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President Jimmy Carter
Bradley Center Senior Citizen Feeding Program
May 4, 1978

Cong. Hawkins

Governor Brown, Mayor Bradley, Lieutenant Governor Dyamally, Assemblywoman Waters, Supervisor Hahn, Director Watkins,

Ladies and Gentlemen:

It's been almost two years since I was here to dedicate the Martin Luther King Hospital.

And two years ago this month I spoke here at the Nutrition Center during the California Primary.

A lot has happened to me since then, and I saw as we came over here past the Franklin Square "Move-On" housing, that some things have been happening here in Watts, too.

I know Watts has its share of problems, but you also have a lot of things going for you.

--You have Gus Hawkins . . .
YOU HAVE GUS HAWKINS (WITH WHOM I AM WORKING TO PASS THE HAWKINS-HUMPHREY BILL), ... AND TOM BRADLEY, ....

AND YOU HAVE TED WATKINS MAKING THINGS HAPPEN RIGHT HERE IN WATTS,

YOU HAVE THE LARGEST PERCENTAGE OF HOMEOWNERS IN ANY URBAN BLACK COMMUNITY IN THE COUNTRY.

AND YOU HAVE PEOPLE -- LIKE ELVERT HUDSON AT THE BROADWAY FEDERAL SAVINGS AND LOAN -- WHO CARE ENOUGH TO SEE THAT 90 PERCENT OF THE LOANS FROM YOUR DEPOSITS GO TO PEOPLE IN YOUR COMMUNITY.

OTHER FINANCIAL INSTITUTIONS HAVE JOINED TO PROVIDE STORE-FRONT MORTGAGE COUNSELING AND TO FUND THE HOPE PROGRAM.

MAYOR BRADLEY IS JUSTIFIABLY PROUD OF WHAT HOPE DOES.

LIKE MOST INNER-CITY NEIGHBORHOODS, WATTS HAS PROBLEMS WITH RED-LINING.
WITH MY STRONG SUPPORT, THE FEDERAL HOME LOAN BANK BOARD HAS ISSUED TOUGH NEW RULES WHICH WILL HELP END RED-LINING THROUGHOUT THE COUNTRY.

WE'VE DOUBLED HOUSING REHABILITATION FUNDS AND ADDED MONEY TO BUILD MORE NEW HOUSING FOR LOW AND MODERATE INCOME FAMILIES.

WE'VE CUT FHA DOWN-PAYMENTS AND INCREASED MORTGAGE INSURANCE FUNDS TO MAKE IT EASIER FOR MODERATE-INCOME PEOPLE TO BECOME HOMEOWNERS.

OUR 1979 BUDGET PROPOSED 25 PERCENT MORE AID TO STATE AND LOCAL GOVERNMENTS THAN WHEN I TOOK OFFICE,... AND 65 PERCENT MORE FOR ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.

The new urban policy...\n---WE'VE ADDED $12.4 BILLION...
THE NEW URBAN POLICY WHICH I RECENTLY ANNOUNCED WILL FURTHER AID AREAS LIKE WATTS.

IT WILL:

-- PROVIDE EMPLOYMENT TAX CREDIT AND EXPANDED TRAINING SUBSIDIES TO ENCOURAGE PRIVATE INDUSTRY TO HIRE THE HARD-CORE UNEMPLOYED;

-- PROVIDE LOW INTEREST LOANS THROUGH A NEW NATIONAL DEVELOPMENT BANK, EXPANDED ECONOMIC DEVELOPMENT GRANTS, AND A SPECIAL INVESTMENT TAX CREDIT TO BUSINESSES WHICH LOCATE IN AREAS LIKE WATTS;

-- PROVIDE DIRECT FUNDING TO NEIGHBORHOOD GROUPS AND ORGANIZATIONS, LIKE THOSE IN WATTS, FOR COMMUNITY CRIME CONTROL, HOUSING REHABILITATION AND NEIGHBORHOOD DEVELOPMENT AND SELF-HELP EFFORTS.
OUR URBAN POLICY WILL STRENGTHEN MINORITY BUSINESS.

I HAVE ASKED EACH AGENCY TO DEVELOP SPECIFIC GOALS AND TIMETABLES FOR MINORITY BUSINESS INVOLVEMENT IN ALL CONTRACT AND GRANT AWARDS THEY MAKE.

I HAVE PLEDGED TO MORE THAN DOUBLE FEDERAL PROCUREMENT FROM MINORITY BUSINESSES.

ONLY TWO WEEKS AGO BOB KEMP BEGAN HIS DUTIES AS THE NEW EXECUTIVE DIRECTOR OF THE INTER-Agency COUNCIL FOR MINORITY BUSINESS AND HE WILL HELP SEE THAT WE MEET OUR PROCUREMENT GOALS.

UNTIL WE CALLED HIM TO WASHINGTON, AS YOU KNOW, BOB WAS PRESIDENT OF THE ECONOMIC RESOURCES CORPORATION, WHICH BUILT THE WATTS INDUSTRIAL PARK.

THE PARK HAS BROUGHT IN MORE THAN 900 NEW JOBS ALREADY AND WILL ADD SEVERAL HUNDRED MORE IN THE NEXT 12 MONTHS -- 80 PERCENT OF THEM FOR LOCAL RESIDENTS.

THE INDUSTRIAL PARK...
THE INDUSTRIAL PARK, LIKE THE LABOR ACTION COMMITTEE PROJECTS, AND THIS CENTER, REPRESENT THE KIND OF DEVELOPMENT INNER-CITY NEIGHBORHOODS NEED.

LOCAL PEOPLE HAVE GOTTEN TOGETHER AND BROUGHT IN BIG NATIONAL COMPANIES AND DOZENS OF SMALLER FIRMS TO CREATE A BROAD AND EXPANDING ECONOMIC BASE.

YOU INCLUDED A DAY-CARE CENTER TO SERVE WORKERS AND THE COMMUNITY.

PROJECTS LIKE THESE SHOW WHAT A COMMUNITY CAN DO FOR ITSELF -- WITH THE RIGHT KIND OF HELP FROM THE GOVERNMENT -- TO MEET SOME OF ITS NEEDS FOR JOBS, HOUSING, DAY CARE AND SENIOR CITIZENS SERVICES.

IT WAS THIS SPIRIT OF COOPERATION FOR THE COMMON GOOD THAT MOVED DR. MARTIN LUTHER KING, JR., AND ROSA PARKS AND ALL THE OTHER AMERICANS, BLACK AND WHITE, WHO DID SO MUCH TO FREE THIS NATION FROM THE ANCIENT EVIL THAT HAD DIVIDED AND WEAKENED US FROM THE BEGINNING.
MARTIN LUTHER KING UNDERSTOOD THAT THE POLITICAL AND SOCIAL JUSTICE THEY HAD FINALLY WON MUST BUILD TOWARD ECONOMIC JUSTICE.

HE DIED TRYING TO MAKE THAT DREAM REALITY FOR THE GARBAGE WORKERS OF MEMPHIS.

WHEN I WAS HERE NEARLY TWO YEARS AGO TO DEDICATE A HOSPITAL TO HIS MEMORY, I TOLD YOU THAT WE STILL HAVE MARTIN LUTHER KING'S DREAM AND YOUR DREAM AND MY DREAM.

I TOLD YOU WE MUST GIVE OUR GOVERNMENT BACK TO OUR PEOPLE.

I SPOKE OF A NEW ERA OF HONEST, COMPASSIONATE, RESPONSIBLE GOVERNMENT -- OF AN AMERICA WITH A TAX SYSTEM THAT DID NOT CHEAT THE AVERAGE CITIZEN AND GIVE TO THE RICH -- OF A TIME WHEN THERE WAS A JOB FOR EVERY MAN AND WOMAN WHO WANTED TO WORK AND A DECENT STANDARD OF LIVING FOR THOSE WHO COULD NOT WORK --

I TRIED TO FULFILL THESE -- AND A TIME WHEN MY CHILD...
I'VE TRIED TO FULFILL THOSE DREAMS -- THROUGH NEW JOBS PROGRAMS, THROUGH INCREASED FUNDING FOR EDUCATION, AND THROUGH CHILD HEALTH PROGRAMS.

WE'VE MADE PROGRESS -- THE UNEMPLOYMENT RATE IS DOWN ALMOST TWO FULL PERCENTAGE POINTS SINCE MY ELECTION.

BUT WE KNEW THE ROAD WOULD NOT BE EASY.

SOMETIMES OUR SYSTEM MOVES SLOWLY, DESPITE THE BEST INTENTIONS.

AND THERE ARE POWERFUL LOBBIES TRYING TO KEEP CONGRESS FROM ACCEPTING SOME OF THE CHANGES WE NEED TO ATTACK THE LONG-TERM PROBLEMS THAT HAVE BUILT UP OVER THE YEARS -- ENERGY AND INFLATION, SOARING HOSPITAL COSTS, WELFARE REFORM AND UNEMPLOYMENT.
ALL THESE THINGS TOUCH MOST CRUELLY THE LIVES OF THE POOR AND THE ELDERLY.

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--WE’VE ADDED $12.4 BILLION . . .
WE'VE ADDED $12.4 BILLION OVER THE NEXT THREE YEARS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS, CONCENTRATING ON DISTRESSED COMMUNITIES.

THE NEW URBAN POLICY WHICH I RECENTLY ANNOUNCED WILL FURTHER AID AREAS LIKE WATTS.

IT WILL:

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SUBSIDIES TO ENCOURAGE PRIVATE INDUSTRY TO HIRE THE HARD-CORE UNEMPLOYED;

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-- AND A TIME WHEN MY CHILD AND YOUR CHILD AND
EVERY CHILD WOULD RECEIVE AN EDUCATION SECOND TO NONE
IN THE WORLD.

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#    #    #
SENATOR HART, ... SENATOR HASKELL, ... REPRESENTATIVE WIRTH, ... REPRESENTATIVE SCHROEDER, ... LADIES & GENTLEMEN:

DURING THE PAST DECADE, AMERICANS HAVE BECOME DRAMATICALLY MORE AWARE OF TWO MOMENTOUS PROBLEMS -- THE PROBLEM OF THE ENVIRONMENT AND THE PROBLEM OF ENERGY.

IT IS NO ACCIDENT THAT THESE TWO GREAT ISSUES BECAME PROMINENT AT ABOUT THE SAME TIME.

OUR USE AND ABUSE OF ENERGY HAS LED TO MANY OF THE INJURIES OUR AIR, WATER, AND SOIL HAVE SUFFERED.

AND OUR GROWING CONSCIOUSNESS OF THE ENVIRONMENT HAS HELPED US UNDERSTAND THAT WE MUST DEVELOP AND USE ENERGY FAR MORE CAREFULLY THAN WE DID BEFORE.

-- TODAY I AM PLEASED TO ANNOUNCE ...
TODAY I AM PLEASED TO ANNOUNCE TWO IMPORTANT INITIATIVES THAT WILL HELP US TO LIVE AT PEACE WITH OUR ENVIRONMENTAL NEEDS AND OUR ENERGY NEEDS: THE DENVER AIR PROJECT AND A NEW FIVE-YEAR PROPOSAL FOR INLAND ENERGY IMPACT ASSISTANCE.

Almost Always

NOT LONG AGO IN DENVER YOU COULD SEE THE MOUNTAINS AND DRAW A DEEP BREATH WITH PLEASURE AND SAFETY.

