



**AN ADDRESS BY
SENATOR HUMPHREY**

The National University Law School on June 5, 1953, conferred upon Senator Hubert H. Humphrey the honorary degree of Doctor of Laws. The following is his address at that time to the school's 84th annual convocation, as entered into the Congressional Record.

Address by Hon. Hubert H. Humphrey, of Minnesota, at 84th Annual Convocation of National University Law School

EXTENSION OF REMARKS
OF

HON. J. WILLIAM FULBRIGHT
OF ARKANSAS
IN THE SENATE OF THE UNITED STATES

Tuesday, June 16, 1953

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Appendix of the Record, an address by our distinguished colleague the Senator from Minnesota (Mr. Humphrey), delivered at the 84th annual convocation of the National University Law School on June 5, 1953.

The Senator from Minnesota received an honorary doctor of laws degree that evening from the National University Law School, and I congratulate both the Senator and the law school on that event.

There being no objection, the address was ordered to be printed in the Records as follows:

Justice Douglas, Dr. Kirks, members of the graduating class, and friends, this is an unusual and rare occasion for me. It is not often that I have the opportunity to be present with so many fine upstanding lawyers and about-to-be lawyers and find myself in a situation where the rules call for them to be quiet and for me to speak. It is an occasion I shall long cherish and an opportunity I shall attempt to make the most of.

I speak to you not as a lawyer in the academic sense of the word but as a public servant with the responsibility to help make laws. Much has been made of the fact that our Constitution permits men not trained in the law schools of our Nation to sit in the Congress and formulate the law of the land. This has special significance for me. It is a profound commentary on the intent of our founding fathers to humanize and not merely formalize the laws of our Nation.

We have frequently heard the maxim that ours "is a government of laws and not of men." This has been interpreted by some to extract the human element from the law and instead consider it to be like a marble statue—finely polished, but very hard. I choose, instead, to look upon the law like Samuel Johnson did

when he said:

"The law is the last result of human wisdom acting upon human experience for the benefit of the public."

It is this human quality which is the chief characteristic of law in a democracy and which to my mind irrevocably distinguishes it from law within a totalitarian society. My theme for this evening, therefore, is a government of laws and a government of men.

We must remember that Aristotle, the father of the phrase, "the government of laws and not of men," was not unmindful that the administration of justice involved inescapably a personal element.

The human element is ever present in the legal processes. There can be no government of laws except through men.

The assumption that the human factor does not enter into decision making and that, in fact, every decision is in some mystic sense contained in the Constitution, or some other form of organic law, is a fiction which is contrary to actual practice and understanding.

Thus, it is that in a democratic society men who make law, need not be formally trained in the body of decisions and in the learned principles of our legal ancestors.

Though the legal training is not the common bond which unites the members of the Congress there is another common bond more necessary and more essential in a democratic government—it is the human bond of experience, association and understanding of man. That human bond and not the training in legal principles is the essential qualification of a law maker in a democratic society.

It is imperative in a democracy never to forget that public office is of necessity held by mere men who, of course, have human frailties. It is only in a system where government officials are deemed to be semi-gods that freedom disappears. Men in public life must, therefore, be constantly subject to criticism if liberty is to prevail. To say that our Government is not only a Government of laws but is also a Government of men is, therefore, to strengthen the fabric of our democracy. Let us have a government in which personal prejudices and predilections are reduced, but let us never have a Government without the human factor.

Our Foundling Fathers said in the Federalist papers: "If men were angels, no government would be necessary. If angels were to govern, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this:

you must first enable the government to control the governed, and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions."

We have here an understanding that government of necessity must be "administered by men over men" and not just by an abstract mystical concept of law. Thus, if we are to have "good Government" we must have "good men." Our democracy, therefore, can live and survive only to the extent that our Government of laws is rendered strong and administered by the right kind of men.

All of you have completed a duly accredited study of legal cases, legal history, legal doctrine, and legal analysis. You are about to belong to a noble profession. It is an ancient profession. The ancient Hebraic Talmud says, "God created the law before He created the world."

As lawyers you will be held in high esteem by your neighbors and by the people in your community. The fact that most of the Members of Congress are lawyers is an indication of the respect which the men who practice the profession are regarded. As lawyers your judgment will be respected in areas far beyond the strict measure of what you have learned in law school.

Your judgment on matters not related to the law will be valued by your fellow citizens. Justice Holmes once said, "The judge must be a historian and prophet all in one."

You, therefore, have a great responsibility. You have a responsibility to be men and not just lawyers. You have the responsibility to introduce the human factor into your lives, into your experiences, into your training, and into your judgments.

In a word, you are "citizens" in the broadest sense of that term. Do not, I pray, allow yourselves to become specialists alone.

We are living today, at a time when men's tempers are frayed and their patience is at low ebb. The civilized world faces constant threats of violence from the right and violence from the left. Men are proposing desperate measures, the consequences of which are to destroy the values of civilization and destroy the gains which science and learning have brought about through the development of the free intellect. It is the duty of men, it is the duty of citizens in a democracy to see that the blindness of desperation does not prevail. You are in a sense, as you enter the profession of law,

inheritors of our modern life.

