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From the Editor's Desk

Notre Dame Law Review Editors

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Academic Procession to Red Mass

Red Mass in Sacred Heart Church
From The Editor’s Desk—

It is our privilege in this final issue of Volume 44 of the Lawyer to publish the speeches that were delivered last February at the centennial celebration of this Law School. A moment gone by can never again be captive, but it is our hope that this issue will be an ever-present reminder of the sense of need and purpose that filled those days.

The centenary weekend was not without its lighter moments, and the Law School did not escape a rigorous examination of its institutional self. Alumnus and friend Raymond Broderick, Lieutenant Governor of the Commonwealth of Pennsylvania, fondly reminisced about the childhood of the Law School before recounting the determination and desire of six Deans who have steered its steady course to the present day. Student Bar Association President Jim Barba briefly depicted the present posture of the Law School, then yielded to Dean William B. Lawless who dreamed about the future $6 million Law Center large enough to accommodate a faculty and student body doubled in size by 1972. Perhaps inspired by the favorable report presented to the centennial gathering by Doctor George Keeton, Head of the Department of the Faculty of Laws of University College, London, on the progress of the law students participating in the England program, Dean Lawless dreamed also of a day when the year abroad program would encompass studies in Japan and South America as well.

But the real message of the weekend, provocatively captioned “Human Rights and the Law,” was for all lawyers and for all men. Its bearers were analytical and eloquent. More importantly they were plausible, because their lives provided footnotes for their messages. The first messenger, Harris Wofford, Jr., President of the State University of New York at Old Westbury and former counsel to the U.S. Civil Rights Commission, concerned himself with the “Moral Basis of Human Rights.” Arguing our need for a personal moral code — a “stronger moral basis than anything yet suggested by the legal realism, political pluralism, philosophical pragmatism and technical progress of this century” — if we are to accomplish the miracle of self-government, Mr. Wofford looked back a century to the example of Abraham Lincoln, “for no man before or since has done so much to define and defend a moral basis for our law.” He urged that lawyers of the future cannot afford to be content as long as law and politics are apart from morality, and concluded that “truth as a question can make men free. Law is the body politic’s strongest way of asking that question.”

Drawing upon his experience in San Francisco with the Black Panthers and the San Francisco State College disorders, Mayor Joseph Alioto took a detailed look at the “Moral Basis of Violence.” Distinguishing between constructive, purposeful dissent which is directed toward a known end and destructive, purpose-
less violence which has no end other than violence, Mayor Alioto emphasized that dissent itself will be protected but that fire-bombing, rock-throwing, the seizure of public buildings and other tactics of terror will be rigorously put down. He stressed that "vigorous law enforcement must be balanced by an equally determined drive on the social evils that divide the races and blunt opportunity," for the dynamic propulsions that shape the American dream require that the "barriers to opportunities must continue to be knocked down and the minorities brought into full partnership."

Professor Robert Pasley of the faculty of the Cornell University Law School spoke on the "Moral Basis of Legal Education," specifically considering the root question of how concern for human rights can best be instilled in legal tyros, how law schools can best give their students a sense of commitment and a means of response to the complex but very real questions raised by Mr. Wofford and Mayor Alioto. He saw significant broadening of the educational base as an essential for this infusion of morality, but insisted that solid professional training must remain the center of that base. He would broaden in the direction of clinical experience, designing programs that would reinforce "an awareness that lawyers have a special responsibility for the better administration of justice for all citizens and not just their clients."

Mr. Wofford, Mayor Alioto and Professor Pasley discussed varying aspects of "Human Rights and the Law," but their message was the same. It was an appeal enunciated with clarity by Justice Brennan of the United States Supreme Court and by Father Theodore Hesburgh, President of the University of Notre Dame and current Chairman of the U.S. Civil Rights Commission — an appeal to a passion for justice in our times. Father Hesburgh used the life of Sir Thomas More to make his appeal for a personal commitment by young lawyers. Justice Brennan was more direct. In a brilliant address, he called for all lawyers, regardless of age or degree of establishment, to commit themselves to the battle for social equality. Reminding us, the more privileged, that this battle is hopeless unless we, the more privileged, are willing to sacrifice and bear our share of the pain — unless we are willing to pay higher taxes if an equal society demands it, unless we are willing to have our sons too be drafted because an equal society demands it — he called for all lawyers to subordinate desire for personal comfort to the need for general welfare.

It is appropriate that the centenary class of the Notre Dame Law School should contemplate this message as its members file out of the classrooms and diffuse to Wall Street and Farragut Square, to corporate offices, courts and poverty programs. Ours has been a class of unusual ability and collective character, of fierce competition and fierce friendship, of promise and of discontent. It has been an uneasy class — a blessing, perhaps, signifying that it is still alive. With discontent and uneasiness to activate its more positive capacities, it is a class that can do much to align the bubble of law in the center of the level of morality.
There is a tide in the affairs of men
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat;
And we must take the current when it serves,
Or lose our ventures.¹

The tide which leads to fortune for all men now runs strong. May our discontent remain until its causes are no more, our uneasiness persevere until all has been fulfilled.

¹ W. Shakespeare, Julius Caesar act IV, sc. iii.
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