

CHAPTER 4
ORGANIZING THE ABA PRO BONO PUBLICO NATIONAL PROGRAM
TO ELIMINATE CORRUPTION IN TRAFFIC AND SMALL
CLAIMS COURTS

As I have stated in the Introduction, there are many events in my career which overlap in time, so it is difficult to tell my story chronologically. Organizing the Junior Bar of ABA, nationwide, to eliminate corruption in traffic courts and laws was such a program. During the time I was creating and operating the traffic court reform program I was, for example, busy with my first case in the U.S. Supreme Court and other subjects.

I want to tell the traffic court reform program story separately, all in one place, in this Chapter and have done so.

I first met Arthur Vanderbilt in 1937, during New York-Newark discussions with Mayor Fiorello La Guardia, of New York City and New Jersey officials. They met to consider problems arising from Newark Airport and La Guardia's plans for a New York Airport. After the discussion of airports, Vanderbilt asked me to come to his Newark law office for a special reason. He stated he would become President of ABA in August 1937 and that, from the airport discussions, it seemed I was someone he could use to help on his state and local traffic and small claims court reform program because of my NIMLO and USCM connections.

While I had never met him before, Vanderbilt was clearly an outstanding law leader with a burning passion to work, as ABA President, for what he described as needed state and local court and related reforms. He denounced some state and local traffic and small claims court programs as politically corrupt, lacking in respect, and horrible examples of law and court misuse of the law. He said he wanted to talk to James P. Economos, Chairman of the ABA's Junior Bar Conference (hereinafter JBC), and have me appointed Chairman of its Traffic Court Committee. He said I should get young lawyers working for municipalities, which I represented, to join JBC and

help draft model municipal charters and ordinances to modernize the local government traffic control ordinances and traffic and small claims courts. This was part of the court reform program he was going to propose as the "centerpiece" of his program as ABA President. He said he intended that nationwide accomplishment through this program would be the landmark achievement of his ABA presidency.

He said he would also like to put me on a committee working on state court reform of higher general jurisdiction, chaired by the Fourth Circuit's U.S. Court of Appeals Chief Judge John J. Parker of my hometown, Charlotte, North Carolina, one of the great Judges I admired immensely. Vanderbilt said many municipalities would need state legislative authorization to change existing local charters and ordinances in order to carry out his proposed state and local court and court related traffic and small claims regulation reforms. He told me of a book he had hired a young lawyer, George Warren, to write. The book would collect the facts on the then present traffic regulation and courts and their ills. These facts were basic to the reform program that Vanderbilt was proposing. Much work had already been done on traffic courts and on small claims courts, which he assailed as also operated by corrupt lay, untrained Justices of the Peace.

Vanderbilt wanted to begin his program by collecting the current facts on corrupt political traffic ticket fixing, speed traps, and other problems in and relating to traffic regulation and traffic courts. He said that I, as the General Counsel for the municipal lawyers organization (NIMLO), was in an exceptional position to help him and Warren collect data on local laws, municipal charters, ordinances, and other traffic regulation and court experiences of municipalities. He was a most persuasive advocate. While I was very busy, he persuaded me to work with Warren to secure the vital information he needed.

I had no idea then that when I arrived home in Washington, from Newark the next day, that Vanderbilt would be on the telephone telling me things to do as

Court Reform

soon as I became Chairman of the ABA's JBC Traffic Court Committee. He said James P. Economos would be in Washington with George Warren the following day to get the Traffic Court Committee organized and at work. He stressed that to get anything done in law reform required "harnessing lawyers to help" and organizing them into long range pro bono publico commitments and interests to get the job done.

Vanderbilt also said that "as a starter", I should "immediately" call the Mayor of Chicago, using my Mayors Conference acquaintance, and request him to take the "largest cash register in existence" out of Chicago's Traffic Court, as it was a disgrace. He also told me to call Barnet Hodes, Corporation Counsel of Chicago, on this and "tell him to clean up Chicago's traffic court before he (Vanderbilt) blasted it".

I talked to Chicago's Mayor, Edward J. Kelley, who said he agreed with Vanderbilt. With that agreement he also referred me to the City's Corporation Counsel, Barnet Hodes, to get rid of the cash register. Hodes, who had just been elected President of NIMLO, of which I had become General Counsel, was eager to help. He said he would take care of removing the cash register and that he would assign one or more of his assistants to do all that was necessary to make Chicago's traffic laws, traffic courts and small claims courts a model for the Nation. The cash register was removed and work on improving the Traffic Court, as well as Chicago's traffic regulation ordinances, began in earnest. Hodes moved swiftly and I so reported this to Vanderbilt and he said it was a good start but to keep it up.

I worked hard on the traffic court program and left the small claims court part of the program to others. I learned a lot from City Counsel for NIMLO members about city and county control of traffic regulations and courts. At my request, city and county attorneys agreed to help where their city or county controlled particular traffic courts and adopted local traffic regulations, as provided by city charters or state laws. They also helped with state legislatures where state law reform was needed.

Autobiography by Charles S. Rhyne

After I was named Chairman of the Traffic Court Committee of the JBC, using municipal contacts and young lawyer members of the JBC, we launched a national ABA program to improve traffic regulation laws and courts. I appointed State Chairmen, and large city Chairmen, to organize JBC Committees to reform traffic courts and traffic regulations. We often asked our elder ABA and NIMLO members (those over the JBC age limit of 36) to help and they did. We asked Governors, State Attorneys General and ABA and State Bar leaders to help and they did. This included a major effort to get rid of lay justices of the peace, who I learned often sat to hear traffic violation cases in such places as rocking chairs on the front porches of their homes and in barber shop chairs. It also included major updating of antiquated traffic regulations in statutes and ordinances.

I continued to help compile the nationwide fact book, edited by George Warren and published under the title Traffic Courts, on the then current disgraceful lay justices of the peace and their terrible corrupt injustice. They were involved in ticket fixing and were carrying out "trials" which caused disrespect, not only for traffic courts but all courts. This was a major blow to court justice because over an estimated one million Americans were defendants in traffic courts in 1937. These defendants got their only image of court justice there and what they saw, heard and experienced in traffic courts was so disgusting they often disrespected all Courts. For them, Justice of the Peace traffic courts were their image of all courts. Our entire traffic justice reform program was aimed at making traffic courts so just and respectable, the thousands who are summoned there would feel they received equal and fair justice.

I made speeches throughout the Nation to bar associations, civic clubs and other groups on ABA's traffic court and traffic regulations program, as that program grew under Vanderbilt's driving method of procedure. I, in my many speeches all over the Nation, stressed that more Americans appear in small

Court Reform

claims municipal and justice of the peace traffic courts than in any other courts in our judicial system. Thus, I argued, our people largely get their only impression of what court justice and the rule of law are like in these courts - it was a very bad impression, to say the least. I further argued that we had to clean up, and upgrade, these courts of first instance. This required new state and local laws, as well as better traffic court hearing rooms, and law-trained Judges in judicial robes, with the Judges not acting as prosecutors, Judges and Juries, but solely as Judges.

President Vanderbilt made his programs of reform of all state courts the major permanent contribution of his presidency. So all encompassing and well planned was his program, that I could write volumes on it. The major fact was that it worked. It produced, and is still producing, concrete results. Vanderbilt took occasion, before he became ABA President and while he was President, to tell me all he was going to do and did do to carry out his ABA program to improve state courts. He said no ABA President could be counted a success unless he left indelible permanent markers, consisting of rule of law justice reforms, as his contribution to our Nation's legal system. He wanted to improve all state courts, not just traffic courts, with the organized support not only of the JBC but of other Committees and Sections of the ABA. He said he was asking all lawyers to help on his state court programs. When we, in the JBC, reached out to lay leaders for help in creating public opinion back of court justice, he was for that reaching. He believed that in a democracy, public opinion controls public reforms and wanted to create that opinion back of his proposed reforms.

The ABA's JBC Traffic Court Committee, with James P. Economis as Director, did a terrific job improving traffic laws, ordinances and traffic courts. Economis pretty well devoted the major part of his career to this program for many years. I personally wrote model traffic control ordinances and statutes for municipalities in my dual capacities as

Autobiography by Charles S. Rhyne

Committee Chairman and NIMLO General Counsel. The city and county lawyers, who operate NIMLO, helped and are, I believe, still keeping a vigilant eye on traffic laws and courts. The National Safety Council worked mightily on this ABA program and I made speeches at their meetings.

After some 6 years of intense effort, the traffic court regulation program reached the point where we had state and local committees in all states, and many cities. Serving on these committees were hundreds of young lawyers, with older lawyers serving on advisory committees. Public officials, from Governors to State Attorneys General, to members of state legislatures, city and county council members, Mayors, city attorneys and ABA leaders attended regular meetings devoted to the reforms we were urging.

Vanderbilt arranged for ABA to give awards for improvement in traffic courts. To add to their importance, they were voted approval by ABA Annual Meetings. That gave the awards national status. The awards were eagerly sought for, nationwide.

Nearly all lay justices of peace were rather quickly replaced by law-trained Judges. Non-fixable traffic violation tickets, created by James Economis and me, with a lot of help from city police chiefs and state police chiefs, were soon in use in a majority of the states and their local governments. One could see this program grow steadily, almost daily, toward its objectives.

Media attention was great and most helpful. Vanderbilt, engaged in a major effort to upgrade the entire New Jersey court system as a national model. He praised progress in traffic court reform as proving the other state courts could indeed be upgraded to meet his high standards. He was meeting terrific opposition in New Jersey, but fighting to success on most of his proposed court reforms there.

Throughout the Nation, the reform for courts of general jurisdiction, under prodding by Committee Chairman, John J. Parker, was achieving success in state after state.

All of this proved that when organized behind a

Court Reform

definite objective, the lawyers of America could and would succeed in improving justice which the general public approved and appreciated. All involved were proud of the results.

However, this law group of state court reformers realized that court reform is one that requires constant attention. Even as I write, I can recognize the necessary upgrade needs which current traffic courts, and the applicable traffic ordinances and statutes, require. The National Transportation Board reports that in the United States there are over 190 million motor vehicles licensed to use our streets, roads and highways. While no definite figure is available, it is certain millions of Americans receive traffic violation tickets each year. Yet, we have not upgraded the number of personnel or the size of traffic courts to reasonably handle this enormous number of motorists who seek justice in traffic courts.

The ABA spotlight of national attention does not burn as brightly as it once did. In order to earn the constant essential respect for all law and all courts, it is necessary for ABA to relight its national spotlight on traffic court justice.

State traffic and small claims courts are not, in many instances, today the halls of justice where the kind of rule of law justice we need for the millions who make their only court appearance seeking justice in these courts. Justice in these courts, is not always the justice which we of the law desire and which our people envision. To me, Vanderbilt and Parker, and their successors, spotlighted a part of the American dream of equal and fair justice which requires constant upgrading work. I regret that ABA attention has faded, and hope it will be revived.

The rule of law will not earn the continuing respect of the American people unless we ensure that the equal justice our people expect is given to them in traffic and small claim courts. Respect for these courts did not exist when Vanderbilt began his ABA program. While Vanderbilt did get much improvement in traffic courts, they still require updating improvements. This is true as to traffic

Autobiography by Charles S. Rhyne

regulations, as car makers continually add power and speed to cars and roads are built to accommodate speed. Today, the million traffic court defendants, I estimated earlier for 1937, has grown to many millions in 1995. They crowd even our updated traffic court courtrooms. We do not have enough traffic courtrooms, enough traffic court Judges and enough traffic court clerks and personnel.

The millions of fast automobiles, which now crowd our millions of good roads, adds to the traffic control problems.

Drivers of automobiles will only respect courts and laws which are respectable. Our duty, as lawyers, requires that we help do the necessary updating reform. We lawyers are largely the guardians of our legal system. Either we lawyers do the essential updating reforms, or they are not usually done at all. ABA should relight the Vanderbilt program rather than letting it cease to receive needed current attention.

I have travelled over our Nation almost continuously for my entire legal career working for cities, counties, states and private clients. When I can, I sometimes check in on local traffic courts and, in doing so, I say prayers of thanksgiving for ABA's Arthur Vanderbilt, James Economis, and the hundreds of ABA helpers on this program. I record the just stated criticism as the traffic court reform program was one of ABA's oldest and most fruitful programs in causing increased respect for law and courts by making our law system more respectable. This specific program reaches more people than any other specific ABA public service court program.

When the ABA Committee's proposed model traffic ordinances and non-fixable numbered and publicly recorded traffic tickets were adopted by many states and municipalities nationwide, it was a great step forward for court justice. We sought to make the legal profession, lawyers, public officers and community leaders proud of their traffic courts instead of being ashamed of them. I, and many ABA leaders, made many speeches before state and local meetings of bar associations, service and civic

Court Reform

clubs, insurance company officials, the National Safety Council and police organizations on the theme of making traffic courts and traffic laws and ordinances so respectable that they would be indeed respected and their provisions would be more likely to be obeyed. I said, over and over again, that many people did not obey traffic laws and ordinances and did not respect the courts who heard cases resulting from traffic violations because of out of date ordinance provisions and unreasonable, unlawful, court decisions by non-lawyer Justices of the Peace who were not providing respectable justice.

I persuaded many NIMLO municipal lawyers to let me appoint one of their most able young assistants to the JBC traffic court committees that I created in all states and most large cities. I emphasize the impact of nationally publicized ABA awards for traffic ordinance and traffic court improvement which were given to cities, counties and states, by vote at ABA Annual Meetings. This recognition was repeated in the local courts which were honored. The Award Ceremonies were usually held in large courtrooms with the highest nearby ABA official being the ABA Award presenter and the highest state and local officials and highest resident ABA leader as speakers on the program's purposes. This produced much favorable media publicity which helped forward the program, as did the Annual national announcement of these Award recipients at ABA Annual Meetings.

Arthur Vanderbilt often said this was a time consuming, difficult and sometimes unappreciated pro bono publico effort. He drilled all of this into me and my committee saying instant results could not be expected in our democratic form of government. He said repeatedly that "law reform is not a job for the short winded". He stressed that state legislators and local city and county councils were part of, and naturally liked, the status quo and would not easily yield to reforms. He also said that reformers like himself had to rally strong public awareness, creating strong public opinion behind court and other associated reforms in order to get legislative bodies of states and municipalities to enact them. I found he was so very right on this.

Autobiography by Charles S. Rhyne

The ABA's traffic court and traffic law reform program, like all democratic law changes, improved slowly but steadily. Our people are certainly growing more respectful of the laws, ordinances and courts it has spawned since those have been improved. It is one of the ongoing programs of ABA to which it can point with pride as a major contribution to safer rides in our millions of cars. Across the Nation, people know and are more respectful of traffic courts than when the program was founded. The old days of traffic ticket fixing and other corruption are just about extinct. Lay justices of the peace have just about disappeared. Many traffic court judges wear judicial robes and are not both prosecutors and judges, as in the past. Traffic courts are now, in general, housed in good appearing court buildings. This program has certainly made a difference. ABA is entitled to the credit for the growing safety results flowing from improved traffic laws and courts.

I do not mean to imply that our Nation's traffic courts today are always places where equal justice for all prevails. I repeat, many traffic courts are, even today, overcrowded and understaffed. Due to the thousands of traffic court tickets issued daily, hundreds of people get rushed through almost "rubber stamp" justice under such circumstances. The spotlight of an active, ongoing ABA program is still very much needed to help find ways and means of making and keeping traffic courts a real respectable place where fair and equal justice can prevail.

I have gone into this program at length, as it was my first pro bono publico work on a nationwide equal justice program. I learned much from this experience and President Vanderbilt, which helped immensely in my law career. Above all, he taught me that the only way to succeed in equal justice law reform was to work with and through the organized legal profession. That I have always done in the pro bono work I have performed for law reforms. I have never worked alone. I should add that while devoting much of my time to the ABA traffic program, I also helped Judge Parker who was Chairman of the

Court Reform

Vanderbilt ABA court reform program for state courts of general jurisdiction and state appellate courts. He requested that I, as JBC Chairman, appoint one young lawyer or more, if necessary, to compile statistics on the state courts he and his ABA Committee were studying. He repeated, laughingly, the old adage of, "Old lawyers for wisdom, Young lawyers for hard work". I made those appointments for all states and their reports to the legendary Judge Parker are a major part of the factual base Judge Parker used for his most successful Committee reports.

The Traffic Court Program of ABA does not now receive the attention Vanderbilt and many of his successors, as ABA Presidents, gave it. As I read the facts, ABA's spotlight on these courts where most Americans get their only experience is very dim now. I hope another ABA President with Vanderbilt's and Parker's views on state court justice will make a reform of those courts, their major program as ABA President. It will not be an easy task for those who do that task, but they will always be honored high in the annals of law reform in our Nation. I hope ABA will rekindle the fire for continued updated justice, which Vanderbilt and Parker and their followers, lit. For the reasons stated above, more Americans could benefit from such action than any other ABA court justice reform program.

CHAPTER 5
CHAIRMAN OF JUNIOR BAR CONFERENCE (YOUNG LAWYERS
SECTION) OF ABA BROADENING MY ORGANIZING
EXPERIENCE

I soon moved up from Chairman of the JBC's Traffic Court Committee into the office of Chairman of the ABA Junior Bar Conference, now the Young Lawyers Division. It is composed of all ABA members through their 36th year. In 1944, I was nominated for JBC Chairman for the 1944-45 term and won a contest for that office over Hugh Henry of Denver, who was then Vice-Chairman of the Junior Bar Conference.

Having, I believe, been successful with the Traffic Court Committee, I resolved to restructure the JBC, particularly to aid the young lawyers who were then returning war veterans of World War II. I also pressed on with the idea that traffic court programs and the task of subsequent reforms is a constant and ongoing ABA work that is never really finished.

To inform our rapidly growing membership, I persuaded JBC to publish a newspaper entitled "The Young Lawyer" describing its activities, with Sidney Sachs of Washington, D.C. as its Editor and Charles H. Burton of Washington as Associate Editor. James P. Economos, former JBC Chairman, had become a full time Secretary and Director of the Traffic Court Committee and Calvin Cory, a dynamic young lawyer and Clerk of the U.S. Senate Judiciary Committee, was named Chairman of that Committee. A special Committee on War Readjustment, chaired by Lyman M. Tondel, Jr. of New York City, ran this extensive program covering law refresher courses given by practicing lawyers in law schools and court rooms. Reestablishment in law practice courses were also offered in law schools. State and local bar associations set up and ran special war veteran aid offices.

