPILE DOSSIERS ON SENATORS,  
ON CONGRESSMEN, AND ON WORKING MEN AND WOMEN ACROSS THIS  
LAND. *We have witnessed a wholesale  
violation of Privacy - with wiretaps -  
investigators + official snoots.*  
AND WE NOW FIND ATTEMPTS TO REWRITE THE ESSENTIAL

PROTECTIONS OF THE PEOPLE CONTAINED IN THE CONSTITUTION--

ALL IN THE NAME OF PUBLIC AND PRIVATE *Security.*

WE NOW FIND THAT THE SUPREME COURT IS NO LONGER THE  
MAIN TARGET OF THOSE WHO SEEK TO REARRANGE THE PATTERN OF  
GOVERNMENT AND JUSTICE IN AMERICA. NOW WE SEE THE REAL  
TARGET--THE BILL OF RIGHTS. AND THAT IS FRIGHTENING.

Now is it the product of theory -  
 It is the <sup>4</sup>written testament of  
 experience.

THE BILL OF RIGHTS WAS NOT ADOPTED TO OBSTRUCT GOOD  
 GOVERNMENT.

IT WAS ADOPTED TO CREATE GOOD AND JUST

GOVERNMENT.

WHEN THE CIVIL LIBERTIES OF OUR PEOPLE ARE

TAMPERED WITH, THE BASIC FOUNDATIONS OF OUR SYSTEM OF

GOVERNMENT ARE WEAKENED. AND THIS IS UNACCEPTABLE--TO YOU,

TO ME, AND TO THE AMERICAN PEOPLE.

SURVEILLANCE PROCEDURES, IF EMPLOYED AT ALL, MUST BE

USED WISELY AND JUDICIOUSLY. BUT UNDER THIS ADMINISTRATION,

SURVEILLANCE AND INVESTIGATION PROCEDURES HAVE BEEN ABUSED.

AS SENATOR SAM ERVIN HAS SAID, "SUCH A SYSTEM CAN

RESULT IN GRAVE PERSONAL INJURY TO THE INNOCENT IN THE FORM

OF SOCIAL OSTRACISM, LOSS OF EMPLOYMENT, AND. . .LOSS OF

LIBERTY. DEMOCRACY CANNOT SURVIVE IF THE PEOPLE ARE SULLEN,

SCARED AND REBELLIOUS."

I ASK YOU, CAN THIS COUNTRY LONG ENDURE IF ITS  
PEOPLE ARE FRIGHTENED AND AFRAID OF SPEAKING OUT AND  
PARTICIPATING IN OUR POLITICAL SYSTEM?

L THE ANSWER, THE ONLY ANSWER, IS "NO."

L I AM COMMITTED TO GOVERNMENT THAT HAS JUSTICE AS  
ITS HIGHEST PRIORITY--JUSTICE WITHOUT FEAR OR FAVOR.

L THE ATTORNEY GENERAL CANNOT JUST BE THE NATION'S  
CHIEF PROSECUTOR--THE ATTORNEY GENERAL MUST BE A SECRETARY  
OF JUSTICE.

L I PROPOSE A REDIRECTION OF THE DEPARTMENT OF JUSTICE.

--TO ASSURE THE PUBLIC OF DILIGENT AND SENSITIVE  
ENFORCEMENT AND PROTECTION OF ITS RIGHTS.

--TO ASSURE THAT THE DEPARTMENT IS TRULY ONE OF JUSTICE  
FOR ALL, AND NOT JUST PART OF THE TRIAL-AND-CONVICTION  
PROCESS.

VERY SHORTLY I WILL INTRODUCE LEGISLATION TO CREATE  
A NATIONAL INSTITUTE OF JUSTICE--INDEPENDENT OF GOVERNMENT  
CONTROL--AND DEVOTED TO THE IMPROVEMENT OF OUR ENTIRE  
LEGAL SYSTEM.

--DEVOTED TO THE COORDINATION OF LEGAL RESEARCH AND  
LONG-RANGE PLANNING.

--DEVOTED TO THE REFORMS OF OUR CRIMINAL AND CORRECTIONS  
INSTITUTIONS.

--DEVOTED TO THE CONTINUED CONSTITUTIONAL PROTECTION OF  
THE CIVIL LIBERTIES OF THE PEOPLE, AND ABOVE ALL

--DEVOTED TO THE ERADICATION OF INJUSTICE IN AMERICA.

L SUCH AN INSTITUTION, COORDINATING THE WORK OF BAR  
ASSOCIATIONS, LAW SCHOOLS, AND CRIMINOLOGISTS WOULD  
COMPRISE THE NATIONAL EFFORT WHICH IS NEEDED TO DIRECT ALL  
FORMS OF EXPERTISE TO THE PROBLEMS OF JUDICIAL AND PENAL  
REFORM IN OUR NATION.

L DOUBLING THE CONVICTION RATE, AS HAS BEEN SUGGESTED  
BY PEOPLE AT THE HIGHEST LEVELS OF THIS ADMINISTRATION, IS  
NOT THE ANSWER. PRISONS HAVE BECOME CRIME FACTORIES--MOST  
OFFENSES ARE COMMITTED BY REPEATERS.

L WE NEED JUDICIAL REFORM.

L WE NEED PENAL REFORM.



WE NEED METHODS TO CHANGE THE EXCESSIVE USE OF PLEA-  
BARGAINING WHICH IS BECOMING COUNTER PRODUCTIVE TO JUSTICE  
IN AMERICA. THE NATIONAL INSTITUTE OF JUSTICE CAN HELP  
TO MOVE OUR NATION TO BECOME WHAT IT ALWAYS HAS BEEN IN  
THEORY--A NATION FOUNDED ON JUSTICE.

I COME BEFORE YOU TODAY WITH NO EASY ANSWERS--BUT AN  
AWARENESS OF COMPLEX PROBLEMS. WHAT WE NEED ABOVE ALL IS  
A REAFFIRMATION OF OUR CONSTITUTIONAL RIGHTS--OF THE  
PRINCIPLES OF JUSTICE--AND OF THE CONCEPT OF A STRONG AND  
FREE JUDICIARY.

AS FORMER CHIEF JUSTICE EARL WARREN HAS SAID: "THE  
GREATEST ADHESIVE POWER WE HAVE IS THE PROFOUND BELIEF OF

THE AMERICAN PEOPLE IN OUR CONSTITUTIONAL SYSTEM, THE  
DEDICATION OF OUR PUBLIC SERVANTS TO OBEY ITS INJUNCTIONS,  
AND THE INDEPENDENCE OF THE JUDICIARY."

THE BASIS OF ALL WE CAN DO--ALL WE MUST DO--TO REALIZE  
AMERICA'S GREAT POTENTIAL FOR ALL ITS PEOPLE--LIES IN OUR

CONSTITUTIONAL SYSTEM, AND THE BILL OF RIGHTS,

WITH A GOVERNMENT SECURE IN ITS COMMITMENT TO THIS  
SYSTEM AND TO THESE RIGHTS, WE CAN WITH CONFIDENCE MOVE  
AHEAD IN THE YEARS BEFORE US.



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