

SPEECH BY:

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POPE AIR FORCE BASE

LAW DAY  
MAY 1, 1974

## YOUTH AND THE LAW

I CAN'T BEGIN TO TELL YOU HOW PLEASED I AM TO BE HERE AT FORT BRAGG AND POPE AIR FORCE BASE FOR THE CELEBRATION OF LAW DAY. THOSE OF YOU WHO KNOW ME WELL, KNOW OF MY SERVICE AS A MEMBER OF THE UNITED STATES NAVY AND LATER THE AIR FORCE AND MY DEEP AND CONTINUING INTEREST IN MAINTAINING CLOSE RAPPORT BETWEEN CIVILIAN AND MILITARY CRIMINAL JUSTICE PERSONNEL. FOR THIS REASON I AM PARTICULARLY HAPPY TO BE WITH YOU, TO HAVE AN OPPORTUNITY TO VISIT OLD FRIENDS, MAKE NEW ACQUAINTANCES AND HOPEFULLY TO HELP CEMENT THE ALREADY GOOD RELATIONS WHICH CIVILIAN AND MILITARY PERSONNEL IN THIS STATE AND PARTICULARLY THIS AREA ENJOY.

THIS IS THE TWENTY-SIXTH YEAR THAT BAR ASSOCIATIONS THROUGHOUT THE UNITED STATES HAVE OBSERVED LAW DAY. THIS OBSERVANCE, CREATED BY A JOINT RESOLUTION OF CONGRESS AND A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES, EACH YEAR ACQUIRES ADDED MEANING AS WE RE-DEDICATE OURSELVES

TO THE PURPOSES FOR WHICH IT WAS ESTABLISHED AND BECOME  
MORE DETERMINED THAT WE SHALL BE A GOVERNMENT OF LAWS AND  
NOT OF MAN, THAT OUR SOCIETY SHALL BE BASED UPON ORDER  
AND THAT RIGHTS AND LIBERTIES SHALL BE PRESERVED AND  
JUSTICE ASSURED ALL MEN.

I NOTE THAT THE THEME FOR LAW DAY THIS YEAR IS  
"YOUTH AND THE LAW". I FEEL RIGHT AT HOME TALKING ABOUT  
THIS TOPIC BECAUSE, AS SOME OF YOU ARE AWARE, I HAVE  
RECENTLY WRITTEN A BOOK BY THIS TITLE WHICH IS NOW USED  
AS A SUPPLEMENTARY TEXT IN THE PUBLIC SCHOOLS OF NORTH  
CAROLINA.

THIS THEME IS COUPLED WITH A SLOGAN WHICH READS THIS  
WAY:

YOUNG AMERICA!  
LEAD THE WAY  
HELP,  
PRESERVE THE GOOD LAWS,  
CHANGE THE BAD LAWS,  
MAKE BETTER LAWS.

I AM THE FIRST TO REPEAT THIS SLOGAN AND DRAW THE ATTENTION OF OUR YOUNG PEOPLE TO IT. I HAVE GREAT FAITH IN THEM AND THEIR ABILITY TO TAKE AN ALREADY GREAT NATION, CREATED AND PRESERVED BY THEIR FOREFATHERS, AND TO MAKE AN EVEN GREATER NATION OF IT.

EACH SUCCEEDING GENERATION HAS ITS OWN RENDEZVOUS WITH DESTINY.

EVERY GENERATION DESERVES TO BE SPECIAL, TO HAVE ITS OWN CAUSES, TO SEEK CONSTRUCTIVE CHANGE AND TO EXPECT SOCIETY AND ITS INSTITUTIONS TO BE RESPONSIVE TO THE NEEDS OF THE DAY.