The great ABA project on State Court reform, chaired by Judge John J. Parker, on Improving the Administration of Justice in all state courts was

Junior Bar Conference

aided by a special JBC Committee I appointed, chaired by John S. Howland of Des Moines, Iowa, which included the state by state researchers referred to in the Traffic and Regulation Court Reform Chapter herein. The special committee had members in all states. They were proud to earn the prestige of serving under, and helping, the very distinguished Judge Parker. They did the tremendous State Court research he desired, and he praised them highly.

T. Julian Skinner of Birmingham chaired a very active committee on Cooperation with State and Local Young Lawyer Groups and Law Students. State Chairmen were named and their activities were directed by Thomas F. Healy of Washington, D.C., National Director of the JBC Information Program.

K. Thomas Everngam of Denton, Maryland, Chairman of the Committee to Aid Small Claim Litigants, helped complete reports on Loan Sharks, by Lawrence Dumas, Jr. of Birmingham, and Justices of the Peace, by William R. Eddleman of Seattle, now located in Dallas, Texas.

The JBC also began to reach out to the international field and develop contacts with young lawyers in other Nations, especially in Canada and Latin America. We printed an issue of "The Young Lawyer" in both English and Spanish for which action we were roundly criticized in the ABA's House of Delegates. Eugene Stanley of Kansas told the House of Delegates that the Spanish edition was a horrible waste of money. He said that its front page, which carried photos of ABA President Simmons and me as JBC Chairman "looked like an ad for hair restorer". President Simmons was obviously getting bald and I, at that time, had a rather large head of black, curly hair. I had been asked to come to the House of Delegates to answer Stanley and hear all of his criticism. The Chairman of the House, Tappan Gregory, came down the middle aisle, took my arm and sat down beside me. He urged that I remain silent, as he had arranged for speakers to answer Stanley. I took the Chairman's advice. President David Simmons said he had approved the publication and others spoke up with praise for it. The House took no action.

Autobiography by Charles S. Rhyne

But we, of JBC, decided at our meeting that we needed a Delegate in the House of Delegates who could speak up in defense of our efforts. We wanted to make the JBC a force in that renowned body. The necessary steps were taken to nominate me at the next election of assembly delegates. I was elected as an Assembly Delegate in 1945, the first JBC member ever elected to the House of Delegates, much to the surprise of our elders in the Association.

House of Delegates Chairman Tappan Gregory, later an ABA President, immediately sat me down again and gave me one of several lectures on how to "climb up the ABA power ladder", as he described it. His father had been ABA President. He said I should never speak in the House unless I had something of substance to say on the subject before the House, which was strong enough to command respect. He also said I should be short in my statements to the House. He concluded his advice by saying that while the House liked to call itself a great deliberative body, and it was, those who did not follow the advice he had just given me never got anywhere.

He appointed me a member of the powerful Rules and Calendar Committee of the ABA House of Delegates, from which most House of Delegates Chairmen were then usually elected and, if they acquitted themselves well in that office, the then second office of ABA, they usually were elected ABA President.

As Chairman of the JBC, I recognized it was vital to bring more young lawyers into ABA committee work beyond that of our JBC committees. I asked many Chairmen of ABA's Committees to ask ABA Presidents to appoint young lawyers to their committees to do the "hard work". I also asked ABA Presidents to consider appointing JBC members as Committee members. We used the slogan I have referred to earlier, as quoted by Judge John J. Parker, "Senior lawyers for wisdom; Young lawyers for hard work", to attract attention and the work flowed to us. We tried to persuade JBC members to participate in every part of ABA's section work that was of interest to them. Many JBC members followed that advice. As I will report later herein,

Junior Bar Conference

Mitchell Carroll of the International and Comparative Law Section was most enthusiastic in welcoming us into that Section. And with my election as an Assembly Delegate to the House of Delegates, at the Cincinnati Annual Meeting in 1945, we began to take a contributory part in the House of Delegates debates, where I believe we followed Tappan Gregory's advice to speak only when we had a concrete, substantive contribution to make. That meant I did not speak often!

JBC COUNCIL MEETING 1946



First row (seated, l. to r.): Bill Nieman, Ray Nyemaster, Charlie Rhyne, Jim Economos, Bob Dreidame; Second row (l. to r.): Tom Healy, Bill Eddleman, Lyman Tondel, Charlie Burton, Keats Bowie, Bob Gwin; Third row (l. to r.): Lt. Col. Hawkins, Ed Utz, Bernie Menke, Sidney Sachs, Art Sebastian, Jack Bindeman, Major Hatch, Nat Lubar.

CHAPTER 6
CONGRESSIONAL, LEGISLATIVE EXPERIENCE

Mayors Conference and NIMLO

When I began work for the United States Conference of Mayors in the Fall of 1935, the major program of the Conference was to secure legislation providing a vast list of Federal Financial Aid on an almost endless list of subjects. With the Great Depression still raging and aggressive actions of Germany, Japan and Italy threatening what was to become World War II, the scopes of Federal programs to aid the Allies were also growing under names such as Lend-Lease, to escape a rather hostile Congress. Cities were being asked to help in many ways.

Mayor Fiorello La Guardia, President of the U.S. Conference of Mayors, was a great friend of President Roosevelt and being a Mayor of tremendous energy, La Guardia was often called upon, in the 1930's, by President Franklin D. Roosevelt to undertake missions relating to European Nations moving into war with Germany and undertake programs with next-door neighbor countries, like the North American Alliance with Canada. La Guardia was, at the same time, working on the whole gamut of "New Deal" Legislation from Civil Aviation and Airports, to needs like public housing for workers in war related industries and the tremendous fight with Harold Ickes, the Secretary of the Interior, and his ideas about tidelands, coal prices and many other related programs. I never knew one day what La Guardia would ask me to do the next, but I threw everything I had into a whole myriad of assignments.

When La Guardia later took over the Office of Director of Civil Defense, that function seemed to grow daily and with its growth came conflict, not only between states and cities, but also within the Federal Administration. Many Federal officers thought La Guardia was taking over too much of what should be their territory. Despite the most helpful work of First Lady Eleanor Roosevelt on Civil Defense preparations, these disputes really impacted and

Congressional Legislative Experience

delayed some of the needed progress on these new war preparation programs. I often worked for La Guardia with the First Lady.

Hand in hand with possible U.S. involvement in World War II, which President Roosevelt had clearly already achieved in the late 1930's and early 1940's, short of an actual declaration of war, the President had a domestic agenda of far-ranging magnitude in which the Mayor's Conference and NIMLO had specific interests and assignments. He wanted new legislation to replace the rather sketchy regulation the Department of Commerce was providing for commercial and private airplane use, out of which came the Civil Aeronautics Act of 1938, the Natural Gas Act of 1938, the Guffy Coal Act and its successor, which came into being after the "nine old men" of the Supreme Court of the United States held the earlier "Guffy Act", on this subject, to be unconstitutional. Cities also were tremendously interested in the legislative hearings which produced the "New Deal" Legislation, some of which I have mentioned.

The story of the mayors and their cooperative work on Federal Legislation is already referred to as recorded by my great friend John J. Gunther in his book Federal-City Relations in the United States (1990). See page 39, supra.

As I was coming into the U.S. Conference of Mayors staff, Sherwood Reeder, its Deputy Director, was leaving to become a city manager. So Paul V. Betters, the Conference Executive Director, Harry Betters, his brother, and myself, a part-time worker and law student, were the only staff of the Conference. I welcomed the tremendous challenge and trudged around from Congressional Committee to Congressional Committee carrying La Guardia's, or some other city official's, papers relating to the above and other subjects. I also carried the same La Guardia briefcase to some White House meetings with the President and other Federal officials in various government departments and agencies. Those were pressurized times and La Guardia loved the pressure. His performance was always excellent, as were his relations with the President and his Administration.

Aviation And Airport Legislation

I first went to Senator Pat McCarran of Nevada to ask him to help World War II pilots who had purchased surplus World War II airplanes and maintained a very irregular schedule of passenger flights, coast to coast and between some major cities. This furnished work for war trainee pilots and competition for regular airlines certified by the Civil Aeronautics Board.

I represented some of the pilots of the non-certified air carriers. Gradually they lost business as the regularly scheduled airlines grew in reliable service and the so-called non-scheduled, or non-certified, carrier operations gradually became so irregular and unreliable that they, one by one, closed operations.

The battle for air service among cities was intense, just as it is today. Cities filed petitions in support of some air carriers and in opposition to others. With the Civil Aeronautics Board assuming more and more authority over air carriers, the need for subsidies of airlines through mail carriage and other means grew, as did the battles for airport funds. My work on the Civil Aeronautics Act of 1938 was to get an appropriation of airport funds to cities, to pay for badly needed new or enlarged airports, written into the Act. Cities finally had to settle for a study of the publicly owned airport picture and its needs. This study was completed, but it did not end the furious fight between cities and states as to which should get the airport money.

This battle finally came to a head in the consideration of legislation by Congress. Senator McCarran became the leader on the Senate side for cities to receive direct grants of the Federal airport money. Senator Brewster of Maine and Senator Hooey of North Carolina led the fight for state control of airport money. Everyone considered that the airport money was essential, as airline service was becoming more and more essential in the business World.

The final hearings on several proposed airport

Congressional Legislative Experience

bills were held by the Senate and House Commerce Committees. Senator Brewster presided over most of the Senate Hearings. Governors, Mayors and airline executives were the chief witnesses. As was customary then, at the end of hearings on any subject, the Government Agency or Department having jurisdiction was asked by the Chairman of the Committee conducting the hearings to prepare a bill and report. This, Senator Hooey did, as Chairman of the Senate Committee. He asked William Burden, the Assistant Secretary of Commerce, to write up a statutory text and a report justifying the proposed legislation, in this case the Federal Airport Act of 1946. Mr. Burden knew me quite well and knew that I was working for cities to get control of the Federal airport money. He called me and asked that I come to see him. He asked me to write the Airport Act and Report. Naturally I agreed, provided that the statute and report would be fully in support of the McCarran Bill, giving the airport money to cities. He laughed and asked why he would have asked me to come there if they (meaning the President and the Administration) did not want such an Act and such a Report. He assigned me to an office adjacent to the office of the Secretary of Commerce, Henry Wallace, and instructed his staff to provide all the help I needed.

I said I needed John Hunter, chief airport attorney of the Civil Aeronautics Administration, and four extra good secretaries, as we were told that the Senate was in a hurry for the Bill and the Report due to an upcoming, planned recess. We produced the Federal Airport Act of 1946, which I cleared with Senator McCarran, and he, in turn, cleared it with several Senators and several members of Congress. He then gave it to me and I gave it to Bill Burden. Burden then gave it to Senator Hooey. Knowing that the Congress was about to take a recess, Senator Hooey did not even read the Proposed Act or Report. He marched down the center aisle of the Senate Chamber, addressed the Chairman, and said, "Mr. Chairman, I have the honor and pleasure to present the Federal Airport Act of 1946 and ask

Autobiography by Charles S. Rhyne

unanimous consent that it be adopted." His motion was seconded and adopted.

Later, after the Act had been adopted by the Senate and the House of Representatives and signed by President Truman on May 13, 1946, I was present when Senator Hooey jumped all over Senator McCarran for having "pulled a great one on him." Senator Hooey was a true southern gentleman, wearing long, flowing clothes and a string tie, and seeing him throw a fit in that outfit was a treat indeed. He was in no position to change the Act or even try to.

I should say that Senators and members of Congress, at that time, did not have the large staffs they have today. It was not unusual for them to use personnel from Departments or Agencies, over whom they had Senate Committee jurisdiction, to do their work, nor was it unusual for someone in my position, as advocate for the cause of cities, to do what I did, not only in this instance but in other instances as well. My city clients felt that I earned the small amount they paid me for work I did for Senator McCarran, on both the Civil Aeronautics Act of 1938 and the Airport Act of 1946.

I had originally become acquainted with Senator McCarran by doing a statement strongly supporting a version of his proposed Civil Aeronautics Act, which would help non-scheduled World War II pilots. When that cause changed, as my clients got airline jobs, I went back to him on behalf of cities and airport funds. When I sought his support of the view that cities, and not states, should control the money Congress was being asked to appropriate to subsidize city-owned airports, he was most sympathetic.

I became a friend of Senator McCarran's brilliant secretary, Eva Adams, his staff counsel, Jay Sourwine, and Calvin Cory, his other assistant, which composed his entire staff. He did have a receptionist who was assigned to work for him by the Department of Justice. In those days, it was not unusual for Senators and members of Congress to ask "outsiders", like me, to help them on everything from writing speeches, to doing a lot of legislative research and writing for them. Senator McCarran was

Congressional Legislative Experience

a master at this. He was always inviting me and his staff out to his home for dinner and late night work. Being from a small state, he did not have a hundred or more persons lined up at his door each day seeking help, as did Senators from states near Washington or from larger states. He was famous for his temper, brain and his own hard work. He was on many committees and made his presence felt on each one of them.

He is most famous for his long service as Chairman of the Senate Judiciary Committee. Before that Committee, I worked for Senator McCarran, mostly on American Bar Association legislative programs, like the Administrative Procedure Act of 1939 and judicial appointments.

State And Local Legislation

My work at the local government levels for NIMLO, and sometimes for the Mayors Conference, required constant drafting of new city ordinances, city charters and state statutes favorable to municipalities seeking "home rule". Since municipal powers come by delegation from the states, there is a constant battle over "municipal powers". That power must be expressly delegated by state constitutions, state statutes or city and county charters. Sometimes power of local governments will be upheld if overwhelmingly proven to have been specifically implied from legislative action taken by the states. The Courts are very reluctant to uphold an implied municipal power.

Many and varied are the ordinances and charters of municipalities and the state statutes or constitutional provisions which have authorized them. In the NIMLO Chapter I discuss the loose-leaf model ordinance service which grew out of this work.

In the Federal field, I have worked largely on legislation helpful to municipalities, such as the aviation and natural gas fields which I have already described herein, for example. My aviation and airport law books, also described in the NIMLO Chapter, are examples of Federal legislative work for municipalities.

The Federal Government likes to delegate powers to the states for re-delegation to municipalities, rather than giving power directly to municipal governments. An example is the Federal Environmental Statute, under which the Federal Government has mandated that states enforce its costly restrictions without providing Federal money to pay these costs. The battle over Congressional mandates, which land on municipalities and the court decisions arising therefrom, is referred to in the Chapter on NIMLO and the Chapter on Litigation herein.

For municipalities, my chief legislative job in Washington was to accompany a Mayor or City Attorney to Congressional hearings and give them such advice as they needed or desired. The interests of cities were broad based in subject matter and grounded largely in fiscal burdens or benefits the particular proposed Federal legislation would impose on cities. Many municipal representatives sought Federal reimbursement funds for a growing list of new costs imposed upon cities by Federal legislation mandates, to build public housing and other improvements. Since city budgets generally could not pay for such improvements, city representatives asked that the Federal program be funded by the U.S. Government. There are, according to studies made and published by the U.S. Mayors Conference and NIMLO, Federal mandated programs costing over 615 billion dollars which cities are required to pay for, as no Federal funds have been provided to pay for these programs.

American Bar Association Programs

As I worked more and more in the American Bar Association's programs, and being in Washington, I was often asked to appear for ABA before Congressional Committees for other ABA officials who could not get here. On programs like ABA President Frank Hogan's Administrative Law Initiative, I was very active both before Congress and in the Courts. I represented the Federal Agency Hearing Examiners, now given the more correct title of Administrative Law Judges, in their suit to invalidate the then

Congressional Legislative Experience

existing process of paying Hearing Examiners according to one of the five levels of Civil Service Commissions Compensation Classifications, according to the Agency's determination of each Hearing Examiner's area of decision difficulty.

I refer to that case Ranspeck v. Federal Trial Examiners Conference in the Litigation section herein, and set forth the facts of the years long successful fights in Federal Courts and before Congressional Committees to advance the cause of Hearing Examiner decision independence. See supra pages 133, 137. There can be no doubt that the constant support of the American Bar Association was a major function in this success.

CHAPTER 7
CHAIR ABA INTERNATIONAL LAW AND PRACTICE
(FORMERLY INTERNATIONAL AND COMPARATIVE LAW)
SECTION: AWAKENING TO THE POTENTIAL OF RULE OF
LAW IN TODAY'S WORLD

Hand in hand with my broadening international experience through participation in the U.S. North American Alliance Committee, and related activities as its General Counsel, I was working my way up from Secretary to Vice-Chairman and the Chairmanship of the ABA's Section of International and Comparative Law Section (ICL) in 1948-1949. That Section, now named the International Law and Practice Section (ILP), had in the 1940's largely Law Professors as members. It now focuses on law practice, as the enormous growth of international law practice has attracted more and more practicing lawyers as members.

Before the 1945 ABA meeting in Cincinnati, Mitchell Carroll, then Chairman of the Section on International and Comparative Law, said it appeared to him that the Junior Bar Conference (JBC) had the "big name" speakers at its luncheon meeting on international affairs so why not make the ICL and JBC luncheon a joint affair and we agreed to do so. The distinguished luncheon speaker was the Honorable Green H. Hackworth, Judge of the International Court of Justice.

These luncheons attracted great leaders in the International field and were most helpful to both sections.

The St. Louis meeting in 1949 was a crucial one for ICL. Frank Holman had spent his presidency during the then past year making speeches in favor of the so-called Connolly Reservation to the Statute of the International Court of Justice. That Reservation, in effect, allows the United States to decline the jurisdiction of that Court in any case it did not want decided by that Court. This has made the Court ineffective and was so intended by the isolationists of that day, led by Holman in the ABA. I made many speeches against Holman's position and

Rule of Law in the World

almost won a majority vote in the House of Delegates. Philip Perlman, Solicitor General of the United States, whose office made him a member of the House of Delegates ex officio under the ABA constitution, made a highly personal and inflammatory attack on Holman during the heated House of Delegates debate. This clouded the real issue and I lost to Holman. Years later, at the ABA meeting in Toronto, Canada in 1989, I was one of those who urged and voted for a long needed change in ABA's position from favoring the Connally Reservation to opposition. This time we won, as the rule of law was sweeping the World.

