

THE LAWYER'S OBLIGATION IN GOVERNMENT

By LOYD WRIGHT*

*Remarks of E. Smythe Gambrell** in the introduction of The Honorable Loyd Wright, President of the American Bar Association, at the Law Day banquet, Walter F. George School of Law, Mercer University, November 5, 1954:*

DEAN O'NEAL, DISTINGUISHED GUESTS, FRIENDS OF MERCER:

One cannot stand here tonight charged with the duty of reflecting, even in the smallest measure, the thoughts of this distinguished company, without first expressing our gratitude to the Almighty for the increasing abundance and many good fortunes with which we in Georgia and the Southeast are surrounded.

Here today, under the leadership of Dean O'Neal and his Mercer colleagues, representative lawyers, judges, teachers and students have come together to make sure that law keeps pace with the amazing developments in the material world about us. We are not unmindful that law itself is the vital breath of democracy.

It is proper that lawyers—young and old—should recognize the necessity for constant contacts with great institutions of learning, such as the Walter F. George School of Law here at Mercer, to make possible our continuing legal education.

We are grateful to Dean O'Neal for going beyond the immediate constituency of Mercer and opening its gates to the profession as a whole today. It is refreshing to note that there is no pettiness here to spoil the quality of his leadership. In reviewing the achievements of his own institution this afternoon, he gave full recognition to what is being done in the other great law schools of this state. That reflects the spirit which is keeping Georgia in the vanguard of progressive legal education.

For almost two centuries lawyers of this country in large part were uneducated individuals with the instincts of tradesmen engaged in free money making activity. They had no sense of group or professional responsibility comparable to that of the English bar.

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In January of 1878 Simeon E. Baldwin launched a movement in the Connecticut Bar Association to bring about a national association of the profession. As a result of his suggestion, seventy-five lawyers from all parts of the country assembled at Saratoga Springs, New York, on August 21, 1878, and formed the American Bar Association. Thirty-five of the first year 291 members were from the then distant state of Louisiana, 116 being from the southern states as a whole, 30 from the West and 75 from New England.

It is significant that the attendance at the first meeting was relatively greater from the South than from other parts of our country. General Alexander R. Lawton of Savannah was one of the group which sent out the call. He and George A. Mercer, also of Savannah, L. N. Whittle of Macon, James J. Hook and Judge N. J. Hammond of Atlanta were present. General Lawton four years later was to become President. His fellow Savannahian, General Peter W. Meldrim, was similarly honored in 1914.

It is a source of pride to us that the lawyers of our state at all times have had a leading part in shaping and promoting the national organization. When I joined it thirty years ago, it was my good fortune to come into friendly association there with many great lawyers of the past generation. Among them was the late Thomas Edward Ryals, of the Macon bar, a Mercer stalwart and a leader of his day, who in his quiet way made lasting contributions to the profession in his own city and state and throughout the nation.

Recently, when the time came to build our great national shrine—the American Bar Center—in Chicago, the lawyers of Georgia promptly oversubscribed their quota for the building fund. Among the great lawyers of this country, now departed, whose names are engraved on the memorial wall of that edifice, are a dozen Georgians—approximately twenty-five per cent of the national total. This makes us proud of Georgia lawyers of the past and should stimulate the present generation to even greater achievements.

During the seventy-six years which have elapsed since its organization, the American Bar Association has grown in membership to approximately 55,000 and has developed a program of leadership and service through committees, sections and institutes devoted to research, publications, public relations and other professional activities. The members are carrying on this program with an annual budget of more than \$500,000 and through unlimited voluntary work.

The Association's most important task has been the taking of approximately 250,000 individualist lawyers of this country and converting them into a legal profession in the true sense of the term—an all-inclusive group that is possessed of an ideal and a code of ethics,—that is informed, that has a well-reasoned opinion and a voice to express it, and the authority which derives from the dedication of these to the common good.

This great work calls for leadership—practical leadership by

lawyers who have proven themselves in practice and in unselfish local, state and national bar organization work.