BUT TODAY, A BROWN CLOUD OF DANGEROUS POLLUTION FREQUENTLY HIDES THE MOUNTAINS AND INVADES THE LUNGS OF THE PEOPLE OF THIS CITY.

BECAUSE OF THE GREAT RESOURCES OF THE ROCKY MOUNTAIN PLAINS REGION -- ENERGY, MINERAL, AND RECREATIONAL -- DENVER HAS BEEN GROWING TWO AND ONE-HALF TIMES FASTER THAN THE NATION AS A WHOLE.

WASHINGTON 2000
AND CAR USE HERE HAS GROWN EVEN FASTER THAN THAT --
IN FACT, DENVER HAS MORE CARS PER CAPITA THAN ANY OTHER
METROPOLITAN AREA.

THE RESULT HAS BEEN PROSPERITY -- AND PROBLEMS.
DENVER HAS THE WORST CARBON MONOXIDE PROBLEM IN
THE NATION -- THREE TIMES WORSE THAN NATIONAL HEALTH
STANDARDS PERMIT.

OTHER POLLUTANTS ENDANGER YOUR AIR.

THE DENVER AIR PROJECT WILL GREATLY IMPROVE THE
COORDINATION OF 25 DIFFERENT FEDERAL ACTIVITIES THAT
RELATE TO AIR POLLUTION IN THE METROPOLITAN AREA.

THE PROJECT WILL MAKE AN ADDITIONAL $15 MILLION
AVAILABLE FOR SUCH ACTIVITIES AS TRANSIT-RELATED CONSTRUCTION,
VAN POOL PROJECTS, FREE OFF-PEAK BUS SERVICE, ELECTRIC CAR
USE, AND EFFORTS TO PREVENT TAMPERING WITH ANTI-POLLUTION
DEVICES ON AUTOMOBILES.

-- UP TO $42 MILLION MAY BE MADE . . .
UP TO $42 MILLION MAY BE MADE AVAILABLE AS THIS PROJECT DEVELOPS.

IN ADDITION, A SEPARATE $16 MILLION URBAN MASS TRANSIT GRANT FROM THE DEPARTMENT OF TRANSPORTATION WILL ALSO GO TO IMPROVE BUS SERVICE.

I BELIEVE WE CAN DEAL WITH THE PROBLEM NOT THROUGH HEAVY-HANDED GOVERNMENT PROHIBITIONS, BUT RATHER THROUGH A POSITIVE DEMONSTRATION OF HOW FEDERAL, STATE AND LOCAL RESOURCES CAN BE BROUGHT TO BEAR IN A COORDINATED WAY.

DENVER'S POLLUTION PROBLEM IS DECENTRALIZED -- IT IS CAUSED NOT BY A FEW BIG INDUSTRIAL PLANTS, BUT BY HUNDREDS OF THOUSANDS OF INDIVIDUAL VEHICLES.

THAT MEANS THAT EVERYONE MUST HELP DEAL WITH THE PROBLEMS, AND I AM CONFIDENT THAT THE PEOPLE OF DENVER WILL RESPOND WITH SUPPORT FOR THE EFFORTS THAT WILL BE MADE UNDER THE DENVER AIR PROJECT.
BUT THE DESIRE OF PEOPLE FOR A HEALTHY ENVIRONMENT -- WHILE MEETING OUR ENERGY NEEDS -- IS NOT UNIQUE TO URBAN AREAS.

PLACES LIKE THE WESTERN SLOPE OF COLORADO AND THE COAL FIELDS OF WEST VIRGINIA WILL PLAY A MAJOR ROLE IN HELPING OUR COUNTRY MEET PRESSING DEMANDS FOR ALTERNATIVES TO OIL AND NATURAL GAS.

WHEN I ANNOUNCED MY COMPREHENSIVE NATIONAL ENERGY PLAN, I PROMISED THAT NO STATE, NO COMMUNITY, AND NO INDIAN TRIBE WOULD BE FORCED TO BEAR AN UNFAIR SHARE OF THE BURDEN OF MEETING OUR ENERGY NEEDS.

WE RECOGNIZED THE DISRUPTION OF RURAL COMMUNITIES WHICH RAPID DEVELOPMENT OF NEW ENERGY SOURCES CAN CAUSE.

THE "BOOM AND BUST" SYNDROME IN COMMUNITIES SUCH AS CRAIG MUST NOT CONTINUE.

-- MY ADMINISTRATION, GOVERNOR LAMM . . .
MY ADMINISTRATION, GOVERNOR LAMM, AND GOVERNORS OF OTHER WESTERN AND APPALACHIAN STATES JOINED WITH COMMUNITY AND TRIBAL LEADERS IN A TASK FORCE TO DETERMINE WHAT ADDITIONAL FEDERAL ASSISTANCE WAS NEEDED TO HELP COMMUNITIES OVERCOME THE PROBLEMS CAUSED BY EXTRAORDINARY ENERGY-RELATED GROWTH.

SENATORS HART AND HASKELL HAD ALREADY DONE MUCH OF THE SPADEWORK THROUGH HEARINGS AND LEGISLATIVE PROPOSALS. CONG. WIRTH & SCHROEDER ENTHUSIASTIC SUPPORTERS THEIR WORK IS REFLECTED IN THE NEW PROPOSAL FOR INLAND ENERGY IMPACT ASSISTANCE WHICH I AM ANNOUNCING TODAY.
THIS PROPOSAL, WHICH SENATOR HART HAS AGREED TO INCORPORATE INTO HIS BILL, RECOGNIZES THAT NO ONE WANTS RAMPANT, UNCONTROLLED GROWTH WHICH DESTROYS THE NATURAL ENVIRONMENT, DISRUPTS ESTABLISHED PATTERNS OF LIFE, AND LOCKS COMMUNITIES INTO EXPENDITURES WHICH THEY CANNOT AFFORD.

IT ALSO RECOGNIZES THAT ECONOMIC BENEFITS -- NEW JOBS AND NEW TAX REVENUES -- CAN RESULT FROM NEW DEVELOPMENT WHICH IS PROPERLY PLANNED.

MY PROPOSAL IS PREDICATED ON A STRONG PARTNERSHIP WITH THE STATES -- RECOGNIZING THAT THEY CAN BETTER SET PRIORITIES AND POLICIES WHICH WILL ASSIST COMMUNITIES -- WHILE MAKING SURE THAT THOSE WHO BENEFIT FROM NEW DEVELOPMENT PAY THEIR SHARE OF THE COSTS.

-- THIS LEGISLATION WILL ESTABLISH . . .
THIS LEGISLATION WILL ESTABLISH A FIVE-YEAR PROGRAM OF ENERGY IMPACT ASSISTANCE TO INLAND AREAS WHICH WILL BE FUNDED AT $675 MILLION IN DIRECT FEDERAL GRANTS.

IT ALSO PROVIDES UP TO $1.5 BILLION IN LOAN GUARANTEES TO STATES AT SUBSIDIZED INTEREST RATES.

THE ECONOMIC DEVELOPMENT ADMINISTRATION WILL ADMINISTER THIS PROGRAM AND GIVE IMPACTED AREAS ONE PLACE TO TURN FOR ASSISTANCE.

UNDER THIS PROPOSAL STATES AND LOCAL COMMUNITIES WILL BE GUARANTEED A TIMELY VOICE IN FEDERAL DECISION-MAKING RELATED TO ENERGY DEVELOPMENT WITHIN THEIR JURISDICTIONS.

THE FEDERAL GOVERNMENT WILL JOIN WITH STATES AND COMMUNITIES TO ASSESS MORE FULLY THE NEEDS FOR FACILITIES AND SERVICES RELATED TO ENERGY DEVELOPMENT.
THE STATES AND LOCAL GOVERNMENTS, IN TURN, MUST BE ABLE TO PLAN FOR ENERGY DEVELOPMENT, AND TO GRADUALLY INCREASE THEIR OWN CONTRIBUTION TO MEETING IMPACT NEEDS.

THIS NEW PROGRAM IS BOTH COMPREHENSIVE AND FLEXIBLE ENOUGH TO LET STATES TAILOR IMPACT ASSISTANCE PROGRAMS TO THEIR SPECIFIC NEEDS.

SENATOR HASKELL, ALONG WITH MEMBERS OF THE CONGRESSIONAL DELEGATION FROM THE APPALACHIAN STATES, HAS LABORED LONG AND HARD ON AN IMPACT ASSISTANCE PROGRAM AIMED PRINCIPALLY AT HOUSING.

WHILE I BELIEVE THE NEW PROGRAM MEETS ALL ENERGY IMPACT NEEDS, NOT JUST HOUSING, I WOULD NOT OBJECT TO CONGRESS DESIGNATING SOME OF THESE NEW FUNDS FOR THE ALTERNATIVE HOUSING PROGRAM.

-- THE COOPERATION AND EXPERTISE . . .
THE COOPERATION AND EXPERTISE WHICH I HAVE FOUND AMONG THE GOVERNORS, KEY MEMBERS OF CONGRESS, AND REPRESENTATIVES OF INDIVIDUAL COMMUNITIES AND TRIBES HAS PAID OFF.

I BELIEVE THAT WORKING TOGETHER, WE CAN ENACT LEGISLATION THIS YEAR WHICH WILL GIVE ENERGY-IMPACTED AREAS THE HELP THEY NEED SO MUCH.
President Williams, President-elect Taylor,
distinguished members of the Los Angeles County Bar,
ladies and gentlemen:

I would like to begin with a quote from a book published in 1852.

"Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. ... Innumerable children have been born into the case; innumerable young people have married into it; innumerable old people have died out of it. ... whole families have inherited legendary hatreds with the suit. ... There are not three Jarndyces left upon the earth perhaps since old Tom Jarndyce in despair blew his brains out at a coffee-house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the court, ... ."

That quotation comes from Bleak House, and although Charles Dickens (who was a court reporter) was writing about a chancery suit in London long ago, he could have been writing about a modern antitrust suit in federal court. His subject was the same one that should preoccupy
us now -- how we can be sure that our legal system serves the ends of justice.

I am not a lawyer, but there is no question that has concerned me more throughout my adult life than that of human justice. How can we alleviate the inequalities, the unfairness, the chance differences of fortune that always exist among people, and help to ensure that all people possess the basic material and political rights they need for full participation in the life of our society.

I grew up in a community that did not provide simple justice for a majority of our citizens because of the divisions of privilege between those who owned land and those who did not, the divisions of power between those who controlled the political system and those who were controlled by it, the wall of discrimination that separated blacks and whites.
As a Governor and as President I have learned, as Mark B. Hixson said, that "it is the sad duty of politics to establish justice in a sinful world." I am trying to carry our nation's message of basic justice and human rights to other nations.

But I know that we cannot speak [without hypocrisy] of human rights in other countries unless we are doing our utmost to protect the rights of our own people here at home.

Let me tell you about some of the things that concern me.

* * *

On the last day of the Administration of Lyndon Johnson, the government filed an antitrust suit against a major computer manufacturer. Nine years have passed;
three new Administrations have taken office; hundreds of millions of dollars have been spent on legal fees.

But still the trial is not nearly over, and both sides speculated that fear that the judge who has supervised it for the last nine years may die or retire before the trial is completed, in which case it would start all over again. No computer, no matter how fast or good -- but still the case was in existence when the case began. A previous case involving telephone patents took thirty years. I am worried about a legal system in which expensive talent on both sides produces interminable delay -- especially when delay itself can often mean victory for one side.