The ICL and JBC planned a chiefly joint meeting at the 1949 ABA St. Louis annual meeting, under my chairmanship, with speakers headed by Ambassador Philip C. Jessup who had held numerous high foreign relations positions representing the United States. He was, in 1949, the U.S. Representative to the Security Council of the U.N. and U.S. Representative to the U.N. Assembly. Ambassador Jessup spoke at the joint ICL-JBC overflow luncheon. He was one of the major speakers at the ABA Meeting.

The Annual Meeting had a most outstanding ICL program. Its resolutions focused on and favored the United States Senate ratification of the Genocide Convention, the Convention on Human Rights, the International Copyright Convention, Freedom of the Press and Freedom of Speech, International Double Taxation, and all the many law matters pending or proposed by the United Nations. Other than Philip Jessup, speakers included Judge John J. Parker; Professor Manley Hudson; Harold Stassen; Charles W. Tillet, Jr.; Secretary of War, Robert P. Patterson, who spoke at the joint luncheon of ICL-JBC Sections and the Section of Corporation, Banking and Mercantile Law; Chairman of the Federal Trade Commission, Robert E. Freer; Kenneth S. Carlson; Edgar Turlington, and many other leaders of the Nation active in international affairs. Again, the luncheon attendance was overflowing and curtailed due to lack of space, as many who wished to attend could not get tickets.

Autobiography by Charles S. Rhyne

For me, personally, the statement Senator John Foster Dulles gave to me to read for him opposing the Connolly Reservation meant a lot. He later helped me with President Eisenhower on the idea which became "Law Day - USA" and in developing my opposition to ABA President Frank Holman's plan to ask ABA approval of the Connolly Reservation to United States ratification of the Statute of the International Court of Justice. The major impact of this interaction with international law leaders of our Nation and other Nations was tremendous background experience for my future leadership of ABA and the World Peace Through Law Program.

Since I had been elected ABA State Delegate to the House of Delegates in 1945, Harold Stassen, Charles Burton and other JBC Chairmen succeeded me as Assembly Delegate in the House of Delegates. JBC members became ICL members in large numbers and its membership grew tremendously. Also, since all of the above, the ICL and its name successor, the ILP, has fared well in the House of Delegates. The cause of international law has risen steadily and young lawyers of the current time, and older lawyers also, look upon international law practice as the wave of the future.

While Chairman of the ICL Section, I started a newspaper entitled "The International Lawyer" which printed news about the ever growing interest in international law. It was distributed worldwide, as part of the growing support for the World Peace Through Law initiative of ABA. The ILP Section leaders, like the current Section Chair Louis B. Sohn, have helped immensely in creating and operating the ABA's World Peace Through Law initiative. Past JBC Chairmen Lyman M. Tondel, Jr. and Richard P. Brown, Jr. became Chairmen of the ILP Section and other JBC leaders have held high office and been very active in that Section. They have also moved into leadership of the World Peace Through Law Program, especially Brown, Tondel and Edmund Carpenter. Without their leadership, all over the World, that Program could not have made the great progress that it has in helping turn the World Community to the rule of law.

Rule of Law in the World

As I travelled our Nation, in the late 1940's and early 1950's, speaking chiefly to State Leagues of Cities and Bar Associations, I had a standard speech. Whether I spoke to municipal officials or to lawyers, I spoke of the need for leadership on the great issues of our day. I urged that lawyers, municipal officials and other Americans had a duty to become more informed on the "Cold War" and speak out about those issues. That to develop an informed public opinion, back of a program to defeat the USSR, was the great American challenge. That the great value of a democratic democracy was its dependence on the rule of law backed by public opinion to lead our government. That a public policy, based on fear, was not the tradition of Americans. We should fear no Nation, especially the Communists, who based their strengths on the fears of their slaves, their people, while we based our strength on our rule of law heritage.

The three main issues I outlined in my speeches were all related to Russia's Soviet Union expansionism and its dangers. They were:

1. The arms race with Russia and its costly dangers.
2. A proposed non-aggression pact with Russia as an answer.
3. The need to develop an idea to defeat Communism, around the World and within the Soviet Union.

The greatest arms race in all history was on. The Soviet Union started taking over adjoining Nations and boastful, massive building of war weapons became its major industry. This was the Communist answer to the possibility of nuclear war. This threat to dominate the World, the non-Communist World, in one loud voice called on the United States to answer. Our people supported a build up of our arms capacity as essential and I, as a member of the War Mobilization Committee, representing cities, agreed. Yet, the awesome fear wave which enveloped our Nation and the Earth did not seem to be the kind of a World we peace-loving Americans considered as our birthright. From reports of non-Communist

persons who visited Russia, the Russian people shared that fear and its pervasive helplessness. I read and listened as the great leaders of our Government and their Allies sought to get beyond control of the USSR by threats of developing ideas that would contain and restrain the seemingly lustful Communists.

The first suggestion put forth was to negotiate a non-aggression pact with the USSR. That suggestion did not last longer than the time to point out that the last Nations to sign such pacts with the USSR were now Communist slaves. During all of this time, I was active in ABA's House of Delegates where debates between the giants of the legal profession gave me a post-graduate course in international law and relations. I heard some urge that the Christians of the World should unite against Communism and hope that would cause the Christians in the USSR to rise up and throw the Communists out. But that thought also, upon examination, proved inadequate.

Finally, when I made my speeches, I began to urge that the only substitute for the "Cold War" that was strong enough in the minds of all the peoples of the Earth, including those now Communist slaves, was to create a worldwide turn to the rule of law's freedoms under democratic government. That idea, when adequately explained, created acute interest and support. That idea did not, when first expressed without proceeding it with what law had done for America and other democratic rule of law Nations, awaken people to what I was telling them. When I added just suppose the USSR conquered the World and those in the audience became slaves, was that what they wanted, did they want to live as slaves? That seemed to make a breakthrough. For as I "fine-tuned" this appeal, I began to get shouts of NO, NO, NO. And audiences began to stand up and shout their NO, NO, NO.

I then began to give audiences a short story of the gradual build up of the rule of law over the centuries and what it gradually accomplished in democratic governments, like our own. They could see, as one person said, "I can see where you are coming from, now where are you going? How will you

Rule of Law in the World

ever get the Communists to adopt rule of law government?" I told him that was the big problem, the big challenge for those around the World now living as free persons.

I said this to the Municipal Leagues of Cities. I said the same to the Brooklyn Bar Association and other Bar Associations in 1951. I used the idea of the need to put forth the rule of law as a substitute for the Communist rule of force as the windup of a speech I usually entitled "What is going on in Washington?" To municipal officials, I gave a few examples of Federal action either helpful or harmful to them, then I launched into the need to think out and speak out on the great issue of our day. Is World War III just around the corner? Can we end the "Cold War" with a rule of law build-up, strong enough internationally, as a substitute for war?

I filled a few bound Volumes with the speeches I made on the need for all Americans to give leadership to the rule of law as a substitute for war. Even at that time, I could use quotes from the past in support of law for peace. So the idea was not born with me. It had been smoldering and dying for a long time.

As I saw the problem, I needed organized support, both at home and abroad. My first supporters were the professors of international law. But I needed the support of my whole profession of Justices, Judges and lawyers, very few of whom had ever even thought of law as a World peace solution to the "Cold War" or other festering international wars.

For example, Woodrow Wilson, President of the United States, in 1919 said:

"What we seek is the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind."

Calvin Coolidge, President of the United States, in 1925 advocated:

"Establishment of a tribunal for the administration of evenhanded justice between Nation and Nation. The weight of our enormous influence must be cast upon the side of a reign not of force, but of law and trial, not by battle, but by reason."

Autobiography by Charles S. Rhyne

Elihu Root, Secretary of State, in 1915 said:

"It was during the appalling crimes of the Thirty Years War that Grotius wrote his De Jure Belli ac Pacis and the science of international law first took form and authority. The moral standards of the Thirty Years War have returned again to Europe with the same intolerable consequences. We may hope that there will be again a great new departure to escape destruction by subjecting the Nations to the rule of law."

George C. Marshall, Secretary of State, said on September 17, 1947:

"The Government of the United States believes that the surest foundation for permanent peace lies in the extension of the benefits and the restraints of the rule of law to all peoples and to all governments."

Dean Acheson, Secretary of State, said in 1950:

"The action of the United Nations to put down the aggression which began on June 25 against the Republic of Korea was exactly the effective collective measure which was required. It marked a turning point in history, for it showed the way to an enforceable rule of law among Nations."

I do not want to get too far ahead here of the World Peace Through Law Program, but skipping to the beginning of the birth of that program will do no harm. For example, John Foster Dulles, Secretary of State, on May 1, 1958 said:

"In international affairs it is impossible to sustain a just and lasting peace unless that peace is based upon law and order."

On January 31, 1959, John Foster Dulles also said:

"We seek peace, of course, but we seek it in the only dependable way - the substitution of justice and law for force."

President Dwight D. Eisenhower said, in his Law Day - USA speech on May 1, 1958:

"The World no longer has a choice between force and law; if civilization is to survive, it must choose the rule of law."

Rule of Law in the World

In President Eisenhower's State of the Union Message to the Congress on January 9, 1959, he said:

"All peoples are sorely tired of the fear, destruction and the waste of war. As never before, the World knows the human and material costs of war and seeks to replace force with a genuine rule of law among Nations."

In President Eisenhower's Gettysburg College Address on April 4, 1959, he said:

"Another fact, basic to the entire problem of peace and security, is that America and her friends do not want war. They seek to substitute the rule of law for the rule of force."

In President Eisenhower's Message to the Annual Meeting of the American Bar Association in August, 1958, he said:

"It is gratifying to note that one of the important matters which your convention will consider is the concept of World Peace Through Law. Peace cannot prevail until men and Nations recognize that their conduct must be governed by respect for and observance of the law."

There are others of like substance from other great law leaders of our Nation. I quote those included above as indicative of my belief in the soundness of what became ABA's London Meeting initiative, creating the World Peace Through Law Program, of which I will write at length herein as impacting my career.

I want to make the point that early on, my education began in ABA's turn to international affairs in the 1940's and 1950's, in which I participated. At first, in the ICL Section and in the many House of Delegates debates which have been going on, rather steadily, since that beginning for me of which I have written in this Chapter.

Since I referred to bound copies of my speeches above, I should add that I formed the habit early in my career of binding copies of many of my speeches in hard covers to preserve them. There are 33 such Volumes containing over 400 speeches delivered during my career. There are many that were not bound and

Autobiography by Charles S. Rhyne

preserved but those in the bound Volumes contain a good selection of speeches on many pro bono publico efforts I supported.

Sources are cited by me in the text, as I join Justice Arthur Goldberg in abhorring footnotes. Since what I report herein is largely American Bar Association, National Institute of Municipal Law Officers and World Peace Through Law activities, I would broadly refer any researcher to the annual, monthly or bi-monthly publications of those organizations. They are found in the Law Library of Congress and in law libraries throughout my Nation and in other Nations as well.

CHAPTER 8
POLITICS AND LA GUARDIA: HIS RUN FOR
U.S. PRESIDENT

Working for Fiorello La Guardia and the United States Conference of Mayors, in the late 1930's and 1940's, opened a whole new world of politics to me. I attended a few meetings during his mayoral reelection campaigns in New York City. He started out as a Republican Congressman from New York, then switched to support President Franklin Delano Roosevelt (FDR). He created new political parties for his campaigns as mayor. Aside from his tight ties to FDR, he did not seem to have close ties with many other politicians.

On campaign trips around New York City when he was running for mayor, La Guardia created enormous excitement. He stopped usually for an arranged speech or to meet with groups or clubs pledged to him and his latest political party. Since he spoke in what I believe was Yiddish or Italian so much of the time, I seldom could understand all he said. He hated introductions and often interrupted his introducer saying something like, "Stop, those bums out there know me too well already", which got him off with a roar. He would then go into his act which was half serious and half humorous. He was a smart politician and knew how to play to crowds to get his points across.

To ride around Cleveland with Mayor Harold Burton, which I did once, was like going from LaGuardia turmoil to smoothly, carefully arranged speech appearances and very polite introductions and approaches towards everyone. All had been arranged beforehand and Mayor Burton was handed a list of VIP's in each crowd when en route to the place he was to speak. He was calm and lectured much like a college professor. His speeches were never interrupted by unruly crowds, as La Guardia's were.

Jumping to San Antonio and Mayor Maury Maverick, his campaign style was a lot like La Guardia's. Since, as his supporters often said, not even he knew what he was going to do next, an air of expectant

excitement prevailed. In San Francisco, Mayor Rossi was a clever speaker who, as La Guardia said, "Despite his patrician appearance he could 'get down into the gutter and wallow with the best of them'". Rossi was a florist in private life.

If I was in a city visiting a city attorney and a campaign was underway, they often took me out to see and listen. Of course, many city attorneys are elected or, if appointed by their mayor I learned, they often ran the mayor's campaign.

It was from this short overview of politics and my experiences with political practices by mayors, city lawyers and other elected local government officials that I was also thrust into attending the upper levels of a few campaigns of congressmen, state attorney generals, governors and U.S. senators. My job, and what I was expected to do, i.e., "carry water on both shoulders", was to push the legislative programs of cities.

Then came the day in 1939 when La Guardia came bursting into the Mayors Conference reception room on the run, not unusual for him, yelling, "Charlie, Charlie, do you know what the man just said to me?" I had no idea who "the man" was, but knew that my safest guess would be FDR, the President of the United States, as La Guardia dashed in and out of the White House every time he came to the Mayors Conference Office in the President Garfield Mansion on Jackson Place, just across Pennsylvania Avenue from the White House. La Guardia quickly told me that the President had suggested that from "my speechmaking it was clear I wanted to be his successor". FDR was then telling everyone he was reluctant to run for a third term in 1940.

La Guardia said the President had said he should call Governor Bib Graves of Alabama and ask him to arrange a speech for him in Birmingham, then he should do another speech in Portland, Oregon, and a third speech in St. Louis. He said FDR believed such a schedule would help improve his status as a potential Presidential Candidate.

La Guardia was clearly excited by FDR's suggestion, although he had been making speeches all

Politics and La Guardia

over the Nation for about two years describing his view of the "World of tomorrow", which was clearly presidentially motivated. That was the theme of his New York City World Fair which he had dedicated on December 28, 1938. And he followed that great achievement with the dedication of the enormous New York Airport, first named Idylwild, on October 15, 1939 before a huge crowd of over 400,000. He saw himself, as did others, as one of the great men of that time of history. In media discussions of possible FDR successors, La Guardia was usually one of those mentioned. I thought of telling him that perhaps FDR had probably said the same thing to others, such as Attorney General Robert H. Jackson, and then, after they had spoken out, in an obvious Presidential way, he reportedly told them they "flunked out". I did not believe FDR really wanted anyone to succeed him. This was what the media was beginning to say. I realized La Guardia was talking to me and Harry Betters, who came in from lunch about that time, only because Paul V. Betters was not in his office.

Paul V. Betters, Executive Director of the Mayors Conference, returned to his Mayors Conference office and La Guardia ran to tell him the "astounding FDR news". Betters was a great organizer and brilliant thinker but was not feeling well and told La Guardia that. La Guardia came back to my desk, at the end of the reception room, where Harry Betters, Paul's brother, and the assistant Executive Director of the Mayors Conference and I were discussing the new development. Harry and I were the entire "staff" of the Mayor's Conference then, but we were not generally included in La Guardia's Presidential discussions.

La Guardia said that obviously Paul Betters is too ill to call Governor Graves. He then asked me to do it. I asked whether he wanted to talk to him if I got the Governor on the telephone and he answered not unless the Governor wanted to talk with him, "Just ask him if he will help La Guardia do a speech in Birmingham".

The switchboard girl put the call through and

Autobiography by Charles S. Rhyne

Governor Graves' Secretary rejected it saying the Governor was very busy. She asked me, "Who are you and what do you want?" I said I was a young lawyer working for the Mayor's Conference and the matter of great importance, on which I wanted to talk to the Governor, related to Mayor La Guardia. She said the Governor was too busy to talk then. With that start Mayor La Guardia, who was listening, signaled me to hang up, which I did.

I then asked La Guardia could I call and ask my friend Jim Farley to put the call through. La Guardia knew Farley was a friend of mine, but Farley had resigned as Postmaster General and was reputed to be out of favor with FDR. But La Guardia agreed so I called Farley and explained to Farley what was wanted. I had accidentally encountered Farley the week before in Lynchburg, Virginia where he had just concluded a meeting with U.S. Senator Carter Glass and we discussed that meeting for a few minutes. He clearly was surprised to be asked to help La Guardia with Governor Graves but said he would do it. In a few minutes, he called back to say he had talked to Governor Graves and the Governor would talk to La Guardia.

La Guardia said he would call Graves from New York, as he had to "run". Elaborate arrangements were then made for La Guardia to speak at a gathering of Mayors from all over the Nation at the Tutwiler Hotel in Birmingham. The entire Hotel was reserved for the event. La Guardia's mayor friends from around the Nation and other potential leaders were invited.

La Guardia was classified as a "Liberal Professional" but he opposed creating a third party, putting all of his Presidential hopes on FDR not running for a third term. That also meant he needed the "all-out" support of FDR. I read and listened to the media speculate among themselves about all of this. In fact, many of the leading journalists seemed to favor La Guardia. They said he had the brains and "know-how" to win. He meant excitement and they liked that.

Harry Betters and I did a lot of the leg work

Politics and La Guardia

and Paul Betters, with a lot of help, assembled information about La Guardia and his plans for "the World of Tomorrow" and ideas of how La Guardia would deal with impending war and other domestic problems. La Guardia was a man of his own mind so he did not want a lot of people telling him what to say. He knew what he wanted to say and said it.

Birmingham was a great success for La Guardia. Not having TV, radio loudspeakers were set up around the hotel so the overflow crowd could hear him. La Guardia gave a tremendous address. Media and press commentators were high in their praise of La Guardia and his speech's content on current needs of the people of our Country. A master politician, La Guardia spoke of "Southern" needs and their future as part of this "World of Tomorrow".

A few days later, La Guardia and his "entourage" - now swelling daily as a result of his great Birmingham speech - were off to Portland, Oregon. Mayor Joe Carson and La Guardia's many friends, among mayors of the West, came out in full force for his speech. The attendance doubled in relation to Birmingham. La Guardia made more use of his World War I experience, as World War II was not going well for the Allies. While always entertaining as he was in Birmingham, he acted as one news item said more and more "Presidential". Again, his speech and the content of it and the way he delivered it earned him media praise and praise from all who saw him deliver it or heard it on the radio.

