

LAW DAY SPEECH

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UNIVERSITY OF MINNESOTA SCHOOL OF LAW

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COMING BACK TO THIS LAW SCHOOL EVOKES SPECIAL MEMORIES FOR ME. AS A STUDENT, I COULD NEVER FIGURE OUT THE DIFFERENCE BETWEEN FEE TAIL AND FEE SIMPLE. BUT I WAS EXPOSED TO GREAT TEACHERS, AND I WAS EMBUED WITH THEIR PASSION FOR THE CRAFT OF LAWYERING . . . AND FOR THE INTEGRITY OF THE LEGAL SYSTEM. THEIR STANDARDS SERVED ME WELL IN TWENTY YEARS AS AN ELECTED OFFICIAL.

WHATEVER I KNEW ABOUT THE RULE IN SHELLEY'S CASE OR THE RULE AGAINST PERPETUITIES, I SOON FORGOT. BUT I AM STILL IN AWE OF THE GIANTS OF OUR PROFESSION: BRANDEIS, HOLMES, CARDOZO, AND THE OTHERS WHO MADE US UNDERSTAND THE SPECIAL MAJESTY OF OUR SYSTEM OF GOVERNMENT.

IF THERE IS A TRAINING GROUND FOR POLITICIANS IN THIS COUNTRY, IT IS LAW SCHOOLS LIKE THIS ONE. THERE ARE CERTAINLY OTHER ROUTES TO PUBLIC OFFICE: WITNESS THE PRESENT OCCUPANT OF THE WHITE HOUSE. BUT THOSE OF US WHO WENT TO LAW SCHOOL AND CALL OURSELVES LAWYERS HAVE UNIQUE OBLIGATIONS AS WELL AS OPPORTUNITIES WHEN CHOOSING A POLITICAL CAREER.

THE LEGAL PROFESSION IS PART OF THE LEGAL SYSTEM. AS OFFICERS OF THE COURT, WE HAVE A SPECIAL RESPONSIBILITY TO

INSURE THAT THE SYSTEM PROVIDES EQUAL JUSTICE AND EQUAL ACCESS TO JUSTICE. AS LAWYER-POLITICIANS, WE CARRY THAT RESPONSIBILITY INTO THE POLITICAL ARENA.

ON NUMEROUS OCCASIONS THROUGHOUT MY PUBLIC CAREER, I HAVE BEEN REMINDED OF THIS SPECIAL CHALLENGE THAT THE LAWYER/PUBLIC OFFICIAL FACES.

DURING THE LAST TWO YEARS I SERVED IN THE SENATE, I WAS A MEMBER OF THE SENATE COMMITTEE ON INTELLIGENCE ACTIVITIES, AND CHAIRMAN OF THE SUBCOMMITTEE THAT INVESTIGATED CHARGES THAT U.S. INTELLIGENCE AGENCIES VIOLATED THE CONSTITUTIONAL RIGHTS OF AMERICAN CITIZENS. WHAT WE DISCOVERED IN THAT INVESTIGATION HAS TO BE SEEN FOR WHAT IT WAS: A THREAT TO OUR FREEDOM AS DANGEROUS AS ANY FOREIGN ENEMY.

AND YET, BECAUSE OF THE LEADERSHIP OF LAWYERS LIKE FRANK CHURCH AND PETER RODINO -- AND THE COURAGE OF ARCHIE COX, ELLIOT RICHARDSON, BILL RUCKELSHAUS, SAM ERVIN, JUDGE SIRICA, AND MANY OTHERS -- WE EMERGED FROM THAT PERIOD AS A MORE DECENT AND WISER SOCIETY.

THE REFORMS DEVELOPED IN THE AFTERMATH OF THE WATERGATE ERA HAVE ENABLED THE FBI, THE CIA, AND OTHER LAW ENFORCEMENT AND INTELLIGENCE AGENCIES TO PERFORM THEIR MISSIONS WITH ALL THE POWERS THEY NEED -- BUT WITHOUT VIOLATING THE CONSTITUTIONAL RIGHTS OF AMERICAN CITIZENS.

