



Department of Justice

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ADDRESS

BY

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at the

Program for Law Day

United States Court House

Washington, D. C.

Mr. Chief Justice, Justices of the Supreme Court, other distinguished Judges, Ladies and Gentlemen:

It is a very great honor to be here today to represent the Department of Justice and to take part in this impressive ceremony. On Law Day - our first nation-wide observance in honor of the rule of law - it is appropriate to consider the tremendous significance the "rule of law" has on our lives. It affects our business, our property, and our families. It provides for and protects our liberties. The rule of law guarantees freedom for men and diversity of ideas as expressed by a free people. The alternative to a rule of law - a rule of force whether by one man or a group of men - means the oppression of men and the suppression of ideas.

The life of every person in our system is directly affected by the law. It provides the principles for human conduct and the machinery for the settling of disagreements about those principles with equal justice for all. Men - and even nations - may disagree without serious harmful consequences so long as there is agreement on a set of established principles and there is the machinery to adjust those differences fairly based on those principles. If conflicts are resolved by law rather than by force, there may be any variety of conflicting opinions and views - which are often stimulating in a free society - and yet there can be a peaceful and ordered society.

In days gone by man in a search for order has tried various other means for settling disputes. Brute force was the original and

simplest answer. Later trial by combat was developed as an improvement on brute force. Another advance was the recognition of legal rights between private individuals but with the government itself above the law. Such a system tolerates and settles disagreements between individuals but will not permit disagreement between the individual and his government.

Man is free and society has lasting order and stability only when the rule of law is accepted not only between individuals but also between the individual and his government. Such is the system of law which we enjoy in the United States.

The average citizen is not learned in the law but the idea of justice under law is very real to him. He knows that our laws are not the directives of any man or group of men, but are rather the moral code of a free people. He knows that our laws express what our people regard as right and what they regard as wrong and that they apply with equal force to all of our people regardless of their station in life. Because our system has this moral foundation it is respected by the great majority of American people. As respect for law brings greater freedom for all so disrespect for law cuts down the area of freedom which we all enjoy. When a man or a group of men disobeys duly enacted statutes or court decrees, we retrogress. In a free society it must be recognized that disputes will be settled within the framework of our judicial system. Our society cannot tolerate disagreement

which constitutes defiance of law. For if we are willing only to pay lip service to the law - if we reserve the right to ignore or openly flout the law when we find it not to our liking - there is no law, there is only its negation, and that is anarchy.

Let me say a word about our courts. The rule of law is not self-executing. A system of law works no better than it is made to work by the people who administer it. I believe that any fair minded person who studies the history of our country will realize the fundamental and indispensable contribution our courts have made to the progress of our country from its beginning up to the present day. Many of the significant - and what today are regarded as the wisest and most profound - decisions of the courts were very unpopular at the time they were made. There have been periods in our history when the "kill the umpire" attitude made considerable headway and many pop bottles have been thrown at our courts in the past. Fortunately, except in minor ways, the legislature has never taken these attacks seriously enough to alter the judicial system or retaliate against the judiciary, and our courts have come to have the respect and full confidence of the American people. Nothing has been more important to the successful application of the rule of law in our country. It has been this public support over the years which has given our judicial system the independence which it must have to be impartial and fair. All Americans must keep in mind that our constitutional safeguards would have little lasting value in the hands of a subservient or timorous judiciary.

Let me turn briefly then to why it was decided to have a nation-wide observance in honor of law today. It was hoped that it might serve to re-emphasize that the rule of law is not only vital to freedom but that in the long run it is the hope of mankind for a peaceful future.

A stable world order can never be built upon a potentially explosive world conflict - its foundation must be law.

Among nations, the difficulties in establishing the rule of law are complex and manifold. Aside from all the complicated national problems involved, it is obvious that to different people of different nations the rule of law means different things. However, broad concepts of justice common to all people can be established to guide those nations that in good faith seek peaceful solution to difficulties. As time goes on, and the alternatives become more gruesomely apparent, common sense may be relied on to bring nations to an international forum for settlement of all their disputes. Nations, I believe, will eventually recognize what history has made so clear so often - that the only enduring way to end disputes with justice is by a process of law and mediation, not by violence and war.

Lawyers in the United States have been privileged to be educated in and to work under a system based on the rule of law which has a sound moral basis. Because we have been so privileged, I believe we have a duty to do our part in making sure that our nation exerts its leadership in world affairs based on those same moral

principles. Who, more than the lawyer, is better able to explain the wisdom and necessity for extending these moral precepts into relationships between nations? As I see it, the American lawyer has two responsibilities. He has a responsibility as a citizen and as an officer of the court to make certain that the administration of law in the United States is just, efficient and honest. He has an equally important responsibility in the years ahead to play a part in seeing to it that our nation never departs from the moral principles which underlie our own domestic legal system in our relationships with the other nations of the world.

In conclusion may I say that I think it is most appropriate that we are gathered together here today, as thousands of other persons are gathered throughout our land, to express how fortunate we are to live in a free land under a rule of law. There is no greater bounty that mankind can enjoy than freedom under law. There is no greater inheritance that we can bequeath to our children than an appreciation and respect for the rule of law and what it means to our lives, our freedom, and our self-respect. On this first Law Day, then, we pay honor to the rule of law in the United States and pay our profound respect to our system of government which has made it possible.