Justice should not be forced to obey the timetables of those who seek to avoid it.

* I have inspected many prisons and I know that nearly all inmates are drawn from the ranks of the
powerless and the poor. A child of privilege almost always receives the benefit of the doubt; a child of poverty seldom does. In many courts plea-bargaining serves the convenience of the judge and lawyers, not the ends of justice. I know that 90% of all criminal cases are handled that way, because the courts lack the time to give everyone a fair trial.

* We have in this country the heaviest concentration of lawyers on earth -- one for every 500 Americans. That is three times more than in England, four times more than in Germany, 21 times more than in Japan. We have more litigation; but I am not sure we have more justice. No resources of talent and training in our society, not even medical care, is more wastefully or unfairly distributed than legal skills. Ninety percent of our lawyers serve ten percent of our people. We are
over-lawyered, and under-represented.

Excessive litigation is encouraged. Non-contested divorces go to court. Title searches on the same property are unnecessarily repeated with each sale. No-fault automobile insurance is opposed. Medical malpractice claims skyrocket. Mahatma Gandhi, who was himself a very successful lawyer, said of his profession that "lawyers will as a rule advance quarrels rather than repress them." We do not serve justice when we encourage disputes in our society, rather than resolving them.

* In my own region of the country, I saw many lawyers lead the fight against civil rights and economic justice; especially those who occupied positions of great influence and prestige within their profession, and some were considered outcasts. They were paid lavish fees by their states and heaped with honors for their efforts.
They knew all the maneuvers, and for too long they kept the promises of the Constitution from coming true.

The basic right to vote, to hold a job, to buy a home, to be informed of one's rights when arrested, to have legal counsel if an indigent -- these rights have been denied for generations, and are being recently won only after intense struggle.

I think about these things when I come to speak with lawyers. What I think about most is the enormous potential for good within the legal profession, and how often that potential is not used. More than any other nation, ours was created out of respect for the law. We had the first written Constitution; we proclaimed ourselves a government of laws, not of men; we put our faith in interpretations of the laws to resolve our most basic disputes.
None of us would change our system of laws and justice for any other in the world. From the beginning, it made the citizens the masters of the State, and it has extended increasing protection to the poor and the victims of discrimination.

It is because of the enormous power of the law, and of the position of great influence and privilege which lawyers occupy within our society, that lawyers bear such a heavy obligation to serve the ends of true justice. I know that you understand these obligations.

During the last generation, many of our advances toward racial integration, protection of the people against government abuse have been made through the courts.

But let me mention briefly four areas where you may do more in order to serve justice in America.
-- in making criminal justice fairer, faster, more sensible, and more certain;

second,
-- in holding the law to the highest standards of impartiality, honesty, and fairness;

third,
-- in ensuring that access to the legal system does not depend on political influence or economic power;

and

fourth,
-- in reducing our over-reliance on litigation, and speeding up those cases that are litigated.

Our starting point in ensuring justice is to reduce crime through measures that are effective and fair.

There was encouraging progress in this direction last year, when the volume of serious crime fell by
four percent below its 1976 level. As the first significant drop in several years it is a welcome development, but it does not change the urgent need to control crime. States and local governments must always take the lead in this effort, but the Federal government will do its part:

- We can streamline the Federal criminal code, which now contains many provisions which overlap, duplicate one another, are inconsistent, and need updating. These efforts have been underway for 12 years now with the leadership of Senators Eastland and the late Senator McClellan, a 12 year effort. Kennedy, they have passed the Senate. I hope the House will pass them this year.

- We can reorganize the Law Enforcement Assistance Administration (including the establishment of a...
National Institute of Justice to ensure that our funding system is geared to our most pressing needs, to provide better support to state and local governments, and that we concentrate our help on improving the criminal justice system and reducing crime. I will also propose a consolidation and reorganization of many of the functions performed by the more than 110 Federal agencies that now have responsibility for law enforcement.

-- We can reduce the tremendous overload on our criminal justice system by removing such crimes as drunkenness and vagrancy from the courts, thereby freeing the courts to deal with serious offenses and enabling us to treat these social illnesses in ways that offer a greater hope of success.
I am supporting

--- we can create uniform sentencing standards for

Federal offenses, which will make the punishment for

more crimes both rational and fair and will help ensure that

the rich and poor are treated alike.

--- Powerful white-collar criminals cheat consumers

of millions of dollars; public officials who abuse their

high rank damage the integrity of our nation in profound

and long-lasting ways. But too often these big-shot

crooks escape the full consequences of their acts.

Justice must be blind to rank, power, and position.

The Justice Department is undertaking a major new effort

on white-collar crime.

--- The Justice Department can review our prison

policy, and propose alternatives to incarceration, such

as station-house citations, supervised release, work-

release programs, and other community-based facilities.
I urge judges and lawyers to use their enormous influence to make these efforts a success.

* * *

Our second challenge is to see that our legal system lives up to its noblest tradition of honesty, and impartiality, and that all people stand equal before the bar of justice.

-- One of the most important steps we can take to restore public confidence in our system of justice is to assure that government decisions are thoroughly impartial, and that personal interests and influence have no part. I required all major appointees, as a condition of accepting office, to disclose their personal financial interests. I also required them to pledge that, after their term of public service is over, they would
forbear all contacts with their former agency for one year.

-- Last year I proposed legislation to make these standards a permanent part of the law. In its current form, this ethics legislation would extend similar standards to the legislative and judicial branches. It has already passed the Senate and cleared the Rules Committee in the House. I hope the full House will act without delay.

-- Last week the House passed a bill I supported requiring that those organizations which do significant lobbying of Congress to disclose their activities to the public. Although lobbying is a constitutionally protected activity, the American people have a right to know what major forces are affecting the legislative process. I
hope the Senate will follow the lead of the House and pass a lobby reform bill.

Law enforcement agencies must set a clear example in their respect for the law. Recently, as the number of undocumented aliens has grown, there has been a disturbing trend, which your own bar association has studied, toward routine police harassment of our Mexican-American citizens. Last month, the Justice Department intervened in a harassment of a prisoner. In filing for a review of the one-year jail terms given to the men, the Department said that "the public perception of inequality and the belief that the life of a Mexican-American citizen has little value can only do damage to respect for the laws and belief in justice."
Harrassment must stop, and my Administration will do what is necessary to see that it does. We have submitted legislation to Congress which will help stop the flow of illegal immigration while fully protecting the rights of our Hispanic citizens.

-- When I was Governor of Georgia, I appointed judges on the basis of merit alone. One of my first acts as President was to create Circuit Judge Nominating Commissions to recommend candidates to me for all appointments as Circuit Judges. I am pleased that many Senators, including those from this state, have set up similar commissions at the District Court level.

The passage of the Omnibus Judgeship Act, now pending in House/Senate Conference, will provide a test for the concept of merit selection. The conferees have
recently agreed that the President should set
"standards and guidelines" governing selection of
district judges, and I intend to use this authority to
courage establishment of more merit panels and to
open the selection process.

The passage of the Act -- which will create 152
judgeships -- offers/unique opportunity to make our
judiciary more fully representative of our population.

Of the 525 Federal judges, only 20 are black or Hispanic,
and only 6 are women. The Federal bench in Southern
California is perhaps the most representative in the
nation. I am amending my Executive Order on the Circuit
Judge Nominating Commission specifically to require special
efforts to identify qualified minority and female
candidates.

This is an area where the bar has a special
responsibility. During too many of the struggles for
equal justice in our lifetimes -- the questions of one man-one vote, voting rights for blacks, representation for indigent clients, and others -- much of the organized bar sat on the sidelines. In today's struggle for women's rights, the passage of the ERA, and the full participation and prominence of women at all levels of our society, I applaud the actions you have already taken, and I hope you will lead the way. Your bar association has already taken.

The third challenge is suggested by the American Bar Association's theme for this year -- "Access to Justice." You know that too often the amount of justice a person can get depends on the amount he or she can pay. Access to justice must not depend on economic status, and it must not be thwarted by arbitrary procedural rules.
Overcoming procedural barriers means that groups with distinct interests to defend -- in civil rights, economic questions, environmental causes, and others -- must be able to defend them fully. We are supporting efforts to broaden the use of class action and to expand the definitions of standing to sue. My Administration supports bills before Congress that would empower citizens to participate in the proceedings of Federal agencies -- a right that has too often been reserved to the large corporations who have the resources to express their views forcefully.

We must remove the economic barriers to justice as well. When a poor family is cheated by a merchant, unfairly threatened with eviction, falsely accused of a crime, it can very rarely take advantage of the skilled legal talent at reasonable rates. In the City of New York
there are 35,000 lawyers -- one for every 200 people.

But only a handful of those lawyers are available for service to the city's one million poor -- one for every five thousand poor people. That is why we have expanded the Legal Services Corporation; in Fiscal Year 1979, its budget will be more than twice as large as it was when my Administration took office.

But adequate legal help is often beyond the reach of most of the middle class as well. Here too I believe the bar has an obligation to accommodate those with modest incomes. Free and open competition is the best way to bring legal services within the reach of average citizens. Another solution, which my Administration supports, is the expansion of pre-paid legal plans, legal clinics, and other low cost alternatives, such as those pioneered by the United Auto Workers.
I also ask that lawyers join the effort to stop inflation by following the example we have asked of every other group in our society and decelerating the rise in fees. Attorneys, doctors, accountants and other professionals have the same responsibility to assist in our efforts to keep a lid on inflation, as do businessmen and labor.

One of the greatest failings of the organized bar in the century since the American Bar Association was founded is that it has fought innovations, such as prepaid legal services. When greater competition has come to the legal profession, when no-fault systems have been adopted, when lawyers have begun to advertise, when minimum fee schedules have been eliminated -- in short, when the profession has accommodated the interests of the public -- it has done so only when forced to.

Constructive work is now underway, and as this second century of the ABA begins, the people of this country are beginning to see leadership from the bar.
But as we make litigation more accessible, we must also make the legal system less necessary for the daily lives of most Americans -- and more efficient when it must be used. By resorting to litigation at the drop of a hat, by regarding the adversary system as an end in itself, we have made justice more cumbersome, more expensive, and less equal than it ought to be.

This is a phenomenon more and more widely recognized among members of the bar.

Delays in our courts because of excessive litigation are matched by the interminable delays in many Federal regulatory agencies.

One answer, of course, is to be sure that other pathways to justice do exist.
Many suggestions have already been made for making litigation less necessary, and my Administration will work with the bar to implement them:

-- In the great majority of cases, there is no sound reason for a lawyer to be involved in land transfers or title searches. Simplified procedures and use of modern computer technology can save consumers needless legal fees.

-- We must eliminate from our judicial system cases which can be resolved in other ways. No-fault auto insurance systems, adopted by many states, are a step in the right direction; national standards for no-fault will have a much greater impact. We support no-fault divorce laws, like those in Georgia and in California, that reduce litigation and the bitterness it brings. We must look for ways to reduce the tremendous burden of medical malpractice costs.
The past ten years have seen an explosion of regulatory activity, as our government has struggled with serious environmental, social and economic problems.

In trying to solve society's problems, our regulators have too often forgotten that a basic premise of our society is voluntary compliance with the law. Instead, they have proposed unnecessarily detailed specifications, and written regulations in the kind of gobbledygook that could employ a generation of law school graduates to interpret.