THROUGHOUT THAT GRAVE CRISIS, LAWYERS FROM ALL THREE BRANCHES OF GOVERNMENT -- REPRESENTING BOTH MAJOR POLITICAL PARTIES AND HOLDING DIVERGENT VIEWS ON EVERY ECONOMIC AND POLITICAL ISSUE -- UNDERSTOOD THAT THE INTEGRITY OF THE LEGAL SYSTEM WAS MORE IMPORTANT THAN PERSONAL POWER OR POLITICAL AMBITION. THEY UNDERSTOOD THE CHALLENGE -- AND THEY MET THAT CHALLENGE.

YEARS BEFORE THAT TIME -- WHEN I HAD THE PRIVILEGE TO SERVE AS THE ATTORNEY GENERAL OF THIS STATE -- I RECEIVED A LETTER FROM ONE OF MY COLLEAGUES, THE ATTORNEY GENERAL OF FLORIDA, ASKING MINNESOTA TO FILE AN AMICUS BRIEF IN THE U. S. SUPREME COURT ON BEHALF OF HIS STATE. THE CASE WAS GIDEON V. WAINWRIGHT, AND THE ISSUE WAS SIMPLE: WHETHER FLORIDA OR ANY OTHER STATE COULD IMPRISON A CRIMINAL DEFENDANT WITHOUT REPRESENTATION BY LEGAL COUNSEL.

IN MY OPINION, THE FLORIDA ATTORNEY GENERAL WAS ON THE WRONG SIDE OF THAT ISSUE. ED BROOKE -- THEN ATTORNEY GENERAL OF MASSACHUSETTS -- AND I ORGANIZED AN AMICUS BRIEF AMONG OTHER ATTORNEYS GENERAL ON BEHALF OF GIDEON. IN A STROKE OF GENIUS, WE PERSUADED YALE KAMIZAR TO WRITE THE BRIEF.

OBVIOUSLY, WE HAD NO IDEA WHETHER GIDEON HAD COMMITTED THE CRIME OF WHICH HE WAS ACCUSED. BUT WE BELIEVED, AS THE CHIEF LAW ENFORCEMENT OFFICERS OF OUR STATES, THAT LIBERTY

IS TOO PRECIOUS TO BE DENIED UNLESS THE ACCUSED HAS A LAWYER TO DEFEND THAT LIBERTY. THE SUPREME COURT AGREED.

THE GIDEON CASE IS ONLY ONE EXAMPLE -- THOUGH A DRAMATIC ONE -- OF THE REALITY THAT LAWYERS ARE ESSENTIAL TO ENSURE EQUAL JUSTICE.

THAT IS WHY, IN 1965, WHEN SARGEANT SHRIVER CAME TO CONGRESS AND ASKED FOR OUR HELP IN CREATING A FEDERALLY-FUNDED LEGAL SERVICES PROGRAM PROVIDING CIVIL REPRESENTATION TO IMPOVERISHED AMERICANS, I SUPPORTED THE PROPOSAL WITH ENTHUSIASM.

THE PARALLELS TO THE GIDEON CASE WERE OBVIOUS: ALTHOUGH ACCESS TO A LAWYER IS NOT CONSTITUTIONALLY REQUIRED IN MOST CIVIL CASES, IT IS INCONGRUOUS TO GUARANTEE LEGAL REPRESENTATION FOR CRIMINAL DEFENDANTS WHILE DENYING THAT REPRESENTATION TO MILLIONS OF IMPOVERISHED AMERICANS . . . AMERICANS WHO ARE DAILY VICTIMIZED BY UNLAWFUL EVICTIONS, CONSUMER FRAUDS, AND ARBITRARY ACTIONS BY GOVERNMENT AGENCIES. THE AMERICAN BAR ASSOCIATION AND OTHER BAR GROUPS IMMEDIATELY ENDORSED THIS EFFORT. WITHOUT THEIR TIRELESS SUPPORT, THEN AND NOW, THIS PROGRAM WOULD NEVER HAVE BEEN ADOPTED.

