

# Lawyers Should Take Initiative, Caldwell Suggests In Law Day Speech...

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benevolent despot." "Whether those changes are right or wrong, wise or unwise, for the foreseeable future, at least, governmental control will expand while individual initiative shrinks."

"If you are disturbed about what the Supreme Court has done you cannot escape the consequences by pleading surprise. The people have been warned and warned again about what could and probably would happen."

Caldwell quoted Justice Douglas of the Supreme Court as saying that the court was authorized to "fashion a body of Federal Law" and that "the range of Judicial inventiveness will be determined by the nature of the problem." "Does it intrigue your curiosity as lawyers to ask when the court was authorized to 'fashion a body of Federal Law'?" Caldwell asked.

Caldwell also attacked moderation in political conviction as "hookwormy" and "the namby pamby cult of no conviction" commenting that a moderate patriot was something like a moderately honest banker.

"If your conclusion," he said, is finally against the "rule by man" current trend and in favor of the form of government your forefathers created, you will agree that the prime essential is to save the Constitution. If that can be done, all of us, . . . can live with wisdom and folly, frugality and waste."

"Whether we become a collectivistic society or remain a free Republic depends entirely upon the will of the majority—and the will of the majority will reflect the views of the capable lawyers of the land. The answer does not hang upon whether you are liberal or conservative, a Democrat or a Republican—the answer, the sole answer, is whether you believe in and are willing to save the Constitution—as it was written and intended."

"You may as well face the cold fact that saving the Constitution will be no easy overnight job. We've spent the last thirty years setting up the machinery to destroy it and it will take dogged determination and unwavering purpose to save it."

"If your choice of position should follow along conservative lines, you are in for a battle which will last more than a summer. If you favor the 'rule by man' philosophy, you are on the road to despotism. If your choice is to be liberal, I recommend heavy insurance in the guise of constitutional restraint."

Caldwell added that "the historic method of stamping out liberalism is to substitute the rule of man for established law."

The speaker also quoted statements from Jefferson, Washington, Lincoln, Justice Learned Hand, and others, on the dangers of a too-powerful supreme court.

Caldwell cited the instance of several now-despotic nations where "the liberals were promised more liberality and more personal benefits. The leaders said, as our Supreme Court now says, let's do these good things now, let's not wait for the orderly processes of the law."

"If your client happens to be one of the American minorities, unhappy with his race, he may exert every effort to improve his position . . . endeavor to pull down distinction and level off all differ-

ences, but, as a lawyer knowledgeable in history, I should advise that he do these things under established law. He should never urge the illegal use of the army in his behalf, nor petition the Supreme Court to twist the Constitution for his benefit, nor request the President to issue an illegal order to his advantage, because he should know that, when the time comes he is no longer needed at the ballot box, the President or the army or the Court can use that same usurped power to de-

stroy him. He should just keep in mind the vivid story of how, in other countries, where constitutional government was abolished, minorities were cooked in the gas ovens or deep frozen in Siberia."

Justice Caldwell concluded his address with an appeal to preserve freedom of religion and freedom of the press through maintaining constitutional restraints on rule of man, and quoted Edmund Burke in remarking that "The only thing necessary for the triumph of evil is for good men to do nothing."

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