



Department of Justice

PS
668
.M6

REMARKS

BY

HONORABLE JOHN N. MITCHELL
ATTORNEY GENERAL OF THE UNITED STATES

AT

CENTENNIAL CELEBRATION OF DEPARTMENT OF JUSTICE

GREAT HALL

DEPARTMENT OF JUSTICE

WEDNESDAY, JULY 1, 1970

MR. CHAIRMAN, MR. CHIEF JUSTICE, YOUR EMINENCE,
DEAN SAYRE, MR. SOLICITOR GENERAL, MR. HOOVER, LADIES
AND GENTLEMEN:

Mr. Deputy I want to thank you for the generous introduction,
and, as usual, while I may question your research, I do not accept
your motives either.

On this 100th Anniversary, I suppose any of us can be forgiven
if he takes a moment to look back and pine a little for the good old
days.

I must confess that when I contemplate the lot of some of my
distinguished predecessors, I do so with more than a touch of envy.

Take the first Attorney General, for example, Mr. Edmund
Randolph. One can say that his was a hard lot - he had no office,
no private elevator, no limousine, and a salary so small that he was
forced to eke out a modest living by practicing law on the side. He
was our first Federal moonlighter.

Yet, despite the hardships, Mr. Randolph had advantages which
more than compensated. For example, he had no Deputy Attorney
General - and no Assistant Attorneys General.

For my part I have found it difficult enough to keep myself out

of trouble, but keeping Kleindienst and nine assistants free from difficulty would try the capacity of any man.

Mr. Randolph had another advantage. At that time there was considerable doubt as to what the powers of the Attorney General really were. Thus he cheerfully reported to the House of Representatives:

"If I have committed errors in doctrine, it is a consolation to reflect that my opinions have no authority."

In a sense, I suppose I should feel the closest bond to William Evarts, Attorney General under the first President Johnson. When Mr. Evarts resigned in 1869, he remarked:

"I shall return to my business of farming and lawing and leave to the newspaper correspondents the conduct of affairs."

As you can see, times have not changed. But, I would deem it a sad day for the Department if we ever lost the lively interest of the news media, including, if you will, Mr. Chief Justice, the television cameras. And I suppose the reason we have always enjoyed the interest of the press is because by nature the Department of Justice is controversial.

Since Edmund Randolph took office in 1789, the opinions, programs and decisions of the Attorneys General have evoked comment, criticism and even condemnation.

Why has this Department which is charged with responsibility for the administration of justice so frequently found itself embroiled in controversy? I believe that much of the answer is contained in a definition of "justice" offered by the late Judge Learned Hand. "Justice," he said, "is the tolerable accommodation of the competing interests of society."

Virtually all of the decisions made in the administration of justice involve balancing competing interests. Controversy over our accommodation of these competing interests is inevitable in the volatile times we are experiencing. Some in our nation have been denied equal treatment under law. Some feel uneasy about their own safety. Some feel their freedoms are being repressed. Some don't like the kids, others the establishment. All want immediate and lasting answers to their concerns.

The crux of the problem for Justice is that the advocates of a particular interest tend to think in absolute terms; they point to some moral, or legal, or constitutional principle which supports their position and insist that it be adopted as controlling. And just

as certainly the advocates of a competing interest are also armed with an absolute moral, legal or constitutional principle to support their position.

When the storm of controversy arises it is altogether too easy for the observer, as well as the participant, to cast his lot with one side or the other and to forget that one man's right to freedom of speech may well infringe on another man's right to privacy or security, or that the protections accorded the individual accused of a crime may conflict with the collective rights of society to be free from the menace of crime, or that one man's right to have his children properly educated runs headlong into another man's right to be treated equally.

Your job then, as well as mine, here in the Department of Justice is to seek the tolerable and peaceful accommodation of the competing interests. This job is vital to the continued prosperity of our democracy.

Today, as we mark this first hundred years of the Department of Justice and embark on the second hundred, we might well recall what President Nixon suggested in his Inaugural Address:

"What kind of a nation we will be, what kind of a world we will live in, whether we shape the future in the image of our hopes, is ours to determine by our actions and our choices."

Mr. Chief Justice, I suspect that the President's question will be answered in part by the professional skill and dedication of the men and women in this room. If I may borrow a phrase from your great Court, I am satisfied that they possess the necessary qualifications.

Thank you very much.