I learned a lot about politics and how the experienced politicians evaluated other politicians. It was a great experience to hear the "before" and "after" briefing of the media by La Guardia. Especially it was interesting to note how he reacted mildly to political professional and media criticism.

All of us then took off from Portland for St. Louis, the third mid-West city La Guardia said FDR had suggested he visit to show "what he could do". Bernie Dickman, mayor of St. Louis, was in charge of arrangements. The "show" was in the City Auditorium, reported to hold 3,000. As in Birmingham and Portland, there was an overflow crowd. La

Autobiography by Charles S. Rhyne

Guardia's speech on the problems of the day was magnificent. Some of his "punchlines" drew ovations. It seemed to me, at least, and to the many I heard express their high praise, that La Guardia was going to be a tremendous candidate for President.

We returned to Washington with La Guardia. He probably was expecting resounding praise from his great friend FDR. La Guardia bounced the few steps across Pennsylvania Avenue from the headquarters of the Mayors Conference to report to the President.

About 15 to 20 minutes later, he came back to the Mayors Conference Offices, walking the slowest I had ever seen him walk. When he came in, I was again seated at my desk at the end of a large conference table around which there were large over-stuffed chairs on which plaques had been fastened containing names and cities of mayors of large cities who had contributed them.

La Guardia entered the room and went directly to Paul Betters' office. He was reported to have said of FDR, "He told me too bad, Fiorello, you did not do so good, too bad, too bad, old fellow."

La Guardia continued to run in and out of the Mayors Conference Headquarters to see FDR and he never mentioned his Presidential dreams in my presence. The media and La Guardia finally concluded FDR did not really want anyone to be his successor.

Outwardly, La Guardia continued his friendship and support of FDR. He would run into the Mayors Conference Offices to make a few telephone calls and then go to see FDR. As the war help to the Allies developed more and more, he defended FDR in numerous speeches. He also spoke out in the campaign in support of the President's Pledge, i.e., "Your President says this Country is not going to war. It will be the Arsenal for Democracy."

As war preparations and assistance to the Allies became larger and larger, he helped put our Nation closer and closer to involvement in the war. In a fury of effort, he put together what became the Office of Civilian Defense. He unloaded a lot of work there on me and Mayor Dan Hoan of Milwaukee. I wrote blackout ordinances, war bomb shelter

Politics and La Guardia

requirements, other Civilian Defense requirements and La Guardia, more than any one person, put our Nation into wartime Civil Defense capability, so that when Pearl Harbor burst on our Country on December 7, 1941, an Office of Civilian Defense (OCD) organization was in being. The creation of the organization of OCD came as a natural function for a Mayor of La Guardia's experience and abilities.

La Guardia won me completely by his day and night efforts and his constant cry for universal peace, not more and more war deaths. But when war came, he was ready to fight for our Country and did. Through OCD, I got to know and admire the First Lady, Mrs. Eleanor Roosevelt, who worked on the many problems of OCD volunteers and thereby made a major contribution to success of World War II. She was indeed a great leader who masterfully managed to work with La Guardia in a way that brought great results.

I also worked for La Guardia on his tasks as Chairman of the American side of the United States-Canadian Joint Permanent Defense Board. There, La Guardia proved to be a real diplomat in solving the many problems the war thrust upon both Nations. There too he surrounded himself with the greatest Mayors and other assistants.

While La Guardia probably never did get over his thirst for the Presidency, (few who seek it ever do) he should go down in history as one of our greatest leaders, not only in turning New York City from a place of corruption to a place of honor and achievement among cities, but as a leader on the national level where he served his Nation well. As with all great men, he had his difficulties and a personality that rubbed the egos of some politicians. But the good he did overshadows those and his public service shines forth so overwhelmingly, we are certainly a better Nation because of his enormous contributions by his vision of a "World of Tomorrow". I learned much about the elements of organizing and leadership which stood me in good stead, as I strove later to organize law leaders locally, nationally and internationally for World Peace Through Law. Portraying a vision

Autobiography by Charles S. Rhyne

steadfastly and honestly was hard work but will in the end be recognized.



NIMLO President Mattox and Executive Committee meets with Attorney General Griffin Bell.



NIMLO President J. W. Anderson and his successor as President William C. Chanler with Mayor Fiorello La Guardia of New York City.

CHAPTER 9
FOUR POLITICAL CAMPAIGNS FOR THE PRESIDENCY
OF THE UNITED STATES

Lawyers Committee For Eisenhower-Nixon Campaigns

In the 1950's, I worked in two national campaigns on the Attorneys Committee for Eisenhower-Nixon. I first met Eisenhower as lawyer for a group of his Denver and Western friends, Akxel Neilson, Madge Hardin and others, before he became a Presidential candidate. I have already reported my year of friendship with Richard M. Nixon at Duke University. My efforts were non-paying and largely confined to contacting my fellow lawyers in the Eisenhower-Nixon campaigns.

National Chairman Of Citizens For Nixon-Lodge And
National Chairman Of Volunteers For Nixon-Agnew

In 1960, I served, at Nixon's request, as National Chairman of Citizens for Nixon-Lodge and in 1968, I served as National Chairman of Volunteers for Nixon-Agnew. The big difference here was that I, a North Carolina Democrat, was to go after the voters of the Nation not already registered as Republicans. I was told by one of the wisest of political leaders, Leonard Hall, that Republicans had only 17% of the registered voters, so my job was to get an ample amount of non-Republicans to vote for Nixon-Lodge. He also said concentrate on Nixon as people elect Presidents, not Vice-Presidents. Let others mention Lodge but your job is to get votes for Nixon. He also said I know you were elected unanimously in one of the toughest fighting arenas, President of the American Bar Association, but here do not talk to just lawyers, talk to all the people. Eisenhower was, and is, the military man who led the World's peoples to victory in the most horrible war ever. The people loved and still love him. Nixon has no such glorified background. He is extremely able but do not underestimate Kennedy. This Nixon-Lodge battle will not be an easy one to win. Give it the

Autobiography by Charles S. Rhyne

fight of your life. I absorbed this most respected politician's advice and determined to give the Nixon-Lodge campaign all my brains, energy and experience could produce. I took leave from my law practice, NIMLO and pro bono work for over one year to do this job which paid no salary or expenses. I should explain also, as I often did during those campaigns, in response to claims that Nixon was rough on Kennedy, that I sat beside Richard M. Nixon in my one year in Duke University Law School and he was most helpful to me due to my hand injury. I would add this disproves the claims that Nixon is rough and lacking in compassion.

Duke was in the beginning of building a great International University out of the very small Trinity College, due to enormous sums of money donated by James B. Duke. I entered the first year law class at Duke in 1934. It had, I believe, only 39 members, each of whom, I was told, had to be Phi Beta Kappa or the equivalent. I have already explained in discussing my law school entry that in working for William Muirhead Construction Company, during the Summer of 1934, I accidentally injured my right hand. That injury had become a crippling bone infection of both my right hand and arm. I had to learn to write with my left hand and had to live in the Duke Hospital, then next door to the Duke Law School building during much of that first year, so that my hand and arm bone infections could be treated. My right arm was in a sling most of the year.

My doctors, Dr. Deryl Hart, Dr. Davidson and Dr. Shands, would remove diseased bone from my right hand and from my arm where it had spread on that arm. There were several of these operations during the Law School year. They were not major operations, those had already been performed, but sometimes they required my missing a few classes. Dick Nixon was a very quiet but outstanding law student. On days when I missed classes due to an operation for bone removal, he would come over and brief me on what happened. This was most helpful, as Duke's Law Faculty was one of the best ever assembled and they were tough on purpose.

Four Political Campaigns

I said that his briefing helped me tremendously so I, being close to him as a friend and admiring his abilities and experience, did not consider him rough and tough. He was the opposite. When he needed me, years later, as a North Carolina Democrat, a past President of the American Bar Association, General Counsel of NIMLO with many other national and international positions and political contacts, he recited all these things and urged I could help fill political needs in going after Democrat and independent voters. He said that he was well aware that due to his involvement in the Alger Hiss case and the Helen Gahegan Douglas campaigns, that he was being pictured as the worst of everything and since I knew that was not true, I could say so. He said if I could convince the lawyers of the USA that I should be their President, I should be able to convince voters he should be President of the United States. He also said that he was well aware that Republican registered voters constituted only 17% of the voters nationwide.

I recall that once when Nixon was sitting in a chair by my hospital bed briefing me on a missed law class, Vernon Altvater, the Manager of the Hospital and a longtime friend, brought his Father, who resided in Denver and was visiting, in to meet me. As I was talking to Vernon and his Dad, who were standing at the foot of my bed, suddenly and uncontrollably, I threw up everything I had recently eaten. The undigested food flew out of my mouth in one gush and literally covered Mr. Altvater all over his front, from his pince-nez glasses to his belt. I do not recall that Vernon was hit by the outburst. It was an enormously embarrassing incident. Mr. Altvater is the person I have described elsewhere herein as the one who I had sought a job from, unsuccessfully, in Denver in 1929 when I hitchhiked out there due to a lack of money to stay in Duke caused by the Great Depression. I repeat, he was found completely innocent of the newspaper charges against him. See Supra pp. 27 et seq.

In 1974, when President Nixon was in a hospital in California after his resignation, I was at my

Autobiography by Charles S. Rhyne

weekend home near Mount Weather in the Virginia Blue Ridge Mountains alone, as this was also after my beloved Wife Sue died, when my telephone rang incessantly. I finally answered and the familiar voice of Nixon said, "Why don't you answer your telephone? I bribed a hospital orderly to bring me this telephone and could not remember any telephone number except yours and then you haven't answered. This is the first telephone number I have personally dialed in years. Remember Duke Hospital where you spewed all you had eaten for the past week onto the distinguished Father of the Hospital Manager? Well the same thing just happened to me." Regardless of the many who have written or said something to the contrary, Richard Nixon did have a great sense of humor. During our telephone conversation, reminiscing over this and other incidents we had shared, we laughed rather loudly at each others' comments over happenings we had been through together. He laughed so loud that the hospital attendants heard and walked in, discovered and took away his telephone.

Some years before, when Richard Nixon ran for and was elected to Congress, my Wife Sue and I saw him and his beautiful, always wonderful, wife Pat at Duke and other functions held in Washington. When he was running for election as a U.S. senator, I won a rent decontrol case for the City of Los Angeles which was somewhat involved in that race, or so I was advised by Judge Ray Chesebro, the City Attorney of Los Angeles.

In that case, the Chief Justice of the United States, Fred Vinson, after hearing argument in his chambers from me and U.S. Deputy Solicitor General Robert Stern, denied a petition for a stay order of a Court of Appeals decision, in favor of a Los Angeles city council vote to keep rents decontrolled, which I was told Nixon favored and his opponent Helen Gahegan Douglas opposed. This decision came a few days before the Election, which he won.

There was one interesting part of that argument which surprised me. The Chief Justice said near the beginning of the argument, "Well, I have no

Four Political Campaigns

alternative, I must sign a Stay Order to keep rent control." He then said the reason was that there was a conflict between the case and other cases from other U.S. Circuit Courts of Appeals and the Supreme Court had to resolve these conflicts. I quickly said to the Chief Justice that such a conflict could not exist as only the District of Columbia's courts had been given statutory jurisdiction over rent decontrol cases and my City of Los Angeles winning decision had been rendered by the U.S. Court of Appeals of the District of Columbia (of which the Chief Justice was a former member).

The Chief Justice quickly ordered his law clerk, who was present, to bring him the conflicting decisions he had evidently been advised of by the Clerk. The cases were produced and he carefully looked at each of them. He then said, "Gentlemen, I bid you good day." As I headed for the door, he called me to return and said he was going to sign an order denying the stay. The City Attorney for Los Angeles was delighted. I never did ask Nixon whether the case actually impacted his election as Senator. The case is Babcock v. Woods, 340 U.S. 908 (1951), stating an order finally dismissing the case seeking a decision against Los Angeles rent decontrol as moot. While he was a Congressman, Nixon and I had occasion to work on water distribution from the Hoover Dam under the Mexican-USA Water Treaty which California cities had a great interest in. There were other occasions when we met due to my representing California cities, involved in the so-called tidelands decision of the Supreme Court, United States v. California, 332 U.S. 19 (1947), while he was in the House of Representatives and in the Senate, or was presiding over the Senate as Vice-President.

In working for the election of the Nixon-Lodge and Nixon-Agnew nominees for President and Vice-President of the United States, I used many of the friends I had made in my work for the U.S. Conference of Mayors, NIMLO, the ABA and my clients. I will refer to these as they furnished most of the thousands of "volunteers" and "citizens"

Autobiography by Charles S. Rhyne

that I organized to help elect the aforesaid nominees for President and Vice-President in the 1960 and 1968 campaigns. My position as General Counsel for NIMLO, referred to previously, involved some 2,000 lawyers for cities, counties, special municipal districts and authorities, and their assistants, numbering over 18,000 lawyers, all of whom were usually part of local political groups. As National Chairman, in making up the lists of state and local members for the Nixon-Lodge National Citizens Committee in 1960, and the Nixon-Agnew Volunteers Committee in 1968, I appointed many of these municipal lawyers and officials, with whom I had enjoyed many personal contacts over several years. I never asked anyone what party they belonged to and must say the affirmative responses were overwhelming. A few declined politely, but none so rudely as some of my advisors claimed they would. Americans are really wonderful people, even when they may not agree with you.

In the American Bar Association (ABA), I learned quickly that most lawyers are politically active. By 1960 and 1968, I had been Chairman of the Junior Bar Section (now the Young Lawyers Division), the International and Comparative Law Section (now the International Law and Practice Section, one of the largest and fastest growing ABA Sections), and Chairman or member of many other ABA committees. I had been elected D.C. Bar Association President, and ABA state delegate from the District of Columbia to the ABA House of Delegates where state delegates serve as a nominating committee for election of Presidents and Chairmen of the House of Delegates of ABA. In 1956, I had been elected unanimously as Chairman of the ABA House of Delegates and unanimously as President of the ABA in 1957, taking the office of President at its famous 1957 annual meeting in London. I was Chairman and member sole of the ABA committee to erect an ABA monument on Runnymede Meadow to the Magna Carta. After concluding my duties in ABA's two highest offices, I later became Chairman of the ABA Committee to carry out ABA's program of World Peace Through Law.

Four Political Campaigns

Consequently, Nixon said he knew I had a lot of lawyer friends through my ABA and NIMLO activities. I quickly appointed hundreds of them to Nixon-Lodge and Nixon-Agnew committees. I also had been President of the Duke University Alumni Association, President of the George Washington Law Alumni Association, and an officer of Delta Theta Phi Law Fraternity, all of which added more national contacts I could, and did, use in the Nixon campaigns, in addition to those who volunteered by the thousands from nearly all professions and occupations.

In addition, through my founding of Law Day - USA, in 1958 when I was President of the American Bar Association, I visited every state and many cities, counties, and local governments where I spoke before Bar Associations, Rotary and other Civic Clubs and many volunteers for Nixon came from those activities. Prior to promoting Law Day - USA and other ABA programs, I had spent many years of pro bono service in ABA programs as Chairman of the Traffic Court Committee, the Junior Bar Conference, and International and Comparative Law Section, as mentioned above. I had served as Chairman of ABA's Regional Meetings Committee and as Chairman or member of other ABA committees, during which time I became friends with members and officers of state and local bar associations. Nixon referred to all this as qualifying me highly for his campaign leader of non-Republicans.

I had, prior to the Eisenhower-Nixon campaigns, represented Aksel Nielson of Denver, President Eisenhower's Colorado fishing companion, and a group of Nielson's friends in national Court battles involving corporate control litigation. Nielson and his friends were engaged in buying or selling control of several rather large corporations. I have referred to these litigations herein, which involved some of those corporate acquisitions.

In fact, I first met Eisenhower in Denver through his publicized fishing companion Aksel Nielson and his friends, before he was a Presidential candidate. These included Madge Hardin of New Mexico (U.S. Senator from the state of Washington Henry

Autobiography by Charles S. Rhyne

"Scoop" Jackson's father-in-law), Dick Reeves of New Mexico, Herbert Korholz of Colorado, Earle May of California, and others. They bought and sold corporations, of which Pan American Sulphur, which I describe under litigation herein, was one. Their acquisitions were many, and I usually came in only after an acquisition spawned litigation to defend their actions in Courts all over the Nation. My memory is that I met General Dwight D. Eisenhower soon after he retired from his military assignments. Eisenhower was in Denver visiting, or living, at the home of his wife Mamie in her family home, familiarly known as the Doud house.

Above all, I asked each of my Nixon campaign appointees to send me names and addresses of lawyers and non-lawyers they knew who would and could help in the Presidential elections. Many of these lawyers, bankers, medical doctors, and other business and professional leaders accepted the invitation to help and, through that help, the volunteers for the 1960 and 1968 presidential campaigns soon numbered in the thousands. In the 1960 campaign, the staff counted them to be over 3 million and in the 1968 campaign, the estimate was over 7 million.

I had been informed by Leonard Hall, Political Consultant of the Nixon Campaigns, that registered Republicans were about 17 percent of the electorate in 1960 and again in 1968, so we needed Democrats and independent voters to elect Nixon. I believe my background, as set forth above, was helpful. Everyone knows Nixon lost by a few votes in 1960 and won in 1968 by no great margin, but our "volunteers" did their work enthusiastically and made a difference in an outstanding manner in both Campaigns.

In both the 1960 and 1968 election campaigns, I travelled almost constantly. I had my lists of volunteers broken down by location and every place I went to speak for my candidates, I arranged for all within a reasonable distance to be invited. I was then met by a lot of people, every place I visited, most of whom were old friends. I asked them to bring their families and friends and many did. Also, most of them had never participated in a national campaign

Four Political Campaigns

so they brought new ideas and vigor to our work. I worked on the campaign as an uncompensated volunteer, and I worked day and night, every day. While years have passed, I still encounter many who recall the 1960 and 1968 campaigns with a joyful remembrance as one of the highlights of their lives. That we lost in 1960 is seldom mentioned, although some are still regretting no recount occurred in that very close race for the Presidency.