BAR PRESIDENTS, LAW SCHOOL DEANS, AND OTHER LEADING LAWYERS THROUGHOUT AMERICA UNDERSTOOD THAT WITHOUT A FEDERALLY-FUNDED LEGAL SERVICES PROGRAM, THE GOAL OF EQUAL JUSTICE UNDER

LAW WOULD CONTINUE TO ELUDE US.

AS A RESULT, THE PROGRAM WAS BORN. AND IT SOON BEGAN TO MAKE A DIFFERENCE.

SOME BIG LANDLORDS WERE NOT HAPPY WHEN EVICTION SUDDENLY BECAME MORE THAN A PERFUNCTORY AFFAIR IN COURT.

SOME BIG COLLECTION AGENCIES WERE NOT HAPPY WHEN POOR CONSUMERS, FOR THE FIRST TIME, WERE ABLE TO ASSERT BREACH OF WARRANTIES AND OTHER LEGAL DEFENSES.

AND, MOST OF ALL, SOME GOVERNMENT OFFICIALS WERE NOT HAPPY WHEN DECISIONS THEY MADE REGARDING SOCIAL SECURITY ASSISTANCE, DISABILITY PAYMENTS, AND PUBLIC HOUSING BEGAN TO BE CHALLENGED BY LEGAL SERVICES LAWYERS THROUGH ADMINISTRATIVE AGENCIES -- AND ULTIMATELY IN THE COURTS.

AS THIS SMALL BAND OF LEGAL SERVICES LAWYERS BEGAN TO CONVINCE HEARING OFFICERS AND JUDGES OF THE CORRECTNESS OF THEIR CLIENTS' POSITIONS -- THOSE OF US IN CONGRESS BEGAN TO FEEL THE HEAT.

WE WERE TOLD THAT THESE LAWYERS WERE TOO AGGRESSIVE -- AS IF OBEYING THE CANONS OF ETHICS WAS SOMEHOW INAPPROPRIATE FOR A LEGAL SERVICES LAWYER.

WE WERE TOLD THAT IT WAS WRONG FOR THESE GOVERNMENT-FUNDED LAWYERS TO SUE GOVERNMENT AGENCIES -- AS THOUGH CORPORATIONS DID NOT DAILY SUE GOVERNMENT AGENCIES AND DEDUCT

THEIR LEGAL FEES.

AND WE WERE EVEN TOLD THAT IF THE POOR COULD NOT PAY FOR A LAWYER THEY SHOULD NOT HAVE ONE -- AS IF LEGAL RIGHTS AND LEGAL GUARANTEES WERE SOMEHOW SELF-ENFORCING.

THERE WERE MANY ATTEMPTS TO GUT THE PROGRAM IN THE LATE 1960'S AND EARLY 1970'S -- AND AGAIN, LEADING LAWYERS THROUGHOUT THE COUNTRY CAME TO ITS DEFENSE. IN THE CONGRESS, A BIPARTISAN COALITION OF LAWYERS QUICKLY FORMED TO ENSURE THE PROGRAM'S INDEPENDENCE AND INTEGRITY.

IT WAS A COALITION LED BY PROMINENT REPUBLICANS LIKE THE LATE BILL STEIGER OF WISCONSIN; BOB TAFT OF OHIO; HUGH SCOTT OF PENNSYLVANIA; AND JIM PEARSON OF KANSAS; AS WELL AS MANY DEMOCRATS. LEGAL SERVICES WAS PROBABLY THE ONLY ISSUE THAT THIS GROUP HAD IN COMMON. WE DIFFERED ON ALMOST EVERYTHING ELSE.

YET WE WERE ALL LAWYERS -- AND WE UNDERSTOOD THE FALLACIES AND THE DANGERS OF THE ARGUMENTS MADE BY THOSE SEEKING TO DESTROY THE PROGRAM.

