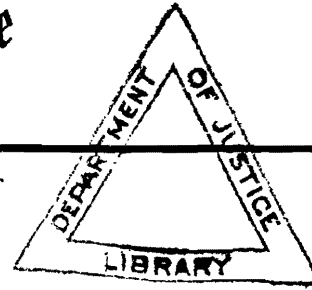




# Department of Justice

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ADDRESS

BY

ATTORNEY GENERAL ROBERT F. KENNEDY

AT

DEDICATION OF KENDRICK HALL  
UNIVERSITY OF SAN FRANCISCO LAW SCHOOL

FAIRMONT HOTEL  
SAN FRANCISCO, CALIFORNIA

SATURDAY, SEPTEMBER 29, 1962

Judge Harris, Mr. and Mrs. Kendrick, very distinguished guests and alumni, ladies and gentlemen:

It is a privilege to be with you and in San Francisco, even briefly, this evening. The occasion is an auspicious and historic one for the University and I am proud to be a small part of it. It is an added pleasure to see so many old friends and associates.

I am advisedly aware that you have spent two long days now celebrating your law school's golden anniversary. I suspect that the greatest virtue in any more oratory will lie in its blessed brevity. If I had any doubts on this score, Father Callahan's letter of invitation delicately enlightened me. He mentioned that Father Connolly was recovering from a spinal disc operation and also that the affair did not have to last too long. I am not clear whether he was whispering a hint, a hope or a prayer. You can never be sure with Father Callahan. But I'll try to keep in mind that any old place in a speech is a wonderful place to stop. I would not want any speech-induced discomfort of Father Connolly to become a widespread affliction of this assemblage.

Now judges, lawyers and law officials are honored to attend many functions of their profession. I personally have not attended many in California lately, but only in part because one of your indigencus political figures started spelling carpetbaggers with a K. But I have enjoyed and gained from the trips here I have made, and I do particularly enjoy those occasions that bring me to the law schools.

The reason is that I find them not only stimulating but reassuring. In our circle, we have all heard increasingly expressed the nostalgic regret for what may be termed "the lost horizon" of the lawyer in the last half century. As occasional critics have noted, my own memory doesn't reach back quite that far. But I have become accustomed to the lament that lawyers of late have tailored their talents to the merely tangible and the temporary, that they have not sustained the great traditions of the past.

The charge pending against the legal fraternity as a whole is that we have lost our far-sighted vision, that we are no longer steeped in the law's great philosophies and lifted by its lofty purposes, that creativity and imaginations are in ever shorter supply. Whatever is left of these qualities, reads the indictment, hides in our nation's law schools.

Even the law schools are supposed to have succumbed to the restrictive practicalities of a "strictly business" world. The law schools have moved in the direction of vocational institutions. Curricula have become mere compendia of case law.

In an age when countries and even continents are shucking boundaries as though they were chains, lawyers stand accused of narrowing their boundaries and allowing their vision to feeble into a state of myopia.

I am sure the law schools are too stubborn and contentious-- and just maybe too idealistic--to accept this indictment. And I hope and have faith that the broader charges are equally untrue. But this is too serious an indictment for a plea of nolo contendere. For if it is true we have lost not only a horizon but a heritage.

It is fortunate that the Jesuit founder of this University in 1855 did have the long range view. If Father Anthony Mareschi, a secret agent from Turin, Italy, out of Santa Clara College, had consulted a close-thinking lawyer with a strictly business bent that long ago October about opening a school here, he would have received discouraging counsel.

The 35,000 inhabitants of vigilante-ridden San Francisco were largely broke. They were recovering from five major fires. There were runs on its banks, and business failures.

As a practical matter, there were very few students with or without the price of tuition. Father Mareschi would have been counseled to defer his dream.

Instead, he kept his own counsel and his vision. He opened the doors, thirty students came in, and a great university was born. A great courage was vindicated.

The new college prospered and it was not too long before its arch rival, Santa Clara College, founded in 1851, was abetting a population explosion by advertising:

"If more than two brothers enter the college each additional one pays only \$200 per session."

And so it went, I'm told--quantity at Santa Clara, quality at S. F. U.

I note with some curiosity that the opening of your law school fifty years ago coincided with the opening of school classes at Folsom Penitentiary. I assume well rounded lawbreakers and lawmakers ultimately emerged from each. I should add respectively, I suppose.

The emerging scholarly felon presumably gained a new horizon but the question is -- did the emerging law student widen his? I think we have an answer to this and the earlier charges in this evening we are sharing.

Tonight we are here to celebrate your fiftieth anniversary and to dedicate your new law school, Kendrick Hall. At their best, anniversaries are more than occasions for nostalgia, and the dedication of buildings can also be re-dedications to first principles. I'd like to talk about two such principles--courage and a concept of citizenship--which between them refute and will continue to refute the charges in our earlier indictment.

The late Justice Jackson and others have said courage is the most important attribute of a lawyer. It is more important than competence or vision. It can never be an elective in any law school. It can never be delimited, dated or outworn, and it should pervade the heart, the halls of justice and the chambers of the mind.

Tonight, it is in our presence in a close and personal way. It may be said to be personified by the name engraved on your new law school, Kendrick Hall.

Beyond his benefaction and generosity, there is, in Mr. Kendrick's life, a source of inspiration and an example of courage which could well enrich all of us.

If he will pardon me this personal reference, on March 29, 1917, at the age of 41, and five days before the outbreak of World War I, he wrote the War Department "it is my belief that I still owe service to my country". He expressed his preference for service in the line. His enlistment accepted, he served with great distinction in the battles of Saint Mihiel and in the Meuse-Argonne offensive. He was wounded and awarded a Purple Heart. After the war, Major Kendrick, served ten years in the Army Reserve. He has, in the intervening years, continued to serve his country and community.