During the course of determining whether a debate between Nixon and Kennedy would be helpful, someone, in 1960, came up with the idea of a series of national TV debates between Byron (Whizzer) White, now a retired Justice of the U.S. Supreme Court, who was Citizens Chairman for Kennedy-Johnson and myself as Chairman for Nixon-Lodge.

The first debate between White and myself was over the Mutual Network located in the old Harrington Hotel in Washington, D.C. Our side considered the debate a success. The second was scheduled for Philadelphia a week later. I showed up at the appointed time in the TV studio, but White did not. When contacted, his office replied that they had not been advised of the second debate. The network tried to get a U.S. Senator from Pennsylvania, Joe Clark, to represent Kennedy-Johnson, but he declined stating he was my friend and did not want to argue with me. They tried others without success. The representatives of the Kennedy-Johnson campaign's local organization tried to bring in a substitute from New York for White, but my people said no. Someone called Bernard Segal, a distinguished Philadelphia lawyer and later a President of ABA in 1969-70, Counsel for the TV station where the debate was scheduled, to solve the problem. His opinion was related to me as that having produced me by invitation to do a National TV debate, the TV station must let me talk for the full time scheduled.

Pending Segal's decision, someone suggested the TV program be turned into a news conference. With the station newsroom packed by reporters, the question became should there be interrogators or was I just to talk about my candidate, Nixon. My people

and the Kennedy-Johnson people who were present hurriedly agreed on some six or seven news reporters as interrogators as the deadline was near. I agreed on that format. Again, I was told the interview went well for my candidate. White was quoted as refusing to debate on any further occasions.

The first question to me in Philadelphia was why did I think White did not show up? I replied that probably it was because some 500,000 poured out to hear and see Nixon the week before, when he was in Philadelphia and environs. I also said I believed White had lost the first debate and did not want to undertake another one. From there, we were "off to the races" with me insisting Kennedy was inexperienced in high office, while Nixon had served as Vice-President for 8 years under Eisenhower. They raised questions about Eisenhower's failure to strongly support Nixon publicly. I responded that was not a fact, that Eisenhower was planning a supporting speech right there in Philadelphia. As a prelude to the Nixon-Kennedy debates, this program did probably produce a suggested program format.

A few days before the first Nixon-Kennedy debate, Pat Nixon called me to ask me what problem did I have in my right hand, at Duke, which required me to miss some classes and to learn to write with my left hand. I told her the facts already related herein, that it was osteomyelitis, or bone infection, caused by a blood infection from a dirty splinter or nail which entered into my hand during my summer job in Durham as a carpenter for contractor William Muirhead. She said, "That is what the doctors think Dick has. Please go see him at Walter Reed Hospital." I went immediately and found the Vice-President in a hospital bed. His face was white and drawn. He was clearly very ill. After the usual greetings, I pulled the sheet off of him for a look and one of his legs was swollen about double normal size.

He quickly said he and his doctors were working to get the leg in shape for the first debate with Kennedy, which was scheduled to take place in, as I remember, about three days. Not being a doctor and

Four Political Campaigns

not wishing to alarm him, I said it was probably just a bruise. He confirmed he had bumped his knee, I believe on an airplane, but do not recall just what he said with exactness.

Trying to cheer him up, I explained mine was an unusual disease, allowed to develop for two months before my removal from Watts Hospital to Duke Hospital, and his was a new wound the doctors could probably clean up quickly. On the other hand, my recovery took a year and my hand was still crippled and not easy to explain, so I did not mention it further or show it for comparison.

He said he must and would show up for the Chicago debate or the media would claim he was afraid to debate Kennedy. I told Pat and everyone I talked to that he was in fine spirits and physical condition. I did not tell anyone of my one year to recover, as I doubted that he had ostomalitis. I hoped and prayed he did not. His determined, miserable looks at the first debate are history. There can be no doubt it hurt the final election results.

The 1960 contest was close. Many urged Nixon to undertake a recount in close states like Missouri, Illinois, Pennsylvania and New Jersey. Nixon decided against the recount, as one holding our Nation in a bad light, or position, before the World. He did not want to drag his Country through such a case involving its highest office. We will always believe we won, but the process and cost of a recount was enormously burdensome and uncertain.

The campaign staff was divided over the chances of success. All agreed that the margin of victory was not great and the claims of miscounts of votes were substantive. Some Nixon staff members in Washington encouraged the media to believe a recount was possible. I felt that, regardless of the evidence of incorrect counts, the chance of getting a successful recount were very small. When he announced he would not ask for a recount and drag our Nation through such a mess of proceedings, I agreed with his decision not to drag our Nation through such an ordeal. In 1968, many referred to that decision

Autobiography by Charles S. Rhyne

as a reason they would vote for Nixon, although I do not believe he himself brought the subject up.

In 1968, we had the Willard Hotel in Washington as our headquarters. It was filled with hundreds of volunteers. We also had a headquarters in every state and many local headquarters throughout the Nation. Many of my assistants did truly great jobs. I particularly, after the 1968 campaign, praised my Deputy National Chairman, John W. Warner, Jr., now the Senior United States Senator from Virginia for the great job he did. He too worked long hours seven days per week. I could write many pages of others who helped lead us to success in 1968 but they number in the thousands. John Warner helped organize the work we did and no one did more work than he. He is a truly great Senator and a great American.

I was in on the "ground floor" of the 1968 election of President Nixon. In 1966, Nixon and I were asked to speak at the presentation of, and dedication of, portraits of Duke Law Professor Bryan Bolich and former Dean Justin Miller. While we were there performing those functions, Al Kennon, a Duke law graduate, arranged a meeting in the Duke dining hall to which a large number of Duke students came to hear Nixon speak. He was tremendous, as usual. Many urged, during the question period, that he run again for President. He obviously was pleased, but avoided a direct answer. On the way back to Washington, Nixon and I sat in the back seat of the airplane and talked of that possibility. He had been covering the Nation making speeches for Republican candidates, thereby earning much support. Soon after that, he announced he would run for President.

For the 1968 campaign, I resurrected the 1960 "citizens" organization, updated and added to its members. Again, I believe we "volunteers" for Nixon-Agnew who numbered in the millions did our job well and our job was to get the votes for Richard Nixon which would elect him. He was elected despite the low number of Republican registrants.

I have lived in the world of law, and you can judge from these pages what I have achieved. I never asked President Nixon for any position, as I was a

Four Political Campaigns

successful lawyer, who having observed Washington for my full professional life, thought of government positions as tying one down and I liked the freedom of being my own boss. I could take the cases I chose and do pro bono publico work, which provided a great feeling of satisfaction and achievement. I was free to act with no one to tell me what I must do, as with the World Peace Through Law Program.

When he was elected in 1968, Nixon told me of his plan to "hole up" in Hotel Pierre headquarters and make decisions and appointments to his administration. He said I was to call him there. John Mitchell called me saying Nixon's offer to me was the great office of Solicitor General of the United States, under him as Attorney General and with Richard Kleindienst as his Deputy Attorney General. Prior to that Mitchell call, at the first White House reception given by President Nixon, immediately after Nixon was sworn in as President, Nixon and William P. Rogers, who was to become Secretary of State, offered me the Ambassadorship to France. I declined both offers for personal reasons. My wife Sue had terminal cancer and an office like that of Ambassador to France would pressure her too much. That I could not and would not do, since Sue meant more to me than any office. In addition, the great Office of Solicitor General is, and was, a great responsibility for very low pay. I could not pay for all the cancer care my wife needed out of the then Solicitor General salary. In addition, I had, by 1968, won great Supreme Court decisions like Baker v. Carr, discussed supra in the Litigation Chapter. That case, in the estimate of many Constitutional experts, is one of the greatest, if not the greatest, decisions of that Court. I was also greatly challenged by my effort to build the rule of law into a substitute for death and destruction by wars, with the threat of nuclear war destroying all humanity.

Sue and I were invited to the reception in the East Room of the White House for about seventeen persons President Nixon was presumably considering for appointment as Chief Justice of the United States. These seventeen were all Judges except me,

Autobiography by Charles S. Rhyne

as I remember them. Possibly some were then lawyers but I do not remember them. These men and their wives were lined up alphabetically to be received by the President and his wife.

My wife Sue and I came forward at the end of the line to shake hands. The President leaned over and said, "You may kiss Pat", and I did. I had kissed Pat before, so did not interpret this friendly kiss as meaning anything, as some media reporters urged. I was honored by being named in the media and being recipient of many copies of letters urging my appointment. Sue and I did not get excited about the kind letters or the media stories. We had lived and enjoyed life in our Nation's great capitol. As Sue used to say, she had "helped make me a lawyer and a lawyer's life was indeed most wonderful for us both".

As of late 1968, our home had been turned into a hospital most of the time with three nurses, working 8 hour shifts, each day. Sue did not want to be and was not relegated to a hospital bed. Almost daily, I arose early and took Sue to Sibley Hospital for a chemotherapy treatment by no later than 7 a.m., to avoid the long lines waiting for the same treatment.

To finish this political report, I should record that in 1972 Bob Haldeman, President Nixon's Chief of Staff, called and asked me to meet him in his office at the White House. I recall walking over in the rain and laying my raincoat on a chair in his office upon arrival. Haldeman said the President wanted me to run the citizens or volunteer organization again in the upcoming 1972 campaign. He said, "The big difference will be that, this time, you will not report to the President but to John Mitchell". I picked up my raincoat and said, "Thanks, but no thanks. Sue is gradually dying from the cancer ravaging her body and I could not take off from her and travel the Nation as in the 1960 and 1968 campaigns." I added that, in declining, I was "certain that Nixon was assured of re-election in 1972 and did not need me". I was correct. Nixon won a majority of the votes in all states except one.

Having been a friend of Richard M. Nixon's since 1934, I had many personal contacts with him, his

Four Political Campaigns

wonderful wife and watched his family grow to maturity. He made mistakes as we all do, but I believe he will go down in history as one of our Nation's great foreign affairs Presidents. In my memory, he will always be renowned as a great achiever and analyzer of relationships in the international field. I have never backed away from anything I said in support of him in those campaigns or in answer to critics since that time. He and I, and our families, enjoyed great moments together. We both devoted a major part of our lives to achieving a peaceful World. He worked in the political field and I worked in the legal field, and I continue to do so.

I may or may not write further in the future about Richard Nixon, but as I have said repeatedly since his death, I will not write to criticize or condemn this great man. I will always write and speak generously in praise of his great achievements and would hope others will do likewise.

It took a great man to resign the greatest office in the World, under his circumstances, rather than drag his Nation through the impeachment process. I cast my lot under the rule laid down by Jesus, in substance, in the Holy Bible (John 8.7); let they who are without sin cast the first stone. Only a great man could have made the decision he did to lay down the office he held to serve his view of the best interests of our Nation.

I recall that this was not the first time that Richard Nixon refused to hold his nation up in a bad light before the world. In 1960 he had refused to contest the close election of John F. Kennedy as President on alleged vote fraud grounds. See pages 249-250 supra.

CHAPTER 10
WORLD WAR II EFFORTS AND EXPERIENCES

In my sketch of my early life, I have already written of my World War I remembrances as a child. I recalled the quick deaths of so many of those who trained adjacent to my home, on my Father's farm, to fight World War I. The notices received by our family and friends described many awful injuries and the deaths of many of those who trained as "90-day wonders" soon after they arrived at World War I battlefields.

These horrible facts made war devastation a non-erasable picture in my mind, as well as the minds of people throughout the World whose lives and the lives of their loved ones were involved.

I also recall my grandmother Virginia Wilson's horror stories of the awful Civil War of the United States (1861-65), which ended slavery in our Nation. I developed a fear of war and its consequences which has lived with me all my life. My uncle, Charles Frank Wilson, was a much decorated Colonel of World War I. His stories agreed with the above words on how awful war was in deaths, injuries and destruction. I will not repeat them as they are familiar to all who participated as soldiers in World War I or were impacted by learning of its horrors.

A generation after World War I, my youngest brother Brice was a volunteer for World War II. Many of my peers either volunteered or were drafted. Many of my close relatives or friends were injured or died in that war. I volunteered but was turned down by the Army Medical Doctors as physically unqualified due to my crippled right hand and arm, which I have already referred to herein, but I gave my all on the home front as I will chronicle herein.

I was working for both the U.S. Conference of Mayors (USCM) and NIMLO drafting proposed ordinances on "blackouts", "bomb shelters" and other Civil Defense needs. This work was pushed hard by Mayor La Guardia and Mrs. Franklin D. Roosevelt. We went through many drafts of what cities should do in preparation of an attack by Germany on the United

World War II Efforts

States due to our aid to England and the Allies and, of course, later as a part of the Allies bearing a great burden of the War.

Legal opinions by city lawyers, State Attorneys General and Federal lawyers poured into NIMLO's office on such questions as military leave for elected officials and Civil Service employees, draft laws and regulations covering such matters as the rationing of food and heat. These were collected, reprinted and sent out to NIMLO's membership.

The Mayor's Conference and NIMLO Headquarters, on Jackson Place just across from the White House, was overflowing with city, state and Federal officials looking for civil defense, war information and money. La Guardia would often run across Pennsylvania Avenue to see the President and come back with answers to questions on war matters.

I was also doing more and more work for Mayor La Guardia and municipal and state officials in the civil defense area to get cities ready for war. La Guardia was unloading many civil defense problems on me. Former Mayor of Milwaukee, Dan Hoan, and I were named La Guardia assistants and co-counsel for the rapidly assembled Civil Defense Organization of which La Guardia was the original Director and "Commander in Chief". Mrs. Franklin D. Roosevelt was a tremendous organizer and brilliant director.

La Guardia did not give up his office as New York Mayor when creating and organizing the Office of Civil Defense. FDR also named him Chairman and a score of his Mayor "buddies" as members of the North American Alliance. La Guardia, in turn, named me as Counsel for the American members. So we were often flying, or going by train, to Canada to discuss cooperation with that Country on war matters or meeting with Canadians in New York or Washington.

As one of Mayor La Guardia's assistants in the Mayor's Conference and also as General Counsel of NIMLO, I was quickly and deeply involved in national, state, and municipal cooperative civil defense efforts relative to World War II. President Franklin D. Roosevelt specifically recognized these NIMLO contributions in messages to its Conferences, one of

Autobiography by Charles S. Rhyne

which is set forth herein under my summary of NIMLO's history.

After high level Federal briefings, I was soon writing reports on municipalities and their war aid programs and reports for cities on war preparations and related measures to be taken by cities to save American lives if war came to them.

I attended the argument before the U.S. Supreme Court on the case involving Nazi submarine spies arrested when they landed on the New Jersey coast. As a civil defense representative of NIMLO and the Mayor's Conference, I also attended briefings of Federal officials as a city representative by Assistant Secretary of the Navy, Edward Hayes, on his visit with Navy Secretary Knox to investigate the bombing of Pearl Harbor in Hawaii, which brought the United States into World War II. Later, I visited Pearl Harbor.

I was in attendance at meetings of the Committee for the Atlantic Congress, both as a member and as the Committee's General Counsel. I attended meetings as a member of the National Council for Atlantic Union. With La Guardia, I attended meetings in Canada and the United States of the North American Alliance as his counsel and assistant. Out of this experience, I began to learn how national leaders negotiated through each other for mutual aid.

I watched, listened, and read reports as the North American Treaty Organization (NATO) came into being in 1949. I recall France advising it would belong to the North American Alliance, as it wanted U.S. protection against the Soviet Union, but did not want to be bound to go to war if any one of NATO's sixteen-member nations were attacked. NATO was the first such agreement the United States ever joined. Due to U.S. nuclear and armed might, it was and is the dominant member of NATO.

When Communists attacked South Korea in 1950, I heard and read reports of the U.S. movement of nuclear missiles aimed at Russia and how, at the same time, the United States increased its already large soldier presence in Europe.

Throughout the buildup of aid to England and the

World War II Effects

other Allies, I received rather informal briefings from friends who served as Secretary of War Stimson's assistants, like Colonel, later General Robert (Bobby) Cutler, former Corporation Counsel of Boston. His autobiography, No Time For Rest (1965), is a moving detailed account of his military and political services during World War II and later as an intimate President Eisenhower Assistant. Another friend and Stimson Assistant was Colonel William C. Chanler, former Corporation Counsel of New York City and former NIMLO President. I was constantly in contact with many other Federal, state, and city officials working on World War II problems. I passed civil defense information, given to me by Federal officials, on to USCM and NIMLO members who used it to keep their municipalities informed regarding World War II and municipal aid efforts.

From my brother Brice, I received a flow of letters on the landing of his 4th Infantry Division on Utah Beach and his pride in his ride on the front of the "first Jeep" to go through Paris on August 19, 1944, when the Allies, with enormous French help, drove the Germans out of that great City. Years later, Brice was a consultant in the making of the renowned movie on the freeing of Paris, "Is Paris Burning?". I read his letters on the 4th Division's "roll back" of the Germans in the "Battle of the Bulge".

As a very young communications specialist, Brice's assignment was to get as close to the German lines - even behind them if he could - and radio back what he saw and heard. His cheerful letters stating that when he "set up" to do his reports, he dug a hole "half way to China" to protect himself, always injected a sense of humor into the genuinely hazardous job he performed.

In later years, when he was my law partner, he did a magnificent job in raising money to build the 4th Division's Monument to their dead in World War II. It is located in Normandy, near Paris. He asked many of high rank to help him with the monument and they did. He went to the White House, with others, to persuade President Eisenhower to issue a formal order to General Omar Bradley to give the major

Autobiography by Charles S. Rhyne

address when the 4th Division's monument was dedicated. General Bradley, then retired, served, as did I, on the Board of Directors of National Savings and Trust Company of Washington. He marched over to me at a director's meeting and said I should tell that Brother of mine, by the name of Brice, that it did not take a big White House Meeting with President Eisenhower and Presidential Order to get him to the monument dedication. He said he would have been there anyway, so great was his admiration for the 4th Division.

I wrote the foregoing before I became fully aware of the great gathering which took place in 1994. I am certain that, had he lived, Brice would have been in the midst of this great ceremony.