NEVERTHELESS, THE POLITICAL PRESSURES TO CRIPPLE LEGAL SERVICES CONTINUED. FINALLY, IN 1974, THE BIPARTISAN COALITION JOINED TOGETHER TO SPONSOR LEGISLATION CREATING AN INDEPENDENT, FEDERALLY-FUNDED LEGAL SERVICES CORPORATION.

THE LEGISLATION WORKED. AS A PRIVATE CORPORATION WITH AN INDEPENDENT BOARD OF DIRECTORS, APPOINTED BY THE PRESIDENT, THE CORPORATION IS INSULATED FROM INAPPROPRIATE POLITICAL PRESSURES. THE LAWYERS IT FUNDS ARE PERMITTED TO CARRY OUT THEIR STATUTORY MANDATE OF EFFECTIVE CIVIL REPRESENTATION FOR POOR PEOPLE, IN ACCORDANCE WITH THE CANONS OF ETHICS.

SINCE THE CORPORATION OBTAINS ITS FUNDING FROM THE CONGRESS, IT OBVIOUSLY REMAINS ACCOUNTABLE TO CONGRESS.

THE CORPORATION HAS ENABLED THE LEGAL SERVICES PROGRAM TO NURTURE AND TAKE ROOT. AS THE CONTROVERSIES THAT LED TO ITS CREATION BEGAN TO FADE, LOCAL LEGAL SERVICES LAWYERS TOOK THEIR PLACES ALONG SIDE PRIVATE LAWYERS IN EVERY COMMUNITY THROUGHOUT THE COUNTRY -- QUIETLY DOING THEIR JOBS AND REPRESENTING THEIR CLIENTS TO THE BEST OF THEIR ABILITIES.

DESPITE THE FACT THAT THE PROGRAM STILL ONLY MEETS ABOUT 20 PERCENT OF THE LEGAL NEEDS OF POOR PEOPLE, ITS LAWYERS HANDLED ALMOST ONE AND ONE-HALF MILLION CASES LAST YEAR.

ONLY A SMALL PERCENTAGE OF THOSE CASES WENT TO COURT. MOST WERE ROUTINE AFFAIRS -- EXCEPT TO THE PEOPLE INVOLVED: ILLEGAL EVICTIONS WERE STOPPED; WRONGFULLY WITHHELD SOCIAL SECURITY BENEFITS WERE PAID; AND IN MANY OTHER

WAYS, THE RIGHTS OF THE MOST POOR AND POWERLESS IN OUR SOCIETY WERE PROTECTED.

IN EACH OF THESE MATTERS, A LEGAL SERVICES LAWYER -- SUPPORTED BY THE CORPORATION -- WAS A CIVIL LAW ENFORCEMENT AGENT. THIS IS WHAT LEGAL SERVICES FOR POOR PEOPLE IS ALL ABOUT: EVEN-HANDED LAW ENFORCEMENT.

HAS THE LEGAL SERVICES CORPORATION CARRIED OUT ITS CONGRESSIONAL MANDATE? YES. TO A REMARKABLE DEGREE.

IT IS GENERALLY CREDITED WITH HAVING THE LOWEST OVERHEAD OF ANY FEDERAL PROGRAM -- LESS THAN TWO PERCENT OF APPROPRIATED FUNDS IS SPENT ON MANAGEMENT AND ADMINISTRATION.

ITS OPERATION IS A MODEL OF SIMPLICITY -- IT HAS FEW REGULATIONS, AND MAKES NO REQUESTS OF STATE AND LOCAL OFFICIALS FOR REPORTS, STUDIES, OR OTHER PAPERWORK.

MOST IMPORTANT, THE LEGAL SERVICES CORPORATION HAS KEPT DECISION-MAKING WHERE IT BELONGS -- IN LOCAL COMMUNITIES.

