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REMARKS

OF

HONORABLE TOM C. CLARK

Attorney General of the United States

PREPARED FOR DELIVERY BEFORE

THE

FEDERAL BAR ASSOCIATION DINNER

in honor of

THE SENIOR CIRCUIT JUDGES

Mayflower Hotel

Washington, D. C.

Friday, September 26, 1947

It is with a feeling of real pride that we government lawyers welcome the Conference to the Capital. Your annual meeting is an important one in our lives, and particularly mine, for I am privileged to appear before you and, in a sense, render an accounting of my stewardship as the chief law officer of our Government. That I have tried to do - in my meetings with the Conference.

I speak tonight not only for those who are here; I speak as well for the lawyers of America. No matter how much success may come to a pleader at the bar, in wealth or in glory, the full measure of his achievement comes when he may place upon his shoulders the honored robe of judicial office.

This robe of office brings to a lawyer not honor alone. It places upon him, in no smaller degree, the sacred trust and highest responsibility before God and his fellow men to render justice to all, without favor and without prejudice, but with jealous loyalty to the basic principle of our legal system, the supremacy of law over the riches or power of men.

Our courts are the chosen guardians of one of the most precious of our liberties--the essential dignity of the individual before the law, and his "unalienable right" as a free man in a free nation to enjoy the devoted protection by the courts of the full heritage of the American way of life.

In his great work on the Law of the Constitution, Mr. Dicey said that the proclamation in a constitution or charter of any right "gives of itself but slight security that the right has more than a nominal existence." Last week all of us observed the one hundred sixtieth anniversary of our Constitution, a truly inspired document. The inherent vitality of the rights assured by that Constitution depends on the individual to give them full meaning and substance. Individual freedom is measured by the insistence of

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every American upon the inviolability of these rights, coupled with the constant independence of our judiciary in according these rights full protection.

A judge, as Mr. Chief Justice Marshall put it, "has to pass \*\*\* between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the performance of these duties he should observe the utmost fairness \*\*\* that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience."

I know of no tribute to our judiciary greater than this: that it has met this test and has fulfilled its trust. In days of stress, under the impact of wartime emergencies, when even the citizen was at times willing to yield to the pressures of the day and the temptation was great for the courts to yield as well, our judiciary did not forego its devotion to its trust. The victory of arms was not the only victory, for the American heritage remained unimpaired. We owe to our courts much of that victory.

It is not enough for us to express tribute to the American judiciary in words alone. We lawyers, especially we Government lawyers, also bear the duty to carry out in full the trust vested in us to assure substantial justice to all, and by so doing render honor to the judiciary.

As a general rule, the Government lawyer has a dual function. As legal adviser to administrative officials, frequently as an administrative officer himself, he is called upon to determine the rights and privileges of citizens. In this capacity the government lawyer must continue to follow our judiciary in rendering equal justice to all.

The second aspect of a Government lawyer's work is to act as counsel for the United States in the courts of the land. In this respect the

Attorney General has a special responsibility for the direction and supervision of the litigation of the United States. I am happy and proud that in this regard we enjoy the confidence of the judiciary. Certainly we try to win our cases: that is the duty of every lawyer. But the government wins when justice is done and that is our objective. We are counsel for the people of the United States - for a nation of free men. It is most heart-warming for a Government lawyer to do his work with the knowledge that the court thinks of him not only as an advocate but as a "friend of the court."

We rise, therefore, as the representatives of our profession, in honor to you and through you to all the courts of our nation.