I have pledged to reduce the regulatory burden on American citizens, and we have taken some first steps toward change. A few weeks ago, I signed an Executive Order which requires that heads of departments and agencies personally approve the regulatory agendas of their organizations; that regulations be gone over
rigorously in "sunset" reviews; that they are simply written; and that they are the most cost effective rules possible.

Where the free market place can do a better job than regulations -- as in the setting of airline fares -- I will work hard to deregulate the industry, and to encourage free and effective competition.

-- We must also find a way to remove the vested interest in over-litigation and delay. For every dollar a corporation pays for legal fees, fifty cents is paid by the public, since legal fees are tax-deductible. Last year corporations spent $24 billion on legal services -- and the $12 billion that came out of other taxpayers' pockets is six times as much as we spent on all Federal, state and local courts. We must ask whether this is
the right way to conserve our legal resources or to ensure justice.

-- I am directing the Dept. of Justice to review the
number of suggestions for reducing litigation -- including
more arbitration, greater reliance on small claims courts,
and experiments with alternative systems for resolving
disputes, such as the experimental arbitration systems
now being tested in San Francisco and in Philadelphia.

Even with all these steps, much litigation will
still be necessary. There are a variety of steps we
can take together to make necessary litigation more
efficient and to reduce unnecessary delays:

-- I support legislation now in Congress to expand
the functions and jurisdiction of Federal magistrates,
to reduce the burden on Federal judges.
Suppose the Speedy Appeals Act will reduce the delay between sentencing and appeal; and I have directed the Department of Justice to study whether we can also apply similar standards and time limits to civil trials and regulatory proceedings.

Those of us -- Presidents and lawyers -- who enjoy privilege, power and influence in our society can be called to a harsh account for the ways we are using it. Our hierarchy of privilege in this nation, based not on birth but on occupation, tends to insulate some of us from the problems faced by the average American. The natural tendency for all of us is to ignore what does not touch us directly. The natural temptation when dealing with the law is to assume that whatever is legal is just.
But if our nation is to thrive, if we are to fulfill the promise of our founding fathers, if we are truly to serve the ends of justice, we must look beyond these comfortable insulations of privilege.

I have too much respect for the potential of the law to believe that this leadership is not possible.

I know you understand the responsibility to serve justice. I hope that lawyers throughout the country will take up the challenges I have made today.

That responsibility is older than our Constitution, older than our Bill of Rights, older than the tradition of the Common Law.

It comes from the roots of our Western heritage, with the prophet Amos, who said, "Let justice roll down like waters, and righteousness like an ever-flowing stream."

#    #    #
President Williams, President-elect Taylor,
distinguished members of the Los Angeles County Bar,
ladies and gentlemen:

I would like to begin with a quote many of you are familiar with, from a book published in 1852.

That quotation comes from Bleak House, and although Charles Dickens, writing about a chancery suit in London long ago, he could have been writing about a modern antitrust suit in federal court. His subject was the same one that should preoccupy us now. That subject is how we can be sure that our laws, our lawyers, and our legal system serve the ends of justice.
I am not a lawyer, but there is no question that has concerned me more throughout my adult life than that of human justice. Justice means we must not aggravate the inequalities, the unfairness, the chance differences of fortune that always exist among people, and help to ensure striving to correct that unfairness wherever possible.

It means ensuring that all people possess the basic material and political rights they need for full participation in the life of their society.

I grew up in a society that at times lacked justice, because of the divisions of privilege between those who owned land and those who did not, the divisions of power between those who controlled their communities and those who were controlled, the wall of discrimination that separated blacks and whites. One of the moral teachings as President I have been that learned that I take most seriously is Reinhold Neibuhhr's statement that "it is the sad duty of politics to establish justice in a
I am trying to carry our nation's message of justice and human rights to other nations. I am encouraged by our success.

But I know that we cannot speak without hypocrisy of human rights in other countries unless we are doing our utmost to protect the rights of our people here at home.

Let me tell you about some of the things that concern me.

On the last day of the administration of Lyndon B. Johnson, the government filed an anti-trust suit against IBM. Nine years have passed; three new Administrations have taken office; hundreds of millions of dollars have been spent on legal fees. But still the trial is not even half over, and the judge who has supervised it for the last nine years has said that he is afraid he may die before the trial is completed, in which case it would start all over again.

No computer now being sold was in existence when the case began. A previous case involving telephone patents took thirty years.
I am worried about a legal system in which expensive
talent produces interminable delay -- especially when
delay itself often means victory for one side.

Justice should not be forced to obey the timetables
of those who seek to avoid it.

* I have seen many of the prisons of our nation, and
inmates

I know that nearly all the men and women inside them are
drawn from the ranks of the powerless and the poor. A
child of privilege often receives the benefit of the doubt;
a child of poverty seldom does. I have seen courts where
plea-bargaining serves the convenience of the judge and
I know that 90% of all criminal cases are handled not with
of trial and imprisonment too often serves the same justice
as our draft did during the war in Vietnam, when those who
could not get in to college or find a way to escape did
the fighting for the rest of us.
We have in this country the heaviest concentration of lawyers on earth -- one for every 500 Americans. That is three times more than in England, four times more than in Germany, 21 times more than in Japan. We have more litigation, but I am not sure we have more justice. I say plainly to you that no resource of talent and training in our society, not even medical care, is more wastefully or unfairly distributed than legal skills. Ninety per cent of our lawyers serve ten per cent of our people. We are over-lawyered, and under-represented.

Excessive litigation is encouraged. Non-contested cases of divorce, of probate, and of divorces go to court. Title searches on the same property are needlessly simple commercial disputes can turn into bitter quarrels, because of the excesses of an adversary legal system that automobile insurance is opposed. Medical malpractice claims often lose sight of justice. Mahatma Gandhi, who was himself a very successful lawyer, said of his profession that "lawyers will as a rule advance quarrels rather than
repressing them." We do not serve justice when we encourage disputes and division and bitterness to our society, rather than reducing them, resolving them.

* In my own region of the country, I saw many lawyers lead the fight for civil rights and for economic justice, especially those who fought for years to prevent equal justice. They were paid lavish fees by their states and heaped with honors for their efforts. They knew all the maneuvers, and for too long they kept the promises of the Constitution from coming true.

These are the things I think about when I come to speak with lawyers. What I think about most is the basic right to vote, to hold a job, to buy a home, to be informed of one's rights when arrested, to have legal counsel if an indigent - these rights have been denied for generations, and are being recently won only after intense struggle.
enormous potential for good that the legal profession possesses, and how short of that potential it often falls. More than any other nation, ours was created out of respect for the law. We had the first written Constitution; we proclaimed ourselves a government of laws, not of men; we put our faith in interpretations of the laws to resolve our most basic disputes.

None of us would change our system of laws and justice for any other in the world. From the beginning, it cloaked each participant with constitutional protections, and made the citizens the masters of the State, and it has extended increasing protections to the poor and the victims of discrimination.
It is because of that enormous power of the law, and of the position of great privilege that lawyers occupy within our society, that lawyers bear such a heavy obligation to serve the ends of true justice. I know that you understand these obligations. During the last generation, many of our advances toward racial integration, protection of the people against government abuse have been made by lawyers, through lawsuits. Your own country bar association have been a national leader in these efforts.

But let me mention briefly the four areas where you may believe the law must do more in order to serve justice:

-- in making criminal justice fairer, faster, more sensible, and more certain;

-- in holding the law to the highest standards of impartiality, honesty, and fairness;
— in ensuring that access to the legal system

does not depend on sheer economic power; and

— in reducing our over-reliance on litigation,

and speeding up those cases that are litigated.

Our starting point in ensuring justice is to reduce

crime through measures that are effective but are fair
to all.

There was encouraging progress in this direction last

year, when the volume of crime fell by four per cent below

its 1976 level. As the first significant drop since 1972,

it is a welcome development, but it does not change the

urgent need

fact that there is no quick or easy way to control crime.

States and local governments must always take the lead in

this effort, but the Federal government will do its part:

We can

— We support efforts to streamline the Federal
criminal code, which now contains many provisions which overlap, duplicate one another, are inconsistent, and need updating. These efforts have been underway for twelve years; now, with the leadership of Senator Kennedy, they have passed the Senate. We urge the House to pass them as well this year.

In the eight years since it was founded, the Law Enforcement Assistance Administration has distributed more than $6 billion—but too much of that money has been misdirected, ineffective, or simply wasted.

Soon I will propose, along with several members of Congress, a major reorganization of the LEAA including the establishment of a National Institute of Justice to ensure that our funding system is geared to our most pressing needs, that we provide better information to states and local governments, and that we concentrate our help on improving the criminal justice system and reducing crime. I will
110 Federal agencies that now have some responsibility for law enforcement.

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We can reduce the tremendous overload on our criminal justice system by removing such crimes as drunkenness and vagrancy from the courts, thereby freeing the courts to deal with serious offenses and enabling us to treat these social illnesses in ways that offer a greater hope of success.

We can support the Senate's efforts, through S. 1437, to create uniform sentencing standards for Federal offenses, which will make the punishment for crimes both flexible and fair, and will help ensure that the rich and poor are treated alike.

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Powerful white-collar criminals may cheat consumers of millions of dollars; public officials who abuse their high rank may damage the integrity of our
nation in profound and long-lasting ways. But too often these big-shot crooks escape the full consequences of their acts. Justice must be blind to rank, power, and position. The Justice Department is undertaking a major new effort on white collar crimes.

-- I have asked the Justice Department to study our prison policy, and to propose alternatives to incarceration, such as station-house citations, supervised release, work-release programs, and other community-based facilities. I urge judges to use their enormous influence to make this search a success.

* * *

Our second challenge is to see that our legal system lives up to its noblest tradition of honesty, impartiality, and all people standing equal before the bar of justice.
-- One of the most important steps we can take to restore public confidence in our system of justice is to assure that government decisions are thoroughly impartial, and that personal interests and influence have no part. At the beginning of my Administration, I required all appointees, as a condition of accepting office, to disclose their personal financial interests. I also required them to pledge that, after their term of public service is over, they would forbear all contacts with their agency for one year.

-- Last year I introduced legislation to make these standards a permanent part of the law. In its current form, this ethics legislation would extend similar standards to the legislative and judicial branches. It has already passed the Senate and cleared the Rules Committee in the House. I urge the full House to act without delay.
As another guarantee of the permanent integrity of our government, I have endorsed pending bills to authorize judicial appointment of special prosecutors to handle cases against high-ranking officials. This legislation has also passed the Senate and is making good progress in the House. 

Last week the House passed a bill requiring that those organizations which do significant lobbying of Congress disclose their activities to the public. Although lobbying is a constitutionally protected activity, the American people have a right to know what major forces are affecting the legislative process. I hope the Senate will follow the lead of the House and pass a lobby reform bill which requires organizations to report on their grassroots lobbying efforts, such as mass mailing campaigns, and which require the disclosure of financial contributions from other organizations.
Law enforcement agencies must set a clear example in their respect for the law. Recently, as the number of illegal /undocumented/ aliens has grown, there has been a disturbing trend toward routine police harrassment of our Mexican-American citizens.

Last month, the Justice Department intervened in one such case in Texas, where three policemen had been convicted in the death of a Mexican American prisoner, Joe Campos Torres. In filing for a review of the one-year jail terms given to the men, the Department said that "the public perception of inequality and the belief that the life of a Mexican-American citizen has little value can only do damage to respect for the laws and belief in justice."