WE DO NOT HAVE A PERFECT SOCIETY; FAR FROM IT, AND WE DO NOT HAVE PERFECT LAWS OR A PERFECT SYSTEM OF JUSTICE. THEREFORE WE SHOULD NOT FEAR CONSTRUCTIVE CHANGE, WE SHOULD ENCOURAGE IT. FOR I DO NOT BELIEVE THERE IS A MAN OR WOMAN AMONG US WHO WANTS TO BIND OR FETTER YOUNG TWENTIETH-CENTURY AMERICANS TO INSTITUTIONS OR TRADITIONS OF THE PAST, SIMPLY BECAUSE THEY ARE TRADITIONS, OR THE PATTERNS OF LIFE WHICH ORDERED ANOTHER, DIFFERENT DAY.

SO I SAY TO OUR YOUNG PEOPLE: CHANGE BAD LAWS, MAKE BETTER LAWS.

BUT REMEMBER THAT REASON DICTATES THAT ANY CHANGE BE PEACEFUL CHANGE, BROUGHT ABOUT BY ACTING WITHIN THE LAWS OF OUR DEMOCRATIC SOCIETY AND WITHIN THE REASONABLE

RESTRAINTS OF THE LAW, "LAW IS RESTRAINT AND THE ABSENCE OF RESTRAINT IS ANARCHY", (CARDOZO)

THIS IS A FUNDAMENTAL PRINCIPLE AND I AM CONSERVATIVE ENOUGH TO BELIEVE WITH GREAT FEELING THE STATEMENT INCLUDED IN OUR NORTH CAROLINA CONSTITUTION THAT "(A) FREQUENT RECURRENCE TO FUNDAMENTAL PRINCIPLES IS ABSOLUTELY NECESSARY TO PRESERVE THE BLESSINGS OF LIBERTY,"

THIS IS NO GREAT THING TO ASK BECAUSE THE BEAUTY OF OUR SYSTEM OF LAWS IS THAT IT IS HELD TOGETHER BY A SURPRISINGLY SMALL NUMBER OF WHAT OUR STATE CONSTITUTION REFERS TO AS "FUNDAMENTAL PRINCIPLES,"

LET'S LOOK AT A FEW OF THEM AND MAKE A MENTAL NOTE OF EACH SO THAT LATER WHEN WE HAVE A CHANCE TO DISCUSS OUR LEGAL SYSTEM WITH THE YOUNG PEOPLE IN OUR LIVES WE CAN MENTION THESE FUNDAMENTALS OF AMERICAN LAW WITH THEM.

THE FIRST IS THAT OUR GOVERNMENT IS FOUNDED UPON WRITTEN DOCUMENTS. THIS PRINCIPLE IS THE FOUNDATION OF OUR UNIQUE LEGAL SYSTEM, FOR ALL OF OUR LAW, FROM THE CONSTITUTION DOWN TO THE LOWEST GOVERNMENTAL REGULATION, IS A WRITTEN DOCUMENT THAT CAN BE ARGUED ABOUT AND ADJUDICATED IN A COURT OF LAW. AND EVEN WHEN COURTS ADJUDICATE DISPUTES ABOUT LAWS, THEY ISSUE WRITTEN OPINIONS SO AMERICANS CAN ALWAYS FIND THE WRITTEN RULE UPON WHICH TO BASE THEIR BEHAVIOR.

THIS FUNDAMENTAL PRINCIPLE, I SUSPECT, HAD ITS ORIGIN IN A RELIGIOUS BELIEF THAT IS COMMON TO ALL WESTERN PEOPLES. IT IS THE BELIEF THAT THE WORD OF GOD, EXPRESSED FOR US IN THE WRITTEN BOOKS OF THE BIBLE, IS A SUFFICIENT GUIDE TO BOTH LIFE AND SALVATION. THE PRINCIPLE IS THIS: "IF GOD CAN WRITE OUT HIS LAW, WHY CAN'T WE?"

