AN ADDRESS IN HONOR OF THE RIGHT HONORABLE LORD MACMILLAN

HOMER CUMMINGS

Stenographic Report of an

ADDRESS by the

Honorable Homer Cummings

ATTORNEY GENERAL OF THE UNITED STATES

before

The Chicago Bar Association

on the occasion of a dinner in honor of

THE RIGHT HONORABLE

LORD MACMILLAN

LORD OF APPEAL IN ORDINARY, LONDON

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Mr. Chairman, Lord Macmillan, Members of The Chicago Bar Association, Ladies and Gentlemen:

I AM, of course, very grateful to your distinguished President for his generous words of introduction. The manner in which I was persuaded to come here he has so fully revealed as a family secret that I need not dilate upon that aspect of it any further. [Laughter.]

I think, however, that I ought to say that any invitation that draws me to this city is always a welcome one. Many of you know, and perhaps all of you would be interested to know, that I was born in Chicago. I was born here at a very early age [laughter] and removed from this place at the mature age of eighteen months without any prior consultation with me on the part of my parents [laughter], although family history records that as the train drew out of the station, I set up a vociferous protest. [Laughter.] That, undoubtedly, was due to a premonition that I was leaving perhaps the greatest city in the world. [Applause.]

It is fine, indeed, to be here and very delightful to hear such generous things said about my work. It is true that a large proportion of my time, as Attorney General, has been given to the problem of accelerating the administration of justice in the Federal courts. I have long believed and still believe that delay in the administration of justice is the outstanding defect in our judicial system.

We of the legal profession have so long been accustomed to the law's delays that we have not realized as fully as we ought the inherent vice of it and the demoralizing effect which it inevitably has upon the administration of the affairs of our country. So, I was very glad indeed to have had a part in bringing about the adoption of the rules which come into effect on the 16th of next month.

The law that permitted the Supreme Court to draw the rules had, as you know, been long under consideration by the American Bar Association. In a moment of discouragement at the meeting at Grand Rapids in 1933, the effort was discontinued. I thought that I would have a try at it myself, and so the law was drafted and introduced in 1934 and miraculously passed within about ninety days from the time it was urged upon the consideration of the Congress. [Applause.]

As I have confided to other audiences, this is probably due to the fact that I am somewhat of a politician. [Laughter.] I found it desirable and helpful to approach the appropriate committees by numerous and devious methods. [Laughter.] I think that you might be interested to know that there was a time when it was touch and go whether the rules would go through

or not. I labored with the committee in the Senate and with the committee in the House, and finally by personal appeals, pathetic persuasion, and something approaching imprecations, had caused most of the opposition to dissolve.

There was, however, in the House Committee of the Judiciary one recalcitrant person with whom I had extraordinary difficulty. He told me he had made speeches against the idea, that he was on record against it, and that when the matter came up in the House he would be obliged to protest.

The situation was such that only unanimous consent would permit it to pass, and one voice raised in opposition at that critical moment would have been fatal to the entire project.

I labored with that man for hours, and finally we compromised. He agreed to adhere to his principles, and in order that he might not forego them, further agreed to absent himself from the House when the matter came up. [Laughter.] It was by such a narrow margin that this great reform came about; and now we are pluming ourselves upon it and taking great consolation in the fact that this forward step has been taken. I am free to say that I personally regard it as the most striking advance that has been made in the administration of justice in this country in half a century. [Applause.]

I think, too, that much will depend upon the manner in which the bench and the bar approach the rules when we come to their interpretation and their use in practice. If these rules succeed, as we think that they will succeed, then indeed we may hope that the principles embodied in them will ultimately become part of

the practice in many of the now backward States, and that utlimately we shall have in this country a rounded and effective system of procedure.

I have noticed that your Chairman, in his generous address, made some reference to the activities of the Department of Justice in the field of crime and crime prevention. I need not go into that aspect of the matter, because the peril under which we were laboring and the manner in which we dealt with it are pretty generally known to our people throughout the country. But I have often thought that unless we could create a condition wherein our homes were safe from invasion, and the sanctity of human life was in some degree respected, unless the administration of both the civil and criminal law could move on in an orderly fashion, it would be well-nigh impossible for the Government to deal successfully with the intricate and difficult domestic problems which always vex a great and vital people.

Without order we cannot progress; and I think that is true of international affairs as well. How can the nations, laboring under the dread and peril of war and the possibility of a complete break-up of civilization—how can they deal, each nation within its own scope and jurisdiction, with those insistent problems that the people are urging their governments to solve?

Peace is not a gift; it is an achievement, and the world will have peace when men deserve it. But this we know—that life is the common adventure of all mankind, and under the complexities of modern existence, also a common destiny. There can be no peace except a peace common to all the world, and no lasting prosperity that is not shared by all. And it

has sometimes perplexed me, Lord Macmillan, to realize that art is international, literature is international, science is international, but law is not international; and somewhere, hidden in that thought is the answer to many of our difficult problems. [Applause.]

So, when a great jurist from another nation comes to visit us, something peculiar and especial tugs at our heartstrings. The visit of Lord and Lady Macmillan has been an event in American life. This great man who sits at my right has drawn upon the abundant reservoirs of his generous nature and we have all been refreshed and encouraged. Rich in experience, rich in service, rich in honor, he has had a distinguished career; and he possesses, in marked degree, those engaging human qualities that are a part of his priceless gift of friendship. I trust that I may be permitted to indulge the hope that as he goes back across the water and as the events of the years carry him on, there will always be a place in his memory for those devoted friends here who are following his career with affectionate interest. [Great applause.]

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