Last Sunday at the formal opening of the World's Fair in New York the President of the United States expressed for the great throng who stood before him, and indeed for every real American, the hope which animates us all that "the world of tomorrow" symbolized by the Fair will be a world of peace and good-will among nations and individuals -- good-will founded upon justice; a world where every man will have opportunity to labor and to enjoy the fruits of his labor equitably distributed; shall be free to speak, think and act as he sees fit, and to worship his God according to the dictates of his conscience so long as he does not use his freedom and his strength to injure his neighbor. That, I am sure, is the spirit of America; the spirit of her history and traditions, embodied in her institutions and laws, and protected by the Constitution. In voicing that hope, the President spoke not only to America but for America, and the hearts of all who heard him were moved with an overwhelming love for our America, and intense determination to preserve its institutions.
and its spirit against attacks open or covert -- from without
and from within.

In that defense the lawyers and judges of the country,
those who have been taught the great principles and traditions
of the common law; who know the origins of our institutions,
who are responsible for the administration of the law and
the assertion and protection of the rights of the individual,
must play a great -- perhaps, indeed, a decisive -- part.
The common law of England was brought to this country by
its early settlers. The men who inspired the colonies
to resist any abridgment of their rights; the men who
formulated the great principles of the Declaration of
Independence, who drew up our Constitution, were men who
knew Blackstone's "Commentaries on the Laws of England"
from cover to cover. Those laws had been developed during
the centuries by a freedom-loving people who knew that
peace and order might be maintained only by according to
each and all the rights which free men should have. Jealous
of encroachment upon those rights by king or baron or squire,
the people had established legal institutions fitted to
protect the lowliest and weakest among them from the mightiest.
The colonists who had studied law were the leaders of thought
and action in the struggle for independence and freedom. They
formulated the fundamental law of the nation and of the States.
They erected the framework of our government and institutions.
From that time the American lawyer on the political platform
has moulded public opinion. In the legislative halls he has written our statutes, and in the courtroom he has developed our common law and administered justice according to law. As leaders of public opinion, as law-makers in the legislative halls, as advocates and judges in court, men learned in the law have in this country exercised the dominating influence on the development of our law and institutions.

That has been apparent from colonial days. Burke said in his great speech on the resolution for conciliation with the colonies, which doubtless all of us have read and doubtless most of us have in large part forgotten:

"In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. * * * I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. * * * This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze."

Never, I think, has there been greater need of leadership by men learned in the law; men who can "judge of the pressure of the grievance by the badness of the principle."

Longing for peace and good-will, we live in days of strife and hatred. Twenty-five years ago in this month of May, we could look forward with confidence upon the world of tomorrow. The Peace Palace at The Hague seemed to bring nearer the time when all men "would beat their swords into ploughshares, and neither
would they know war any more." In peace time science would open up new frontiers for human endeavors and through science men would increase production until there would be plenty for all. Democracy, spreading with the spread of education over all parts of the world, would, we had reason to hope, assure for all a better world than the world we had known. Three months later the World War had begun, and today we are reaping the crop grown from the seeds of hatred sowed in that war. Today science is used to build machines for destruction and death, not for the enrichment of the lives of men. Dictators who have crushed all freedom in the countries over which they rule are now threatening the countries which still cherish freedom. In a world which could produce plenty by well-directed labor, men and women are living in deepest misery because opportunity to labor and produce is denied to them. Fear is supplanting hope. National, racial and class hatreds are dividing country from country, and within each country, group from group. Hatred and fear can destroy, but cannot create. If the world of tomorrow is to be ruled by hatred and fear, it will be a sorry place in which to live.