Tonight, in this atmosphere of pleasant conviviality, we honor, and are honored by, a distinguished American lawyer who is such a leader. He has come all the way from his home in California to be with us on this occasion. And may we at this time recognize the presence here of the gracious lady who adds the gentle touch to the rigors of his busy life.

Our honor guest was born, reared and educated in California. He heads a great law firm in Los Angeles. He is director and general counsel of many nationally known business concerns. Despite the strenuousness of his practice, he has been generous with his time and talents in civic endeavors. He has headed the Los Angeles Bar Association and the California State Bar and for a quarter of a century has been a leader in all phases of the work of the ABA.

He believes that every man owes some of his time to the upbuilding of the profession to which he belongs. He believes in the ABA and its mission. He recognizes that it must be built upward and not downward—that the national organization can be no stronger than the state and local organizations whose representatives it brings together in a common effort. While he believes in the national bar organization, he also believes in states' rights and the preservation of the fundamentals of our form of constitutional government.

Someone has said that the things we of the several states have in common are greater than the things which sometimes divide us. I think it would be more real to say that the things we have in common are those which do divide us—which give us each the right and power to move on, independently, though in accord. We know that the force which binds together the lawyers of all parts of this country is our common devotion to a great cause—the improvement of law and the administration of justice.

Ladies and gentlemen—our national leader—a great American, a sound and distinguished lawyer with a high sense of social accountability—Lloyd Wright, President of the American Bar Association.

After acknowledging the introduction and greeting the Law Day guests, Mr. Wright proceeded:

It is truly an honor and privilege for me to join with you this evening in paying tribute to this great center of legal education and to the men of energy and vision who have contributed to its greatness. An occasion such as this seems to me an appropriate time for taking stock of the present and for an appraisal of the future. Perhaps the perspective of distance will lend weight to the views of a stranger like

me. As an outsider, I can see real cause for justified pride in your present. The Walter F. George School of Law is one of the oldest and foremost of the law schools of the South or of the nation. It has produced over a thousand lawyers who have carried the traditions and inspirations here instilled into the world of practical affairs and have reflected unceasing credit upon the school. You are blessed with a vigorous and able faculty of challenging teachers and devoted scholars. You have attracted an alert and diligent student body of great promise. Your future indeed looks bright. The region is embarking upon a new period of growth and development. The school's proud traditions impose upon it the responsibility, and offer it the opportunity, of leadership in this coming era. You have good reason to face the years ahead with confidence that the promise of the future will prove as great as the glories of your past.

When your distinguished dean invited me to attend your meeting, he gave me great latitude in choice of a topic and indicated that I could feel free to talk about any topic relating to the legal profession—the American Bar Association and its work, legal education, or any aspect of law. This was indeed a challenge. There is so much that the American Bar Association is doing for the average lawyer and for the citizen that it is difficult for me to understand why every lawyer in the nation is not seeking membership. I thought of telling you of its great accomplishments in your behalf, but events in recent days have made me somewhat contemplative of where we have been and whither we are going in this nation, and I have been concerned, among other things, because of the irresponsibility of members of our profession when speaking from the political platform. I may be wrong, but there is in my opinion, substantial damage done to the whole of the profession when any of our members, because they are running for office or handling campaigns of others, let political expediency determine their utterances rather than keeping in mind that we are a favored group, officers of the court, and have a deeper and greater responsibility to the public than the average citizen. Hence, I am concerned with the adverse effect upon the influence of the learned members of the bar when dignity, reason and indeed, obvious truth, give way to fantasy and expediency. And then I toyed somewhat with the idea of addressing you on the responsibility of a lawyer in his activities outside of the courtroom to see if in such a discussion there would not evolve some patterns of accord among us all.

Then for a while I thought of talking to you about one of the items of the program of the American Bar Association which, until

recently, was headed by our beloved and distinguished Justice, Robert Jackson—the Special Committee on the Administration of Criminal Justice. This terrifically important field of our administration of law has been, I fear, somewhat neglected by you and by me, and the fact that a survey is in the process of being launched under the able guidance of the distinguished lawyer, General William J. Donovan and his committee of able jurists and practitioners, I know is a matter of hopeful interest to us all.