Brice was always busy with pro bono publico work for the D.C. Bar Association, NIMLO, as well as the ABA. He was a member and Chairman of many ABA Committees, chiefly of the ABA Municipal Law Section. He enjoyed life and was a great golfer. He had many friends among the great golfers of our Nation and would take these golfing greats out to Washington golf courses, like Congressional Country Club and, to use his phrase, play them "straight up", he needed no handicap. He would help me get prepared when I argued U.S. Supreme Court and other cases and attended the arguments. He never tried a case or argued a case in Court, but he always had a cheerful and outgoing personality and entertained our clients wonderfully well. His happiest hours were spent with his lovely and capable wife Thelma and their daughters Patricia and Theresa and sons Brice Jr. and Paul. Much to my regret and sorrow, he died very young, at age 55, from cigarette lung cancer infection, which he traced to his beginnings of cigarette smoking while in his "holes halfway to China" during World War II. I recall with appreciation the attendance of his and my friend Mr. Justice Lewis Powell Jr. and many other high ranking governmental officials and great golfers at his funeral.

I should record one of my agonizing decisions on war work here. Due to my municipal friends serving

World War II Efforts

in the military in World War II, I was once offered an army officer commission as major. They said the Army would do a waiver on my crippled arm and hand. They promised rapid upgrading to meet the needs of my proposed Army duties. The proposed duties would be to "lobby" Congress for military needs based on my extensive experience working with Congress for NIMLO and the Mayor's Conference. I respectfully declined, as I thought my contributions through assisting La Guardia to help municipalities and helping city lawyers on war related legislation and litigation were much more helpful to my Country than being one of some 2,000 Pentagon lobbyists who were up on Capitol Hill almost daily, lobbying Congress for military needs. I also did not want to give up my work and contacts I described above with the North American Alliance and the National Council for Atlantic Union, as they were always broadening their efforts.

Once, while in Canada, La Guardia was invited to be present at the then meeting of the Canadian Parliament. Due to political differences, which continue to this day between east and west Canada, I understood there was an arrangement for joint chairmanship of the Canadian Parliament. When La Guardia arrived at the Parliament, the eastern Chairman from Montreal made a passionate speech that took note of the fact that while the Mayor of the United States' greatest City was appearing in Parliament as a free man, the mayor of Canada's then largest city, Montreal, Mayor Houde, was in jail. Houde had apparently, according to a Parliament speaker, made a speech against Canadian participation in World War II and was arrested and jailed for so doing. Houde may have only been under house arrest, but my memory was he was in some kind of confinement referred to as a jail. The speaker evidently was one of Houde's friends as he spoke of how "awful" it was to compare the Mayor of New York, "a free man", and the Mayor of the United States' largest City with the present state of Mayor Houde of Montreal, Canada's largest City.

The Canadian Speaker of Parliament evidently

Autobiography by Charles S. Rhyne

agreed with Houde. For La Guardia, I asked a Parliament official what La Guardia was expected to do and was told "answer him", referring to the Parliament speaker. Mayor La Guardia declined and merely waved after he was introduced and departed the Parliament. I believe Houde spent quite a long time under detention for his opposition to the War.

First as a La Guardia "sit in" and later as a fully appointed member, I spent some time on the founding and operation of the North American Alliance, Chaired by La Guardia, and with the North Atlantic organization, headed by Senator Estes Kefauver, which eventuated into helping create the North Atlantic Treaty Organization (NATO) in 1949.

CHAPTER 11
ABA REGIONAL MEETINGS DEMONSTRATING ABA
LEADERSHIP VALUES

After having served as a Member of the Regional Meetings Standing Committee of the American Bar Association for several years, I was appointed Chairman for the year 1955-56 by ABA President E. Smythe Gambrell. The other members were: Richard H. Bowerman; James C. Dezendorf; Lewis F. Powell, Jr.; Robert R. Richardson; Robert G. Storey, Jr.; and Henry J. TePaske.

The Committee arranged five meetings in St. Paul, New Orleans, Hartford, Spokane and Baltimore. This was the largest number of ABA Regional Meetings ever held in one year.

The General Chairmen of the meetings were: W.W. Gibson of St. Paul, "Northwest Regional Meeting"; Cuthbert S. Baldwin of New Orleans, "Deep South Regional Meeting"; Cyril Coleman of Hartford, the "Northeast Regional Meeting"; Smithmoore P. Myers of Spokane, the "Pacific-Northwest Regional Meeting"; and R. Carlton Sharretts, Jr., of Baltimore, the "Mid-Atlantic Regional Meeting".

More than six thousand lawyers attended. By every yardstick of measurement, the meetings were the most successful in the history of the Regional Meetings Program of the Association. They established new highs in attendance, programs and entertainment.

Each Regional Meeting had its own unique flavor. The "ice show" in St. Paul was a most spectacular event. The "Krewe of Attys" in New Orleans was an authentic reproduction of a Mardi Gras Carnival Ball. The "variety show" in Hartford was a terrific part of Broadway in action. The wonders of nature on display in and around Spokane - the "Magnet City" of the famous "Island Empire". Baltimore provided scenes which are lasting memories of a unique, historic part of our Nation.

Our Committee reported on the present status of the Regional Meetings Program and mentioned some of its objectives and accomplishments as follows:

"In six years, there had been 16 Regional

Autobiography by Charles S. Rhyne

Meetings with more than 17,000 lawyers in attendance. During the same period, approximately 24,000 lawyers registered for the Association's Annual Conventions. The full importance of Regional Meetings, as a vehicle for taking the Association to the legal profession, is believed to be amply demonstrated by these figures. With close to 90,000 members then, only a small percentage of these members yearly participated in Annual Meetings."

Regional Meetings thus provided another opportunity for ABA members to participate in the work of the Association.

From a financial viewpoint, the five Regional meetings operated entirely without expense to ABA. Funds received from registration fees paid all costs, other than the entertainment features given by local and state Bar Associations. The "Deep South" Meeting was unique, in that Cuthbert S. Baldwin paid all entertainment costs out of the registration fees and still made a profit! And he was not "stingy" on the entertainment!

The Committee believed that the Regional Meeting had developed into one of the most effective means for taking the Association to its members in all parts of the United States. These Regional Meetings, as capsule editions of the Annual ABA Meetings, acquainted lawyers with what the ABA has done, what it is doing and what it plans to do. They constituted a supplement to ABA Annual Meetings as they took the Association to parts of the Nation which then could not house an Annual Convention. And no Regional Meeting was held in a city with hotel and other facilities then adequate to accommodate an Annual Meeting of the Association.

By providing an opportunity whereby state and local bar leaders could work together in the ABA, as well as creating a machinery whereby Regional leaders can show what they could do on a national scale, the meetings aided in developing new national leaders for ABA.

Regional Meetings strengthened the program for

ABA Regional Meetings

coordination and integration of the work, programs and interests of state and local Bar Associations with those of the ABA. A powerful and effective unity of aims and purpose was achieved through joint effort in these meetings. By working together on a regional basis, new techniques were developed to insure greater coordination of the work of ABA members on a national basis.

The workshop programs provided a legal education program in fields of the law such as taxation, trial tactics, labor laws, mineral law, atomic energy law and other subjects upon which a lawyer must constantly keep abreast of all developments to properly serve his clients in days of dynamic social, economic and scientific developments and changes. The Sections and Committees of our Association were given an opportunity in these workshops and institutes to demonstrate to practicing lawyers the value of participating in their work.

In our Report, the Committee stated:

"It is vital to the future of the legal profession that we create, in each lawyer, a feeling that he is obligated to belong to the American Bar Association and to participate in its work. We cannot expect lawyers to belong proudly and to participate, unless they understand what the American Bar Association is, what it stands for, and what it is doing. It is in large part to this goal of acquainting lawyers with the tremendous scope of the work and accomplishments of the American Bar Association that Regional Meetings are dedicated."

CHAPTER 12
MY ELECTION AS PRESIDENT ON MY PLEDGE TO
DESEGREGATE THE DISTRICT OF COLUMBIA
BAR ASSOCIATION

In 1937, when I was admitted to the Bar, one of the first things I did was apply for membership in the Bar Association of the District of Columbia (hereafter BADC).

As I have stated earlier herein, I began working while in Law School for Homer McCormick on Court Trials for the Law Firm of Dow and Lohnes in Washington, D.C. McCormick was deeply involved in BADC activities. Soon after I began working for him, he gave me lists of BADC members he was supporting for election to office in BADC, who I was to call in his name asking for their votes.

I recall, fondly, spending many nights with a large group of D.C. lawyers gathered in the grand mansion of rich lawyer Henry Thomas in Alexandria, Virginia. There they had telephones set up in different rooms so we electioneering participants could call BADC members urging that they vote for Walter M. Bastain, Godfrey L. Munter, Francis W. Hill, Jr., Milton King, John J. Carmody and others. They were elected. I also worked on the election teams of others, most of whom were elected. But the fun of electioneering was great.

Throughout my career I had been appointed to BADC Committees and to perform special tasks, such as presiding over BADC's 100th Anniversary Dinner in 1971. At the same time, I was serving on ABA Committees and as an Officer of the Young Lawyers and International Law Sections. I have mentioned earlier how my ABA work to upgrade traffic courts coincided with the interests of city and county lawyers who were active in NIMLO.

As I worked upward in ABA and carried out a nationwide speaking schedule to Bar Associations, municipal associations, national and local civic clubs, Universities, etc., it was natural that friends spoke of the possibility of higher ABA offices for me. I did not discourage them.

Election as President of BADC

As D.C. State Delegate, I was involved in ABA politics then just as deeply as I was in BADC politics. As ABA State Delegate for the District of Columbia beginning in 1945, I cast the nomination ballots for all D.C. lawyers in nominations for ABA offices. Under ABA's Constitution, all nominations became final elections if no others sought nomination by petitions signed by ABA members and filed such petitions 60 days before ABA Annual Meetings began. Morris Harrell filed such a petition in 1982 and was elected at the ABA Annual Meeting as President for 1982-83. He is indeed a great leader of our profession and made a great ABA President. Few State Delegate nominations have ever been successfully challenged. I only recall that one. One thing I noticed in carrying out my duties on the ABA State Delegate nominations was that nominees for President of ABA generally had been State and large City Bar Presidents. In the very nature of this situation most ABA nominees for President were in their late 50's or in their 60's (of age) when nominated and elected as President. No young lawyer in his 40's had ever been elected ABA President.

When in 1944 I was elected Assembly Delegate, then due to the untimely death of D.C. State Delegate, Henry Quinn, I was chosen to replace him, many lawyers began to talk to me about moving up to Chairman of the ABA House of Delegates and to ABA President.

Faced with this situation, I was content to await my turn as ABA President but decided to first try to get elected as D.C. Bar President so I could have that on my record when I did run for ABA President. Many younger lawyers of D.C. were active in both ABA and D.C. Bar Associations. The matter of young lawyers moving up in both Associations was being mentioned. In ABA, these young lawyers included Ross L. Malone, Jr. of New Mexico, Lewis F. Powell, Jr. of Virginia, Walter Craig of Arizona, Harold H. Bredell of Indiana and others.

In D.C. I was fairly well situated as a successful trial, appellate and Supreme Court lawyer; a Director of a major bank, National Savings and

Autobiography by Charles S. Rhyne

Trust Company; General Counsel of NIMLO, Atlantic Research and other corporations; a member of a group of leading lawyers who met, when convenient to each, for lunch, on Monday through Friday at the Madrillion Restaurant; member of the Metropolitan and other clubs such as the Vinson Club, formed to honor Fred M. Vinson when he became Chief Justice of the United States. The honor of Vinson Club Membership was especially noteworthy as members were selected and invited to a magnificent dinner by the Chief Justice at his convenience, usually yearly. The Meetings were usually at the Mayflower Hotel for a very fancy black tie dinner with members of the D.C. District and Appeals Court and distinguished guests. The Hotel's famous Gold Service, which was available infrequently on great occasions, was always used. Invited Washington, D.C. practicing lawyers split the cost equally. My membership on the Board of the then National Savings and Trust was looked upon as most prestigious. Other Board members were the fabulously wealthy Mrs. Merryweather Post, General Omar Bradley, Presidents of great corporations and old time D.C. greats, like William Willard, whose family erected the Willard Hotel.

While my Washington, D.C. practice was substantial, my national practice was much greater, as the Litigation Chapter herein indicates. My deceased Brother Brice was a great joy to have as a partner. He was one of the best client entertainers who ever lived. He took clients to dinner and to the golf course where he could play "even up" with the best professionals who came through Washington. He would include our clients, who were golfers, when one of the golfing greats was in town and fix up a match in which he could carry the client partner close to victory by some combined score counting. He never forgot a name or a face and enjoyed life to the fullest until his early death from cigarette lung cancer, which he traced to service in the U.S. Army's Fourth Division in World War II. Unlike my son Bill, Brice did not write briefs and fill in for me in the Courts as Bill has since he became a lawyer.

I considered the fact that my dear friend Walter

Election as President of BADC

M. Bastain, who once ran and lost for ABA President, had lost interest in that office since becoming both a U.S. District and Appellate Court Judge and no other leading D.C. lawyer was an aspirant for high ABA office. I also spent much time conferring with close friends among older lawyers, like Francis W. Hill, Jr., John J. Carnody, Preston C. King, Jr., Charles B. Murray and others about my plan to announce that I was going to run on a promise to revitalize the BADC and, above all, I would promise to help amend the BADC Constitution to strike the word "white" as a requirement for membership.

As General Counsel for NIMLO, I had been working for some years to help municipal lawyers eliminate all kinds of discrimination at the municipal level throughout our Nation. I believed deeply in the words of the U.S. Declaration of Independence that "all men (persons) were created equal". I had helped get women into the BADC and ABA. I could not, in good conscience, become President of an Association which discriminated against Black lawyers, many of whom were my close friends.

In 1955 when I planned to run for President of the BADC, Washington was growing enormously, as Washington was called by some the "capital" of the "free World". But Washington still maintained many of the very separations of races in schools, public restrooms, public transportation and similar areas. These barriers had, slowly but surely, begun to tumble down all over our Nation. I was proud of this development. But I knew that, as warned by some of those I talked to, there would be opposition to me on this ground. I decided I would make a public announcement at a planned meeting of young lawyer members of the BADC and did. My opponents chose a very able older lawyer, J. Austin Latimer, who quickly said he disagreed with me. The media gave a lot of space to my announcement.

Many bitter attacks were launched against me. My children were hissed at in school. Dead cats and garbage were thrown into my front yard at my Foxhall Road home. Some lawyers I knew well would not speak to me. I felt the pressure in Court even. The Bar

Autobiography by Charles S. Rhyne

Association borrowed voting machines from a nearby Maryland county and the voting took place in the U.S. District Courthouse. To the shock of the opposition, I won 920 to 225 for my opponent, J. Austin Latimer.

I took office and true to my word, after appropriate notice, at a meeting over which I presided as President on May 8, 1956, Howard Westwood and Edward Bennett Williams offered the Constitutional Amendment that the word "white" be stricken and made a motion that it be adopted. Past President Preston King, Jr. and Sidney Sachs seconded the motion for its adoption. All four then spoke in favor of adoption. Many more were ready to speak in favor if any opposition developed. When the Amendment was presented and seconded and Westwood, Williams, King and Sachs spoke in favor, I called for further discussion. No member asked to speak. The packed gathering in the Mayflower Hotel was silent.

It is the only Bar Association meeting I can remember where attendance was so large. There was standing room only, but I heard no call for recognition to speak. By this time, I was Chairman of the Rules and Calendar Committee of the ABA's House of Delegates. There is no body which exceeds that House in carefully following Robert's Rules of Order strictly. I had by then experienced some 12 years of education in those Rules. I realized that I must proceed carefully, and did.

Stating that I had heard no request for recognition from a very silent meeting and that I was going to put the Amendment to a voice vote with voters stating "yea" or "nay", I did. The "yeas" thundered as their response and the "nays" made no sound loud enough to be audible. I so stated and declared the "yeas" to have been so overwhelming that it clearly met the two-thirds requirement of the Association's Constitution for passage of the Amendment. I further said that if anyone wanted a division, severance or other count, they were free to ask for it and a division, severance or other count would take place. My statement was met with silence. No one asked for a division, severance or

Election as President of BADC

other kind of count. I ruled the word "white" had been legally stricken from the Association's Constitution. All of the foregoing is reported in the Secretary's minutes of the meeting.

Shortly after the meeting, the BADC was sued by six members of the Association on the grounds, chiefly, that there was opposition who had called for a "severance" vote which I did not grant and that non-members had voted, so the vote was illegal.

All Judges of the District of Columbia Court were members of the Association and recused (disqualified) themselves on that ground from the case. Under the applicable Federal Statute, a Federal Judge from Ohio, Judge Wilkins, was appointed by the Chief Justice of the United States to hear the case. He suggested that the BADC conduct a new vote by turnstile tellers at a fixed place, date and time, to be announced by BADC, with each voter being required to prove his or her District of Columbia Bar membership before voting. The Association's Secretary, Dudley Skinker, was to be present with a list of members to check each person's membership before they were to be allowed to vote. Witnesses were to be present to help check identification of each voter. This second vote produced the same results as the first one, a more than two-thirds approval vote striking the word "white" from the Association's Constitution. This vote ended this unfortunate episode. Black Judges and lawyers could now be members of the Association.

As President, I did an almost complete reorganization of the Association's Committees and other services. The BADC Board of Directors quickly created a Legal Aid Committee, which was strongly supported by the members of the Association by donations, in addition to their regular dues. Howard Westwood, of Covington and Burling, was Chairman of this Committee and under his dynamic leadership it provided legal aid to the needy by securing volunteers from the legal community.

The Board of Directors also approved the appointment of a full-time Executive Secretary, adopted and sponsored a plan to relieve the congested

Autobiography by Charles S. Rhyne

Civil Docket of the District Court, created a supervised lawyer referral service, established a Commission on Legal Aid, created a Research Foundation, carried out a most successful drive to enlist new members of the BADC and ABA, supported much valuable legislation, such as the Uniform Simultaneous Death Act, a proposed statute to increase judgeships for the District Court and proposed Amendments to the Federal Administrative Procedure Act to protect independence of Administrative Judges.

The Association also undertook community service, such as showing the United States District Courthouse, the Court of Appeals Courthouse and those Courts in Session to some 2,400 high school students.

