

REMARKS OF  
HONORABLE BOB DOLE

LAW DAY U.S.A.  
KANSAS CITY BAR ASSOCIATION  
MAY 1, 1971  
KANSAS CITY, MISSOURI

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MAY 1 - 71*

I AM HONORED TO HAVE BEEN INVITED TO MAKE THE LAW DAY ADDRESS TO THIS DISTINGUISHED KANSAS CITY AUDIENCE.

THE FIRST DAY OF MAY OF EACH YEAR HAS BEEN DESIGNATED BY AN ACT OF CONGRESS TO BE "LAW DAY, U.S.A.". AND IT IS IMPORTANT TO RECALL THAT A PRIMARY PURPOSE OF THIS DAY IS TO PROVIDE AMERICANS WITH A SPECIAL OCCASION FOR THE CULTIVATION OF THAT RESPECT FOR LAW THAT IS SO VITAL TO THE DEMOCRATIC WAY OF LIFE.

VIOLENCE AND FORCE NOT LEGITIMATE

THESE ARE TURBULENT TIMES. MANY DIFFICULT AND SERIOUS PROBLEMS FACE OUR NATION. DURING THE PAST DECADE THERE HAS APPEARED TO BE -- IN MANY QUARTERS -- AN INCREASING DISRESPECT FOR OUR SYSTEM OF LAW. THIS DISRESPECT HAS GONE BEYOND PERSONAL ANIMOSITIES AND POLITICAL DISPUTES. IT HAS MANIFESTED ITSELF IN AN OFTEN WHOLESALE REJECTION OF AND VIOLENT HOSTILITY TO OUR BASIC SYSTEM OF JUSTICE AND THE PROCESSES FOR ORDERLY RESOLUTION OF INDIVIDUAL DIFFERENCES. WHILE HISTORICALLY, THIS NATION HAS HAD SPORADIC PERIODS OF INTERNAL VIOLENCE, WE HAVE NEVER ACCEPTED PHYSICAL FORCE AS A LEGITIMATE MEANS TO ACHIEVE POLITICAL OR SOCIAL GOALS.

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NO JUSTIFICATION FOR VIOLENCE

IT SEEMS TO ME THAT A PRIMARY DANGER TODAY COMES FROM A GROWING NUMBER WHO APPARENTLY JUSTIFY VIOLENCE -- NOT THE PEACEFUL OR SYMBOLIC PROTEST OF THOREAU -- AS THE ONLY LEGITIMATE AND EFFECTIVE FORM OF PROTEST, AND THE ONLY CONSISTENT AND ACCEPTABLE METHOD OF FORCING THEIR DEMANDS UPON SOCIETY.

THERE ARE THOSE ON OUR COLLEGE CAMPUSES WHO ARGUE THAT ADMINISTRATORS WILL LISTEN ONLY AFTER BUILDINGS ARE SEIZED AND STUDENTS INJURED.

THERE ARE THOSE AMONG OUR BLACK COMMUNITY WHO ARGUE THAT THE WHITE COMMUNITY WILL LISTEN ONLY AFTER ARSON AND LOOTING HAVE OCCURRED.

THERE ARE THOSE IN OUR URBAN AREAS WHO ARGUE THAT THE DROPOUT JUVENILE MUGGER AND THE DISADVANTAGED ADULT BANDIT ARE, IN AN APPROPRIATE AND ACCEPTABLE WAY, BRINGING THEIR PLIGHT TO THE ATTENTION OF THE MORE FORTUNATE AND LAW-ABIDING.

BUT I REJECT, AND THE ENTIRE TRADITION OF OUR DEMOCRATIC SYSTEM REJECTS, THE ALTERNATIVE OF PHYSICAL BRUTALITY. BROKEN LIMBS, DAMAGED LIVES AND SCARRED BUILDINGS CANNOT BE WEAPONS OF NEGOTIATION. SOCIAL PROGRESS MUST BE ACHIEVED THROUGH OUR PEACEFUL POLITICAL PROCESSES WHICH ARE ROOTED IN SIMPLE EQUALITY, HUMANITY AND A FAITH IN THE CONTINUING WISDOM OF THE PEOPLE'S VOICE AS EXPRESSED THROUGH THE BALLOT.

