

Lawyers Today:

The Legal Profession in a World of Paradox

by Robert H. Jackson • Associate Justice of the United States Supreme Court

■ Two conclusions of great significance stand out like a flame in the night, in the address of Mr. Justice Robert H. Jackson before a great audience on the Monday evening during the Annual Meeting. No doubt he intended the first of these; as to the second, the demonstration may or may not have been designed. The first is his objective account of the loyalty, the patriotism, the heroism, and the sufferings of most of the lawyers and judges, in the invaded countries of Europe and even at the hands of their own Governments. Thousands of lawyers and judges were tortured and killed for their fidelity to law and justice. The second inference, equally unmistakable, is as to the plight and fate of independent lawyers and courageous judges when their own Governments became "big", bureaucratic, dictatorial, subservient to minority "pressure groups", and when such Governments found that law and lawyers were standing in the way of arbitrary power and official discretion. These portrayals should convey a stern warning to all Americans. Mr. Justice Jackson's analysis of the differences between the jurisprudence and legal procedures of the Soviet Union and those of the Anglo-Saxons is striking and authoritative; he does not suggest that Americans should accept or adapt the Russian concepts of pre-trial determinations of guilt or the status of Courts as organs of "Government vengeance". His report that an independent legal profession virtually does not exist today in many countries of Europe gives an insight into the conditions which are road-blocks to progress toward peace and law.

■ We are aware that lawyers exert an influence on the social and governmental policy of the United States that is disproportionate to their numbers. The same is true in varying degrees of the legal profession in other countries. Its function and interest everywhere are concerned with movements and policies that affect the fundamental legal structure on which the individual relies for se-

curity and free personality.

A war, founded in the Nazi revolution, designed to alter society for a thousand years, has deeply cut under the social order and has shaken the legal and political institutions of Europe. The Nazi war was finally put down, after several years of apparent success, only by a partnership with another ambitious revolutionary movement—the Communist gov-

ernment of Soviet Russia. Thoughtful men of the law in all war-torn countries are struggling to solve the social and political issues which are the aftermath of this titanic military struggle.

Problems Like Those of Europe May Confront American Lawyers

Some of these countries already have been face to face with problems which may eventually emerge in the United States, but which now we see only as "through a glass darkly." It will give the American Bar a better perspective on our own future problems if we expand our intellectual horizons tonight to consider the struggles, failures and successes of our distant professional brethren. Everywhere the Bar has sustained many casualties among its members and their families, and has suffered demoralization among its practitioners and prospective members by absence in service. But we may most profitably direct our attention to matters which transcend personal misfortune and influence the development of the law itself.

The nearest parallel to our own situation is found, of course, among our closest intellectual kinsmen—the Bench and Bar of England. The Barristers, that branch of the profession which confines its activities to advocacy, have suffered serious cor-

