



Department of Justice

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REMARKS
OF
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Prepared for Delivery
Before
The National Law Week Luncheon
THE ADVERTISING CLUB
OF WASHINGTON

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I am happy to be with the Advertising Club today and join with the Federal Bar Association and the District of Columbia Bar Association in honoring National Law Week. However, I feel rather uncomfortable - as most lawyers do in appearing before an advertising club - because of the rigidity of the Canons of Professional and Judicial Ethics. Canon 27 provides in part:

"It is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communications or interviews not warranted by personal relations. Indirect advertisements such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged *** and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible, but the customary use of simple professional cards is not improper." (p. 19)

My purpose in being here today is to thank you for the help you are giving to the legal profession in observing Law Day on May 1. It is not my intention to inspire newspaper comment or to procure any photographs to be published - and the large number of lawyers from the Department of Justice who are here are not here as touters - at worst, they are here as free loaders - and fortunately there is no Canon of Ethics against that.

Several years ago an American lawyer specializing in foreign divorces was held to be violating Canon 27 when he issued the following

circular:

"May we announce the establishment of these offices, specializing in divorces for American clients. However you may feel personally, liberal divorce laws are on the way; and we think to stay. The intolerance of the ages gradually disintegrates.

"From the enclosed copy of our office forms you will get a clear conception of the working of this law. You will note the usual total cost in uncontested cases is \$125.00 -- formerly much more. When possible our American attorney correspondents should collect their fees above that amount, but when this is not possible we are glad to allow them a forwarding fee of \$25.00. These divorces cost us, first and last, \$75.00. Our margin is modest, but our volume is large."

This example illustrates the wisdom of Canon 27 which I referred to a moment ago.

The rule prohibiting lawyers from advertising is probably wise for other reasons, too, because lawyers are notoriously poor at it. We haven't done a good job in getting across the story of our profession to the public and at Bar Association meetings there is often much discussion of this problem.

It reminds me of the colloquy between the psychiatrist and the patient.

The psychiatrist asked, "What did you say?"

And the patient responded, "I said I don't see why so many people seem to dislike me - why don't you listen to me you fathead?"

Because the legal profession is not too successful in this area I think it is appropriate and praiseworthy that the Advertising Club should join in honoring National Law Week and the rule of law. The media of communication, whether it be the newspapers, magazines, television or radio, can be of tremendous help in spreading the idea that without respect for law all human rights and liberties disappear.

First, let me say that the life of every person is directly and vitally affected by the rule of law. It makes our home our castle. It protects each of us in our business activities from predatory forces from whatever source. It guarantees equality for all people; and provides freedom of speech, press, religion and assembly; it makes the individual the most important entity in our system. When in the pledge of allegiance we say "with liberty and justice for all" we, in effect, are paying our respect to our legal system for it provides for justice and protects our liberties. Thus, it is that every person who believes in our system, who cherishes the liberties it provides, who has benefited from its freedoms should have a deep appreciation of the rule of law and its significance in our national life.

The second point I want to make is this. Our laws in a very real sense are the moral code of a free people. They represent what

our people regard as right and what they regard as wrong. They are not directives or edicts from any man or any single group of men. Instead they are the mature formulation of views of all our people and are changed or altered by pre-arranged methods as experience indicates it is wise to do. Because our laws have this moral foundation and have developed and matured in accord with the considered views of the people of our nation they are respected by the great majority of American people.

Third, the rule of law is a dynamic concept. Constitutions and laws do not in and of themselves safeguard rights or protect liberties. They must be interpreted and applied by people who understand and appreciate that even the best laws can be turned into vehicles of oppression by persons unsympathetic with them. The Constitution remains a great charter of freedom because over the years there have been conscientious administrators and judges of great ability to interpret its provisions and apply them in the spirit of those who wrote them.

Thus, when we speak of a government of laws, as distinguished from a government of men, we do not mean that our system is self-executing - that somehow the day-to-day conduct of national affairs is controlled by abstract principles which require no human interpretation. By a "government of law" we mean that all persons are equal before the law, that those who administer the law may not apply one interpretation for some person or persons and a wholly different rule to others.

Because we have come to take for granted the concept of equality before the law and to regard our courts as a bulwark against oppression, we are sometimes too ready to assume that it could not be otherwise. But the administration of justice is like good health; when you enjoy it you are very apt not to appreciate it fully.

To highlight the point that the rule of law as we know it is a dynamic concept and that mere written guarantees are of little value, let me read a provision of the Constitution of Hungary on human rights.

"The natural and inalienable rights of man are in the first place the right of personal freedom, the right of human life, which is free from oppression, fear and want; the free expression of opinion; free exercise of religion; right of assembly and association; right to personal security, labor and dignified human livelihood; to free improvement of the mind; the right to take part in the government of the state and its subdivisions."

Fourth, it is vital that our system of justice have the respect and support of the people of our country. Its most noble concept is equality before the law. Every American, if he believes in our system of government, must respect that concept. It is sadly ironical that at the beginning of Law Week the conscience of America has been revolted and stunned by the abduction of a Negro prisoner on the eve of his trial under the orderly process of our judicial system. The federal government is making every effort to assist local authorities in apprehending and bringing the guilty parties to the bar of justice. This reprehensible act brings into sharp focus the vital part that the rule of law plays in the free world and emphasizes the tragedy and shame that takes place when a few men do not live by that precept.

Respect for the rule of law has never been more important to our nation than it is today. All of us who cherish our liberties have

a responsibility to increase that respect. Therefore, it is particularly appropriate for the members of the Advertising Club to join together with the legal profession in honoring the forces of law as the bulwark of the rights and liberties of mankind.

May I close by quoting from the late Chief Justice Charles Evans Hughes. He said:

"We have in this country but one security. You may think that the Constitution is your security - it is nothing but a piece of paper. You may think that the statutes are your security - they are nothing but words in a book. You may think that elaborate mechanism of government is your security - it is nothing at all, unless you have sound and uncorrupted public opinion to give life to your Constitution, to give vitality to your statutes, to make efficient your government machinery."