

ADDRESS BY THE HONORABLE FRANCIS BIDDLE

Attorney General of the United States

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The TOASTMASTER. Now we are favored today. We lawyers are judged, for weal or for woe, very largely by the character of our clients and what the public thinks of them. There is only one lawyer in the whole United States who has a client to whom we all owe complete allegiance first, because over all clients, we owe allegiance to our country first.

The Attorney General, having the United States for his client, need never suffer any divided allegiance. I am very happy that we have at this time the Attorney General, representing the best traditions of our Bar, of a great family of fine American tradition, a judge himself, and a very eminent lawyer. He is confronted today, as few Attorneys General have been confronted, with the eternal problem of government: how to maintain, on the one hand, the necessary authority so that government may be strong and aggression may be curbed, and on the other hand, how that priceless heritage of liberty, consecrated by our Constitution and history, may also and at the same time be preserved. I am happy to present to you the Attorney General of the United States, Mr. Biddle.

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Attorney General of the United States

Ladies and gentlemen: Mr. Coudert was good enough to say to me that I could speak and run. I feel, however, after his brilliant and realistic address, that my chance utterances will indeed seem rather poor. He referred to my client. I think my client is loyal. Sometimes I am a little confused as to just what his wishes are. That is a little more difficult.

I have not prepared any formal address, but it seemed to me that it might be interesting, as a sort of preface to discussion, to consider a little bit precisely where we are and what we presently will have to face in connection with post-war conditions. One hears a good deal that we can not think about post-war problems while we are fighting the war, and I am the first, of course, to agree that if the use of our time in discussing post-war problems would take away from our effectiveness in fighting the war today, we should not spend our time in that way. Obviously certain types of problems can not be discussed. There are certain political readjustments, certain problems for which public opinion is not yet prepared. But I do not think that we should forget that actually today, every day, in every act we perform, we are creating the peace that follows the war. That is an absolutely inescapable fact. Another inescapable fact is that we have entered a noncompetitive war economy under which, now and increasingly so, the country is giving up everything to the conduct of the war except the necessary income for its own subsistence. Everything I say is, of course, based on the assumption of a complete Allied victory. Some morning we are

going to wake up and be faced with a completely integrated, governmentally-controlled war economy, on the one hand, and this sudden peace on the other.

What are we going to do with that war machine that we have built up when peace comes? In this connection I think that we have had some experience with the last war. Psychologically, we know that the tendency, when war is over, is to go back to normalcy, and we also know that the same problems which existed before the war still to a large extent exist in the peace and that you can not solve them by going back to the normalcy before the war. I think we feel more than we felt 25 years ago that more and more this is an integrated world and that it is impossible for us to go back into the symbolic and theoretical normalcy of isolation. That lesson, I think, most of the public know, and know today.

It seems to me that the greatest difficulty we have (and heaven knows the difficulties are going to be immense) is not an economic problem, is not a political problem, great as these may be, and is not in the long run a legal problem. It is a psychological problem; it is the problem of being able to create a type of intelligence and a type of mind (and to use it) and a type of imagination which can organize the post-war conditions. We can not spend time now saying what those conditions are, but in a sentence or two I can suggest them.

You have complete control over production. Obviously, you can not suddenly release that control over production simply because tomorrow morning peace is here. You have complete control over the processes of distribution. That can not be thrown over when peace comes. The gap would be too great. You have the problem of the exchange of raw materials. You have the economic problems of the tendency toward inflation on the one side coming from the fact that most of the goods that people want in times of peace no longer exist, so that the tremendous desire to make and acquire those goods will tend toward an inflationary direction; and on the other hand you have the seeds of deflation coming from the fact that suddenly you are going to re-tool your plants and throw men out of employment because they can not be used, for a while, at least, in production.

As a last consideration, where does the lawyer come in? It seems to me that the lawyer comes in in his great historic rôle in this country. The lawyer has been the individual in the community whose imagination and will have improvised and put through those techniques which can at least help to solve the great problem of government, the problem which Mr. Coudert touched on by speaking of liberty on the one hand and authority on the other.

What are the kinds of techniques that must be used quickly and imaginatively to meet some of the problems that are facing us? I think that by just giving an example or two, I may illustrate my point.

To what extent have we used international corporations? We have used domestic government corporations tentatively, but still with a great

deal of skill, and there is enough already in our experience with such organizations as, let us say, the R.F.C. and its subsidiaries, or the Tennessee Valley Authority, to see to what extent flexible and effective and prompt use can be exercised by the Government through these corporations, and to what extent more control is needed over them.

In the same way I can think of the possibility of an international corporation with its stock owned by various nations, having flexible powers, and built on the experiences of the war. After all, that is what we are doing today. We are buying and selling and distributing enormously through these government corporations all over the world. To what extent can we use that kind of technique in the peace?

To what extent, for instance, can we think of the Atlantic Charter as the basic constitution on which perhaps to build international agreements by amendment? Maybe not at all, but it is at least a conception which gives a familiar symbol to the Anglo-speaking world. They know what "constitution" means. They know what "amendments" are.

I think, again, one of our great problems is going to be the psychological effect on the public of the kind of institutions which we may have to create, so their familiarity with those kinds of institutions seems to me to be immensely important.

The lawyer of the future, therefore, needs to think in terms of economics; he needs to think in terms of the world, not only in terms of the continent; and he must have the type of realistic and determined imagination which shall become effective not only in committees, ladies and gentlemen, but in the hard world that we are going to face before very long—the world of peace.

The TOASTMASTER. We all owe thanks to our "attorney," and if he goes away now, we know it is to attend to our business, for we are all clients of his and we will excuse him with great regret after his illuminating and most interesting and practical talk. I thank you.

(The audience arose and applauded.)

The TOASTMASTER. Now, my friends, if you please, I want to present to you a most valued member of this Society and one of the props of international law in this country. If I am very proud of him, it is not merely because he is a very dear friend of mine or because of his honored father before him, but because he is our professor of international law at the great Columbia University, to which I have the honor and pleasure to belong.

However, not only is he a professor of international law and, therefore, known to that peculiarly select elite who deal with those questions, but he is known to the public as the hero of a Brazilian jungle, because when he was down on the work of cementing the continent into one harmonious jurisprudential whole, he fell down into the jungle, under very bad circumstances, and had to shake a machete, although severely wounded, and cut himself out through the jungle to safety, and safety for his comrades for whom he worked.

Whether his success in dealing with the jungle was due in part to the