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Address of the President

Alfred J. Schweppe

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probably accept those invitations because I believe it is important that the Board of Governors acquaint the Bar throughout the State with the work of the association.

ADDRESS OF THE PRESIDENT

Alfred J. Schweppe

Last week I had the privilege, and so did some of the other persons here present, of attending at Philadelphia one of the greatest meetings probably ever held by the American Bar Association. There is probably no place which is more ideal, except from a weather standpoint, for holding a convention of the American Bar Association than the historic City of Philadelphia, where the Declaration of Independence was written, where the first Continental Congress met, where the Congress of the United States and the Supreme Court sat for ten years before they were removed to the District of Columbia, and where the Liberty Bell hangs, and where much of the history of American liberty has its setting.

It was a distinguished convention in many ways. There were outstanding lawyers from all states of the United States. There were very distinguished judges from the Supreme Court of the United States, the federal circuits, the several states and of the Court of Appeals of England, and many past presidents of the American Bar Association.

Probably most significant, the meeting was addressed by the President of the United States, by the Chief Justice of the United States and by the Vice-President of the United States, all on the occasion of the American Bar Association's observing the Two Hundredth Anniversary of the birth of John Marshall, at whose funeral the Liberty Bell tolled for the last time, and then cracked, its duty done—to remain a silent but eloquent memorial to the firm establishment of liberty under the constitution.

To bring you some idea of how important the recent Philadelphia meeting was in the national scheme and for the organized bar as such, I want to highlight one or two things that the President said in his address. The President spoke of the troubled world in which we are living, of the awakening in many peoples of an avid interest to choose for themselves what type of law and order they want for their own

existence. He pointed out that the clash of modern legal systems and ideologies is real, and that the obligation of the Bar to prove the superior merit of our system is very real. He said:

You of the American Bar Association will play a critical part in the presentation of freedom's case.

The many thousands of men and women you represent are, by their professional careers, committed to the search for truth that justice may prevail and human rights may be secured. Thereby, they promote the free world's cause before the bar of world opinion. But let us be clear that, in the global scene, our responsibility as Americans is to present our case as tellingly to the world as John Marshall presented the case for the Constitution to the American public more than a hundred years ago. In this, your aptitude as lawyers has special application.

I want to emphasize those words because it certainly is a very significant contribution in the presentation of freedom's case that the Bar—and by that I mean not only the unorganized but the organized Bar—is expected to make. The Bar has a public duty to the people of the United States and to the people of other parts of the World, to show that our system of law and order works, and that it is a better system of law and order than that which prevails in those other parts of the world, whose legal systems in practice leave no room for freedom.

We have been long aware that lawyers as individuals have often—yes perennially—carried the torch of freedom. There have been some memorable cases in the history of the Bar, such as Lord Erskine's defense of Tom Paine, John Adams' defense of the British soldiers, Andrew Hamilton's defense of Peter Zenger, and many others.

There have also been many courageous court decisions. One that occurs to me as of tremendous significance in carrying the torch of freedom is *Ex Parte Milligan* decided immediately after the Civil War, in which the Supreme Court decided that in an area where civil courts were functioning, and which was not under martial law, the military authority of the United States had no right to try and convict the man. The case was significant in that it was decided in 1866 immediately after the end of the Civil War. The military court martial had found the defendant guilty of aiding the enemy, which he was. It was one of the rare occasions in which President Lincoln, who was widely known for his clemency, confirmed the death sentence. The Supreme Court in that case held that the military courts had no jurisdiction, and that only the civil courts had jurisdiction.

More recently we had an illustration of constitutional government and the independence of the courts in the Steel Seizure Cases decided about four years ago, in which the strong majority held that the President of the United States had no authority to seize the steel mills in order to settle a wage dispute, although we were at the time engaged in a military action in Korea.

Those decisions are important landmarks of liberty under the Constitution.

In the last analysis the torch of freedom and the torch of law and order has to be borne by the courts. May I read a paragraph by a very important person whose name you will instantly recognize, written in 1908, when he was a very outstanding scholar in constitutional government. The statement is as follows:

So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises, or does not keep them, in its courts. For the individual, therefore, who stands at the center of every definition of liberty, the struggle for constitutional government is a struggle for good laws, indeed, but also for intelligent, independent and impartial courts.

Those words were written by Mr. Woodrow Wilson in 1908.

Implementing that statement, I offer this: That while the keystone of constitutional liberty is intelligent, independent and impartial courts, those intelligent, independent and impartial courts cannot function without the aid of the Bar, and, in these days without the aid of the organized Bar. The courts are drawn from the Bar, and the Bar is the profession by which justice is forged in the courts. A government by law without lawyers is an impossibility. The alternative is men who are above the law and a law unto themselves.

So I say, in conclusion, when the Bar marshals its forces in the common struggle for the improvement of the administration of justice in those portions of the world which we still like to call free, we have the opportunity and the duty to prove to the world that our system of liberty under law is the best system that man has so far devised.

ADDRESS BY JUDGE ROBERT T. HUNTER

President of the Superior Court Judges' Association

You know, it is quite an occasion for a judge — at least that is the way I feel about it — to be invited to speak to a group of lawyers.