The Bar Association focused its monthly meetings on local and national issues of great public interest and had speakers such as J.R. Wiggins, Executive Editor of the Washington Post and Times Herald, as speakers. The Chief Justice of the United States, Earl Warren, spoke at the Annual Dinner which was attended by 1,500 leaders of the legal profession, including many high ranking Federal officials, five Associate Justices of the U.S. Supreme Court and the President of the American Bar Association, E. Smythe Gambrell. Credit for this outstanding occasion goes to Chairman Richard W. Galihier and then Deputy U.S. Attorney General William P. Rogers, a member of the Association, who performed an outstanding job as Toastmaster. He was later U.S. Attorney General and U.S. Secretary of State.

The Association's Committee on Citizenship, Chaired by Richard L. Walsh, arranged for local and nationally known speakers at each monthly citizenship ceremony in the Ceremonial Courtroom. The speakers gave impressive outlines of the American legal ideals and history which make citizenship such a cherished possession. A Color Guard of the United States Marine Corp added much to each ceremony. Speakers included George Meany, President of AFL-CIO; Senator Estes Kefauver; the very Reverend Edmund B. Bunn, President of Georgetown University; Robert Murphy, Deputy Under-Secretary of State; and, General Graves B. Erskine, U.S. Marine Commander at Iwo Jima.

Election as President of BADC

All in all, I was proud to say in my final report as BADC President that we had a year of great accomplishments.

The experience I received as BADC President, in desegregating the Association, helped me tremendously in my career as President of ABA and the World Peace Through Law Program. That experience taught me not to get rattled when vocal opponents went to extremes. Lawyers, by nature, are given to expressing their views with great vocal power. It seems that as I look back on my career, I have been involved, so many times, in much controversy over my unwavering defense of civil rights, human rights, and those whose claims to those rights require lawyers who can stand up to fierce expressions of opposition. Such is the experience of all lawyers who believe strongly that these rights are entitled to the best one has and I have always tried to give my best.

CHAPTER 13
SOME INVESTIGATION EXPERIENCE

I repeat what I have said before, that in doing separate Chapters chronologically on each subject was too unwieldy so here I report on Investigations in one Chapter without regard to the time when they occurred.

Harold Ickes' And San Francisco's Hetch Hetchy
Power Transmission Contract

In the late 1930's, John O'Toole, City Attorney of San Francisco, began to use me, through NIMLO, to help him with regard to an investigation by Harold Ickes, Secretary of the U.S Department of Interior, which involved transmission of power from Hetch Hetchy Dam to his City. The dam was built and paid for on Federal land by San Francisco, in Hetch Hetchy Valley in Yosemite National Park and Stanislaus National Forest, under a grant by the Raker Act of 1913 (38 Stat. 242). The grant was for the purpose of constructing, operating and maintaining water and power supplies for the City's domestic and municipal uses.

The Raker Act did not require the City to construct and maintain its own transmission facilities. The City contracted with Pacific Gas and Electric Company (PG&E) to perform that service until it could get a bond issue, approved by City voters, to pay for such transmission facilities. At the time of the investigation, the City had twice presented bond issues for that purpose to its voters which the voters had disapproved.

When O'Toole, Mayor Rossi and I appeared before Ickes, in response to an official notice to the City, Ickes had a young lawyer named Abe Fortas first read his decision that under the Raker Act the use of the dam should revert to the United States because the City had violated the terms of the grant. He then asked for the City's response.

Mayor Rossi rose quickly to refer to the two bond issue defeats, making it impossible for the City

Investigation Experience

to construct transmission facilities. Ickes said that was no excuse. O'Toole arose, really to interrupt rather sharp, verbal exchanges between Rossi and Ickes as to whether Ickes and his predecessors had angered City voters into disapproval of the bond issues, and said that the City was using PG&E facilities until it could try again for voter approval. He also said the Raker Act's grant did not require the City to own its own transmission facilities. The latter part of O'Toole's argument brought a vehement response of disagreement from Ickes and his assistants. O'Toole told Ickes to please read to him the Raker Act language requiring the City to own a transmission system. My memory is that O'Toole's request broke up the "investigation" in disarray.

Then Ickes persuaded the U.S. Attorney General to file a lawsuit requesting a holding that the City's PG&E contract was invalid. In 1940 the U.S. Supreme Court so held, stating that this contract transferred to PG&E a complete right to sell and distribute Hetch Hetchy power. U.S. v. San Francisco, 310 U.S. 16 (1940).

O'Toole and his law department responded splendidly to this decision by preparing a new contract with PG&E, in which PG&E is clearly made a transmission agency only for the City. Even Ickes approved this contract, and despite a flood of legal attacks, that new contract prevails to this day. O'Toole has departed this Earth, but I must say that by his actions in this Hetch Hetchy matter and his other great municipal law career, he carved an esteemed place as a municipal law expert and national leader of NIMLO. For years, he was Chairman of NIMLO's Taxation Committee. I recall that he liked to be asked about Hetch Hetchy and usually replied that the end result proves one should never "stir up an Irishman".

In checking my memory on this matter, I called the San Francisco City Attorney's office and was most pleased that, by chance, John O'Toole's lawyer granddaughter, Marjorie O'Toole, answered the telephone. After we reminisced for quite a while,

Autobiography by Charles S. Rhyne

she arranged for Joshua Milstein, Deputy City Attorney, to send me a 14-page single-spaced memorandum prepared by Ralph W. Tarr, Solicitor of the Department of Interior, dated November 10, 1988 to the then Secretary of the Interior Department, which confirms, in substance, what I have said herein as to the end result of decades of litigation and the facts, that Ickes and his Solicitor predecessors agree that San Francisco is not, and has not been, in violation of the Raker Act or its intent under its renegotiated contract with PG&E. This contract, in view of its approval by Ickes and his successors, has never been invalidated by any Court decision although Solicitor Tarr's memorandum lists quite a few cases in which various persons have filed lawsuits seeking that result.

Truman Committee And Mayor Curley Of Boston

My participation in Senator Harry S. Truman of Missouri's investigation of corruption in war contracts, for World War II, was minor in fact, but tremendously interesting. Mayor James M. Curley of Boston had been subpoenaed to appear before the Truman War Contract Investigation Committee. Paul Betters, Executive Director of the U.S. Mayors Conference, was sent questions which he said the City Council of Boston wanted answered by the Mayor at the hearing. I was given the task of delivering the questions to the Truman Committee. The hearing room was crowded when I walked in, but Senator Truman motioned for me to come around the Hearing Room dais and on up to him.

I went around the dais and we shook hands warmly, as we had met frequently while the Civil Aeronautics Bill, which became law in 1938, was before Congress and on visits to Washington by our mutual friend Rufus Burrus from Independence, Missouri.

The Mayor had been in many courts and before many investigators. He informed the Chairman of the Committee, Senator Truman, that he needed no lawyer to represent him as he could handle himself. He was

Investigation Experience

famous for his 4 terms as Mayor, his terms in the Massachusetts Legislature and as Governor of Massachusetts. Senator Truman knew I was coming with the questions, as Rufus Burrus had called the Senator, at my request, and told him why I was coming. When he first looked at the questions, he said he would take care of them, although Curley was a "likable old friend who was constantly in trouble".

Hugh Fulton, Committee Counsel, would ask a question and Mayor Curley, a rather handsome and well-dressed man, would draw himself up in a very thoughtful pose, look at the Chairman, and say, "Mr. Senator, that is a good question and deserves a good answer. I hope you can find someone who can give that answer to you." And on question after question, the Mayor said and did about the same thing. Senator Truman, who I knew fairly well from my work on the aeronautical legislation just mentioned, for Senator Pat McCarran, took the City of Boston questions from Fulton and asked some himself. He was apparently furious to be given the same treatment as Fulton.

Curley was then dismissed as a witness. I was told he later returned to jail in Boston, in which he was serving a Federal sentence, from which he was then running the City, having been convicted of some Federal mail use crime. Chairman Truman, who soon became Vice-President and President of the United States, must have liked him in spite of his record. As President Truman, he gave Mayor Curley a full pardon shortly after he was sentenced, so his days in prison were few.

Later, in Truman's re-election campaign, he repeatedly pointed to the 15 billion dollars his "Truman Committee" (The Committee to investigate the National Defense Program) saved the United States Government. Undoubtedly, this was one reason, if not the major reason, President Roosevelt chose him as his Vice-President.

It just happens that Rufus Burrus of Independence, Missouri, the President's hometown, was one of his best friends and a good friend of mine. Rufus was an ABA State Delegate from Missouri and I

Autobiography by Charles S. Rhyne

was the State Delegate from the District of Columbia. I had gone with Rufus to see the Senator some times before, where we discussed such matters as whether the United States should adhere to the Statute of the World Court (International Court of Justice) without the Senator Connolly Reservation which allowed the United States to decide, in each case filed against it, whether to accept the Court's jurisdiction. Rufus and I were urging the Senator to choose to support adherence and to vote against the Connolly Reservation.

Senator Truman told Rufus and me that he was going to vote in favor of adherence to the World Court statute, without the Connolly Reservation. The Statute was approved, although Senator Connolly, not a Truman friend, insisted on his reservation which was adopted and it has rendered that Court almost useless.

The new President, Truman, in presenting the Statute of the International Court to the Senate for confirmation without reservations said:

"When Kansas and Colorado have a quarrel over the water in the Arkansas River, they don't call out the National Guard in each state and go to war over it. They bring a suit in the Supreme Court of the United States and abide by the decision. There isn't a reason in the world why we cannot do that internationally."

This is substantially what he said to Rufus Burrus and me, when we discussed the subject with him.

President Eisenhower And Cancer Causing Weed Killer, Aminotriazole, In Cranberry Bogs

In November 1959, the President's Scientific Adviser, Dr. George B. Kistiakowsky, and I were asked by President Eisenhower to conduct the above entitled investigation.

Arthur S. Flemming, Secretary of Health, Education and Welfare (hereafter HEW), on November 9, 1959, had created a nationwide scare against eating of cranberries by warning that part of the Oregon and

Investigation Experience

Washington State crops were contaminated by a suspected cancer producing weed killer. The Flemming announcement of November 9, 1959 stated:

"The Food and Drug Administration today urged that no further sales be made of cranberries and cranberry products produced in Washington and Oregon in 1958 and 1959 because of their possible contamination by a chemical weed killer, aminotriazole, which causes cancer in the thyroids of rats when it is contained in their diet, until the cranberry industry has submitted a workable plan to separate the contaminated berries from those that are not contaminated."

Ambrose E. Stevens, head of Ocean Spray Cranberries, Inc., representing three-fourths of the cranberry growers, attacked Flemming as a "headline hunter" for making his statement just before Thanksgiving, which he called "utterly devastating to the 1,000 growers" he represented.

It developed that the Department of Agriculture had approved use of the weed killer for post harvest spraying of cranberry bogs, not anticipating that it would be carried over in the cranberries produced in the following crop season.

Flemming impounded cranberries from Oregon and Washington State and ordered no further sales of them be made. He said an investigation was underway as to cranberries raised in Massachusetts, Wisconsin, New Jersey and Michigan. This set off a nationwide media blare and scare with grocers taking Thanksgiving cranberries off their shelves. The media printed and stated on TV and radio, a demand telegraphed to President Eisenhower by some cranberry growers, that Flemming "be fired" for saying that the weed killer might cause cancer in his release prior to Thanksgiving. They called him "inept, callous and harmful - it is his duty not to yell fire until he knows there is one." Spokesmen for cranberry growers also emphasized that use of the weed killer had been approved by the Department of Agriculture and had not been proven to cause cancer in humans and that industry experts claimed that humans "would have to

Autobiography by Charles S. Rhyne

consume carloads of any infected cranberries before any possible effect could be caused." The media hyped the story of a cranberry cooperative which called upon President Eisenhower to declare cranberry states "disaster areas".

Archives Technician Barbara Constable has forwarded to me a description of the rather voluminous holdings of the Dwight D. Eisenhower Library in Abilene, Kansas on this subject. I have reviewed, again, the stories carried on page one by the New York Times and the Washington Post from November 10, 1959 to November 20, 1959. On the latter date, both newspapers carried stories of Flemming's approval of a special HEW Food and Drug Administration (hereafter FDA) "label plan" for "which the housewife can look for to be sure the package, can or bottle she buys is from a tested lot containing no aminotriazole". But even with the HEW FDA crash testing program, the amount of cleared cranberry products on grocers' shelves before Thanksgiving Day fell below sales for prior years. Many FDA local offices, as in New York for example, reported that in four days of testing they found no contaminated cranberries and newspapers in other cities reported similar totally safe or minimal unsafe test results. The best that can be said is that the cranberry cancer scare of 1959 ended in much confusion.

After the President called me, as he had on other matters under which I had previously been appointed as a special legal counsel and consultant, he first asked me what was I doing now since I was out of office as President of the American Bar Association. He said if I blamed anyone for what he was calling me about, to blame it on my western law clients and his friends Madge Hardin (U.S. Senator Henry (Scoop) Jackson's father in law), Aksel Neilson and others who he said were great "advertisers" of my abilities when they got into trouble. He then asked if I still represented them and I answered that I did. He said he was now in trouble and calling on me to help get him out of a clash between his HEW Secretary Flemming and his Secretary of Agriculture,

Investigation Experience

Ezra Benson, over the cranberry mess I surely must have read or heard about. I said something about being born on a cotton farm, not in a cranberry bog, and that I did not really understand what all the media fuss was all about. He replied it involves a cancer causing weed killer chemical and some seemingly conflicting Federal laws, as he understood it. He said he had decided to ask his Scientific Adviser, Dr. George B. Kistiakowsky (hereafter Dr. K) and me to try to help him work out a quick solution as Thanksgiving was just a few days away and the controversy was getting worse.

The President called Dr. K and we met immediately to talk about what the problem was between HEW and Agriculture. We decided the quickest route to a solution was to invite the two Secretaries to a "meeting" and listen to their stories. The meeting took place in the Old State Department Building. Two long tables, on each side of the meeting room, had chairs for about a dozen persons. Flemming, Benson and their chief assistants and lawyers occupied the chairs at the tables and Dr. K and I had seats at a bench at the end of the room, like those in Court rooms for Judges, rather high above the tables.

Dr. George P. Larrick, Commissioner of the HEW's FDA, was seated next to Flemming in the seats nearest to the bench. Not realizing that the microphone system was "live", Dr. Larrick leaned over to Flemming and said, "Good Lord, there sits Charlie Rhyne. The last time I saw him was in Court where he examined everything about me except my underwear." Some HEW people, like William Goodrich, the great FDA General Counsel, laughed but Benson and his group did not. I cut the microphone off and explained to Dr. K that Dr. Larrick was a witness in a Federal Court trial in a case where my clients, who sold Nutrilite vitamins and minerals, claimed that FDA, by product seizures and a criminal indictment, had tried to destroy them. The case had gone to the U.S. Supreme Court twice and back to a California Federal Trial Court where it was settled by FDA agreeing to some 54 claims my vitamin-mineral clients could make in

selling their products (In re Federal Security Administrator and U.S. Attorney General 337 U.S. 902 (1949), Ewing v. Mytinger & Casselberry, Inc., 339 U.S. 594 (1950). Supra pages 137-145.

Dr. K and I opened the meeting by asking each Secretary to introduce those with them and tell us what the cranberry weed killer matter was all about. We listened for some hours to why Agriculture and HEW had taken various positions over a period of about three prior years. Nearly all of the facts and law changes that were mentioned, Dr. K and I had previously been briefed on beforehand so we did not ask a lot of questions. In brief, their story was that the Agriculture Department had approved, under applicable Federal law, use of the weed killer in cranberry bogs after each crop of cranberries had been harvested. HEW was relying upon a new Federal Statute which, in broad language, allowed HEW to prohibit sale of any cancer causing substance in food but specifically excluded "pesticides" (21 U.S.C.A. § 348) Flemming said his Department, in tests on rats, had found that the weed killer, whether or not considered as a "pesticide", named aminotriazole could cause cancer. He claimed when that weed killer was used on cranberry bogs after harvest, the next crop of cranberries could contain some of the weed killer and tests on such cranberries had found its presence in a few. Hence, his decision as quoted above on November 9, 1959. Benson's evidence was that enough of this weed killer could not remain on cranberries, from plants sprayed by the killer to kill weeds, to cause any more cancer than one shake of table salt. The test examples cited above, as cranberry industry positions, were also referred to by Department of Agriculture officials since few, if any, cranberries contained the weed killer.

Clearly Benson had the weight of evidence on his side. Benson's associates said that the applicable provisions of the Food and Drug Act, relied upon by Flemming, were not a delegation of unlimited power to him on the basis of rat rather than human tests to arbitrarily destroy or damage the cranberry growers upon the meager facts available under applicable

Investigation Experience

law. Both sides seemed to agree the law was broadly stated and did not expressly cover, in express words, the current situation clearly except by a very liberal interpretation of broad words, although Flemming argued that Congress had intended to give him the power to protect against cancer, even if it were a "pesticide" and excluded by 21 U.S.C.A. § 348.

Dr. K and I reported the substance of our meeting with HEW and Agriculture officials to President Eisenhower. He suggested what we should do and said for us to report back to him.

The cranberry industry pressed for quick government approval of an emerging nationwide emergency plan they developed to test all unsold cranberries so that untainted cranberries could be sold as safe before Thanksgiving. The emergency plan, as amended by an FDA emergency labeling requirement, was approved after a meeting with Flemming on November 20, 1959. The third part of the plan for payment to damaged cranberry growers was worked on at the same time.

That cranberry growers suffered great losses, through no fault of their own, could not be denied. Without the "fanfare" of constant media releases, the Government worked out with cranberry growers a plan to pay the growers \$8 a barrel for their losses. The Department of Agriculture made the payments for clean marketable surplus cranberries not sold before Thanksgiving in 1959, due to the HEW announcement of November 9, 1959. The total payments were estimated at about \$10,000,000. This grower indemnity plan was announced by the White House Press Secretary for the President on March 30, 1960. To me, at least, the grower indemnity plan which the President insisted on, with Agriculture handling grower indemnity claims, was aimed at HEW for the way they had handled the matter. The President knew that Benson would be generous in passing upon such claims.

The President then requested further studies be made of the use of chemicals and drugs as food additives by the Departments of Agriculture, HEW and the President's Science Advisory Committee looking toward preventing such incidents as that involving

weed killers on cranberry bogs after the harvesting was completed. The Science Advisory Committee, under Dr. K, convened a special panel of experts and consulted scientists from HEW, Agriculture and experts from outside Government circles. I served as a legal consultant for this study.