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WHAT KIND OF WORLD?

IN THIS CHAOTIC DECADE, ALL MEN OF REASON AND GOOD FAITH MUST POSE TO THOSE WHO ADVOCATE LAWLESSNESS AND VIOLENCE THE PENETRATING QUERY OF JUSTICE HOLMES:

"BEHIND EVERY SCHEME TO MAKE THE WORLD OVER LIES THE QUESTION, WHAT KIND OF WORLD DO YOU WANT?"

THE KIND OF WORLD THAT I WANT AND THAT AMERICANS THROUGHOUT HISTORY HAVE WANTED AND HAVE SACRIFICED LIFE AND TREASURE TO INSURE IS A NATION OF POLITICAL STABILITY, SOCIAL ADVANCEMENT AND ECONOMIC GROWTH, FIRMLY ROOTED IN "EQUAL JUSTICE UNDER LAW."

AND I BELIEVE ~~THAT~~ THOSE WHO WOULD REMAKE THE WORLD BY VIOLENCE, DISRUPTION AND INTIMIDATION GIVE ONLY TOO CLEAR AN INDICATION -- THROUGH THE MEANS THEY ADVOCATE AND EMPLOY -- OF WHAT KIND OF WORLD THEY WANT.

TWO TYRANNIES

IN HIS LAW DAY PROCLAMATION, THE PRESIDENT SPOKE OF THE TWO EXTREMES BETWEEN WHICH OUR NATION AND ITS GOVERNMENT WERE FOUNDED AND BETWEEN WHICH THEY PRECARIOUSLY REST. ON ONE HAND, HE SAID, IS THE TYRANNY OF ANARCHY AND ON THE OTHER LIES THE TYRANNY OF TOTALITARIANISM.

TO MY MIND, THE MAINTENANCE OF THIS DELICATE POSITIONING OF OUR SOCIETY REQUIRES THE UTMOST IN DILIGENCE, DEDICATION AND CONCERTED EFFORT BY EVERYONE. AND ABOVE ALL, IT REQUIRES THE

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NOURISHMENT AND STIMULATION OF RESPECT FOR OUR SYSTEM OF LAWS.  
THIS NOURISHMENT AND STIMULATION MUST BE SOUGHT BY ALL, BUT  
PRINCIPALLY BY THOSE OF US WHO MAKE,  
INTERPRET AND ENFORCE THE LAW IN OUR DAILY LIVES.

CONSTITUTIONAL RIGHT TO DISSENT

"RESPECT FOR THE LAW" DOES NOT REQUIRE DOCILE ACQUIESCENCE  
IN EVERY ACTION WHICH AFFECTS US. THE RIGHT TO EXPRESS DISAGREEMENT  
WITH THE ACTS OF CONSTITUTED AUTHORITY IS ONE OF OUR FUNDAMENTAL  
FREEDOMS. THE FIRST AMENDMENT EXPRESSLY PROTECTS THE FREEDOM OF  
SPEECH AND THE PRESS AND "THE RIGHT OF THE PEOPLE PEACEABLY TO  
ASSEMBLE, AND PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES."

AS ONE SUPREME COURT JUSTICE HAS DESCRIBED IT:

"THE RIGHT TO SPEAK FREELY AND TO PROMOTE THE DEBATE OF  
IDEAS IS ...ONE OF THE CHIEF DISTINCTIONS THAT SETS US APART FROM  
TOTALITARIAN REGIMES."

EXPOSURE FOR ALL IDEAS

SOME OBSERVE THE EVENTS OF TODAY AND THE THOUGHTS EXPRESSED BY  
MANY WHO MARCH AND CARRY PLACARDS AND SHOUT THEIR SLOGANS, AND SOME  
WOULD QUIET THE DEMONSTRATORS AND CURTAIL THE EXPOSURE OF THE  
DOCTRINE AND DOGMA THEY PREACH.

