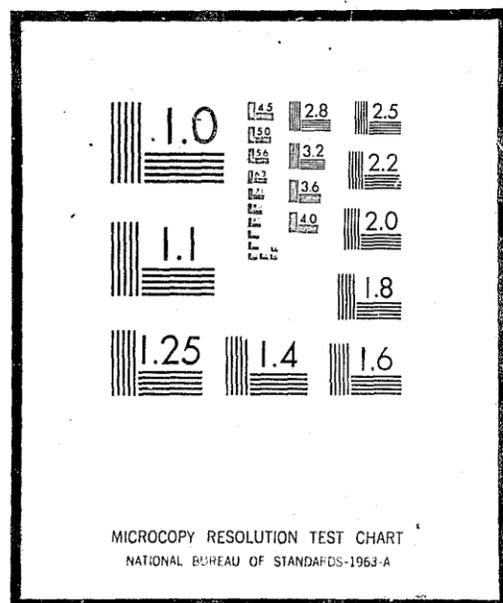


# NCJRS

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U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

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UNITED STATES DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
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ADDRESS PREPARED FOR DELIVERY BY  
THE HONORABLE DONALD E. SANTARELLI, ADMINISTRATOR  
THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
U.S. DEPARTMENT OF JUSTICE  
TO THE VIRGINIA STATE BAR YOUNGER MEMBERS CONFERENCE  
VIRGINIA BEACH, VIRGINIA  
JUNE 21, 1974

LADIES AND GENTLEMEN, FELLOW MEMBERS OF THE VIRGINIA STATE BAR YOUNGER MEMBERS CONFERENCE, I COME TO YOU PROBABLY FOR THE LAST TIME AS A "YOUNGER MEMBER". TIME CONTINUES TO RUSH ME HEADLONG TOWARD MY THIRTY-SEVENTH BIRTHDAY. AS A MATTER OF FACT, I HAVE ONLY ABOUT A MONTH LEFT. YOU MAY BE ASSURED, HOWEVER, THAT EVEN WHEN I BECOME A SENIOR CITIZEN I STILL WILL BE GIVING MY HEARTFELT SUPPORT TO YOUR EFFORTS TO BRING LAW-RELATED EDUCATION TO THE VIRGINIA SCHOOL SYSTEM.

LEAA HAS QUITE A LONG TRACK RECORD OF SUPPORTING AND FUNDING SUCH PROJECTS IN VARIOUS PARTS OF THE NATION, INCLUDING AN \$800,000 GRANT TO THE LAW IN A FREE SOCIETY PROJECT IN CALIFORNIA. THAT PROJECT HAS BEEN SO SUCCESSFUL, IT SOON WILL BE TAKEN OVER BY THE BOARD OF EDUCATION THERE AND MADE A PERMANENT PART OF THE CURRICULUM IN ALL CALIFORNIA PUBLIC SCHOOLS. WE WOULD LIKE TO SEE THAT KIND OF THING HAPPEN IN EVERY STATE, AND SO WE APPLAUD YOUR EFFORTS IN VIRGINIA AS A STEP TOWARD MAKING IT A REALITY HERE. I PAY HOMAGE TO MR. JUSTICE POWELL FOR HIS EARLY EFFORTS IN THIS REGARD, AND I AM ENCOURAGED BY THE INTEREST IN THIS CONCEPT SHOWN BY THE LEGISLATURE OF THE COMMONWEALTH IN THE LAST SESSION WHEN THEY PASSED SJR 66. AND I THINK THE YOUNGER MEMBERS CONFERENCE IS AN IDEAL CHOICE FOR A GROUP TO WORK WITH THE STATE DEPARTMENT OF EDUCATION ON THIS.

WE AT LEAA ATTACH A GREAT DEAL OF IMPORTANCE TO THE TEACHING OF LAW-RELATED SUBJECTS IN THE PUBLIC SCHOOLS AND I WOULD LIKE TO SHARE

MORE

WITH YOU TODAY SOME OF OUR THOUGHTS ON WHY WE FEEL IT IS SO IMPORTANT. IF WE LOOK AT OUR SOCIETY TODAY, WE FIND A GREAT DEAL OF UNHAPPINESS, UNREST, A SENSE THAT SOMEHOW THINGS HAVE GONE WRONG. AND, IRONICALLY, THIS IS OCCURRING DURING A TIME OF THE GREATEST MATERIAL ABUNDANCE IN THE HISTORY OF MANKIND. WE HAVE IN OUR NATION A LARGE CLASS OF PEOPLE WHICH ONE HISTORIAN HAS DESIGNATED AS "THE NEW POOR, MEN AND WOMEN AND CHILDREN WHOSE POVERTY IS NOT MATERIAL BUT SOCIAL, PSYCHIC, SPIRITUAL."

SINCE THE END OF WORLD WAR II, WE HAVE SEEN A TREMENDOUS RISE IN OUR STANDARDS OF MATERIAL CONSUMPTION, IN OUR MATERIAL EXPECTATIONS, WHILE AT THE SAME TIME, THERE HAS BEEN A DEVASTATING DECLINE IN RELIGIOUS FAITH, IN STANDARDS OF CRAFTSMANSHIP, IN IDEALS OF SERVICE, IN A SENSE OF MEMBERSHIP IN A SOCIAL ORDER.