Major Kendrick had three children at the time of his enlistment. One of them, Charles Warren Kendrick, was born on April 16, 1917, several weeks after his father's offer to serve.

Twenty-two years ago yesterday, The San Francisco Examiner of September 28, 1942, recited the acts of heroism of the son. Charles Warren Kendrick, a Harvard law student and a Marine Corps fighter pilot ace, was in the first wave of the first offensive action in the Pacific in World War II. He shot down five enemy planes and his squadron, 224, held Henderson Field in the Solomons for six weeks without reinforcements or support. He died twenty years ago this next week and Admiral Nimitz's citation "for heroism and extraordinary achievement in aerial combat with the enemy, "concludes:

"His courage throughout was in keeping with the highest traditions of the Naval Service."

I might add that his courage was also in keeping with the highest traditions of the legal profession. Our history books are filled with the examples of lawyers who demonstrated both physical and moral courage.

In 1735, one of the best-known lawyers in the Colonies was Andrew Hamilton. He was sick and he was ailing but he made the tiring trip from Philadelphia to New York to defend -- without pay -- an impoverished immigrant printer named John Peter Zenger against charges of seditious libel, charges levied by the Governor of New York.

Hamilton's defense more than won freedom for his client. A hundred years later, it formed the basis for the English-speaking world's definition of criminal libel, a cornerstone in the structure of guarantees for a free press.

In 1770, the prosperous and respected John Adams was pilloried as a traitor and turncoat by his fellow Bostonians when he defended a British officer and eight soldiers for firing on a crowd of Boston civilians. Adams, despite some 100 hostile depositions and catcalls in court, won acquittal for most of his clients, but he judged his political career to have been ended irrevocably by the episode. Even after he was elected President, he remembered the actions as one of the finest of his life.

In 1846, William Henry Seward, also a highly successful lawyer, became a social outcast and his children were stoned on their way home from school when he defended -- unsuccessfully -- an insane Negro, already convicted of horse theft, who had massacred an entire innocent family in New York. It was a political miracle unlikely to be repeated today that he later became a United States Senator and eventually Secretary of State.

In 1895, Clarence Darrow gave up a profitable career as attorney for a powerful railroad to defend Socialist Eugene Debs and other officers of the American Railway Union against charges of criminal conspiracy evolving out of the union strike against the railroad for which Darrow was counsel. For an attorney much sought after by large corporations to renounce all that to defend a poverty-stricken labor leader was unthinkable. But it took Darrow only one day to decide to defend Debs.

"I didn't want to take it," he said later . . . "but when I saw poor men giving up their jobs for a cause, I could find no sufficient excuse, except my selfish interests, for refusing."

Incidentally, Darrow's defense of Debs did not ruin his career. He went on to achieve lasting fame as a defense counsel and his anteroom was filled with people wanting to retain him.

In 1924, Homer Cummings, the state prosecutor of Connecticut, asked for the dismissal of an indictment against a young itinerant laborer named Harold Israel.

Dozens of eyewitnesses had identified Israel as the man who had shot a popular Catholic priest. Israel himself had confessed -- though he repudiated it a week later. He owned a gun of the same caliber as the murder weapon and he had left town, unexplainably, shortly after the murder.

As a topnotch prosecutor, Cummings had tremendous political prospects. But he turned them all down because after much investigation he believed Israel innocent.

In 1942, after eight months of war and many military reverses, Harold Medina, then one of New York's best known trial lawyers, accepted an assignment to defend a former German national charged with high treason.

Medina worked on the case for three years off and on, for no fee, because, as he said, "It was wonderful to be in there pitching for justice."

All these attorneys rose above the interests of their pocketbooks. They were men who freely stepped across the boundary of their own legal speciality, often at the cost of their popularity.

They served in a role which, throughout history, has challenged the finest of our lawyers--that is the role of the citizen. By that I mean a great deal more than the right to vote, or to obtain a passport, or even to speak and worship freely.

Since the days of Greece and Rome when the word "citizen" was a title of honor, we have often seen more emphasis put on the rights of citizenship than on its responsibilities. And today, as never before in the free world, responsibility is the greatest right of citizenship and service is the greatest of freedom's privileges.

Lawyers have their duties as citizens but they also have special duties as lawyers. Their obligations go far deeper than earning a living as specialists in corporation or tax law. They have a continuing responsibility to uphold the fundamental principles of justice from which the law cannot depart.

The work of an eminent Texas attorney, Leon Jaworski, President of the American College of Trial Lawyers, shows what one lawyer can do. About five years ago, he called in a small group of outstanding Texas lawyers and persuaded each of them to join with him in taking one unpopular case each year.

One of my great disappointments in our present efforts to deal with the situation in Mississippi as lawyers has been the absence of any expression of support from the many distinguished lawyers of that state. I realize in that difficult social situation that to defend the fundamental principles of respect for the law and compliance with federal court orders would be unpopular and require great courage.

I also understand that many of them may not agree with the decision in Brown vs. The Board of Education, but whether they agree or not, they still have their obligations as lawyers and they have remained silent.

However, I might also note that there have been no pronouncements in this matter by the American Bar Association.

Ladies and gentlemen, your law school has a proud origin, a proud record of achievement and now a proud name for its next era. I congratulate you.

I am also confident that the graduates who come out of Kendrick Hall in the long years of its future will be men dedicated to the highest ideals and richest traditions of their heritage. And they will be lawyers courageously dedicated to the broadest horizons of citizenship and service. We will be waiting for them. We need them.

Thank you all.