Then I had thought that I would like to discuss the unhappy plight of the federal judiciary and the terrible treatment that these distinguished and faithful public servants have received at our hands. Finally, the thought prevailed in my mind that these are all related to our responsibilities as lawyer-citizens in government and that perhaps the most important thing that we as lawyers face today is our "Lawyer's Obligation in Government."

To those who question the American Bar Association's President speaking on such a topic, I call your attention to the objects of the Association as set forth in the constitution, the first of which is "To uphold and defend the Constitution of the United States and maintain representative government*****."

Hence, in selecting as a topic for my remarks the title "The Lawyer's Obligation in Government," I did so advisedly and because of grave concern. I am deeply concerned over the future of our country and have a firm conviction that if we are to escape the evil road toward paternalistic government, it is the lawyers of the nation who must lead the way.

I particularly welcome the opportunity of discussing this matter with members and potential members of the Georgia bar, for the lawyers of Georgia enjoy a unique history of leadership in the cause of limited constitutional government and local responsibility.

The growth of the legal profession in Georgia presents a striking parallel to the development of the legal profession in the nation as a whole; in large part, the history of the Georgia bar is the history of the American bar. When this territory was first settled as a proprietary colony under the leadership of Oglethorpe, both rum and lawyers were excluded as unnecessary evils. I will leave it to others to explain the failure of this first glorious experiment in curbing man's affinity for alcohol. But it is plain why the attempt at law without lawyers could not succeed. A brief struggle for justice with untrained judges and ignorant advocates, bound to no professional standards or obligations, soon brought the realization that decent

government is impossible without a professional bar. As a result, the establishment of the state as a royal colony in 1752 saw an English barrister at the head of the colonial court and the rapid development of a trained and professional bar. Perhaps because of the bitter experience of the early years, the bar of Georgia was among the first to appear on this continent, and here the profession has flourished. One indication of the state's leadership in this field is the fact that when Judge Reeve founded his school, the first of the professional law schools in the United States, near the close of the eighteenth century in Litchfield, Connecticut, Georgia sent more students for professional training than any other state. The result of these auspicious beginnings has been a bar with a history as illustrious as any in the nation. From your ranks have come such Olympian figures as Joseph R. and Lucius Q. C. Lamar, Alexander Stephens, Abraham Baldwin, Robert Toombs, James Jackson, William H. Crawford, and George M. Troup. The proud traditions of your bar continue yet today, as evidenced by the fact that Georgia's Representatives in the upper house of our national legislature, two of the most illustrious, able and well-regarded of our country's statesmen, were both active in the legal profession—Senator George, whose name this Law School bears, as a successful lawyer, a distinguished jurist on the bench at all three levels of the state's judicial system, and Senator Russell as an able lawyer in private practice and as County Attorney.

The first chair of law in America was, as you know, established at William and Mary College in Virginia, where George Wythe with the support of Thomas Jefferson, prevailed upon the Board of Visitors of the College to reorganize the College on the plan of a University, and among other subjects established the Chair of Municipal Law and Police. Wythe regarded and taught the fundamental principles of law as a part of the science of government with the emphasis upon public service.

It was just a century ago that Judge Sharswood of Pennsylvania first published his lectures on "Professional Ethics." In that work, the first comprehensive study of legal ethics by an American, Judge Sharswood divided his subject into two parts. His first heading was "Those Duties Which the Lawyer Owes to the Public or Commonwealth," and his second those which are due from him to "His Professional Brethren and His Clients." It is significant that the first course taught in a law chair dealt with public service and that in the first of the studies of legal ethics by an American, the author should list first the duties which the lawyer owes to the public or commonwealth. The lawyers of Georgia have traditionally heeded

this call of public service and have discharged the obligations of government office with distinction throughout our history. In the formative years, members of the Georgia bar played a major role in the founding of the nation. A Georgia judge, George Walton, was a courageous signer of the Declaration of Independence. At the convention where the Constitution of the United States was forged, Abraham Baldwin, William Pierce, and William Few, all Georgia lawyers, were forceful advocates for the cause of union, and proposed many of the compromises which welded a powerful nation from a cluster of weak and quarreling states.

