



# Department of Justice

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"THE SCALES OF JUSTICE"

AN ADDRESS BY

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ATTORNEY GENERAL  
OF THE UNITED STATES

AT THE

FBI NATIONAL ACADEMY GRADUATION

WASHINGTON, D. C.  
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First, on behalf of the Department of Justice, I wish to assure you that we have been honored to have you with us for the past 12 weeks. Your presence here is symbolic of the close working relationship that is developing between law enforcement agencies across the country. For our part, we are doing what we can to promote this cooperation. One example is the current construction of the new FBI National Academy at Quantico, Virginia. When completed next year it will enable us to accommodate not 200 officers each year, but 2,000. After the course you've been through, I'm sure you'll recognize the impact this will have on law enforcement techniques across the country.

I'm especially happy to acknowledge the presence of several representatives of other countries--the Netherlands, Jamaica, Liberia, Thailand, and the Philippines. Justice is a universal concept that knows no international boundaries. We are pleased that we can be of service to our international friends. I trust that the comradeship developed among you during the past three months has added, even in a small way, to the warm friendship that exists between your countries and our own.

It is true that justice is not national, but is a basic human value that should be understood by all people. Each of you is a professional law enforcement officer who is concerned with the process of justice on a day-to-day basis. You have just participated in an intensive course in police techniques that are vital to this process. Perhaps it is fitting that, at the conclusion of your labors, we turn for a moment and give attention to justice in the abstract. I think it is important for others to do this as well, because unfortunately justice seems to mean different things to different people. This leads to confusion and division among Americans as to what we should expect from justice. And it is my hope that this nation can come to grips with the meaning of justice, can clear away some of the shibboleths that have distorted the concept, and can attach to it the full breadth and depth that it deserves.

This is a time in which extraordinary demands are made upon the justice process in general, and upon law enforcement in particular. For the past several years, the nation's crime rate has grown at an alarming rate, increasing nine times faster than the population. Therefore, it is with some cautious optimism that I tell you about the crime statistics which were announced today by the Department. While crime continued to increase during the first three months this year, it increased at the slowest rate in five years. One of the most significant

points in this first quarter report is that 61 cities with a population of 100,000 or more recorded an actual decrease in serious crime.

We are encouraged by what we hope is a nationwide trend toward an actual decrease in the crime rate. Nevertheless, lawlessness continues to be a major problem.

At the same time, peace officers have to deal with a new menace that was relatively unknown a decade ago--the violence of extremists who are proclaimed enemies of the police, and often of Government itself. Disorders are deliberately manufactured to overtax the police organizations, create chaos, and if possible, goad police into actions that are then labeled "brutality," thus breeding new issues on which to feed. To such groups, justice is whatever serves revolution.

In the midst of these unprecedented challenges, law enforcement officers are confronted with more intensive scrutiny of their conduct than has ever prevailed in my memory. New judicial interpretations have defined and redefined the procedures that are required of the police in order to meet constitutional sanctions. The prospect of lawsuits asking damages for police irregularities is now greater than ever before.

Each of us wants to abide by the Constitution, but the reinterpretation of it is proceeding at such a headlong pace that we often don't know where we stand. What may be a lawful arrest today may be unlawful by the time the case comes to trial. In this environment, justice is not a fixed concept, but one that is constantly changing.

On the other hand, what is even more confusing is the growing latitude that is given the sworn enemies of the peace officer. Today extremist organizations are publishing underground newspapers which openly advocate the killing of policemen and the overthrow of the Government by force. They contain detailed instructions on how to procure and use military-type weapons and how to make bombs and incendiary devices. Speakers at extremist rallies announce that their group intends to stop the Government, or intend to kill public officers. Yet the individuals responsible in most instances, cannot be arrested. They are free to continue their advocacy of violent revolution.

In this context, justice seems to be a hunting license for the enemies of society as we know it. For the police, what was once thought to be right is now wrong. For those who stalk the Government, what was once considered unlawful is now accepted.

Our confusion is complete when we hear the cry raised, not just by revolutionary orators but by responsible public figures and by writers in responsible publications, that the people are being repressed-- that we are heading for a police state. In my view just the opposite is the case. Today our society is more permissive, more tolerant, and more protective of human rights, than ever before.