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BUT THEY ARE WRONG. AND WOODROW WILSON CLEARLY SHOWED WHY  
WHEN HE EXPRESSED HIS CONVICTION THAT:

"THE GREATEST FREEDOM OF SPEECH [IS] THE  
GREATEST SAFETY, BECAUSE IF A MAN IS A FOOL,  
THE BEST THING TO DO IS TO ENCOURAGE HIM TO  
ADVERTISE THE FACT BY SPEAKING."

NO CLEARER ILLUSTRATION OF PRESIDENT WILSON'S WISDOM COULD  
BE FOUND THAN IN THE PERFORMANCE OF A NUMBER OF "MAYDAY TRIBE"  
MEMBERS BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE LAST WED-  
NESDAY. THIS SELF-STYLED TRIBE IS THE GROUP WHICH HAS SPENT THE  
LAST WEEK OR SO IN WASHINGTON ATTEMPTING TO HARASS AND INTIMIDATE  
THE CONGRESS, GOVERNMENT EMPLOYEES AND THE GENERAL PUBLIC.

WITH AN OPPORTUNITY TO UTILIZE ONE OF THE FOREMOST "DOVE"  
PLATFORMS IN CONGRESS, THESE YOUTHFUL WITNESSES SUCCEEDED IN  
PERSUADING THE COMMITTEE MEMBERS OF LITTLE MORE THAN THEIR  
IRRATIONALITY.

SENATOR FULBRIGHT WAS MOVED TO COMMENT THAT THEIR CHALLENGE  
TO THE GOVERNMENT BY USE OF FORCE WAS "BOUND TO FAIL". HE FURTHER  
REMARKED THAT THE SYSTEM WAS SLOW, BUT HE OBSERVED, "PERSONALLY,  
I'VE FOUND NO OTHER SYSTEM THAT'S WORKED ANY BETTER."

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THESE TRIBE MEMBERS DID NOT COME BEFORE SENATOR FULBRIGHT'S COMMITTEE TO REASON OR DEBATE OR TO ENGAGE IN CIVIL EXCHANGE OF VIEWS. THEY CAME MERELY TO SLOGANIZE AND SHOUT THEIR OWN GRIEVANCES. BUT THEY WERE FREE TO COME. THE DOORS WERE OPEN TO THEM. AND THEIR WORDS AND THOUGHTS WERE EXPOSED TO THE SHARP GLARE OF THE PUBLIC'S GAZE. THE PROCESS WAS HEALTHY, AND IT WAS FAR MORE EFFECTIVE IN REFUTING THEIR POLEMICAL CLAPTRAP THAN ANY AMOUNT OF REPRESSION EVER COULD HAVE BEEN.

#### YOUTH AND DISSENT

THE GREAT MAJORITY OF THOSE WHO DISSENT AND DISAGREE IN AMERICA TODAY ARE YOUNG PEOPLE WHO HAVE CHOSEN TO HIGHLIGHT THEIR DISSATISFACTIONS BY PEACEFULLY EXERCISING FREEDOM OF EXPRESSION AS IT IS PROTECTED BY THE FIRST AMENDMENT. I BELIEVE THIS IS AN ENTIRELY HEALTHY AND FORTUNATE DEVELOPMENT.

THIRTY YEARS AGO, WHEN YOUNG PEOPLE CAME OUT OF COLLEGES AND LAW SCHOOLS, THEIR PRIMARY CONCERN WAS MAKING A LIVING IN AN ERA OF ECONOMIC DEPRESSION. IN LATER TIMES THEY WENT OFF AND SPENT THEIR ENERGIES OF THEIR YOUTH IN WARS.

IT WAS NOT UNTIL THE LATE 1950'S AND EARLY 1960'S THAT THE YOUNG PEOPLE IN AMERICA ENJOYED THE OPPORTUNITY TO TURN THEIR VISION AND THEIR ENERGY TO PURPOSES OTHER THAN SCRAMBLING OUT OF A DEPRESSION

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AND FIGHTING FOR THEIR COUNTRY IN DISTANT LANDS.