But these far-sighted men were not blinded by the exigencies of union to the dangers of an all-powerful, all-engulfing central government. The words of William Pierce on the floor of the convention reveal an appreciation of these dangers even then; he said: "State distinctions must be sacrificed so far as the general government shall render it necessary—without, however, destroying them altogether." His colleague in the Georgia delegation, Abraham Baldwin, gave voice to the same misgivings when he observed, "It appears to be agreed that the government we should adopt ought to be energetic and formidable, yet I would guard against the danger of being too formidable."

From those beginnings, the lawyers of Georgia have continued valiantly to resist the encroachments of an ever-expanding national government, to defend the rights of the people of the state to govern themselves.

It was a member of the Georgia bar who, as Governor, denied the jurisdiction of the national courts to entertain suits against the states, and whose position was vindicated by the adoption of the Eleventh Amendment to the Federal Constitution prohibiting such suits. It was Governor Troup, a lawyer, who disputed the power of the central government to abrogate treaties made by the state with the Creek and Cherokee Indians within its borders.

It is with you as the heirs to this tradition of resistance to increasing centralization of government that I wish to discuss tonight the lawyer's obligations in the face of further challenges to the authority of local government.

It is my considered opinion that unless there is a new sense of public morality which will cause us as lawyers to realize that good government, and particularly good local government, and the success and standing of the legal profession are interwoven, we are indeed in difficulty. Unless we lawyers refuse to allow our employments and

opportunities for professional advancement to conflict with and take precedence over our duties to support, maintain and participate in movements for the improvement of local government, including the local judiciary, we are really in difficulty. We must always be citizens first and lawyers afterwards.

In order to get a proper perspective and background of the necessity of alerting the legal profession and the citizens of the nation to their responsibilities in drifting government, let us for a moment examine the record.

In the early history of our country it seems to me our profession fully met the test of the duties which the lawyer owes to the public or commonwealth. In this particular we lawyers have a rich professional heritage. This heritage was established by first line members of our profession who accepted leadership, who rendered public service, and who were ever mindful that it was not our spot in the American scheme of things simply to be commercial lawyers, selfishly engaged in furthering our own financial gains. History records that during the colonial days there were very few lawyers. Practically every judicial position was filled by men without special legal training. Under such circumstances and conditions, the growth of injustice in government was very pronounced and harsh. I think we may say with pride that it was only after the development of the legal profession that the colonies discovered the dangers of injustice in government and sought a remedy for them.

Parallel with the growth and development of the legal profession, the colonies demanded justice of their government. Mainly as a result of the leadership furnished by members of our profession, there evolved our constitutional form of government under whose cloak of protection the people of this nation have so long enjoyed individual freedoms, privileges and opportunities to a greater degree than any other peoples in the history of the world. This experiment in government was no accident. On the contrary the founders of our constitutional form of government had the opportunity of scrutinizing and analyzing every kind of government known to man; they had the experience of the extremes of all forms of government—communism, dictatorship, absolute monarchies and republics. We are thankful that after years of study they brought forth our form of government of balanced powers — the executive and legislative branches elected for comparatively short terms, so that theoretically at least, they would always be responsive to the will of the people and never assert the prerogative of the master; the judicial branch to serve for life, so that it would be independent of political influence,

unhampered by fear, threat or favor, master of its own work and like the gentlemen of cloth, aloof from political and other non-judicial activities.

It is with great pride that I claim our profession led the way in adopting a form of government which was premised upon and dedicated to the proposition of emphasizing the *dignity* of the individual under law. Mr. Citizen was to be protected from the majority, from the minority, from his neighbor, from his government and from foreign governments, so long as he recognized and lived in a society which presupposed the necessary giving up for the benefit of all, of a certain measure of theoretical privileges and rights.

The constitutional concept of government, for some inexplicable reason commenced to give way shortly after the turn of the 20th century and governments at all levels have become more and more masters of the people, and more and more we have sought and accepted the poison fruits of paternalistic government.