The modern life of western civilization is not to be interpreted in materialistic terms alone. It has as its inspiration and motivation, the great spiritual tenets of Judaic-Christianity. It embraces those self-evident inalienable rights of life, liberty, and the pursuit of happiness.

There is a relentless war being waged against these enduring principles. Indeed, our generation sees war on many fronts. The movement of armies on the battlefield while most obvious, may in reality be no more menacing than the threats against our spiritual and political liberty from the demagogues, the bigots and the totalitarians.

We, as inheritors, must be equally courageous and steadfast in our defense of the Bill of Rights as our forefathers were courageous and steadfast in establishing and achieving these basic liberties. Make no mistake about it, the foes of freedom are ever at work at home and abroad. Tyranny over men's minds like tyranny over nations is a constant challenge to every generation. The struggle for liberty and emancipation is never over.

The hard facts of the cold war and the hot war in Korea reminds us in unmistakable terms that tyranny and oppression besiege every generation. It is upon those who have been privileged to have the benefit of education, and particularly those trained in the law, that a grave responsibility rests for knowing the facts and understanding the world in which we live. The least that can be expected of any of us today is a realization that if freedom is to survive, we in America must protect and nourish it with all our spirit, resources, and experience.

The United States stands today as the leader of the civilized world. We did not seek leadership. It sought us. Fifty years ago some Americans were concerned about manifest destiny. Today, thoughtful Americans are concerned with mankind's destiny.

We have power, but we did not seek it and we do not possess it for power's sake. Our power is a heavy burden on us. It is not carried lightly or with gladness. There is much truth in the words of the English writer Colton "To know the pains of power we must go to those who have it; to know its pleasure we must go to those who are seeking it."

We have a power we did not seek, and we know its pains and responsibilities. They are burdens on our conscience, on our resources, and on our hearts.

We have gone far in fulfilling the responsibilities of leadership. This is to the credit of the American people. The English philosopher, John Bright said the

Government of the United States was the strongest in the world because it is based on the will and good will of an instructed people. The growing international maturity of the American people is a tribute to that commendation.

But maturity like justice, as the eminent jurist Benjamin Cardozo once said, "is not to be taken by storm. She must be wooed by slow advance." Thus we have a constant call to continue our vigilance and our understanding if we are to be true to our ideals and to our responsibilities as the defenders of democratic civilization.

The responsibilities of leadership that have fallen upon our Nation call the exercise of mature judgment and the wise use of power. I do not refer to power in the sense of force alone. The power of freemen is the strength that comes through understanding, through compassion and faith. It is this power of leadership that is sorely needed today. We can fall in our responsibilities if our emphasis is only upon armed might and economic strength.

To be sure, these are important in the world in which we live, but equally important is patient understanding and thoughtful decision. Those who call for us to go it alone when the problems of leadership become increasingly difficult are only confessing to the world their own inadequacy and their inability to lead. Such false counsel must never be accepted. To go it alone, to withdraw from our allies, to weaken the United Nations, is an abdication of our power and our leadership. It would reveal an impatience, an immaturity, and an inability for greatness. It would repudiate our heritage and renounce our future.

No one has stated it better than that distinguished citizen and soldier-statesman, Gen. Omar N. Bradley, when in a recent article he reminded the American people that "patience is power." Not the patience of idleness and indifference, but the patience of men imbued with a mission and a cause. As General Bradley put it, not "sittin' patience," but workin' patience."

The General reminded us that "patience in itself is not a policy, but patient steadfastness in principle and in action is an essential ingredient of good leader-

ship." These are words of wisdom, and they are repudiation to the arguments of the thethead, the demagog, and the fearful.

Let us not forget that we are the leader of great but weary nations and peoples. Our allies and friends will not respond to the whiplash of authority or command. They seek the strong but comforting hand of fellowship, guidance, and counsel. We are not the leader of satellites and slaves. We are the leader of men, of free nations, of allies and friends. Just as we believe in freedom of discussion at home, freedom of thought and freedom of action, so we must accept these principles in our relations with our partners in the free world.

We seek not obedience—we desire cooperation. Our manner, our actions, our demeanor set the standard of international conduct. If we lose our heads, if we unduly criticize, if we belittle and condemn those with whom we live and world—then we must expect repayment in kind.

In a world filled with storms of passion and hysteria, we must guide a steady course, and by precept and example in our policies at home and abroad give faith and courage to those who journey with us. Our destination is a just and enduring peace. We can seek no less.

This is not a task for the timid and the old in spirit. It is a task, rather, for the bold, for the young in heart, for those who seek a new and better life, as you and I do this evening. It is no accident that the founders of our Nation were, in the main young men, young primarily in spirit, and some young in years.

The qualities of leadership require enthusiasm, warm hearts, and cool heads, and freedom from imprisoning dogmatism, capacity for freshness, insight, unflagging industry, and intense ardor—with patient determination.

These are the qualities required for leadership in a democracy. They are, in the main qualities for leadership in a free world. We have provided that leadership—we have the capacity to continue to provide that leadership. Whether we succeed depends on all of us.

Ladies and gentlemen, I offer you my congratulations.



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