SOME JOINED THE CIVIL RIGHTS MOVEMENT. OTHER JOINED THE PEACE CORPS, THE JOB CORPS, NEIGHBORHOOD LEGAL SERVICES AND OTHER PROJECTS. THEY BEGAN TO SEE THAT THEY HAD A SIGNIFICANT AND VALUABLE ROLE TO PLAY IN FORMING SOLUTIONS TO OUR PROBLEMS AND DIRECTING OUR NATION'S COURSE.

BUT AT THE SAME TIME AS YOUTH WERE GAINING THIS NEW VIEWPOINT AND DEFINING THIS NEW CONCEPT OF THEIR ROLE IN SOCIETY, THEY WERE FORGING A NEW PHENOMENON, THE GENERATION GAP. THE OLDER GENERATION DID NOT FULLY RECOGNIZE AT FIRST THAT THE ACTIVISTS AMONG THE YOUNGER GENERATION WERE INDIRECTLY REJECTING FUNDAMENTAL TENENTS OF THE ESTABLISHMENT. THEY DID NOT SEE THAT THE YOUNG WERE CHOOSING TO SACRIFICE THE ACCEPTED VALUE OF FINANCIAL SECURITY IN FAVOR OF PURSUING THE HUMAN VALUES OF INCREASING INDIVIDUAL DIGNITY AND FREEDOM.

#### DISILLUSIONMENT BEGAN

BUT AT THE SAME TIME, YOUNG PEOPLE WERE BECOMING DISILLUSIONED WITH THEIR OWN EFFORTS. BEING YOUNG, THEY WERE NOT PREPARED FOR THE YEARS OF HARD WORK THAT ARE OFTEN NECESSARY TO IMPLEMENT REFORMS.

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AND SO, HAVING GIVEN THEIR BEST EFFORTS TO CHANGE SOCIETY QUICKLY WITHIN THE SYSTEM, MANY YOUNG PEOPLE STARTED CRITICIZING THE SYSTEM ITSELF, BECAUSE THEY FELT IT COULD NOT CHANGE QUICKLY ENOUGH AND WAS NOT RESPONSIVE TO THE NEEDS OF THE NATION IN THE LATTER HALF OF THIS CENTURY.

#### THE LIMITS OF DISSENT

BASICALLY, THEIR DISSENT AND ACTIVISM TOOK TWO FORMS.

THE GREAT MAJORITY HAVE STAYED WITHIN THE FRAMEWORK WHICH OUR CONSTITUTION PROVIDES FOR SEEKING CHANGE AND ADVOCATING NEW IDEAS. BUT A SMALL MINORITY HAS CHOSEN TO ABUSE THEIR RIGHTS AS CITIZENS AND TO EXCEED THE BOUNDS OF PERMISSIBLE PROTEST, WHICH THE FIRST AMENDMENT SETS UP.

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THERE ARE DEFINITE LIMITS BEYOND WHICH THESE FIRST AMENDMENT GUARANTEES MAY NOT BE CARRIED.

THE SUPREME COURT HAS FLATLY REJECTED THE ARGUMENT "THAT PEOPLE WHO WANT TO PROPAGANDIZE PROTESTS OR VIEWS HAVE A CONSTITUTIONAL RIGHT TO DO SO WHENEVER AND HOWEVER THEY PLEASE."

AND AS JUSTICE ARTHUR GOLDBERG HAS SAID:

"WE ALSO REAFFIRM THE REPEATED DECISIONS OF THIS COURT THAT THERE IS NO PLACE FOR VIOLENCE IN A DEMOCRATIC SOCIETY DEDICATED TO LIBERTY UNDER LAW... THERE IS A PROPER TIME AND PLACE FOR EVEN THE MOST PEACEFUL PROTEST AND A PLAIN DUTY AND RESPONSIBILITY ON THE PART OF ALL CITIZENS TO OBEY ALL VALID LAWS AND REGULATIONS".

THE SUPREME COURT HAS EXPLAINED THAT DEMONSTRATORS DO NOT HAVE A CONSTITUTIONAL RIGHT TO CORDON OFF A STREET, OR TO BLOCK THE ENTRANCE TO A BUILDING, OR TO REFUSE TO ALLOW ANY ONE TO PASS WHO WILL NOT LISTEN TO THEIR EXHORTATIONS.