EACH LOCAL LEGAL SERVICES PROGRAM IS RUN BY A BOARD OF DIRECTORS MADE UP OF PRIVATE ATTORNEYS AND LOW INCOME CITIZENS FROM THE AREA. THEY SET THE POLICIES FOR THE PROGRAM.

QUIETLY AND EFFECTIVELY, THESE PROGRAMS SERVE THE POOR PEOPLE OF THEIR COMMUNITIES. THEY PROVIDE THOSE PEOPLE WITH ACCESS TO JUSTICE.

DESPITE ITS UNPRECEDENTED SUCCESS, LEGAL SERVICES IN THIS COUNTRY -- FOR THE FIRST TIME SINCE ITS CREATION -- FACES THE GREATEST THREAT TO ITS SURVIVAL. THIS COST-EFFECTIVE, WELL-ADMINISTERED, LOCALLY-CONTROLLED PROGRAM HAS BEEN TARGETED FOR EXTINCTION BY THE REAGAN ADMINISTRATION.

NOT LIMITATION -- NOT CURTAILMENT -- NOT REFORM -- BUT EXTINCTION!

THE ADMINISTRATION'S BUDGET DIRECTOR, DAVID STOCKMAN, PROCLAIMED THAT NO ONE HAS A RIGHT TO LEGAL SERVICES, . . . THAT NO ONE HAS A RIGHT TO A LAWYER.

I BELIEVE MR. STOCKMAN IS DEAD WRONG. AND JUDGING BY THE UPROAR IN THE LEGAL COMMUNITY SINCE THE ADMINISTRATION ANNOUNCED ITS INTENTIONS, SO DO MOST OF OUR COLLEAGUES.

I BELIEVE THAT ACCESS TO THE LEGAL SYSTEM IS AN INHERENT RIGHT OF EVERY AMERICAN, AND INDIVIDUAL LIBERTY IN THIS COUNTRY CAN BE ACHIEVED ONLY IF THAT RIGHT IS REALIZED.

ALL CITIZENS ARE REQUIRED TO LIVE UNDER THE LAW, REGARDLESS OF THEIR WEALTH OR POVERTY; ALL CITIZENS ARE ENTITLED TO USE THE LAW AS WELL. IF THEY ARE NOT ABLE TO DO SO -- BECAUSE THEY CANNOT AFFORD A LAWYER AND NO FREE LEGAL COUNSEL IS AVAILABLE -- THE SUBSTANTIVE RIGHTS TO WHICH THE LAW ENTITLES THEM ARE A SHAM, AND THE LEGAL SYSTEM ITSELF IS DANGEROUSLY SKEWED.

WHAT DOES MR. STOCKMAN INTEND TO TELL THE SENIOR CITIZEN ILLEGALLY DENIED A SOCIAL SECURITY BENEFIT --WHO CANNOT AFFORD A LAWYER TO CHALLENGE THIS DENIAL?

WHAT DOES MR. STOCKMAN INTEND TO TELL THE IMPOVERISHED MOTHER WHOSE CHILD HAS BEEN ILLEGALLY SNATCHED BY HER ESTRANGED HUSBAND -- WHEN THE DOORS ARE SHUT TO HER LOCAL LEGAL SERVICES PROGRAM?

AND WHAT DOES MR. STOCKMAN INTEND TO TELL MILLIONS OF OTHER POOR PEOPLE WHO HAVE LEARNED TO RESPECT OUR LEGAL SYSTEM FOR THE FIRST TIME . . . BECAUSE THEY HAVE SEEN THAT IT CAN WORK FOR THEM?

WHY IS THIS HAPPENING?

THE REAL ISSUE IS NOT MONEY. THIS FEDERAL PROGRAM, LIKE ALL OTHERS, REGRETTABLY MUST BEAR A FAIR SHARE OF NECESSARY BUDGET CUTTING.

THE HEART OF THE MATTER IS THAT THE PROGRAM IS SO SUCCESSFUL.