Harrassment must stop, and my Administration will do what is necessary to see that it does.
submitted to Congress will help stop the massive flow of illegal immigration while fully protecting the rights of our Hispanic citizens.

When I was governor of Georgia, I appointed judges on the basis of merit alone. One of my first acts as President was to create a Circuit Judge Nominating Commission to recommend candidates to me for appointments as Circuit Judges. I am pleased that many Senators have set up similar commissions at the District Court level.

The passage of the Omnibus Judgeship Act, now pending in House/Senate Conference, will provide a test for the concept of merit selection. The conferees have recently agreed that the President should set "standards and guide-lines" governing selection of district judges, and I intend to use this authority to encourage establishment of more merit panels and generally to open the selection process.
The passage of the Act -- which will create 152 judgeships -- offers an opportunity to make our judiciary more fully representative of our population. Of the 525 federal judges, only 20 are black or Hispanic, and only 6 are women. I am amending my Executive Order on the Circuit Judge Nominating Commission specifically to require special efforts to identify qualified minority and female candidates.

My staff is contacting the Senate to emphasize my personal commitment to this goal in the District Courts as well.

This is an area where the bar has a special responsibility. During too many of the struggles for equal justice in our lifetimes -- the questions of one man-one vote, voting rights for blacks, representation for indigent clients, and others -- the organized bar sat on the sidelines. In today's struggle for women's rights, the passage of the ERA, and the full participation of women at all levels of our society, I hope you will lead the way.
The third challenge is suggested by the American Bar Association's theme for this year -- "Access to Justice."

You know that too often the amount of justice a person or she can get depends on the amount he or she can pay. Access to justice must not depend on economic status, and it must not be thwarted by arbitrary procedural rules.

Overcoming procedural barriers means that groups with distinct interests to defend -- in civil rights, economic questions, environmental causes, and others -- must be able to defend them fully. [The Justice Department is considering efforts to broaden the use of class action techniques and expanding the definitions of standing to sue. My Administration supports bills before Congress that would empower citizens to participate in the proceedings of federal agencies -- a right that has too often been reserved to the targets of regulation.]
the resources to express their view forcefully.

We must remove the economic barriers to justice as well. When a poor family is cheated by a merchant, unfairly threatened with eviction, falsely accused of a crime, it can very rarely take advantage of the skilled legal talent at reasonable rates. In the city of New York there are 35,000 lawyers -- one for every 200 people. But only a handful of those lawyers are available for service to the city's one million poor -- one for every five thousand poor people. That is why we have expanded the Legal Services Corporation; in fiscal year 1979, its budget will be more than twice as large as it was when my administration took office.

An expanded legal services program will serve 2.7 million poor people -- but more than twice that number will still be without legal representation. I believe [Could shorten this section to say that we need subsidized help for the poor and more competition and fee restraint for middle class]
the bar has a moral obligation to serve those people --
by voluntarily [either your members [in time or money]
by offering grants for legal projects that help the poor,
by setting standards for community service work. Several
local bar associations, including your own (2), have
taken the lead in this work; I urge others to follow.

But adequate legal help is often beyond the reach
of most of the middle class as well. Here too I believe
the bar has an obligation to adjust its fee scale to
accommodate those with modest incomes. I also ask that
lawyers help bring their services within the reach of
average citizens, and join the effort to stop inflation by
following the example we have asked of every other group
in our society and holding down the rise in fees.

Another solution, which my Administration supports,
legal clinics, and other low cost alternatives.
is the expansion of pre-paid legal plans, such as those
pioneered by the United Auto Workers.
One of the greatest failings of the organized bar in the century since the American Bar Association was founded is that it has fought innovations such as prepaid legal services, every step of the way. When greater competition has come to the legal profession, when no-fault systems have been adopted, when lawyers have begun to advertise, when minimum fee schedules have been eliminated -- in short, when the profession has accommodated the interests of the public -- it has done so only when absolutely forced to. As this second century of the ABA begins, the people of this country expect leadership, not selfish obstructionism, from the bar.

But as we make litigation more accessible, we must also make the legal system less necessary for the daily lives of most Americans -- and more efficient when it must be used. By resorting to litigation at the drop of
a hat, by regarding the adversary system as an end in itself, we have made justice more cumbersome, more expensive, and less equal than it ought to be.

This is a phenomenon more and more widely recognized among the bar. One of the nation's most distinguished judges, Shirley Hufstedler, recently said, "It must be seriously questioned whether litigation is a desirable means of attacking many of our social ills... Resort to litigation to effect social change has developed, not because it is the best way to achieve justice, but because it has been the only way that is perceived to exist."

Delays in our courts because of excessive litigation are matched by the extended delays in many federal regulatory sections to come illustrating grotesque delays.

One answer, of course, is to be sure that other pathways to justice do exist. I am convinced that if our nation's lawyers spent one tenth of the time and talent
Many suggestions have already been made for making litigation less necessary, and my Administration will work with the bar to implement them:

-- In the great majority of cases, there is no sound reason for a lawyer to be involved in land transfers or title searches. Simplified procedures and use of modern computer technology can save consumers needless legal fees.

-- We must eliminate from our judicial system cases which can be resolved in other ways. No-fault auto insurance systems, adopted by many states, are a step in the right direction; national standards for no-fault will
have a much greater impact. We support divorce laws, like those in California, that reduce litigation and the bitterness it brings, by allowing many cases to be handled without lawyers. There must be ways to reduce the tremendous burden of medical malpractice costs by using the no-fault standard.

We must also change one of our basic attitudes in the way we do our public business. The past ten years have seen an explosion of regulatory activity, as our government has struggled with serious environmental, social and economic problems. The complexity of our society has been more than matched by the complicated nature of regulations, until it seems that we cannot turn around without consulting an attorney.

In trying to solve society's problems, our regulators have too often forgotten that a basic premise of our society
is voluntary compliance with the law. Instead, they have proposed unnecessarily detailed specifications, called for more and more inspectors, and written regulations in the kind of gobbledygook that could employ a generation of law school graduates to interpret.

I have pledged to reduce the regulatory burden on the American taxpayer, and we have taken some first steps toward change. A few weeks ago, I signed an Executive Order aimed at improving both the management and the content of which regulations. The Order requires that heads of departments and agencies personally approve the regulatory agendas of their organizations; that regulations be gone over rigorously in "sunset" reviews and that they be analyzed carefully and to make sure that (if they are new) they are the most cost effective rules that are possible.

Where regulations are essential to advance us toward the goals of a cleaner environment, safer jobs, social
justice or better protection for consumers, the regulations must be developed in the least burdensome way.

But where the free market place can do a better job than regulation -- as in the setting of airline fares -- I will work hard to deregulate the industry, and to encourage free and effective competition to bear on the problem.

-- We must also find a way to remove the vested interest in over-litigation and delay. For every dollar a corporation pays for legal fees, fifty cents is paid by the public, since legal fees are tax-deductible. Last year corporations spent $24 billion on legal services -- and the $12 billion that came out of other taxpayer's pockets is six times as much as we spent on all federal, state, and local courts. We must ask whether this is the right way to conserve our legal resources or to ensure justice.
-- The Pound Commission has recently produced a number of suggestions for reducing litigation -- including more arbitration, greater reliance on small claims courts, and experiments with alternative systems for resolving disputes. My Administration supports the concept of Neighborhood Justice Centers, and has established three of them, including the one in Los Angeles that your bar association sponsors. We will also work with the Congress to provide $10 million to expand the small claims court system, to make justice available for people who don't have the time or money to go to court.

Even with all these steps, much litigation will still be necessary. There are a variety of steps we can take together to make litigation more efficient and reduce unnecessary delays:

- My Administration supports a Magistrate's Bill in Congress to expand the functions and jurisdiction of the federal magistrates and reduce the burden on the federal judges.
We support changes in diversity jurisdiction that will remove many cases from the federal courts. The Omnibus Judgeship Act will expand the federal judiciary by 25 per cent and reduce the backlog in our courts.

Modern systems of case assignment, record-keeping, and use of computers can cut the time it takes to prepare for and try a case.

We support a "Speedy Appeals Act," which will reduce the delay between sentencing and appeal; and I have directed the Department of Justice to study whether we can apply similar standards and time limits to civil trials. I have directed the regulation proceedings.

Let me mention a specific, contemporary case in which many of the issues I have discussed are being put to the test -- the efforts to reduce the complexity of our income tax code. The defects of that code are no accident.
Its clauses and exemptions were placed there by lawyers hired by the interests who benefit from complexity. The code does not represent the interests of the average man and woman, who cannot take advantage of the provisions and pays the price for those who can. We are trying to reform that code -- and the opposition is being led by lawyers. The responsible lawyer knows in his heart that this is an indictment of his profession.

My tone today has been harsh. But it is harsh for a reason. Those of us who enjoy privilege, and power, in our society can be called to a harsh account for the ways that we are using it. Our hierarchy of privilege in this nation, based not on birth but on occupation, tends to insulate the privileged from the problems the average American faces. The natural tendency for all of us is to ignore what does not touch us directly. The natural temptation when dealing with the law is to assume that whatever is legal is just.
But if our nation is to thrive, if we are to fulfill the promise of our founding, if we are truly to serve the ends of justice, we must look beyond these comfortable insulations of privilege.

I have too much respect for the potential of the law to believe that that kind of leadership is beyond it.

I believe you understand the responsibility to serve justice.

That responsibility is older than our Constitution, older than our Bill of Rights, older than the tradition of the Common Law.

It comes from the roots of our Western heritage, with the prophet Amos, who said, "Let justice roll down like waters, and righteousness like an ever-flowing stream."
MEMORANDUM TO THE PRESIDENT

FROM: JIM FALLS

SUBJECT: Justice Speech/Your Call to the Chief Justice

You said at the end of yesterday's meeting that you wanted to talk with Chief Justice Burger about his ideas for judicial reform. The purpose of this memo is (1) to tell you about the proposals the Chief Justice has been making, (2) to list some of the suggestions we have gotten from other sources, and (3) to ask for further guidance.

In the last four or five years, the Chief Justice has made two main complaints about the court system: first, that the courts have too much work to do, and second, that too few of the lawyers who practice before the courts possess the skills they need. (You may remember the news stories last summer, when the Chief Justice told the ABA Convention that only half the trial lawyers were competent.)

To the extent that Burger's complaint about the courts' workload reflects a general feeling that litigation has gotten out of hand, it has won some widespread support. But two of his proposed solutions are very controversial:

1) He has proposed creating a National Court of Appeals, which would sit between the various Circuit Courts and the Supreme Court and screen out cases before they got to the Supreme Court. This has caused a controversy within the profession about altering the original purpose of the Court, etc.

2) He has already gone far toward reducing the Supreme Court's workload by restricting "class action" suits, denying "standing to sue" to environmental and consumer groups, and taking other steps to reduce the sort of social-action litigation that became so common in the 1960s. His approach here has been bitterly opposed by the civil rights, environmental, and consumer groups, who feel that it denies them the one avenue they have for protecting their rights.

Several of Burger's other proposals have been received with less contention:
1) He has proposed a number of mechanical, administrative improvements in the way courts do their work; for example, he was the first man to introduce copying machines (rather than carbon paper, which often become illegible by the time the 9th Justice received his copy) to the Supreme Court. He is proud of his proposals for a National Judicial Center, a National Center for the State Courts, and other ways to improve the management of the courts.

2) He wants to reduce one time-consuming burden on the Federal district courts by eliminating the "diversity jurisdiction" they have when, say, a driver from Georgia crashes into someone from Missouri in Texas.