The Temple of Religion at the World's Fair was dedicated immediately before the formal opening of the Fair. At the dedication exercises, Mayor LaGuardia pointed out that though in every field except religion the world of tomorrow looks forward to the future, in the field of religion we look backward to the past. The Ten Commandments and the Sermon on the Mount, the teachings of the prophets and the teachings of Jesus, were, as he said, the
foundations of all ethics and all religion, and, he properly implied, the foundations also of all law and order. In Deuteronomy we may read the commandment, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might." In Leviticus we read the commandments, "Thou shalt love thy neighbor as thyself", and, "The stranger that dwelleth among you shall be unto you as one born among you, and thou shalt love him as thyself, for ye were strangers in the land of Egypt." Again, in the Prophets, man is told that what the Lord requires of him is "to do justice, to love mercy, and to walk humbly with his God." It was in reply to a lawyer who asked, "What are the great commandments of the Law" that He who is worshipped by all Christendom said, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and great commandment; And the second is like unto it: 'Thou shalt love thy neighbor as thyself.' On these two commandments hang all the law and the prophets." Love of neighbor must follow from love of God. Where there is no love of neighbor there can be no justice and no mercy, and democracy is founded upon justice and mercy.

I have joined together religion and ethics and law so closely that perhaps you are asking, if what I have said be true, why are lawyers not trained in theological seminaries instead of law schools, or at least why is religion and its history not taught as part of a law course. Of course I do not mean to suggest that there is any direct connection between law and historic religion. I do, however, mean that the principles of democracy, the principles of the Declaration
Independence and the principles underlying the constitutional guaranties of freedom, all find their root in historic religion, and that the founders of the Republic drew their inspiration from the prophets and scriptural writings; and as authority for that I need refer you only to what John Fiske has written upon that subject. That inspiration has given direction to the development of law and government in this country.

The field of theology remains, nevertheless, far removed from the field of law. The aim of law is justice, and that is also the aim of religion. There analogy almost ends. Our law is a practical method devised by practical men for achieving justice, and I may add, giving effect to the divine commands. The law has built for us a road which takes us some distance towards a goal which man should always strive to reach, but will never quite attain. Practical considerations have determined to a great extent the course of that road. It twists and turns, but always until now it has brought us a little nearer to the goal. In the building of that road, lawyers have gained experience. Each well-conceived statute and each sound judicial decision constitutes a guide-post to be followed by those who are trying to build the road a little further.

I graduated from the Law School of Columbia University forty-one years ago. I became a judge of the Supreme Court thirty-one years ago, when I was thirty-two years old. Like all the lawyers and judges of earlier generations, and, I hope, like all the lawyers and judges of future generations,
I looked for wisdom and guidance to the teachings and precedents of the lawyers and judges who had gone before. Law is not static, and the law as formulated by lawyers and judges in the past will not always serve to meet the needs and solve the problems of today. There must be constant growth, development and change in the law to keep pace with the constantly changing conditions of life and custom. There is continuity in custom and in the life of the world, in spite of change. So there is continuity in law, in spite, or rather, I should say, because, of development, growth and change. The form and content change, but the life of the law lies in the eternal principle that the law is devised for the assurance to men of the inalienable rights with which the Creator has endowed men. Law ceases to be law when that principle is lost.

So, constantly, lawyers turn to the past in order to find solution for the problems of today and tomorrow. The leaders of the bench and bar of today must soon turn over their leadership to the younger men of their profession. You will make the pattern for the world of tomorrow, but you will make that pattern not out of any new-born wisdom of your own but guided largely by the wisdom of past generations of lawyers and judges.

In large parts of the world, dictatorships supplanting democracy mock the principles which the Founders of this Republic regarded as self-evident. They deny the individual's right to life, liberty and the pursuit of happiness. Reasonable men know that the choice does not lie between Communism and Fascism or Nazism, but between dictatorship, whether of the Right or of the Left,
and democracy; but day by day passion or fear is gaining sway over reason in increasing parts of the world. The number of people who are frankly and openly trying to introduce into this country Communism, Nazism or Fascism is small, and their influence is negligible. We hear rumors of subversive influences from abroad secretly trying to undermine our system. I do not doubt that Americans will not tolerate such influences, and if they can be shown to be at work, I am confident that our government and people will find ways to end them. The urgent question for us is how we can solve our social and economic problems upon a reasonable basis and by the application of democratic principles without undemocratic division into classes, without undemocratic arrayal of class against class.