TRAGICALLY, THE NEW RIGHT HAS MADE THIS ISSUE A HIGH PRIORITY -- AND APPARENTLY HAS PERSUADED THE ADMINISTRATION TO SACRIFICE THE PROGRAM AS A SORT OF WAR PRIZE.

THIS GROUP, LED BY PEOPLE LIKE HOWARD PHILLIPS AND HIS ALLIES, ARE OFFENDED BY THE NOTION THAT THE POOR AND THE

POWERLESS SHOULD HAVE ACCESS TO JUSTICE -- PARTICULARLY IF THEIR GRIEVANCES ARE AGAINST THE GOVERNMENT. YET IT IS PRECISELY THIS ACCESS THAT MAKES OUR DEMOCRACY DIFFERENT FROM THE TOTALITARIAN REGIMES WE DEPLORE.

THE THEME OF LAW DAY THIS YEAR IS "LAW -- THE LANGUAGE OF LIBERTY." LAW IS THE LANGUAGE OF LIBERTY IN AMERICA, BUT ONLY TO THE EXTENT THAT LAWYERS ACT AS GUARDIANS OF LIBERTY, AVAILABLE TO ALL OUR PEOPLE, RICH AND POOR ALIKE. FOR WE, AS LAWYERS, HAVE MONOPOLY CONTROL OF THE LANGUAGE.

IN MUCH OF THE WORLD, AS THE NEW RIGHT APPARENTLY FAILS TO UNDERSTAND, LAW IS NOT THE LANGUAGE OF LIBERTY, BUT OF OPPRESSION. LAW IS THE INSTRUMENT THAT TYRANTS USE TO ENSLAVE THEIR PEOPLE.

NO ONE MORE ELOQUENTLY DESCRIBES THE HUMAN SUFFERING INFLICTED IN THE NAME OF LAW THAN ALEXANDR SOLZHENITSYN IN HIS EPIC OF MAN'S INHUMANITY TO MAN, "THE GULAG ARCHEPELAGO." IN PAGE AFTER PAGE, HE RECORDS HORRORS COMMITTED IN THE GUISE OF LEGAL PROCEEDINGS.

DURING ONE TRIAL, FOR EXAMPLE, HE RELATED THE FOLLOWING:
"THE COURT WAS NOT TOO SQUEAMISH TO USE CRUDELY
FAKED DOCUMENTS; WHEN THE DEFENDANT PROTESTED --
'THIS IS DISHONEST OF YOU' -- THEY BARKED BACK
AT HIM: 'THE LAW WILL CRUSH YOU, SMASH YOU,
DESTROY YOU!'"

THAT IS THE LAW IN THE SOVIET UNION, THAT IS THE LAW IN TOO MUCH OF THE WORLD, WHERE THE ONLY RECOURSE TO THE ABUSE OF HUMAN RIGHTS IS NOT LAW, BUT REVOLUTION.

HERE IN THIS COUNTRY WE RIGHTLY PRIDE OURSELVES ON A GOVERNMENT OF LAWS WHOSE PRIMARY AIM IS LIBERTY -- FREEDOM TO ACHIEVE AS MUCH AS OUR INDIVIDUAL TALENTS PERMIT.

LIBERTY HAS BEEN OUR HALLMARK FOR OVER TWO CENTURIES -- NOT JUST TO OUR OWN PEOPLE, BUT TO WOMEN AND MEN THROUGHOUT THE WORLD WHO LOOK TO THE AMERICAN LEGAL SYSTEM AS THE STANDARD FOR PROTECTING HUMAN RIGHTS.

AND THIS BRINGS ME TO MY LAW DAY MESSAGE FOR 1981:

LEGAL SERVICES OFFICES DO NOT PASS LAWS -- LEGISLATURES DO THAT.

LEGAL SERVICES ATTORNEYS DO NOT DECIDE IF LAWS HAVE BEEN BROKEN -- JUDGES AND JURIES DO THAT.