3) Philosophically, he argues constantly for returning political decisions to the Congress and the Executive Branch, where he says they belong, rather than passing them off to the courts. The best current example is nuclear energy; the "experts" in the courts are being forced to make fundamental political decisions that state legislatures, state executives, and the federal government prefer to avoid.

4) In urging higher standards for trial lawyers, he is making the same point that Nader, Charles Morgan, the people from Common Cause, and others have made -- that the legal system is now arranged for the convenience of the lawyers rather than to ensure that justice is done to the client. When a public defender is slipshod or ill-prepared, he is not the one who suffers.

The main way in which Burger's suggestions differ from the others we've heard -- and from the tone we think you should take -- is that his proposals for reducing the workload cut systematically against the poor, the weak, those who in the last decade have used the courts to make up for their lack of economic power. Class action suits are an obvious example; another important one is Burger's proposal that the Supreme Court not deal with the numerous "pauper's" petitions that now come in from the prisons. Some of the other Justices feel that these are an important way to keep in touch with the real world and to detect trends (such as the one that led to the Gideon case, which established every defendant's right to counsel), and that they don't really consume much time. That is the sort of burden Burger wants to remove.
What Nader suggests is that you balance two points: first, that our system must give people -- especially the poor and weak -- an opportunity to express their interests, through class action suits, the ability to represent themselves before federal agencies, broader standing to sue, etc; but, second, that we need to reduce much of the litigation and complexity whose only purpose is to defend the interests of the powerful and entrenched (the complexity of the tax code is the prime example). He, Morgan, and others agree on the crucial point that the system now works for the convenience and the interests of the lawyers, not for the convenience of the public or the interests of justice. That is what we must change.

All of us working on this speech agree wholeheartedly with your desire to make it like the Law Day speech four years ago. I would like very much to take ten minutes of your time after you have spoken with the Chief Justice to be sure I understand the points you want to make, and to ask you for guidance on some of the additional suggestions we have received.
MEMORANDUM TO THE PRESIDENT

FROM: JIM FALLOWS

SUBJECT: Justice Speech

Here is a first draft of the speech. I based it on extensive talks and voluminous information from Stu, Jane Frank, Doug Huron, the reorganization project, and others, but they have not yet had a chance to go over this draft carefully. I suggested that if they have fundamental objections or comments they give you their annotated copies separately, since we have not had time to produce a consensus draft.

You'll see that the tone is fairly tough. One constant theme from every outside person I talked with was that you should sound as challenging to the profession as you did four years ago in Georgia. I think it makes both political and policy sense to take this kind of approach.

As you asked, I am attaching a brief summary of the suggestions I received from John Gardner, Ralph Nader, Jack Greenberg, Senator Kennedy, and Charles Morgan.
May 4, 1973

Los Angeles Co. Bar Assn.

Gov. Brown, Mayor Bradley,

President Williams, President-elect Taylor,

Distinguished Members of the Los Angeles County Bar,

Ladies and gentlemen:

Conrad: on your 100th anniversary

I would like to begin with a quote from a book

published in 1852,

"Jarndyce and Jarndyce Drives On. This scarecrow
of a suit has, in course of time, become so complex
that no man alive knows what it means...

"Innumerable children have been born into the case;
innumerable old people have died out of it... whole
families have inherited legendary hatreds with the suit.

"There are not three Jarndyces..."
"There are not three Jarndyces left upon the Earth
perhaps since old Tom Jarndyce in despair blew his brains
out at a coffee-house in Chancery Lane; but Jarndyce and
Jarndyce still drags its dreary length before the Court,..."

This quotation comes from Bleak House, and although
Charles Dickens was writing about a Chancery suit in London
long ago, he could have been writing about a modern antitrust
suit in Federal Court.

His subject was the same one that should preoccupy
us now -- insuring that our legal system serves the ends
of justice, without delay.
I AM NOT A LAWYER, BUT THERE IS NO QUESTION THAT
HAS CONCERNED ME MORE THROUGHOUT MY ADULT LIFE THAN THAT OF
HUMAN JUSTICE -- STRIVING TO ALLEVIATE THE INEQUALITIES,
THE UNFAIRNESS, THE CHANCE DIFFERENCES OF FORTUNE THAT
EXIST AMONG PEOPLE, ...AND TO HELP ENSURE THAT ALL PEOPLE
POSSESS THE BASIC MATERIAL AND POLITICAL RIGHTS THEY NEED
FOR FULL PARTICIPATION IN THE LIFE OF OUR SOCIETY.

I GREW UP IN A COMMUNITY THAT OFTEN DID NOT PROVIDE
SIMPLE JUSTICE FOR A MAJORITY OF OUR CITIZENS BECAUSE OF
THE DIVISIONS OF PRIVILEGE BETWEEN THOSE WHO OWNED LAND
AND THOSE WHO DID NOT, ...THE DIVISIONS OF POWER BETWEEN
THOSE WHO CONTROLLED THE POLITICAL SYSTEM AND THOSE WHO
WERE CONTROLLED BY IT, ...THE WALL OF DISCRIMINATION THAT
SEPARATED BLACKS AND WHITES.

--AS A GOVERNOR AND AS PRESIDENT...
AS A GOVERNOR AND AS PRESIDENT I HAVE LEARNED THAT, AS REINHOLD NEIHBUR SAID, "IT IS THE SAD DUTY OF POLITICS TO ESTABLISH JUSTICE IN A SINFUL WORLD."

I AM TRYING TO CARRY OUR NATION'S MESSAGE OF BASIC JUSTICE AND HUMAN RIGHTS TO OTHER NATIONS.

BUT I KNOW THAT WE CANNOT SPEAK OF HUMAN RIGHTS IN OTHER COUNTRIES UNLESS WE ARE DOING OUR UTMOSt TO PROTECT THE RIGHTS OF OUR OWN PEOPLE HERE AT HOME.

LET ME TELL YOU ABOUT SOME OF THE THINGS THAT CONCERN ME.

** ON THE LAST DAY OF THE ADMINISTRATION OF LYNDON JOHNSON, THE GOVERNMENT FILED AN ANTITRUST SUIT AGAINST A MAJOR COMPUTER COMPANY.

NINE YEARS HAVE PASSED; THREE NEW ADMINISTRATIONS HAVE TAKEN OFFICE; HUNDREDS OF MILLIONS OF DOLLARS HAVE BEEN SPENT ON LEGAL FEES.
BUT STILL THE TRIAL IS NOT NEARLY OVER, AND IT HAS BEEN SPECULATED THAT THE JUDGE WHO HAS SUPERVISED IT FOR THE LAST NINE YEARS MAY DIE OR RETIRE BEFORE THE TRIAL IS COMPLETED, IN WHICH CASE IT WOULD START ALL OVER AGAIN.

GENERATIONS OF COMPUTERS HAVE COME AND GONE -- BUT STILL THE CASE GOES ON.

I AM WORRIED ABOUT A LEGAL SYSTEM IN WHICH EXPENSIVE TALENT ON BOTH SIDES PRODUCES INTERMINABLE DELAY -- ESPECIALLY WHEN DELAY ITSELF CAN OFTEN MEAN VICTORY FOR ONE SIDE.

JUSTICE SHOULD NOT BE FORCED TO OBEY THE TIMETABLES OF THOSE WHO SEEK TO AVOID IT.

** I HAVE INSPECTED MANY PRISONS AND I KNOW THAT NEARLY ALL INMATES ARE DRAWN FROM THE RANKS OF THE POWERLESS AND THE POOR.

--A CHILD OF PRIVILEGE . . .
A child of privilege frequently receives the benefit of the doubt; a child of poverty seldom does.

In many courts plea-bargaining serves the convenience of the judge and lawyers, not the ends of justice, because the courts lack the time to give everyone a fair trial.

** We have the heaviest concentration of lawyers on earth -- one for every 500 Americans. That is three times more than in England, ... four times more than in Germany, ... 21 times more than in Japan.

We have more litigation; but I am not sure we have more justice.

No resources of talent and training in our society, not even medical care, is more wastefully or unfairly distributed than legal skills.
NINETY PERCENT OF OUR LAWYERS SERVE TEN PERCENT OF OUR PEOPLE.

WE ARE OVER-LAWYERED, AND UNDER-REPRESENTED.

** EXCESSIVE LITIGATION AND LEGAL FEATHERBEDDING IS ENCOURAGED.

NON-CONTESTED DIVORCES BECOME MAJOR LEGAL CONFRONTATIONS.

COMPLETE TITLE SEARCHES ON THE SAME PROPERTY ARE UNNECESSARILY REPEATED WITH EACH SALE.

ROUTINE CAR ACCIDENT CASES CLOG OUR COURTS WHILE NO-FAULT AUTOMOBILE INSURANCE IS OPPOSED.

THE NUMBER OF MEDICAL MALPRACTICE CASES SKYROCKET.

MAHATMA GANDHI, WHO WAS HIMSELF A VERY SUCCESSFUL LAWYER, SAID OF HIS PROFESSION THAT "LAWYERS WILL AS A RULE ADVANCE QUARRELS RATHER THAN REPRESS THEM."

--WE DO NOT SERVE JUSTICE WHEN WE . . .
WE DO NOT SERVE JUSTICE WHEN WE ENCOURAGE DISPUTES IN OUR SOCIETY, RATHER THAN RESOLVING THEM.

** IN MY OWN REGION OF THE COUNTRY, LAWYERS OF GREAT INFLUENCE AND PRESTIGE LED THE FIGHT AGAINST CIVIL RIGHTS AND ECONOMIC JUSTICE.

THEY WERE PAID LAVISH FEES BY THEIR STATES AND HEAPED WITH HONORS FOR THEIR EFFORTS.

THEY KNEW ALL THE MANEUVERS, AND FOR TOO LONG THEY KEPT THE PROMISES OF THE CONSTITUTION FROM COMING TRUE.

THE BASIC RIGHT TO VOTE, TO HOLD A JOB, TO BUY A HOME, TO BE INFORMED OF ONE'S RIGHTS WHEN ARRESTED, TO HAVE LEGAL COUNSEL IF AN INDIGENT -- THESE RIGHTS HAVE BEEN DENIED FOR GENERATIONS, AND ARE BEING RECENTLY WON ONLY AFTER INTENSE STRUGGLE.
I think about these things when I come to speak with you.

What I think about most is the enormous potential for good within the legal profession, and how often that potential is not used.

More than any other nation, ours was created out of respect for the law.

We had the first written constitution; we proclaimed ourselves a government of laws, not of men; we put our faith in interpretations of the laws to resolve our most basic disputes.

None of us would change our system of laws and justice for any other in the world.

From the beginning, it made the citizens the masters of the state, and it has extended increasing protection to the poor and the victims of discrimination.

—It is because of the enormous...
It is because of the enormous power of the law, and of the position of great influence and privilege which lawyers occupy within our society, that lawyers bear such a heavy obligation to serve the ends of true justice.

I know that you understand these obligations.

During the last generation, many of our most important advances toward racial integration and protection of our people against government abuse have been made through the courts.

But let me mention briefly four challenges we all should face in order to improve justice in America:

-- First, in making criminal justice fairer, faster, more sensible, and more certain;

-- Second, in holding the law to the highest standards of impartiality, honesty, and fairness;
-- THIRD, IN ENSURING THAT ACCESS TO THE LEGAL SYSTEM DOES NOT DEPEND ON POLITICAL INFLUENCE OR ECONOMIC POWER; AND

-- FOURTH, IN REDUCING OUR OVER-RELIANCE ON LITIGATION, AND SPEEDING UP THOSE CASES THAT ARE LITIGATED.