A FEW YEARS AFTER THE FRENCH REVOLUTION, EDMUND BURKE WROTE THAT "MEN ARE QUALIFIED FOR CIVIL LIBERTY IN EXACT PROPORTION TO THEIR DISPOSITION TO PUT MORAL CHAINS UPON THEIR OWN APPETITES." I THINK ONE OF OUR PROBLEMS TODAY IS THAT WE HAVE THROWN OFF JUST A FEW TOO MANY OF THOSE TRADITIONAL MORAL CONTROLS. AND AN EVEN BIGGER PROBLEM IS THE FACT THAT MOST OF OUR PEOPLE DON'T REALIZE THAT THAT IS WHAT HAS HAPPENED. THEY SUFFER FROM A GENERAL MALAISE BUT THEY DON'T REALLY KNOW PRECISELY WHAT THE PROBLEM IS.

MORE

WHAT HAS ALL THIS TO DO WITH LAW-RELATED EDUCATION? EVERYTHING. TOO MANY PEOPLE FAIL TO UNDERSTAND THE BASIC CONCEPTS OF A SOCIETY UNDER LAW. THEY DON'T SUFFICIENTLY UNDERSTAND THE REASON FOR LAW; THEY DON'T SUFFICIENTLY UNDERSTAND ITS CRITICAL FUNCTION IN STRUCTURING A CIVILIZED SOCIETY; THEY DON'T HAVE SUFFICIENT RESPECT FOR THE LAW BECAUSE THEY DON'T SUFFICIENTLY UNDERSTAND IT. AND BECAUSE THEY DON'T UNDERSTAND IT, THEY DON'T REALIZE THAT THEY AS INDIVIDUALS HAVE AN IMPORTANT STAKE IN MAKING IT WORK.

SOME MONTHS AGO, LEAA REPORTED THE PRELIMINARY RESULTS OF WHAT WE CALL OUR "VICTIMIZATION STUDY". IN THIS HISTORIC STUDY, WE CONTRACTED WITH THE CENSUS BUREAU TO INTERVIEW PEOPLE IN THEIR HOMES AND BUSINESSES ABOUT WHETHER THEY HAD BEEN VICTIMS OF CRIME DURING THE PRECEDING 12 MONTHS. WE USED THE MOST ADVANCED SCIENTIFIC POLLING TECHNIQUES AND WE TALKED TO MORE THAN 600,000 PEOPLE IN A QUARTER OF A MILLION HOUSEHOLDS AND NEARLY 50,000 BUSINESSES. I AM SURE MANY OF YOU ARE ALREADY AWARE THAT THE STUDY SHOWED THAT PEOPLE REPORTED LESS THAN HALF THE CRIME THAT ACTUALLY OCCURRED. THINK ABOUT THAT FOR A MOMENT. IN ONE OUT OF EVERY TWO CRIMES, PEOPLE DID NOT HAVE ENOUGH FAITH IN THE CRIMINAL JUSTICE SYSTEM TO TAKE THE TROUBLE TO REPORT THAT THEY HAD BEEN A VICTIM OF A CRIME. THEY DID NOT HAVE FAITH THAT THEY COULD OBTAIN JUSTICE UNDER THE LAW.

MORE

PART OF THAT LACK OF FAITH, I BELIEVE, IS THEIR LACK OF UNDERSTANDING OF HOW THE LAW WORKS. ALL THEY SEE, OFTEN, IS SOME APPARENT "CRIMINAL GETTING OFF ON A LEGAL TECHNICALITY". THEY DON'T UNDERSTAND THAT LEGAL QUESTIONS ARE NOT ALWAYS SIMPLE MATTERS OF RIGHT AND WRONG; THAT THE QUESTION MAY INVOLVE RIGHTS IN CONFLICT; THAT THERE CAN BE GRAY AREAS; THAT THERE ARE AT LEAST TWO SIDES TO EVERY STORY; THAT NOBODY HAS ENDLESS RIGHTS; THAT IT ISN'T EASY TO CALL THE CLOSE SHOTS SUCH AS THOSE BETWEEN THE LANDLORD AND TENANT, OR BETWEEN THE RIPOFF MERCHANT AND THE IRRESPONSIBLE BUYER. WE LAWYERS UNDERSTAND THESE TRUTHS, BUT MOST PEOPLE ARE NOT LAWYERS. AND OUR YOUNG PEOPLE ARE ESPECIALLY SKEPTICAL. THEY ARE THE MOST TURNED OFF OF ALL BY THE SYSTEM. IN OUR VICTIMIZATION STUDY, WHILE WE FOUND THAT THE GENERAL POPULATION WAS REPORTING ONLY ABOUT 50 PER CENT OF ACTUAL CRIME, WE FOUND THAT YOUNG PEOPLE IN THE 12 TO 19-YEAR-OLD GROUP, WERE REPORTING ONLY ABOUT 30 PER CENT OF THE TIME. IN SEVEN OUT OF TEN INSTANCES IN WHICH A TEENAGER WAS THE VICTIM OF A CRIME, HE DIDN'T THINK IT WAS WORTH HIS WHILE TO REPORT THAT CRIME TO THE POLICE. I THINK THAT GIVES US A VERY DRAMATIC PICTURE OF WHAT OUR YOUNG PEOPLE TODAY--THE VERY PEOPLE YOU HERE ARE TRYING TO HELP--WHAT THEY THINK OF OUR SYSTEM OF LAW AND JUSTICE.