I suspect that for a considerable time we failed to meet our obligations to the commonwealth, and consequently as a result of pressure legislation and the resultant departure from our basic laws, in addition to having our personal freedoms infringed upon at every turn, selfishly we lawyers are confronted with trying to guide our business clients through a maze of executive fiats, bureaucratic regulations, and even the encroachment upon our domestic laws of treaties, covenants and executive agreements, in many instances not even known or appreciated by those in government supposed to enforce them.

One could go on and on pointing out other examples that give cause for concern; more important probably than the direct breaches are the implications that rationally must and will follow.

All thinking lawyers must give sober consideration to the question of how we passed from a time in which our national government was specifically defined as an agency of limited power to this hour in which we now have ruling over us a vast paternal centralized collective government, expanded at the expense of individual liberties, and to the detriment of the authority of local and state governments. We ask ourselves with considerable trepidation how far we have gone along this road towards collectivism and how near we have come to the threshold of socialism or exaggerated statism, this at all levels of government.

To answer these vital questions we must turn back in our history and attempt to learn when we strayed from the fundamentals of American individualism and limited federal government.

At the risk of being repetitious, but firmly convinced that you and I can never too frequently review the situation, let me recall that when the first settlers landed in America, they came seeking freedom. They brought with them the deep-seeded independence of the Reformation. In the Mayflower Compact and their earliest writings we find dedication to the principles that the individual man has rights which shall not be transgressed by a central government and that the state shall be the servant of this man. These founders of a new nation were a religious people and they remembered their Scriptures and the admonition of Jesus: "Call no man your master—for you have one Master Who is in Heaven." (Matt. 23:9).

As these pilgrims founded their political units, they retained personal control, made political subdivisions small, and utilized their direct authority in the town meeting. Their very occupations made them individualistic and self-reliant, for they were farmers and small businessmen, fisher-folk and local traders.

As the colonies grew, it became obvious to our forefathers that they could no longer stand the tyranny of an absentee centralized government which was trying to mold their lives from across the sea. So the founding fathers took up their rifles and powder horns and fired that mighty shot at Concord.

They then faced the responsibility of forming a new government, and these early Americans had no question as to what kind of government it would be. The basic sovereignty would reside in the people. Men who had devised the town meetings insisted on retaining personal control and this they achieved through localized authority—the city, county and state were to be the reservoirs of primary power. Only those few major functions which could not *possibly* be discharged by the local governments would be delegated to a central authority. These responsibilities, and these alone, were the functions of the Federal Government.

This was the thinking of Thomas Paine and Benjamin Franklin and Thomas Jefferson. This was the spirit captured in the American Constitution as it enshrined the political and economic value of individual liberty. This basic philosophy prevailed through the 17th, 18th and 19th centuries in America and accompanied the pioneers westward across the nation.

However, in Europe during this time, stemming from the writings of Karl Marx and Friedrich Engels, the doctrines of collectivism were beginning to flourish. These tenets were not new, but were merely adapted by their proponents into the framework of the 19th century

world. The basic ideas you know well. Man is born for the benefit of the state. He has only such rights as a central government may choose to let him have. He must be suppressed to the good of the State, and the State not only has the right but the *duty* to act as the controlling influence in all of the varied activities of his life. In exchange for this surrender of liberty he achieves a pseudo-security like that enjoyed by a bear in a cage; he receives predigested "Truth" so that he may escape the onerous task of thinking; he is "privileged" to contribute to his government's collective strength by relinquishing all gains made through his own incentive. Thus is ingenuity penalized and sheep-like uniformity becomes the goal of the citizen.

Toward the end of the 19th century these forces of collectivism were transplanted from Europe and began to have some impact on American life. Soon our scholars observed this fact. President Charles W. Eliot of Harvard University said in the year 1909:

"It is plain that collectivism has gained enormously on individualism in every sphere of governmental action. It is plain that the individual citizen's power to determine his own mode of life and that of his family has been greatly abridged since the middle of the last century—the heavy taxes levied by the government through the tariff and the internal revenue imposts, affect very strongly, every consumer in the country."