OUR STARTING POINT IN ENSURING JUSTICE IS TO REDUCE CRIME THROUGH MEASURES THAT ARE EFFECTIVE AND FAIR.

THERE WAS ENCOURAGING PROGRESS IN THIS DIRECTION LAST YEAR, WHEN THE VOLUME OF CRIME FELL FOUR PERCENT BELOW ITS 1976 LEVEL.

AS THE FIRST SIGNIFICANT DROP IN SEVERAL YEARS, IT IS A WELCOME DEVELOPMENT, BUT IT DOES NOT CHANGE THE URGENT NEED TO CONTROL CRIME.

--STATES AND LOCAL GOVERNMENTS . . .
STATES AND LOCAL GOVERNMENTS MUST TAKE THE LEAD IN THIS EFFORT, BUT THE FEDERAL GOVERNMENT MUST DO ITS PART:

-- WE SHOULD STREAMLINE THE FEDERAL CRIMINAL CODE, WHICH NOW CONTAINS MANY PROVISIONS WHICH OVERLAP, DUPLICATE ONE ANOTHER, ARE INCONSISTENT, AND NEED UPDATING.

WITH THE LEADERSHIP OF SENATORS EASTLAND AND KENNEDY AND THE LATE SENATOR MCCLELLAN, A 12-YEAR EFFORT RECENTLY CULMINATED IN SENATE PASSAGE OF A NEW CRIMINAL ACT.

I HOPE THE HOUSE WILL PASS IT THIS YEAR.

-- WE ARE WORKING WITH CONGRESSIONAL LEADERS TO REORGANIZE THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TO GEAR OUR FUNDING SYSTEM TO OUR MOST PRESSING NEEDS, TO PROVIDE BETTER SUPPORT TO STATE AND LOCAL GOVERNMENTS, AND TO CONCENTRATE OUR HELP ON IMPROVING THE CRIMINAL JUSTICE SYSTEM AND REDUCING CRIME.
I will also propose a consolidation and reorganization of many of the functions performed by more than 100 federal agencies that now have responsibility for law enforcement.

-- We can reduce the tremendous overload on our criminal justice system by removing such crimes as drunkenness and vagrancy from the courts, thereby freeing the courts to deal with serious offenses and enabling us to treat these social illnesses in ways that offer a greater hope of success.

-- I am supporting uniform sentencing standards for federal offenses, which will make the punishment for crimes more rational and fair and will help ensure that the rich and poor are treated alike.

-- Powerful white-collar criminals...
POWERFUL WHITE-COLLAR CRIMINALS CHEAT CONSUMERS OF MILLIONS OF DOLLARS; PUBLIC OFFICIALS WHO ABUSE THEIR HIGH RANK DAMAGE THE INTEGRITY OF OUR NATION IN PROFOUND AND LONG-LASTING WAYS.

BUT TOO OFTEN THESE BIG-SHOT CROOKS ESCAPE THE FULL CONSEQUENCES OF THEIR ACTS.

JUSTICE MUST BE BLIND TO RANK, POWER, AND POSITION.

THE JUSTICE DEPARTMENT IS UNDERTAKING A MAJOR NEW EFFORT ON WHITE-COLLAR CRIME.

-- I HAVE DIRECTED THE JUSTICE DEPARTMENT TO REVIEW OUR PRISON POLICY, AND PROPOSE ALTERNATIVES TO INCARCERATION, SUCH AS STATION-HOUSE CITATIONS, SUPERVISED RELEASE, WORK-RELEASE PROGRAMS, AND OTHER COMMUNITY-BASED FACILITIES.

I URGE JUDGES AND LAWYERS TO USE THEIR ENORMOUS INFLUENCE TO MAKE THESE EFFORTS A SUCCESS.

* * *
OUR SECOND CHALLENGE IS TO SEE THAT OUR LEGAL
SYSTEM LIVES UP TO ITS NOBLEST TRADITION OF HONESTY AND
IMPARTIALITY, SO THAT ALL PEOPLE STAND EQUAL BEFORE THE
BAR OF JUSTICE.

-- ONE OF THE MOST IMPORTANT STEPS WE CAN TAKE TO
RESTORE PUBLIC CONFIDENCE IN OUR SYSTEM OF JUSTICE IS TO
ASSURE THAT GOVERNMENT DECISIONS ARE THOROUGHLY IMPARTIAL,
AND THAT PERSONAL INTERESTS AND INFLUENCE HAVE NO PART.

I HAVE REQUIRED ALL MAJOR APPOINTEES, AS A
CONDITION OF ACCEPTING OFFICE, TO DISCLOSE THEIR PERSONAL
FINANCIAL INTERESTS.

I HAVE ALSO REQUIRED THEM TO PLEDGE THAT, AFTER
THEIR TERM OF PUBLIC SERVICE IS OVER, THEY WOULD FOREGO
ALL CONTACTS WITH THEIR FORMER AGENCY FOR ONE YEAR.

-- LAST YEAR I PROPOSED LEGISLATION ...
LAST YEAR I PROPOSED LEGISLATION TO MAKE THESE STANDARDS A PERMANENT PART OF THE LAW.

IN ITS CURRENT Form, THIS ETHICS LEGISLATION WOULD EXTEND SIMILAR STANDARDS TO THE LEGISLATIVE AND JUDICIAL BRANCHES.

IT HAS ALREADY PASSED THE SENATE AND CLEARED THE RULES COMMITTEE IN THE HOUSE.

I HOPE THE FULL HOUSE WILL ACT WITHOUT DELAY.

LAST WEEK THE HOUSE PASSED A BILL I SUPPORTED REQUIRING THOSE ORGANIZATIONS WHICH DO SIGNIFICANT LOBBYING OF CONGRESS TO DISCLOSE THEIR ACTIVITIES TO THE PUBLIC.

ALTHOUGH LOBBYING IS A CONSTITUTIONALLY PROTECTED ACTIVITY, THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW WHAT MAJOR FORCES ARE AFFECTING THE LEGISLATIVE PROCESS.
IT IS TIME FOR THE SENATE TO FOLLOW THE LEAD OF THE HOUSE AND PASS A LOBBY REFORM BILL.

LAW ENFORCEMENT AGENCIES MUST SET A CLEAR EXAMPLE IN THEIR RESPECT FOR THE LAW.

RECENTLY, AS THE NUMBER OF UNDOCUMENTED ALIENS HAS GROWN, THERE HAS BEEN A DISTURBING TREND TOWARD ROUTINE POLICE HARRASSMENT OF OUR MEXICAN-AMERICAN CITIZENS.

I KNOW YOUR BAR ASSOCIATION HAS STUDIED THIS PROBLEM.

LAST MONTH, THE JUSTICE DEPARTMENT INTERVENED IN A HARRASSMENT CASE IN TEXAS, WHERE THREE POLICEMEN HAD BEEN CONVICTED IN THE DEATH OF A MEXICAN-AMERICAN PRISONER.

--IN FILING FOR A REVIEW,...
IN FILING FOR A REVIEW OF THE ONE-YEAR JAIL TERMS
CONVICTED
GIVEN TO THE MEN, THE DEPARTMENT SAID THAT "THE PUBLIC
PERCEPTION OF INEQUALITY AND THE BELIEF THAT THE LIFE OF A
MEXICAN-AMERICAN CITIZEN HAS LITTLE VALUE CAN ONLY DO DAMAGE
to RESPECT FOR THE LAWS AND BELIEF IN JUSTICE."

THIS KIND OF
HARRASSMENT MUST STOP, AND MY ADMINISTRATION WILL DO WHAT IT CAN TO SEE THAT IT DOES.

MOREOVER, WE HAVE SUBMITTED LEGISLATION TO CONGRESS WHICH WILL HELP STOP THE FLOW OF ILLEGAL IMMIGRATION WHILE FULLY PROTECTING THE RIGHTS OF OUR HISPANIC CITIZENS.

-- WHEN I WAS GOVERNOR OF GEORGIA, I APPOINTED JUDGES ON THE BASIS OF MERIT ALONE.

ONE OF MY FIRST ACTS AS PRESIDENT WAS TO CREATE CIRCUIT JUDGE NOMINATING COMMISSIONS TO RECOMMEND CANDIDATES TO ME FOR ALL APPOINTMENTS AS CIRCUIT JUDGES.
I AM PLEASED THAT MANY SENATORS, INCLUDING THOSE FROM NOW THIS STATE, HAVE SET UP SIMILAR COMMISSIONS AT THE DISTRICT COURT LEVEL.

THE PASSAGE OF THE OMNIBUS JUDGESHIP ACT, NOW PENDING IN HOUSE/SENATE CONFERENCE, WILL PROVIDE A TEST FOR THE CONCEPT OF MERIT SELECTION.

THE CONFEREES HAVE RECENTLY AGREED THAT THE PRESIDENT SHOULD SET "STANDARDS AND GUIDELINES" GOVERNING SELECTION OF DISTRICT JUDGES, AND I INTEND TO USE THIS AUTHORITY TO ENCOURAGE ESTABLISHMENT OF MORE MERIT PANELS AND TO OPEN THE SELECTION PROCESS.

THE PASSAGE OF THE ACT -- WHICH WILL CREATE 152 JUDGESHIPS-- OFFERS A UNIQUE OPPORTUNITY TO MAKE OUR JUDICIARY MORE FULLY REPRESENTATIVE OF OUR POPULATION.

--OF THE 525 FEDERAL JUDGES, ...
OF THE 525 FEDERAL JUDGES, ONLY 20 ARE BLACK OR HISPANIC, AND ONLY 6 ARE WOMEN.

WHILE THE FEDERAL BENCH IN SOUTHERN CALIFORNIA HAS BECOME MORE REPRESENTATIVE, THIS IS NOT TRUE ELSEWHERE IN THE NATION.

I AM AMENDING MY EXECUTIVE ORDER ON THE CIRCUIT JUDGE NOMINATING COMMISSION SPECIFICALLY TO REQUIRE SPECIAL EFFORTS TO IDENTIFY QUALIFIED MINORITY AND FEMALE CANDIDATES.

DURING TOO MANY OF THE STRUGGLES FOR EQUAL JUSTICE IN OUR LIFETIMES -- THE QUESTIONS OF ONE MAN-ONE VOTE, VOTING RIGHTS FOR BLACKS, REPRESENTATION FOR INDIGENT CLIENTS, AND OTHERS -- MUCH OF THE ORGANIZED BAR SAT ON THE SIDELINES OR OPPOSED THESE EFFORTS.
IN TODAY'S STRUGGLE FOR WOMEN'S RIGHTS, THE PASSAGE OF THE ERA, AND THE FULL PARTICIPATION OF WOMEN AND MINORITIES AT ALL LEVELS OF OUR SOCIETY, I HOPE LAWYERS THROUGHOUT THE COUNTRY WILL FOLLOW THE ACTIONS YOUR BAR ASSOCIATION HAS ALREADY TAKEN.

THE THIRD CHALLENGE IS SUGGESTED BY THE AMERICAN BAR ASSOCIATION'S THEME FOR THIS YEAR -- "ACCESS TO JUSTICE."

TOO OFTEN THE AMOUNT OF JUSTICE A PERSON GETS DEPENDS ON THE AMOUNT HE OR SHE CAN PAY.