AND FROM THIS IDEA COMES THE IDEA OF A COVENANT OR CONSTITUTION, THE IDEA THAT PEOPLE CAN GET TOGETHER AND FORM A SELF-GOVERNING BODY BASED UPON A WRITTEN DOCUMENT. BOUND UP WITH THIS PRINCIPLE IS THE IDEA - WHICH GOES AS FAR BACK IN OUR CIVILIZATION AS ANCIENT GREECE - THAT GOVERNMENTS ARE INSTITUTED BY MEN, LIMITED BY THE DOCUMENTS THAT FOUND THEM, AND EXIST ONLY TO SERVE THE PEOPLE WHO HAVE CONTRACTED TOGETHER IN ESTABLISHING THEM.

OF COURSE, WE HAVE THE RIGHT AS A PEOPLE TO CHANGE THE CONSTITUTION UNDER WHICH WE LIVE BY CERTAIN ORDERLY PROCEDURES. BUT THE CONSTITUTION, AS IT EXISTS AT ANY GIVEN TIME, IS BINDING UPON EVERYONE AND WE HAVE A SACRED OBLIGATION TO RESPECT ITS PROVISIONS UNTIL THEY ARE CHANGED.

THE SECOND PRINCIPLE, FOUNDED IN A SIMILAR WAY, IS THAT RELIGION AND GOVERNMENT ARE SEPARATE. OUR FIRST SETTLERS, AS WELL AS THOSE OF LATER IMMIGRATIONS, HELD WIDELY VARYING RELIGIOUS BELIEFS. MANY OF THESE IMMIGRANTS CAME HERE TO ESCAPE RELIGIOUS PERSECUTION SO CERTAINLY THEY COULD NOT CONSENT TO THE ESTABLISHMENT OF A GOVERNMENT WHICH WOULD THEN PERSECUTE MEN OF OTHER RELIGIOUS BELIEFS.

THE THIRD PRINCIPLE IS BASED ON THE EQUALITY OF ALL THOSE INDIVIDUALS WHO CALL THEMSELVES CITIZENS OF THE UNITED STATES. INDIVIDUAL LIBERTY AND EQUALITY ARE THE CAPSTONES OF OUR LEGAL SYSTEM. IN SHORT, WE HAVE, BY OUR BILL OF RIGHTS, IMPLEMENTED THE WORDS OF THOMAS JEFFERSON "THAT ALL MEN ARE CREATED EQUALLY".

OUR YOUNG PEOPLE SHOULD REMEMBER THE WORDS OF ABRAHAM LINCOLN WHO SAID, "MOST GOVERNMENTS HAVE BEEN BASED PRACTICALLY ON THE DENIAL OF THE EQUAL RIGHTS OF MEN ...; OURS BEGAN BY AFFIRMING THESE RIGHTS. WE PROPOSED TO GIVE ALL A CHANCE; AND WE EXPECTED THE WEAK TO GROW STRONGER, THE IGNORANT, WISER; AND ALL BETTER AND HAPPIER TOGETHER."

THE FOURTH PRINCIPLE IS THAT POLITICAL AND ECONOMIC WELFARE RUN HAND IN HAND. TO EARLY AMERICANS, SOCIETY WAS NOT MERELY A POLITICAL ORGANIZATION. IT WAS ALSO AN ECONOMIC ENTERPRISE. OUR EARLY SETTLERS, ALONG WITH ENGLISH MERCHANTS, WERE MEMBERS OF JOINT STOCK COMPANIES, AND IN NEW ENGLAND, THE TOWN WAS A BUSINESS ENTERPRISE. IN MANY CASES, CORPORATE CHARTERS WERE TRANSFORMED INTO THE CONSTITUTIONS OF COMMONWEALTHS. PEOPLE CAME TO AMERICA TO LIVE A BETTER LIFE, AND LIVING A BETTER LIFE MEANT HAVING THE RIGHT TO ENJOY THE FRUITS OF ONE'S OWN LABOR. SO OUR CONSTITUTION EMPOWERS CONGRESS TO REGULATE COMMERCE FOR THE BENEFIT OF SOCIETY.