Surely we can all agree that our problems cannot be solved by resort to the ideas or institutions of the days when I was a student at the law school. Government has been called upon to enter into new fields. There has been a growth, largely inevitable, of governmental interference with the social and economic life of the citizen. All agree now that there must be some regulation of competition in business, some interference with the social and economic life of the citizen. Also, we must agree that such interference may not go so far as to destroy our basic liberty. The problem is how far such interference may and should go. That problem will not be solved by the so-called "liberal" who urges constantly increasing interference regardless of its effect on personal liberty; nor will it be solved by the so-called "conservative" who urges that governmental authority may not interfere with a "rugged individualism" that is content that
the devil shall take the hindmost. The great middle group of America wisely wishes to take a middle course, and from the days of Aristotle and Plato, political philosophers have consistently pointed out that democracy succeeds where there is a middle group able to dictate a middle course.

Many today are passionately attacking or defending recent legislation which curtails personal and property rights of the individual to further some social end. To some extent that has long been the case. Lord Macmillan, in his address on "Law and Ethics," points out that

"It is no new complaint that the laws which the Legislature enacts often fail to be consonant with the principles of justice. It is now over forty years since Herbert Spencer, in his volume on 'Justice', exclaimed that 'daily, legislation betrays little anxiety that each shall have that which belongs to him, but great anxiety that he shall have that which belongs to somebody else.' Perhaps it is fortunate for that eminent philosopher that he did not survive to these present days. If he had, he would have to retain permanently the cotton wool with which, his biographer tells us, he used to stuff his ears against unwelcome communications."

I wonder whether if Spencer had survived to these days he would still have felt that "daily, legislation betrays little anxiety that each shall have that which belongs to him, but great anxiety that he shall have that which belongs to somebody else." Perhaps I am too much of an optimist, but in spite of the fact that some of such legislation seems to me unwise and that I know that it is at times enacted for political advantage and in answer to the pressure of influential groups, I am convinced that, on
the whole, the motivating force behind most of our new social legislation is not that one man shall have that which belongs to somebody else, but rather that no person shall be permitted to use his property for selfish purposes in manner which may work injury to the community. I really believe that if Herbert Spencer were now living, he would see in the trend of legislation a purpose, not yet clearly formulated and perhaps not even vaguely grasped by the public mind, -- a purpose to find a new balance between rights of the community and rights of private property. That balance cannot be found by men who are swayed by passion and prejudice, or whose reason is dulled by class or group interest. It is there that lawyers should be able to guide public opinion.

Of course there can be no rigid line of demarcation beyond which, reasonable men will agree, governmental interference shall not pass, nor have I any illusion that even the well-trained, well-intentioned lawyer is always reasonable. The lawyer is of course swayed more or less by the same influences which sway other men; feels more or less the same passions as they, and shares more or less the same prejudices. Even so, it still remains true that lawyers are trained to study both sides of each question, and the man who honestly sees both sides of a question cannot be very intolerant.

And so, I say to you, the students and graduates of the Syracuse Law School, who should be the leaders of public opinion in the world of tomorrow, that the prophetic ideals of justice and mercy and love of neighbor are not out-worn and out-moded, but
are eternally true; that the right of the individual to life, liberty and the pursuit of happiness, founded upon these ideals, formulated in the Declaration of Independence, and guaranteed by our Constitution, must remain the basis of our law, and that the purpose of government is and always should be to secure these rights. It has been the glory of the bench and bar of England and of America that they have always vindicated the rights of the individual. If the lawyers of America in that new world of tomorrow can carry on this great tradition, and effectively lead public opinion in America as their forbears have led it, then we can look forward to that new world with hope and confidence.