WELL, WE HAVE TO CHANGE THAT. WE CAN'T LET IT CONTINUE. IT'S PRECISELY THOSE KINDS OF ATTITUDES THAT CAN LEAD THE NATION TOWARD ANARCHY AND VIGILANTISM. THIS IS THE CONTEXT IN WHICH I VIEW LAW-RELATED EDUCATION. IT'S NOT JUST A NICE THING TO DO; IT'S A VITAL RESPONSE TO A GROWING CRISIS IN OUR SOCIETY.

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AS LAWYERS, WE ALSO HAVE TO RECOGNIZE THAT THIS CRISIS PRESENTS A SPECIAL CHALLENGE TO US. I AM NOT PREPARED TO SAY THAT THE LEGAL PROFESSION DOES NOT SHARE SOME CULPABILITY IN ALLOWING THIS CRISIS TO DEVELOP. ARE THERE THINGS THAT WE HAVE DONE OR ARE DOING THAT HAVE FOSTERED THESE ATTITUDES? IN OUR DESIRE TO PROJECT AN IMAGE OF PROFESSIONALISM AND TECHNICAL EXPERTISE, HAVE WE ALSO CREATED AN IMAGE OF THE LAW THAT IS BOTH INCOMPREHENSIBLE AND ALIEN TO THE COMMON MAN? HAVE WE DONE EVERYTHING WE COULD HAVE TO PROMOTE THE INCLUSION OF LAW-RELATED SUBJECTS INTO SCHOOL CURRICULUMS? OBVIOUSLY WE HAVE NOT OR WE WOULD NOT BE TALKING ABOUT IT NOW.

THIS DEVELOPMENT OF LAW-RELATED EDUCATION ALSO PRESENTS US WITH A SPECIAL CHALLENGE BECAUSE CLEARLY IT IS WE, THE LAWYERS, WHO ARE GOING TO HAVE TO DO THE WORK TO MAKE IT A REALITY. THE EDUCATORS CANNOT DO IT ALONE. ONLY WE HAVE THE UNDERSTANDING OF THE LAW NECESSARY TO PERCEIVE WHAT ARE THE MISAPPREHENSIONS ABOUT THE LAW THAT ARE HELD BY OUR YOUNG PEOPLE AND HOW WE MIGHT MODIFY THE CURRICULUMS TO DEAL WITH THESE MISAPPREHENSIONS.

MORE FUNDAMENTALLY, AS LAWYERS LICENSED BY THE STATE, WE HAVE A SPECIAL RESPONSIBILITY TO THE PEOPLE AND THUS IN THE DEVELOPMENT OF THIS PROGRAM. AND TO DISCHARGE THAT RESPONSIBILITY, WE ARE GOING TO HAVE TO GET INVOLVED IN THE DEVELOPMENTAL PROCESS IN A VERY PERSONAL AND INDIVIDUAL WAY. WE SHOULD HAPPILY, AS WELL AS PROFESSIONALLY, SHOULDER THIS RESPONSIBILITY.

MORE

THIS RESPONSIBILITY TO PARTICIPATE IN THE FORMATION AND SUBSTANCE OF THE PROJECT ALSO INVOLVES KEEPING WHAT IS TAUGHT IDEOLOGICALLY BALANCED. WE CANNOT PERMIT THE PROGRAM TO REFLECT THE PHILOSOPHIES OF EITHER THE RIGHT OR THE LEFT. WE HAVE TO SEE TO IT THAT YOUNG PEOPLE FOCUS ON THE HARD QUESTIONS OF CRIMINAL JUSTICE AS WELL AS CIVIL JUSTICE. WE HAVE TO INFORM THEM ABOUT THEIR CIVIL RIGHTS, BUT THEY ALSO HAVE TO LEARN ABOUT THEIR CIVIL RESPONSIBILITIES. WE SHOULD TELL THEM ABOUT FREEDOM, BUT WE MUST ALSO TELL THEM ABOUT THE DIFFERENCE BETWEEN LIBERTY AND LICENSE.

SO WE IN THE LEGAL PROFESSION ARE FACED WITH SOME CRITICAL CHALLENGES. THE LAW IS OUR SPECIAL RESPONSIBILITY AND IT IS UP TO US TO RESPOND TO THOSE CHALLENGES. I AM DELIGHTED THAT YOU HERE ARE DOING JUST THAT. I JUST WANTED YOU TO KNOW HOW MUCH I APPRECIATE THE IMPORTANCE OF WHAT YOU ARE DOING.

GOOD LUCK AND THANK YOU

**END**