If President Eliot had this to say of collectivism in his time we might wonder what this learned gentleman would have thought of the decline of individualism in our day.

Centralized government began to wax strongly in America during World War I, when the entire resources of the nation had to be put at the disposal of the Federal Government so that our international obligations might be met. For a time after World War I there seemed to be some hope that the concept of limited government might again emerge and that the egg which had been scrambled in 1917 might somehow be unscrambled. But this brief hope was extinguished by a series of events which strengthened the position of national government and caused a loss of liberty to the individual and a loss of authority at the local level.

First there was the depression of 1929 and the new philosophies and ideologies of paternalistic government, contemplated and designed to pull us up by our boot straps. Then came the demands of World War II and the nation gave unprecedented and oft-times unnecessary authority to the executive in Washington. Soon after the last shot was fired in Europe, shooting began again in Korea. Then we faced the cold war and the problems of Southeast Asia and we discern clearly

that the words of Thomas Hobbes of long ago describing a "perpetual and restless desire of power after power" are meaningful to us, in that authority once acquired by a central government is seldom surrendered.

What are the results of the political phenomenon of the ever-expanding central government?

First, there has been an inevitable increase in taxation with a concomitant loss of one of the great building blocks of America—risk capital. If we look to federal authority for the performances of more and more services, then, obviously, the bill we must pay is an ever-growing one. Here the vicious circle begins. The more we let the federal bureaucrat do, the more he wants to do. The more he does, the more money he needs. No matter how much we give in taxes, the bureaucrat uses that money, then asks for more. As his finances are increased, he performs more services, and these balloon until he again needs more money; and so the spiral continues ever upward. It should be noted that Senator Walter F. George has waged a long and valiant battle against this vicious trend.

In a nation developed by a people attempting to free themselves from governmental restriction and religious control, who sought only to be left alone and be privileged to work and stand or fall on their own abilities and willingness to work, it is indeed startling that we have reached the time when success is penalized by diminishing return. By that I mean, with few exceptions, the burden of taxes has become so great that a person receiving a comparable salary to that received as recently as 1939, frequently does not have sufficient money left after paying high taxes to carry on. By way of example I point to the unhappy plight of our federal judges. They actually had more purchasing power in 1939 on a salary of \$12,500 than they have now on a salary and expense account of \$15,000.

In this nation of opportunity, that which has made America great is being stifled, and you and I are to blame. One of the principal reasons, in addition to what I am afraid is indiscriminate foreign spending, is that with all of the efforts that have been exerted, bureaucracy has been making net gains. There are now more principal departments and agencies and more component units in the federal government than existed at the peak of World War II.

More discouraging still is the overlapping. Not only is there widespread overlapping in the various fields of activities covered by the bureaucracies of the Federal Government, but in the course of expansion by federal agencies, their programs, projects and activities have overlapped other government agencies and have also over-

lapped those of the state and local governments. Measuring it another way, during the past twenty-five years, the position of state and local governments, as compared with Federal Government in revenue collection has been reversed. Now the Federal Government is the heavy-handed tax collector. In 1932 the Federal Government collected 22% of the total public take from the American pocketbook and the state and local governments collected 78%. In the fiscal year 1952 total revenue collected by all governments in the United States was 85.4 billion dollars, with the Federal Government taking 73% and the state and local governments collecting 27%.

A *second* lamentable result of paternalism in government is a loss of individual incentive. This has occurred because of the high taxes to which I have already adverted and because of the guarantee, on a national scale, to the individual that, regardless of his contribution, his effort, or the planning which he has undertaken, his security is protected, not only from the results of economic adversity over which he has no control, but also from the results of lack of industry over which he has every control.

Third, political absolutism at the federal level has caused the average citizen to feel very much out of touch with his government—a regrettable and dangerous attitude in a democracy. Vital participation in decisions relating to his welfare and conduct have given way to political management by the dead hand of an absentee government. I submit that absenteeism is unhealthful, whether in the ownership of land, the management of business, the operation of trade unions, or the conduct of democratic government.