#### APPLICATION OF THE FIRST AMENDMENT

THE GREAT QUESTION FACING OUR NATION TODAY IS HOW TO INSURE MAXIMUM RANGE OF FREE SPEECH FOR THOSE WHO PROTEST AND DEMONSTRATE WHILE, AT THE SAME TIME, MAKING SECURE THE RIGHTS OF THOSE WHO DO NOT PROTEST AND WHO ARE NOT INVOLVED IN DEMONSTRATIONS.

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POLICY IN WASHINGTON

IN THE INTEREST OF EVENHANDED AND EFFECTIVE APPROACHES TO DEMONSTRATIONS OF ALL KINDS, THE FEDERAL GOVERNMENT IN CONJUNCTION WITH THE DISTRICT OF COLUMBIA GOVERNMENT HAS ESTABLISHED SOME FUNDAMENTAL GUIDELINE POLICIES.

IT ENCOURAGES THE PEACEFUL EXERCISE OF FIRST AMENDMENT RIGHTS, REGARDLESS OF HOW UNPOPULAR THE CAUSE. MERE TOLERATION OF FREEDOM OF EXPRESSION FALLS SHORT OF THE CONSTITUTION'S REQUIREMENTS.

IT IS NECESSARY TO ESTABLISH AN ATMOSPHERE IN WHICH CITIZENS WILL WANT TO EXPRESS THEMSELVES ON THE ISSUES OF THE DAY AND EAGERLY SEEK TO DO SO.

THE GOVERNMENT ALSO MAKES SURE THAT PERSONS WISHING TO CONDUCT A DEMONSTRATION ARE GIVEN THE BENEFIT OF THE DOUBT. IN QUESTIONABLE SITUATIONS, IT IS ALWAYS WISER TO OFFER A LITTLE MORE FREEDOM THAN A LITTLE LESS.

GOVERNMENT AND THE PUBLIC AT LARGE MUST BOTH REALIZE THAT MOST LARGE POLITICAL DEMONSTRATIONS -- JUST AS FOOTBALL GAMES, CONCERTS, OR ST. PATRICK'S DAY PARADES -- MAY ENTAIL A CERTAIN AMOUNT OF INCONVENIENCE TO LOCAL RESIDENTS WHO ARE NOT PARTICIPATING IN THE EVENTS. THEY MAY IMPOSE ADDITIONAL EXPENSES ON LOCAL TAXPAYERS, AND MAY EVEN ENGENDER WIDESPREAD COMMUNITY HOSTILITY. TRAFFIC MAY HAVE TO BE RE-ROUTED. SIDEWALKS MAY BECOME CROWDED. POLICE AND

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HEALTH OFFICIALS MAY HAVE TO ALTER THEIR NORMAL ROUTINES. ADDITIONAL MANPOWER MAY HAVE TO BE EMPLOYED. BUT ALL THESE INCONVENIENCES MUST BE ACCEPTED AND RECOGNIZED AS PART OF THE FIRST AMENDMENT'S PRICE.

POLICE, IN HANDLING A DEMONSTRATION, MUST REMEMBER THAT THEY ARE PROFESSIONAL LAW ENFORCEMENT PERSONNEL WHO SHOULD NOT BE SWAYED BY THEIR APPROVAL OR DISAPPROVAL OF THE DEMONSTRATOR'S VIEWS. THEY SHOULD BE SENSITIVE TO AND UNDERSTANDING OF THE FACT THAT PERSONS EMOTIONALLY INVOLVED IN A DEMONSTRATION DO NOT ALWAYS BEHAVE IN A NORMAL FASHION. I BELIEVE THAT THE EXEMPLARY MANNER IN WHICH THE WASHINGTON POLICE HANDLED THE APRIL 24 DEMONSTRATION SHOWS HOW EFFECTIVE A RESTRAINED, BUT NO-NONSENSE AND FULLY PROFESSIONAL, POLICE FORCE CAN BE IN PROTECTING THE RIGHTS OF ALL CITIZENS.

