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### DEDICATION ADDRESS

#### DEDICATION OF THE JOHN SHERMAN MYERS BUILDING, AMERICAN UNIVERSITY†

*Earl Warren\**

I AM pleased and honored to be present this afternoon at the dedication of your beautiful new law school building, which has been aptly described as the "newest star in the campus firmament." It is, indeed, a handsome structure and impressively symbolizes the growth of the Washington College of Law of American University.

It is particularly satisfying that the new building graces a seat of learning here in the Nation's Capital. That this law school building bears the name of John Sherman Myers is frosting on the cake and makes this occasion, already rewarding, even more so. Without Dean Myers' unstinting efforts over the past several years, this structure would not be here today, nor would the law school have made such impressive progress as it has in the field of legal education. Mrs. Myers, herself a lawyer, also played a conspicuous role in the plans which reach their happy fulfillment today. Her active interest in the law school is a timely reminder of the increasingly important role of women in the law. It is interesting to recall that the Washington College of Law, which merged with American University fifteen years ago, was established in 1896 primarily to give women an equal opportunity to study law.

This is an important anniversary year in the history of our country in several respects, both to those of us who are connected with the law and to American citizens in all other walks of life as well. One hundred seventy-five years ago a succession of great events occurred. George Washington assumed office as our first President and our system of Government under the newly adopted Constitution began to function. The first Congress met and passed the Judiciary Act of 1789, one of the most important legislative

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\* Chief Justice of the United States.

† Delivered at the dedication of the John Sherman Myers Building, Washington College of Law, The American University, October 31, 1964.

enactments in the history of our country. That Act established the federal court system, which was to prove such a vitalizing force in nationalizing and unifying our country. In that same year, the first Supreme Court Justice, William Cushing of Massachusetts, was appointed a member of that Court. In the same year the Congress submitted the Bill of Rights to the states for ratification. This is, indeed, an impressive array of anniversaries, and we can well pause in grateful contemplation of their immense significance to our national well-being.

This country has come a long way since those days when the thirteen colonies achieved an accommodation of interest and purpose barely strong and cohesive enough to merit the name—United States. One hundred and seventy-five years is a short time in the course of history. By comparison with many countries in the world, America is still a young nation, but it is significant that ours is the oldest written Constitution in the world today. Our form of Government may also be considered among the older ones in terms of stability and adherence to the durable concepts of its basic organization. Yes, we have come a very long way from a country which was a sort of ugly duckling, just hatched, to the position of eminence and power which we occupy today. And to what may this exceptional growth be attributed? What is the wellspring and source of this singular development?

I believe that any objective observer will conclude that our country's advance is attributable to the existence of freedoms which nurture and sustain the human spirit.

These freedoms were not the result of accident or chance. They did not just happen. They came into being because our country was blessed by a group, the Founding Fathers, whose endowments and talents gave us our Constitution and its Bill of Rights.

The Constitution reflected the lifelong preparation of these remarkable men. They had behind them the experiences of a courageous people for almost two centuries in their effort to perpetuate freedom. And they possessed profound learning. Most of the Founding Fathers were inheritors of a well-established tradition of responsible government and of civil rights going all the way back to Magna Carta. Many had been educated in England and were well versed in Anglo-Saxon law. Some had been educated in this country at Colonial colleges. Others were largely self-taught, though still reflecting the attitudes and traditions of England. And many of them had fought in the almost heartbreaking war for independence.

These people were not working in a vacuum. Rather, the imprint of their learning and experience appears on every word in the Constitution,

a singularly brief document of less than 5000 words—not as long as the average article one reads in a magazine today. What a wonderfully compact and powerful combination of words it was that provided the guiding genius of this country. Nor was it at its inception, any more than it is today, the words by themselves that made this document the all-powerful matrix of our country.

Rather, it was the spirit which its creators breathed into them and which has been passed on from one generation to another for the guidance of jurists and lawyers and statesmen. That spirit must be preserved by every generation, because without it we have mere form without substance. And I might add that there is no place where this spirit can be better fostered than in our law schools—in this law school and in the others throughout the land.

The Constitution was painted with a broad brush. It was created as a living document, distilling the governmental wisdom of the ages and for the ages. It was not drafted to reflect the conditions of the day but to meet the needs of countless days to come; it was designed to function under constantly changing conditions and circumstances.

Perhaps the most eloquent tribute which can be paid to the Constitution is the few times that it has been deemed necessary to amend it despite the dramatic changes that have occurred in this country after it was drafted. There have been altogether only 24 Amendments and the 10 Amendments comprising the Bill of Rights accounted for almost half this total. But what has happened in this country to the hundred and seventy-five years during which we have functioned under the Constitution is something to conjure with. From roughly four million people living in thirteen states on the eastern seaboard, we have expanded to over 190 million people in fifty states which reach to the Pacific Ocean and beyond. From a relatively homogeneous people we have grown to include nationalities from all over the world as well as people of diverse races. Industry, agriculture, communications, travel have grown beyond the wildest dreams of the early settlers. Yet throughout this period this Constitution has endured and has grown with the nation.

The Bill of Rights was ratified only two years after the Constitution took effect. This has been described as “the essential portion of the Constitution . . . the portion without which the Constitution itself would never have been accepted by the American people.” After the addition of the Bill of Rights, the Constitution came to be regarded as symbolic of the American way of life, embodying “the triumphant achievement of a self-governing and liberty-loving people.”

Another giant step forward in attaining the freedoms that have enabled this country to attain its present stature were the three Reconstruction Amendments. These were ultimately to make meaningful the noble avowal of the Declaration of Independence that all men are created equal and that they are possessed of inalienable rights. Years later another great Amendment, the Nineteenth, conferred upon women the right to vote. Upon its ratification, 44 years ago, women were at last enabled to participate equally with men in the choice of their government.