AND FINALLY, THE FIFTH PRINCIPLE I WOULD HAVE US NOTE IS THAT PEOPLE CAN MANAGE THEIR OWN AFFAIRS BETTER THAN GOVERNMENT CAN. SO OUR GOVERNMENTS ARE LIMITED BY LAW. SOVEREIGNTY IS SHARED. THE NATIONAL GOVERNMENT, THE STATE GOVERNMENTS, AND OUR LOCAL GOVERNMENTS EACH HAVE A SHARE OF IT, AND NONE OF THESE CAN INFRINGE UPON THE PERSONAL LIBERTIES OF INDIVIDUAL PEOPLE. THIS IS THE GREAT PRINCIPLE OF FEDERALISM UPON WHICH OUR NATION RESTS. TO US, IT MEANS LOCAL CONTROL OF OUR LOCAL AFFAIRS, A PRINCIPLE I HOLD ESPECIALLY DEAR AND A PRINCIPLE I HOPE YOUNG AMERICANS WILL CONTINUE TO CHERISH.

IT IS EASY TO SEE HOW PEOPLE FROM MANY PARTS OF THE WORLD, WITH DIVERSE CUSTOMS, RELIGIONS, AND WAYS OF SPEAKING, COULD COME TOGETHER IN A UNIQUE AMERICAN WAY AND FORM A NEW PEOPLE AND A NEW NATION. BECAUSE PEOPLE EXIST AS INDIVIDUALS UNDER LAW AND NOT AS MEMBERS OF ANY RELIGIOUS OR ETHNIC GROUP, THEIR NATURAL RIGHTS ARE PRESERVED.

PEOPLE CANNOT BE DISCRIMINATED AGAINST LAWFULLY. THE GOVERNMENT CANNOT TREAT THE MEMBERS OF ONE ETHNIC GROUP DIFFERENTLY FROM THE WAY IT TREATS THE MEMBERS OF ANY OTHER ETHNIC GROUP. BECAUSE PEOPLE EXIST AS INDIVIDUALS, THEY HAVE THE FREEDOM TO SPEAK OUT NOT ONLY ABOUT WHATEVER THEY PLEASE BUT IN ANY LANGUAGE THEY PLEASE. BECAUSE RELIGION AND GOVERNMENT ARE SEPARATE, EACH PERSON CAN WORSHIP AS HE PLEASES. BECAUSE CIVIL SOCIETY IS BOTH A GOVERNMENTAL AND COMMERCIAL AFFAIR,

PEOPLE FROM EVERYWHERE CAN COME HERE SEEKING ECONOMIC OPPORTUNITIES.

AND BECAUSE OURS IS A SOCIETY BASED ON LAW, EVERY PERSON CAN FIND THE WRITTEN RULE UPON WHICH TO BASE HIS OWN CONDUCT, CRITICIZE THE CONDUCT OF OTHERS, AND INSTITUTE PROCEEDINGS AGAINST THOSE WHO WRONG HIM, WHATEVER THEIR WEALTH OR SOCIAL STATUS HAPPENS TO BE. IN A WORD, OUR LEGAL SYSTEM IS WHAT CHARACTERIZES AMERICANS AS ONE PEOPLE AND AMERICA AS ONE NATION, YESTERDAY, TODAY, AND, WITH DEDICATION TO FUNDAMENTAL PRINCIPLES, TOMORROW.

SOME PEOPLE IN RECENT YEARS HAVE LED ASSAULTS ON ONE OR MORE OF THESE PRINCIPLES. BECAUSE TIMES HAVE CHANGED, THEY THINK THAT OUR PRINCIPLES MUST ALSO CHANGE. SOME THINK THAT A CENTRALIZED GOVERNMENT CAN MANAGE OUR LOCAL AFFAIRS BETTER THAN WE CAN. SOME HAVE TRIED TO SILENCE THOSE WHO DISAGREED WITH THEM. SOME HAVE ARGUED THAT OUR GOVERNMENT OUGHT NOT ONLY TO REGULATE BUT ALSO TO MANAGE COMMERCE. AND SOME HAVE EVEN SUGGESTED THAT OUR CONSTITUTION SHOULD BE ABANDONED.