Fourth, is it possible that the influences which made America great, may, if they are withdrawn, cause America to retrogress? In the century and a half during which our land operated under the principle of restricted Federal Government and the concept of individualism, this nation achieved the highest level of material progress then known to mankind. Was this purely fortuitous circumstance? America is a melting pot, settled and developed by humble folk of every race and religion. True, we have great natural resources, but no greater than those found elsewhere in the world. Our capital is abundant, but so is that of other nations. What catalytic agent caused these elements to fuse in the United States and achieve a level of progress previously unknown in human history? It is my belief that the answer as to what made America great lies in the traditions of freedom, independence, and the right to work with a minimum interference from government, as provided for by our inspired forefathers, in the laws and traditions

of this great land. If we now permit the removal from the equation, of the very catalyst which has caused the formula to operate so successfully, we are risking our future achievement and perhaps our independence.

Fifth, American prestige in the rest of the world has suffered materially. The concepts of American independence and the principles of American government have been studied, understood, admired, and copied around the world. Both the immigrant who came to our shores and his countryman remaining behind, knew that this was a place of individual liberty and a land of limited governmental control. Then to the amazement and horror of those abroad who have, themselves, had to tolerate the oppression of the absolute state, and who have kept their faith alive during the dark hours by the example of America—these believers in personal liberty everywhere have seen during the course of this century a frightening growth in our land of the concept of political absolutism.

The most dangerous result of our drift towards a paternalistic government is that more and more we approach the same milestones as delineated by Marx in the Communist Manifesto. Complacency, thoughtlessness, willingness to receive without giving, bring us in many particulars all too close to the theories and ideologies of the godless leaders of communism. This is not deliberate, it is thoughtless action on the part of some segments of our population, or at least I hope it is not deliberate. Some of the things we must watch, and watch carefully, are those companions to the heavy progressive graduated income tax, which have the same ultimate ends of destruction of constitutional government and freedom of individuals. Remember that after first advocating the progressive graduated income tax they advocated the "abolition of all rights of inheritance." It was they who first advocated that the government compete with individuals when they recommended the extension of the factories and instruments of production owned by the state.

I believe that the American people expect, and have a right to expect the broadest guidance from us in matters of politics and government. And I submit to you that the time is past when we can allow expediency or caution to let us be timid in providing this leadership. This is a time when all lawyers need to be articulate. Our major hope lies in an informed body of public opinion. It was William Pierce, one of Georgia's delegates to the Constitutional Convention who said: "It is a truth founded in nature that a nation habituated to freedom will never remain quiet under an invasion of its liberties."

We must attempt, in so far as possible, to turn back the political

clock in America, not, to be sure, to the laissez-faire of a David Ricardo or a John Stuart Mill, but back to the individualism of a Jefferson, a Franklin, or a Paine. Whenever we can speak out for the return of fundamental authority to local, county, and state levels, it is our duty to do so. I do not see how a man in good conscience can square his oath as a lawyer with any further pyramiding of power in the hands of the Federal Government. Let us work toward the day when the genuine processes of government shall be executed on the level where the people can and do participate in their function. Let us be emphatic and logical in our presentation of the need to restore the constitutional balance which should exist between the delegated authority of the Federal Government and the reserve powers of the states.

Secondly, let us all be unwilling to sell any future local authority to Washington in exchange for supposed advantages which are promised as a reward for the surrender of that authority.

Our nation has set its foot on the road toward collectivism, and you and I, as lawyers, have the solemn duty to be sure that we do not come to the place in that road which is marked as the "point of no return." This can be done only if we rededicate ourselves to the principles and concepts of constitutional government in all of its intended aspects. There are, I remind you, three great charters to act as guides—the Declaration of Independence, the Constitution and the Bill of Rights, and the Ten Commandments. Our nation will not survive if you and I and others turn their backs on any one of the three. Our opportunity as members of a profession that has always furnished leadership, is to become articulate, courageous and fundamental and help lead the way back to a sound, constructive government from which we have so far strayed.