How can two such divergent interpretations spring from the same set of conditions in this country? It would seem to me that the facts

in the matter ought to be readily ascertained. But the truth is that the charges of repression do not spring from facts at all. And this is a prime source of the current confusion in the meaning of justice.

If justice as a concept in this country has grown so fleeting, it is time to reexamine it and determine once again its meaning. Perhaps in the process we can expand our own consciousness to accept a definition that is bigger than anyone's special interest. Since Webster's unabridged dictionary takes up a five-inch column to define justice, we might do as well to call upon a visual image. Ever since the ancient Greeks this has been the goddess, Themis, wearing the blindfold of impartiality, holding in her right hand the sword of punishment, but in her left hand the scales of justice, in which equity is weighed and rights are balanced.

In my mind the key to the symbol is the scales. In a civil lawsuit they weigh the conflicting interests or claims of rival litigants. When we apply the symbol to the criminal justice process, then the scales have another duty--to promote, on the one hand, fairness to the accused, and on the other hand, the determination of guilt or innocence. In other words, in this role justice insists that fair rules will be followed in the process of learning the truth. It balances the rights of the individual against the rights of the people, who are represented by the policeman and by the prosecutor.

I feel very strongly that an understanding of this balance is essential if we are to reaffirm a true concept of justice. Today there is a headlong trend to recognize only one-half of these rights--those of the individual suspect, or defendant, or convicted prisoner. We all share a scrupulous regard for their individual liberties. Let me say that they are protected every day by every law officer within the Federal jurisdiction. I am sure any one of you would be proud to stand up and say the same for your jurisdiction.

At the same time, if all the rights that exist are the property of the individual, and the people as a whole have none, then we cannot by any tortured reasoning claim that we have a system of justice.

The people therefore have a right to expect that means will be maintained for apprehending persons on a showing of probable cause that they have committed a crime.

The people have a right to expect that, consistent with the rights of the accused, the courts will provide a prompt, fair and accurate means of determining guilt or innocence. That is the essence of due process.

The people have a right to expect that, again assuming the rights of the accused have been observed, a person convicted of a crime will be dealt with according to the law, and will not be freed uncorrected to prey upon them again and again.

Today a tidal wave of legalisms has descended on our criminal justice system to frustrate these public rights. The scales held by the goddess of justice are tipping out of balance. Every conceivable twisting and turning of words is used to weight the side of the defendant-- in many cases far beyond the intent and often even the language of the framers of the Constitution. Every conceivable twisting and turning of words is used to unbalance the side of the people, represented by the police and the prosecutor.

In many aspects of the law these efforts are succeeding. We are already seeing the results in the lengthening process of trial and appeal, in the delays between arrest and trial, in the crowding of court calendars, the loss of finality that produces prisoners who believe they will beat the rap and would-be criminals who laugh at the idea that crime doesn't pay.

I would not have embarked on this disturbing subject if all I could do was view with alarm. But I firmly believe that the scales of justice will be balanced. There is a strong movement for reform of the criminal justice system in the United States. Judicial councils and bar associations are at work on the problem. More and more, conferences of attorneys and of peace officers are devoted to these questions. The Department of Justice has been examining the process of justice with a view to recommending changes that will help restore a balance between the rights of the individual and of the people. An example of



this type has already been passed for the District of Columbia and has been operating successfully since February 1. Through funds disbursed by the Law Enforcement Assistance Administration, the Department of Justice is helping to promote criminal justice reform in state and local jurisdictions. Many of those jurisdictions have taken the initiative in making reforms, or in reexamining the law and the issues as a basis for making reforms. And national opinion surveys indicate that the people themselves are conscious of the problem and are ready for reforms.

No one is affected by these matters more than you gentlemen, who now return to your localities and resume your roles at the first line of action in the justice process. We may talk here in the abstract about balancing the rights of the individual and the rights of the public, but you know at first hand what tough decisions this can require. On this issue you lay your professional standing on the line every day. Many of the split-second decisions you and your men have to make on the street are, years later, the subject of split decisions on the bench. Normally you are too busy carrying out the law to participate in the process of reforming it. I hope, however, that you will somehow find it possible to join in this national dialogue and represent society's interest in law enforcement--an ingredient that only you can adequately provide.