UNFORTUNATELY, SOME DEMONSTRATORS, AS EVIDENCED BY SOME OF THE ACTIONS IN WASHINGTON LAST WEEK AND THREATENED FOR THIS WEEK, DO NOT ALWAYS EVIDENCE AN EQUAL RESPECT FOR LAW OR THOSE WHO ARE CHARGED WITH ENFORCING IT.

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AND WE MUST CLEARLY DISTINGUISH BETWEEN THE PEACEFUL  
PROTESTERS AND THE VIOLENT DISRUPTERS. WE MUST RECOGNIZE  
THOSE WHO COME TO PROTEST AGAINST THE WAR AND THOSE WHO COME  
TO PROTEST AGAINST THE GOVERNMENT.

FIRMLY ENFORCED LIMITS

PRESIDENT NIXON CLEARLY STATED THE MATTER WITH REGARD TO  
THOSE WHO ATTEMPT TO USE VIOLENCE AND FORCE AS POLITICAL TOOLS  
IN THE STREETS OF WASHINGTON. IN HIS THURSDAY EVENING PRESS  
CONFERENCE HE STATED:

"THE CONGRESS IS NOT INTIMIDATED: THE PRESIDENT  
IS NOT INTIMIDATED. THIS GOVERNMENT IS GOING TO GO  
FORWARD." "IT DOESN'T MEAN THAT WE ARE NOT GOING TO LISTEN  
TO THOSE WHO COME PEACEFULLY, BUT THOSE WHO COME AND BREAK  
THE LAW WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW."  
THE FIRST AMENDMENT PROTECTS ALL OF US, INCLUDING MEN AND  
WOMEN WHO CHOOSE TO BE IMPOLITE, OUTRAGEOUS AND FOOLISH. ON THE  
OTHER HAND, HOWEVER, THE MEEK, THE ORDERLY AND THE REASONABLE HAVE  
RIGHTS TOO, AND THEIR RIGHTS MUST NOT BE SACRIFICED.

PERSONS EXERCISING FREEDOM OF SPEECH AND ASSEMBLY DO NOT HAVE  
A RIGHT TO SHUT DOWN A CITY ANY MORE THAN A CITY HAS A RIGHT TO KEEP  
THEM OUT OR SILENT.

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FAIR ENFORCEMENT

IN RECENT MONTHS HUNDREDS OF THOUSANDS OF AMERICAN CITIZENS HAVE COME TO WASHINGTON TO EXERCISE THEIR RIGHTS OF FREE SPEECH AND PEACEABLE ASSEMBLY. I THINK EXPERIENCE HAS SHOWN THAT THEIR TREATMENT HAS BEEN FAIR, FIRM AND REASONABLE.

THOMAS JEFFERSON ONCE SAID THAT THE EXECUTION OF THE LAWS IS MORE IMPORTANT THAN THE MAKING OF THEM.

WHEN THE LAWS ARE ADMINISTERED WITHOUT FAVOR TO THE FEW AND WITHOUT FEAR OF THE MULTITUDE, WE GIVE CONVINCING DEMONSTRATION TO ALL MEN THAT THE LAW IS INDEED A FORCE FOR CHANGE AND THE FOUNDATION OF STABILITY. IN THIS WAY ALL MEN ARE GIVEN REASON TO RESPECT THE LAW AND NONE ARE GIVEN REASON TO DESPISE OR DISCOUNT IT.

IN CONCLUSION, I WOULD LIKE TO OBSERVE THAT I DO BELIEVE THAT THERE IS, BASICALLY, IN THIS COUNTRY A RESPECT FOR LAW. NONE OF US WOULD PRETEND THAT OUR GOVERNMENT OF LAW -- ADMINISTERED BY MAN -- IS PERFECT. BUT NEARLY ALL OF US WOULD AGREE, I BELIEVE, THAT IT IS THE MOST NEARLY PERFECT GOVERNMENT WHICH THE WORLD HAS PRODUCED. WE CAN IMPROVE IT, AND WITH RESPECT FOR LAW AND THE RIGHTS OF OUR FELLOW MEN WE SHALL DO SO.