ACCESS TO JUSTICE MUST NOT DEPEND ON ECONOMIC STATUS, AND IT MUST NOT BE THwartED BY ARBITRARY PROCEDURAL RULES.

OVERCOMING PROCEDURAL BARRIERS MEANS THAT GROUPS WITH DISTINCT INTERESTS TO DEFEND -- IN CIVIL RIGHTS, ECONOMIC QUESTIONS, ENVIRONMENTAL CAUSES, AND OTHERS -- MUST BE ABLE TO DEFEND THEM FULLY.

--WE ARE SUPPORTING . . .
WE ARE SUPPORTING EFFORTS TO BROADEN THE USE OF CLASS ACTION AND TO EXPAND THE DEFINITIONS OF STANDING TO SUE.

MY ADMINISTRATION SUPPORTS BILLS BEFORE CONGRESS THAT WOULD EMPOWER CITIZENS TO PARTICIPATE IN THE PROCEEDINGS OF FEDERAL AGENCIES -- A RIGHT THAT HAS TOO OFTEN BEEN RESERVED TO THE LARGE CORPORATIONS WHICH HAVE THE RESOURCES TO EXPRESS THEIR VIEW FORCEFULLY.

WE MUST REMOVE THE ECONOMIC BARRIERS TO JUSTICE AS WELL.

WHEN A POOR FAMILY IS CHEATED BY A MERCHANT, UNFAIRLY THREATENED WITH EVICTION, FALSELY ACCUSED OF A CRIME, IT CAN VERY RARELY TAKE ADVANTAGE OF SKILLED LEGAL TALENT AT REASONABLE RATES.
IN THE CITY OF NEW YORK THERE ARE 35,000 LAWYERS -- ONE FOR EVERY 200 PEOPLE.

BUT ONLY A HANDFUL OF THOSE LAWYERS ARE AVAILABLE FOR SERVICE TO THE CITY'S ONE MILLION POOR -- ONE FOR EVERY FIVE THOUSAND POOR PEOPLE.

THAT IS WHY WE HAVE EXPANDED THE LEGAL SERVICES CORPORATION; ....... IN FISCAL YEAR 1979, ITS BUDGET WILL BE MORE THAN TWICE AS LARGE AS IT WAS WHEN MY ADMINISTRATION TOOK OFFICE.

BUT ADEQUATE LEGAL HELP IS OFTEN BEYOND THE REACH OF MOST OF THE MIDDLE CLASS AS WELL.

HERE TOO I BELIEVE THE BAR HAS AN OBLIGATION TO ACCOMMODATE THOSE WITH MODEST INCOMES.

--FREE AND OPEN COMPETITION IS THE . . .
FREE AND OPEN COMPETITION IS THE BEST WAY TO BRING LEGAL SERVICES WITHIN THE REACH OF AVERAGE CITIZENS.

ANOTHER SOLUTION, WHICH MY ADMINISTRATION SUPPORTS, IS THE EXPANSION OF PRE-PAID LEGAL PLANS, LEGAL CLINICS, AND OTHER LOW-COST ALTERNATIVES, SUCH AS THOSE PIONEERED BY THE UNITED AUTO WORKERS.

VENICE-MARJUNTA NEIGHBORHOOD JUSTICE CENTER

I ALSO ASK THAT LAWYERS JOIN THE EFFORT TO STOP INFLATION BY FOLLOWING THE EXAMPLE WE HAVE ASKED OF EVERY OTHER GROUP IN OUR SOCIETY AND DECELERATING THE RISE IN FEES.

ATTORNEYS, DOCTORS, ACCOUNTANTS AND OTHER PROFESSIONALS HAVE THE SAME RESPONSIBILITY TO ASSIST IN OUR EFFORTS TO KEEP A LID ON INFLATION AS DO BUSINESSES AND LABOR.
ONE OF THE GREATEST FAILINGS OF THE ORGANIZED BAR IN THE CENTURY SINCE THE AMERICAN BAR ASSOCIATION WAS FOUNDED IS THAT IT HAS FOUGHT INNOVATIONS.

WHEN GREATER COMPETITION HAS COME TO THE LEGAL PROFESSION, WHEN NO-FAULT SYSTEMS HAVE BEEN ADOPTED, WHEN LAWYERS HAVE BEGUN TO ADVERTISE -- IN SHORT, WHEN THE PROFESSION HAS ACCOMMODATED THE INTERESTS OF THE PUBLIC -- IT HAS DONE SO ONLY WHEN FORCED TO.

CONSTRUCTIVE WORK IS NOW UNDERWAY, AND AS THIS SECOND CENTURY OF THE ABA BEGINS, THE PEOPLE OF THIS COUNTRY ARE BEGINNING TO SEE LEADERSHIP FROM THE BAR.

BUT AS WE MAKE LITIGATION MORE ACCESSIBLE, OUR FOURTH CHALLENGE IS TO MAKE THE ADVERSARY SYSTEM LESS NECESSARY FOR THE DAILY LIVES OF MOST AMERICANS -- AND MORE EFFICIENT WHEN IT MUST BE USED.

--BY RESORTING TO LITIGATION . . .
BY RESORTING TO LITIGATION—AT THE DROP OF A HAT, BY REGARDING THE ADVERSARY SYSTEM AS AN END IN ITSELF, WE HAVE MADE JUSTICE MORE CUMBERSOME, MORE EXPENSIVE, AND LESS EQUAL THAN IT OUGHT TO BE.

THIS IS A PHENOMENON MORE AND MORE WIDELY RECOGNIZED AMONG MEMBERS OF THE BAR.

ONE ANSWER IS TO BE SURE THAT OTHER PATHWAYS TO JUSTICE DO EXIST.

MANY SUGGESTIONS HAVE ALREADY BEEN MADE FOR MAKING LITIGATION LESS NECESSARY, AND MY ADMINISTRATION WILL WORK WITH THE BAR TO IMPLEMENT THEM:

A NUMBER -- IN THE GREAT MAJORITY OF CASES, THERE IS NO SOUND REASON FOR A LAWYER TO BE INVOLVED IN LAND TRANSFERS OR TITLE SEARCHES.

Simplified procedures and use of modern computer technology can save consumers needless legal fees.
WE MUST ELIMINATE FROM OUR JUDICIAL SYSTEM CASES WHICH CAN BE RESOLVED IN OTHER WAYS.

NO-FAULT AUTO INSURANCE SYSTEMS, ADOPTED BY MANY STATES, ARE A STEP IN THE RIGHT DIRECTION; .... NATIONAL STANDARDS FOR NO-FAULT WILL HAVE A MUCH GREATER IMPACT.

WE SUPPORT NO-FAULT DIVORCE LAWS, LIKE THOSE IN GEORGIA AND IN CALIFORNIA, THAT CAN REDUCE LITIGATION AND THE BITTERNESS IT BRINGS.

WE MUST LOOK FOR WAYS TO REDUCE THE TREMENDOUS BURDEN OF MEDICAL MALPRACTICE COSTS.

DELAYS IN OUR COURTS BECAUSE OF EXCESSIVE LITIGATION ARE MATCHED BY THE INTERMINABLE DELAYS IN MANY FEDERAL REGULATORY AGENCIES.

-- IN TRYING TO Solve SOCIETY'S ...
IN TRYING TO SOLVE SOCIETY'S PROBLEMS, OUR REGULATORS HAVE PROPOSED UNNECESSARILY DETAILED SPECIFICATIONS, AND WRITTEN REGULATIONS IN THE KIND OF G O B B L E D Y G O O K THAT COULD EMPLOY A GENERATION OF LAW SCHOOL GRADUATES TO INTERPRET.

I HAVE PLEDGED TO REDUCE THE REGULATORY BURDEN ON AMERICAN CITIZENS, AND WE HAVE TAKEN SOME FIRST STEPS TOWARD CHANGE.

A FEW WEEKS AGO, I SIGNED AN EXECUTIVE ORDER WHICH REQUIRES THAT HEADS OF DEPARTMENTS AND AGENCIES PERSONALLY APPROVE THE REGULATORY AGENDAS OF THEIR ORGANIZATIONS; THAT REGULATIONS BE GONE OVER RIGOROUSLY IN "SUNSET" REVIEWS; THAT THEY ARE SIMPLY WRITTEN; AND THAT THEY ARE THE MOST COST-EFFECTIVE RULES POSSIBLE.
WHERE THE FREE MARKETPLACE CAN DO A BETTER JOB THAN REGULATIONS -- AS IN THE SETTING OF AIRLINE FARES -- I WILL WORK HARD TO DEREGULATE THE INDUSTRY, AND TO ENCOURAGE FREE AND EFFECTIVE COMPETITION.

-- WE MUST ALSO FIND A WAY TO REMOVE THE VESTED INTEREST IN OVER-LITIGATION AND DELAY.

LAST YEAR CORPORATIONS SPENT $24 BILLION ON LEGAL SERVICES -- TWELVE TIMES AS MUCH AS WE SPENT ON ALL FEDERAL, STATE AND LOCAL COURTS.

WE MUST ASK WHETHER THIS IS THE RIGHT WAY TO CONSERVE OUR LEGAL RESOURCES OR TO ENSURE JUSTICE.

-- I AM DIRECTING THE DEPARTMENT OF JUSTICE ...
WE ARE REVIEWING

I AM DIRECTING THE DEPARTMENT OF JUSTICE TO

IMPLEMENT SUGGESTIONS FOR REDUCING LITIGATION -- INCLUDING
MORE ARBITRATION, GREATER RELIANCE ON SMALL CLAIMS COURTS,
AND EXPERIMENTS WITH ALTERNATIVE SYSTEMS FOR RESOLVING
DISPUTES, SUCH AS THE EXPERIMENTAL ARBITRATION SYSTEMS NOW
BEING TESTED IN SAN FRANCISCO AND IN PHILADELPHIA.

EVEN WITH ALL THESE STEPS, MUCH LITIGATION WILL
STILL BE NECESSARY.

THERE ARE A VARIETY OF STEPS WE CAN TAKE TOGETHER
TO MAKE NECESSARY LITIGATION MORE EFFICIENT AND TO REDUCE
UNNECESSARY DELAYS:

-- I SUPPORT LEGISLATION NOW IN CONGRESS TO EXPAND
THE FUNCTIONS AND JURISDICTION OF FEDERAL MAGISTRATES, TO
REDUCE THE BURDEN ON FEDERAL JUDGES.
-- I support a speedy appeals act to reduce the delay between sentencing and appeal; and I have directed the Department of Justice to study whether we can also apply strict time limits to civil trials and regulatory proceedings.

Those of us -- presidents and lawyers -- who enjoy privilege, power and influence in our society can be called to a harsh account for the ways we are using it.

Our hierarchy of privilege in this nation, based not on birth but on occupation, tends to insulate some of us from the problems faced by the average American.

The natural tendency for all of us is to ignore what does not touch us directly.

The natural temptation when dealing with the law is to assume that whatever is legal is just.

--But if our nation is to thrive . . .
But if our nation is to thrive, ... if we are to
fulfill the promise of our founding fathers, ... if we are
truly to serve the ends of justice, ... we must look beyond
these comfortable insulations of privilege.

I have too much respect for the potential of the
law to believe that this leadership is not possible.

I hope that lawyers throughout the country will
take up the challenges I have made today.

I know you understand the responsibility to serve
justice, you have dedicated your
lives to this task.