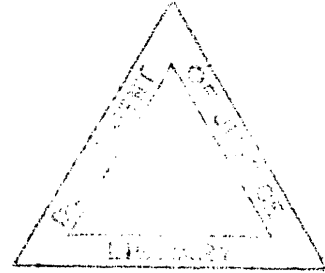


For Release in Morning Papers  
of Friday, December 19, 1952



ADDRESS

BY

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ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery

at

The Lawyers' Club of Philadelphia Dinner in His Honor

Benjamin Franklin Hotel  
Philadelphia, Pennsylvania  
Thursday, December 18, 1952

Your welcome this evening has made me happy and deeply grateful. It is always delightful to be present at a meeting of the Lawyers' Club of Philadelphia -- membership in which is one of the treasured experiences of a Philadelphia lawyer.

The atmosphere of warm comradeship strengthens the bonds of our friendships and unites us more closely in the service of our honorable profession. At these informal gatherings, the bench and bar meet to gain perspective of common problems as well as mutual understanding in the intimacy of good fellowship.

The flame of wit and warmth, that has ever made our meetings memorable during the last decades, was kindled by distinguished and well-loved leaders of the bar of happy memory: -- a former president, The Honorable Francis Shunk Brown, whom we hailed with affectionate reverence as "General Brown"; another dynamic and well-loved president, John J. McDevitt, Jr.; and others who continue to be in our hearts and minds,

Fulfilling the traditions of the Lawyers' Club, and making new ones, is our distinguished president, The Honorable Joseph E. Henderson, whose characteristic graciousness is blended with his active devotion to the law's ideals.

I cherish his friendship; and I rejoice in this opportunity to be with him and numerous other colleagues and associates to whom I look with fondness and deep respect.

Our shared experiences at the Bar of Philadelphia and our common fealty to the law have conferred upon us a point of view that differs from that of the layman.

To the poet, Tennyson, the law was a "codeless myriad of precedent". Gibbon, the great historian, called law a mysterious science and a profitable trade.

The late and revered Philadelphia book-collector, A. Edward Newton, remarked that he found three divisions of the law: "common or garden law, which seems to be made rather by the sun and shade than by reasoning of man; equity, which the learned John Selden said depended upon the length of the Lord Chancellor's foot; and international law, which is a device made of sand, painted to look like iron, but which invariably falls to pieces when subjected to the use for which it is designed."

Of course we recall Lord Coke's definition of the law as the perfection of reason - referring to the eternal principles which - when viewed in the abstract - remain as unvarying as the position of the north star. Yet, throughout the ages, lawyers - like mariners - have found themselves often buffeted about by the winds and cross-currents of their respective eras.

If this period - in which we live - can be placed in any one category - it may be described by our children and by our successors at the bar as: The Age of Confusion.

Certainly confusion has reached into the law as into all else.

Judges are legislating; legislators constitute themselves law courts; and bureaucrats act both as legislators and judges.

It is refreshing to remember and to salute the wisdom of our Founding Fathers who, in framing the Constitution, vested legislative powers in the Congress, judicial powers in the Courts; and executive powers in the

President. This separation of the powers of government safeguarded not only the rights of citizens but insured the survival of the Republic.

The clarity of mind, - the firm logic - which formulated the Constitution, recedes into the dim and hazy past. We hear speakers on radio and television referring to "the Democracy" rather than to the Republic; and confusion is more confounding.

In the words of the old song:

"When everyone is somebodee,  
Then no one's anybody."

To paraphrase the couplet and to describe law in our time - we might say:

When someone is everybodee  
then no one's anybody.

If you accuse me of bias - I shall admit the propriety of your charge. And if you call me a traditionalist, I shall confess that respect for tradition combines with personal experience to motivate my attitude. For it has been my privilege to serve in all three branches of the federal government - but consecutively and not concurrently.

It is not merely reverence for American traditions, however, which compels all of us today to be ever mindful of the principles enunciated by the Founding Fathers. Rather, it is our recognition that their ideals continue to be the living force, the soul of our Republic.

Woodrow Wilson once said:

"Let us remind ourselves that we are the custodians, in some degree, of the principles which have made men free and governments just."

Certainly, from the time of the revolution, lawyers, more than any other class of Americans--have been the custodians of these principles.

During every decade of our brief history - every community has been guided by its lawyers: - in government, in social advancement, in civic progress. The national scene has reflected the local scenes in the leadership entrusted to members of the legal profession. It might almost be said that no generation has reached greater heights than its lawyers.

There could, therefore, be more than a grain of truth in Clarence Darrow's laconic remark:

"The trouble with law and government is lawyers."

Any illness in the body politic may, perhaps, be traced to a lack in those lawyers who fail in their trust as officers of the court and leaders of their community.

"Where law ends, Tyranny begins," said William Pitt; and where lawyers forget their duty of public service and as keynoters of American idealism, then the tyranny of a communistic or other alien creed begins to encroach upon our American way of life.

Some few of the nation's lawyers have been false to their heritage and have allied themselves with the Soviet, while others have permitted themselves to be used by communist-front organizations.

Considering the vast numbers of patriotic members of the bar--these unfortunate instances constitute an infinitesimal percentage of the American legal profession.

Nevertheless one may wonder if the bar itself as a whole is making itself felt by affirmative and positive activity.

Conditions of today's world offer a challenge to our profession and sound a battle-call for the re-arming of the moral leadership of the bar.

Our responsibility is the re-awakening of contemporary America to the American ideals of our forefathers. If we fulfill our duty, there will be widespread recognition once again that God's authority is supreme--and in the words of St. Thomas Moore: a man can be his country's "good servant, but God's first."