LEGAL SERVICES WORKERS HAVE ONLY ONE TOOL: LAW -- THE LANGUAGE OF LIBERTY.

IF THE LEGAL SERVICES PROGRAM IS ELIMINATED, IT IS NOT LEGAL SERVICES LAWYERS WHO WILL BE THE LOSERS. THEY ARE BRIGHT AND TALENTED PEOPLE WHO WILL FIND JOBS ELSEWHERE.

THE LOSERS WILL BE THEIR CLIENTS. THIS COUNTRY WILL SAY TO ITS MOST DISADVANTAGED THAT IF THEY CANNOT PAY, THEY CANNOT ENFORCE THEIR RIGHTS.

THE LOSERS WILL BE ALL OF US. OURS WILL BE THE ONLY MAJOR WESTERN DEMOCRACY WITHOUT A NATIONAL LEGAL AID PROGRAM,

PLEASE JOIN IN THE EFFORT TO PREVENT THAT TRAVESTY FROM OCCURRING-- FOR ALL OUR SAKES.

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LET ME, IF YOU WILL, END ON A PERSONAL NOTE. I AM NOW A LAWYER IN PRIVATE PRACTICE. MUCH OF MY CAREER HAS BEEN IN PUBLIC SERVICE. BUT ALL OF MY PROFESSIONAL LIFE HAS BEEN SHAPED BY MY EXPERIENCES HERE AT THIS LAW SCHOOL.

THIS SCHOOL GAVE ME MANY FRIENDS -- AND PERHAPS A LITTLE KNOWLEDGE OF THE LAW AS WELL. BUT MOST IMPORTANT, IT GAVE ME A REVERENCE FOR LAW AS THE SUREST MEANS TO PROTECT OUR FREEDOM. THAT IS WHY I CARE SO DEEPLY ABOUT ENSURING DECENT LEGAL CARE FOR POOR PEOPLE . . . WHY I SEEK YOUR SUPPORT IN THE EFFORT TO PROVIDE THAT CARE.

ONE OF OUR COUNTRY'S GREATEST JURISTS, LEARNED HAND, COINED THE COMMANDMENT, "THOU SHALT NOT RATION JUSTICE," MORE THAN FIFTY YEARS AGO HE SPOKE THESE WORDS TO AN AUDIENCE OF LAWYERS:

"THE PROFESSION OF THE LAW HAS ITS FATE IN ITS OWN HANDS . . . IT MUST ASSIMILATE SOCIETY BEFORE SOCIETY WILL ASSIMILATE IT . . . THE LAWYER MUST EITHER LEARN TO LIVE MORE CAPACIOUSLY OR BE CONTENT

TO FIND HIMSELF CONTINUOUSLY LESS TRUSTED, MORE CIRCUMSCRIBED, TILL HE BECOMES HARDLY MORE IMPORTANT THAN A MINOR ADMINISTRATOR, CONFINED TO A MONOTONOUS ROUND OF RECORD AND ROUTINE, WITHOUT DIGNITY, INSPIRATION, OR RESPECT . . ."

MY THESIS TODAY IS A SIMPLE ONE -- DIRECTED TO ANOTHER AUDIENCE OF LAWYERS. THE LEGAL PROFESSION HAS AN OPPORTUNITY AND AN OBLIGATION TO HELP ENSURE THAT LAW REMAINS THE AMERICAN LANGUAGE OF LIBERTY.

THAT CONCEPT TODAY IS UNDER ATTACK, AS IT HAS BEEN FROM TIME TO TIME THROUGHOUT OUR HISTORY. UNLESS WE, AS LAWYERS, STAND UP TO THE CHALLENGE, WE WILL -- AS HAND WROTE -- BE "CONTINUOUSLY LESS TRUSTED, MORE CIRCUMSCRIBED, UNTIL WE BECOME HARDLY MORE IMPORTANT THAN MINOR ADMINISTRATORS."

I AM CONFIDENT WE WILL MEET THE CHALLENGE.



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