TO THESE PEOPLE, BOTH YOUNG AND OLD, I SAY, "GO SLOWLY, GO SLOWLY".

OUR WAY OF LIVING TOGETHER IN AMERICA IS A STRONG BUT DELICATE FABRIC. IT IS MADE OF MANY THREADS. IT HAS BEEN WOVEN



OVER MANY CENTURIES BY THE PATIENCE AND SACRIFICE OF COUNTLESS LIBERTY-LOVING MEN AND WOMEN. IT SERVES AS A CLOAK FOR THE PROTECTION OF POOR AND RICH, OF BLACK AND WHITE, OF JEW AND GENTILE, OF FOREIGN AND NATIVE BORN.

THOSE WHO TALK CARELESSLY OF DESTROYING THIS DELICATE FABRIC OR WHO BY THOUGHTLESS ACTION SEEK TO WEAKEN IT SHOULD THINK AGAIN. "FOR NO MAN KNOWS, ONCE IT IS DESTROYED, WHERE OR WHEN MAN WILL FIND ITS PROTECTIVE WARMTH AGAIN."

OF COURSE, TIMES HAVE CHANGED. SOME OF OUR INSTITUTIONS WHICH WERE DEVELOPED TO PUT THESE FUNDAMENTAL PRINCIPLES INTO EFFECT HAVE NOT WORKED OR ARE NO LONGER WORKING. AND, AS I OBSERVED EARLIER, IT WOULD BE FOOLISH TO SUPPOSE THAT ONCE FOUNDED, OUR WAY OF LIFE MUST NEVER BE CHANGED. SURELY OUR FOUNDING FATHERS DID NOT THINK THAT WAY.

BUT YOUNG AMERICANS SHOULD REMEMBER THAT THE WORK DONE BY GENERATIONS OF HUMAN BEINGS FROM MANY NATIONS HAS RESULTED IN THE AMERICAN CONSTITUTIONAL SYSTEM OF GOVERNMENT DESERVES RESPECT, AND THOUGH WE CANNOT BELIEVE THAT INSTITUTIONS SHOULD REMAIN UNALTERED WITH THE PASSING OF CENTURIES, THE ACHIEVEMENTS OF OUR PAST SHOULD NOT BE FORGOTTEN AND THE GOOD IN THEM OUGHT TO BE PRESERVED.

"HERE IN THIS LAND, IN WHAT WAS A WILDERNESS, WE HAVE GENERATED A SOCIETY AND A CIVILIZATION DRAWN FROM MANY SOURCES.

YET OUT OF THE MIXTURE OF MANY PEOPLES WE HAVE DEVELOPED UNITY  
IN FREEDOM AND IN LAW - A UNITY DESIGNED TO PROTECT THE RIGHTS  
OF EACH INDIVIDUAL WHILE ENHANCING THE FREEDOM AND WELL-  
BEING OF ALL.

I CHALLENGE OUR YOUNG PEOPLE TO SEE THAT THIS CONCEPT  
OF UNITY IN FREEDOM AND IN LAW, DRAWN FROM THE DIVERSITY OF  
MANY RACIAL STRAINS AND CULTURES, IS PERFECTED IN OUR COUNTRY.  
(PARAPHRASED.)

JOIN WITH ME, IF YOU WILL, IN THIS CHALLENGE. JOIN  
WITH ME IN REMINDING OUR YOUNG PEOPLE OF FUNDAMENTAL PRINCIPLES  
AND ENCOURAGING THEM TO REFER TO THEM OFTEN.

JOIN WITH ME AND BY DOING SO HOPEFULLY WE CAN GIVE  
REAL MEANING TO THIS TWENTY-SIXTH NATIONAL OBSERVANCE OF  
"LAW DAY".

THANK YOU FOR ALLOWING ME TO BE WITH YOU.