These were the great Amendments affecting human rights which were added to the Constitution. Others, by no means unimportant, but less sweeping in their character, of course also became a part of the document.

But it was not just the words of the Constitution as I have noted, nor the words of the great human rights Amendments themselves, that made the instrument such a vital force in our development. It is the life that has been infused into the instrument first by the Founding Fathers and then by succeeding generations that made it a dynamic force and have kept it a dynamic force in the American way of life.

A dramatic example of this process occurred during the most formative and politically turbulent period of our history as a nation. It was then the country's good fortune to have John Marshall as Chief Justice of the United States, the fourth person to hold that office. For 34 years by the breadth and wisdom of his interpretations, he built the foundation of our constitutional structure. He wrote close to half the Court's opinions during this crucial period. Many of these decisions ran counter to the tide of public opinion or against the course of politics, arousing a storm of protest on occasion by those at odds with his constitutional exposition. But Marshall's spaciousness of vision—his view of the Constitution as a viable instrument—gave the Federal Government the means to act effectively in its proper sphere. The primacy which Marshall gave to the National Government, though at times it was severely challenged, never disappeared as an underpinning of our constitutional framework.

Since Marshall's time our country has experienced a steady period of growth, sometimes at an alarming pace. And with growth have come problems. There have been many times of great stress. A civil war temporarily rent the country in two. Later came world conflicts. The repercussions of all of these are still being felt. For the last quarter of a century the world has been in a ferment over the rights of individuals, of races, and of nations themselves to live as equals in their own countries and side by side with the other peoples on this planet.

But throughout all the periods of change that have occurred, the Con-

stitution and the Bill of Rights have measured up to the challenge of transition and, as I observed at the outset, have fostered the freedoms which have sustained us.

Today, I submit, our greatest concern is still the problem of adapting our democratic institutions to changes which like a seismic disturbance can test the very solidity and durability of our foundations. Those foundations, the basic fundamentals of a free society, have withstood the shocks in the past and I have every confidence will continue to do so.

The judiciary of this country, with the Constitution as its touchstone has been equal to the task of accommodating to growth and change. So have the other Branches of our Government. There have, to be sure, been times when judicial progress has not been as rapid as some would wish; but in the end the courts have invariably reflected the needs of society. The courts have not invited the difficult decisions which have confronted them, but they have not avoided making decisions because they were difficult. Had John Marshall and his colleagues temporized with problems because they were critical or controversial, we might well not be gathered together on this happy occasion to dedicate a building where his opinions, along with others, will be studied for generations to come.

This is a fitting occasion to express the wish that there may be an appreciable number of those who are fortunate enough to be students at this law school who will be able to apply their talents in one way or another in the area of constitutional rights. I hope that many will find an opportunity of doing so in the public service. It is of the greatest importance, I submit, that at least some of the wonderful talent which is nurtured and developed in our law schools devote itself both to the manifold needs of society on the one hand and to protecting the fundamental rights of individuals against unnecessary intrusions by the Government on the other. Between these two competing interests, an accommodation must always be made. More than any other group in our society the products of our law schools are equipped for such a task. Though I should hope that a sizeable segment of our young lawyers will enter Government service, whether at the national, state, or local level, substantial contributions can also be made to the well-being of the community by those who choose to enter private practice. For the immensely rewarding process of protecting the fundamental rights of individuals against deprivations from any quarter is by no means limited to those in the public service. Every lawyer, I feel, has an additional civic obligation, somewhat higher than that of one not privileged to belong to our profession, and that is to further the cause of sound government.

It is likewise appropriate to remind ourselves that law must always

adapt itself to the needs of dynamic society. Legal training cannot ignore the social, economic, and political forces at work in our country and in the world. Our law schools, it is true, must provide excellence in technical legal training. But they must also contribute to the growth and quality of our legal institutions. The needs of the present must be served without disregarding the demands of the future or the rich heritage of the past. There are great opportunities for experimentation by our law schools. I could mention many areas in which they have already made significant contributions by striking out in new directions. In reformation of our unfair and antiquated bail system—to cite but one example of many—considerable progress has been made recently by law school students, and I could mention other areas in which the profession and many law schools are not making an appropriate contribution to problems of the day. The defense of persons accused of crime has been downgraded to a point where it is considered by most lawyers not be respectable to represent unpopular defendants regardless of the merits of their cases. As a result, each year thousands of indigent defendants are being shuffled off to penitentiaries without the benefit of any legal advice whatsoever. Some of these defendants have meritorious defenses as we find from petitions which they address to the Supreme Court in their own handwriting from the confines of their prison cells. This does not reflect credit on our profession. There is much to be done in this field alone. Thomas Jefferson once wrote: “. . . laws and institutions must go hand-in-hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must change also, and keep pace with the times.” I should like to think that members of our profession, those who are graduating from our law schools today as well as more senior members of the bar, are helping to disclose new truths and to aid in changing old institutions where change and improvement are required.

We dedicate a fine building, as I have noted, against an impressive background of anniversaries which call to mind the rich heritage of our past. But this is a time not merely for dedication. It is a time for re-dedication to the principles which have sustained the freedom which made our growth possible.

It is a pleasure to participate in this ceremony. The new law school reflects the long-term planning and combined efforts of many people. There is an old Oriental proverb which says:

“If you want to plan for a year, plant rice;  
If you want to plan for ten years, plant a tree;  
If you want to plan for life, educate a man.”

Your President and Board of Trustees, the donors who made this building possible, and your faculty are planning for life and for the lives of generations to come.

I congratulate all of you and wish you continued happiness and success.