The report, approved by Dr. K, HEW and Agriculture, was released May 20, 1960 by the White House over the objection of HEW. It describes the complex nature of scientific issues involved in protecting the American food supply from cancer producing substances and suggests areas of new research in this area. It also recommends improved administrative procedures, and that appropriate modifications in statutory law be sought from the Congress.

I must state my high esteem and respect for Dr. K. He died in 1983 after one of the most renowned careers in the field of science. I have never worked with a more dedicated or more able leader in any field of endeavor. I so stated that to the President who said he agreed with my "admiration, as he was one of the greatest scientists of our day". It was certainly a memorable experience for me to work with him in helping on the problem, herein described, under the stress of a time deadline. I think that the solution demonstrated also how President Eisenhower could, and did, address and solve unusual problems in an equitable manner. Even under great stress, I proudly observed he never lost his friendly smile and his capacity to rise up to high levels to do what should be done. He will go down in history as one of our greatest Presidents for these great leadership qualities he demonstrated in war and peace.

Judicial And Congressional Salaries

While the Judicial and Congressional salaries Commission which the United States Congress created to recommend unpopular increases in pay to them is a very aged experience, I have decided to include it as it demonstrates how Congress sometimes works to carry

Investigation Experience

out its constitutional duties in these important public services.

On August 7, 1953, Congress created a Statute creating a Commission of 18 members to recommend salaries for members of the Federal Judiciary and the Congress. Congressmen and Federal District Court Judges were then paid \$15,000 per year.

In an attempt to provide impartiality and equality, the Statute provided that the Salary Commission should be composed of 6 Commissioners who were to be appointed by the President, 6 by the Chief Justice of the United States, 6 by the Vice-President of the United States and 6 by the Speaker of the House of Representatives. The Chief Justice, the Vice-President and the Speaker were to appoint 3 advisory non-voting members for a total of 27. The Commission was ordered by the Statute to file its report by no later than January 15, 1954.

At the Commission's organization meeting on November 30, 1953, I was elected on a motion by Senator Pat McCarran as General Counsel. The distinguished Philadelphia lawyer, Bernard G. Segal, was appointed by President Eisenhower as Commission Chairman. The Commissions' Final Report states my duties as follows:

"His work consisted in the arrangement for the hearings, witnesses and the procurment and supervision of the professional staff in the preparation of the task force requests and in its performance of the work of the Commission, including the preparation of this report."

No one mentioned money or staff to me so, following Senator McCarran's practice of which I was well aware, I borrowed staff from many Government Agencies. Frankly, we were swamped with volunteer workers, many of them Hearing Examiners (now known as Administrative Law Judges) with whom I had worked on ABA's program to enhance their status through the Administrative Procedure Act of 1946. We all worked with Chairman Segal in planning a meeting of all Commission members. Advice flowed in from many

Autobiography by Charles S. Rhyne

sources. A Justice of the U.S. Supreme Court sent a message that the idea of paying the Chief Justice \$5,000 more than the other Justices was unanimously opposed by the other members of the Court as "not even a postcard addressed to the Court is seen by only one Justice. We are all equals and should receive equal pay". The Justice was quoted as having said further that the traditional \$500 per year received by the Chief Justice for serving as Chairman of the Smithsonian Institute was all right but no other extra pay was appropriate, as the Chief Justice had only one vote on every case like all other Justices.

The Commission set Hearings for December 15, 16, and 17, 1953, and we assembled some 60 of the most distinguished representatives of Labor, Business, the Professions and Agricultural ever to be brought together for such a Hearing. No important invited witness said they could not, or would not, testify. Past members of Presidential Cabinets, distinguished Justices and Judges, Presidents of great national professional, labor, business and other prestigious leaders of the day came forward to testify that Federal Judges and members of Congress were entitled to a raise in salary. All their testimony can be summarized in the simple statement used by nearly all witnesses, "We must pay higher salaries to get and keep able Americans in these important offices." Many examples were given of those who retired from Congress or the Federal judiciary because they could not afford the low incomes.

Even though this whole story reflects a by-gone day, I must record a Summons I received from the Elder Senator Byrd of Virginia to come to his "basement office" in the Senate Office Building. It was a beauty to behold. He, his pet dogs, and Senator George of Georgia greeted me warmly as I had encountered both often. I owned a Blue Ridge Mountain home a few miles from Byrd's home in Berryville, Virginia. I had walked around that little Town and drank a Coca Cola with him there upon occasion. Senator George and I had worked on many matters over the years. Senator George came right to

Investigation Experience

the point, "they" whom he did not further describe, had decided the Congress and District Judges should get \$22,500, not \$27,500, as it was rumored the Commission would recommend. I quickly learned "they" were right, according to other members of Congress. Although the Congress did get some free mail and travel costs added.

At the time of the Commission Hearings, in 1953, the salaries were as follows:

Chief Justice of the United States	\$25,500
Associate Justice of the Supreme Court of the United States	\$25,500
Vice-President of the United States	\$40,000
Speaker of the House of Representatives	\$40,000
Members of Congress	\$15,000
Judges of the United States Courts of Appeals	\$17,500
Judges of the United States District Courts (including the United States District Courts of the Districts of Hawaii and Puerto Rico, the District Court for the territory of Alaska and the District Court of the Virgin Islands)	\$15,000
Judges of the United States Court of Customs and Patent Appeals	\$17,500
Judges of the United States Customs Court	\$15,000
Judges of the Tax Court of the United States	\$15,000
Judges of the Court of Military Appeals	\$17,500
Judges of the United States Court of Claims	\$17,500

The Commission, in its Report to the President, recommended salaries as follows:

The Chief Justice of the United States	\$40,000
Associate Justice of the Supreme Court	\$39,500
Vice-President of the United States	\$40,000
Speaker of the House of Representatives	\$40,000
Members of Congress	\$27,500
Judges of the U.S. Courts of Appeals	\$30,500
Judges of the U.S. Courts of Claims	\$30,500
Judges of the Tax Courts of the U.S.	\$27,500

Autobiography by Charles S. Rhyne

Judges of Court of Military Appeals	\$30,500
Judges of U.S. Court of Customs and Patent Appeals	\$30,500
Judges of the U.S. Customs Court	\$27,500
Judges of U.S. District Court	\$27,500

The Congress decided to approve salaries exactly \$5,000 less than those recommended by the Commission for each Justice, Judge and member of Congress.

As an illustration of the great changes taking place in our Country, I herewith set forth the current salaries:

JUDICIAL BRANCH

Chief Justice of the United States	\$171,500
Associate Justices of the Supreme Court	\$164,100
Judges, U.S. Circuit Court of Appeals for the District of Columbia	\$141,700
Judges of the U.S. Court of Appeals, Federal Circuit (Including Customs and Patent Appeals)	\$141,700
Judges, Court of Military Appeals	\$141,700
Judges, U.S. District Courts	\$133,600
Judges, United States Claims Court	\$133,600
Judges, Court of International Trade (Including U.S. Customs Court)	\$133,600
Judges, Tax Court of the United States	\$133,600
Bankruptcy Judges	\$122,900

LEGISLATIVE BRANCH

Vice-President of the United States (President of the Senate)	\$171,500
Speaker of the House of Representatives	\$171,500
President Pro Tempore of the Senate	\$148,400
Majority & Minority Leaders - House & Senate	\$148,400
Senators, Representatives, Resident Commissioner of Puerto Rico & Delegates	\$133,600

Investigation Experience

The President Kennedy Assassination

I had an unusual position as "observer" participant in the Warren Commission's investigation into the assassination of President John F. Kennedy on November 22, 1963.

Disturbed by slight criticism that the Commission's closed door hearings might be unfair, Chief Justice Earl Warren, Chairman of the Commission and J. Lee Rankin, the Commission's General Counsel, a most distinguished former U.S. Solicitor General, asked me to work with Walter E. Craig, President of the American Bar Association, as one of a group of our Nation's leading lawyers, to be appointed by Craig, to monitor the Hearings by the Commission of all witnesses by their personal presence. The ABA "observers" were to hear all witnesses, ask any questions they believed should be asked, and call any further witnesses they thought should be called, to ensure that the Commission's investigation observed all standards for fairness required by constitutional and other legal provisions of our system of justice.

As any reader of these pages must conclude, there are no two legal professionals I admire more than Earl Warren and Lee Rankin. At a time when the Chief Justice and I were working on the future of the World Peace Through Law Program, as a result of the Athens Conference in 1963, the Chief Justice turned the subject to his new duties as Chairman of the Kennedy Assassination Commission and said, "Lee Rankin's selection as General Counsel is one I am certain you will agree with me on, he is one of the greatest lawyers of our Nation. I believe there is no member of our legal profession who could, and would, better ensure the fairness and integrity of the Commission's ultimate findings." He added, "Lee is so thorough, so careful, and so fair in his thinking and sound in his actions and judgements, he will do the task in a way he and the other members of the Commission, and the people of our Nation, will be proud of the result."

I was honored by the request to work with President Craig on this observer task and quickly

Autobiography by Charles S. Rhyne

said that I would accept. I knew, personally, all members of the Presidential Commission which President Lyndon B. Johnson appointed on November 29, 1963. They were U.S. Senators Richard B. Russell and John S. Cooper, Congressmen T. Hale Boggs and Gerald R. Ford, and Allen W. Dulles, former Director of the Central Intelligence Agency, and John J. McCloy who had been a major speaker and adviser at the Athens Conference on World Peace Through Law in July 1963.

ABA President Craig was one of the young lawyer group of Ross Malone, Lewis Powell, Jr., and myself who had recently been elected as ABA President. Craig said he naturally would not be able to attend many Commission Hearings and could not expect his pro bono publico appointees, like myself, to give up their existing responsibilities, except occasionally, to attend. We quickly agreed upon, and arranged for, Charles B. Murray, a past President of the District of Columbia Bar Association and former United States District Attorney for the District of Columbia, to attend all hearings and to ask questions, take notes and call all witnesses he believed necessary to ensure the fundamental fairness of all Commission Hearings. Murray, in the absence of any Craig appointee, was to keep ABA appointees advised of the Commission's proceedings. All ABA "observers" could still, as stated, sit in on all hearings that they could work into their schedules and participate fully to ensure fairness of all hearings.

When in Washington, and not in Court, I attended hearings. At each session of the Commission, the official report of all hearings includes those present. Charles B. Murray is listed at hearings as "observer" and I and others of the ABA group are also so listed when present.

I recall being "waylaid" often by media who were usually lined up to observe who was going into the building at 200 Maryland Avenue, N.E., just across the street from the side of the U.S. Supreme Court, building which the Commission and its staff occupied.

On March 4, 1964, as I entered the lobby entrance of the Commission's offices, I heard Mark Lane, a New York lawyer who had been conducting his

Investigation Experience

own private, unofficial investigation of the Kennedy Assassination, travelling the Nation talking to various groups for a fee and expenses about alleged theories and conspiracies he related to the Kennedy Assassination and those allegedly involved therein, was stating to the media gathered near the entrance that he was going to make a big point at his hearing that day about exclusion of the press. He said he was going to demand his hearing be public and make this a major issue. I went on upstairs to the offices of the Chief Justice and General Counsel. There I told them of what I heard. They quickly pointed out that the Commission's publicly released hearing rules gave every witness the right to a public hearing so they were prepared to give Mr. Lane the public hearing he was going to demand.

I here copy from pages 32, 33, and 34 of printed Volume II of the Commission's Hearings.

"Wednesday, March 4, 1964

TESTIMONY OF MARK LANE

The President's Commission met at 2:30 p.m., on March 4, 1964, at 200 Maryland Avenue N.E., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper and Representative Gerald R. Ford, members.

Also present were J. Lee Rankin, General Counsel; Norman Redlich, Assistant Counsel; Charles Murray and Charles Rhyne, Assistants to Walter E. Craig.

THE CHAIRMAN: The Commission will be in order.

The Commission has been informed that Mr. Lane has collected numerous materials relevant to the Commission's work.

The Commission proposes to question Mr. Lane on all matters of which he has knowledge concerning the assassination of President Kennedy and the subsequent killing of Lee Harvey Oswald, and to request of Mr. Lane that he make available to the Commission any documentary material in his possession which can assist the Commission in its work.

In accordance with the rules of this Commission,

Autobiography by Charles S. Rhyne

Mr. Lane has been furnished with a copy of this statement.

Mr. Lane, would you please rise and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. LANE: I do.

THE CHAIRMAN: Will you be seated, please.

Mr. Rankin would you proceed with the examination please?

MR. RANKIN: Mr. Lane, will you state your name?

MR. LANE: My name is Mark Lane.

MR. RANKIN: Where do you live?

MR. LANE: 164 West 79th Street, New York City, New York State.

MR. RANKIN: Are you a practicing lawyer?

MR. LANE: Yes, I am.

MR. RANKIN: Will you state your age, please?

MR. LANE: I am 37 years old.

MR. RANKIN: How long have you been practicing law?

MR. LANE: Thirteen years.

MR. RANKIN: You have qualified in the State of New York?

MR. LANE: Yes.

MR. RANKIN: Are you qualified in any other jurisdiction?

MR. LANE: Just in the Federal Court.

MR. RANKIN: Do you have some information concerning the matters being investigated by the Commission that you would like to present to the Commission?

MR. LANE: Yes, I do.

MR. RANKIN: Will you proceed to do so?

MR. LANE: Yes.

I wonder if I might ask at the outset if I will be able to secure a copy of the transcript of my testimony tomorrow, or is that going to be rushing things?

THE CHAIRMAN: You will be able to obtain it. I don't know whether we can promise it to you tomorrow morning or not. But we will do it just as quickly as it can be transcribed by the reporter.

MR. LANE: Thank you, sir.

Investigation Experience

At the outset, I would like to request that this portion of the hearing, in any event, be opened to the public. I think that there are matters here of grave concern to all the people of our Country, and that it would, therefore, be fruitful and constructive for the sessions to be conducted in a public fashion, open to the public and to the press.

Accordingly, I request that this session, at least involving my testimony, be so opened to the public.

THE CHAIRMAN: You would have a right, as any witness would have, to request that, Mr. Lane. We will conduct this in an open hearing. We will adjourn at this time to the auditorium downstairs, and we will conduct the hearing there. It will be open to the public. I saw a good many members of the press around, so it will really be a public affair.

(Whereupon, at 2:45 p.m., the Commission recessed and then reconvened in the auditorium in open session.)

TESTIMONY OF MARK LANE RESUMED IN OPEN SESSION

THE CHAIRMAN: The Commission will be in order.

The Commission convened in our committee room on the fourth floor.

A reporter has been appointed.

Mr. Lane has been sworn.

Mr. Lane has stated that he would like to give his testimony at a public hearing. I explained to him that that was thoroughly agreeable to the Commission. The Commission does not operate in a secret way. Any witness who desires to have his - give his testimony in public may do so.

We have done it in the quiet of our rooms for the convenience of witnesses, and in order to accelerate the program. But any witness who desires to have his testimony recorded at a public hearing may do so.

The purpose of this Commission is, of course, eventually to make known to the President, and to the American public, everything that has transpired

Autobiography by Charles S. Rhyne

before this Commission. All of it will be made available at the appropriate time. The records of the work of the Commission will be preserved for the public. So, Mr. Lane, we will be happy to accommodate you and to proceed with our hearing.

Now, Mr. Rankin will conduct the examination.

(Having been previously duly sworn.)

MR. RANKIN: Mr. Lane, will you proceed to tell the Commission whatever you have that would bear upon this investigation? Start item by item, and give us whatever you have in support.

MR. LANE: Yes, sir.

At the outset, I would like to call to the Commission's attention a matter which is somewhat peripheral, perhaps, and should the Commission determine it does not wish to hear my testimony in that regard, I will understand that. But I would like to call it to your attention, because although it is peripheral I think it is related to both the assassination and the investigation into the assassination of the President.

That is in relationship to a picture which has been widely publicized, probably in every single community of our Country, allegedly showing Lee Harvey Oswald holding in his hand a rifle which has been described in at least one publication, Life magazine, as the weapon with which he assassinated President Kennedy.

I would like to indicate to the Commission at this time that the pictures which have been distributed throughout every Country included doctored and forged photographs. I would like to present evidence to the Commission at this time in that regard.

I ask the Commission if it does conclude that the photographs have been doctored, whether it will consider determining whether or not a crime has been committed, or an effort has been made to submit evidence to the Commission members, though not directly through the press, from magazines, which evidence-

THE CHAIRMAN: I didn't get that last sentence - something about the Commission?

Investigation Experience

MR. LANE: I am asking the Commission if it does conclude that the pictures have been doctored, to consider investigating the method by which the doctoring took place, who was responsible, and whether or not an effort has been made to influence the members of the Commission, while not directly, through the publication of this picture, which certainly has been circulated very widely throughout our Country.

THE CHAIRMAN: You may be sure, Mr. Lane, that anything you present in that regard will be thoroughly considered by the Commission.

MR. LANE: Thank you, sir..."

General Counsel Rankin and members of the Commission questioned Mr. Lane on the newspaper articles and photos he offered and they were marked as exhibits. On page 42, Mr. Lane interrupted his presentation to say:

"MR. LANE: I wonder if I might ask the Commission to give consideration to - although I don't believe that it is present in any of the six panels which have been established by the Commission - but to give consideration nevertheless to the 48 hours in which Oswald was in custody, in reference to what happened to his rights as an American citizen charged with a crime in this Country.

The statement by the National Board of the American Civil Liberties Union, that had Oswald lived he could not have secured a fair trial anywhere in this Country.

THE CHAIRMAN: You may be sure, Mr. Lane, that that will be given most serious consideration by the Commission, and the Commission has already appointed as an act in that direction the President of the American Bar Association, with such help as he may wish to have, to make an investigation of that very thing. I assure you it will be done by the Commission..."

The following is copied from pages 59 and 60, after General Counsel Rankin concluded his questions.

"MR. RANKIN: Thank you.

THE CHAIRMAN: Senator, do you have any questions?

SENATOR COOPER: No, I have no questions.

Autobiography by Charles S. Rhyne

THE CHAIRMAN: Mr. Rhyne.

MR. RHYNE: Mr. Chief Justice - I wanted to ask Mr. Lane, on his inquiry about what happened to Oswald during the 48 hours he was under detention - Mr. Lane, you suggested that the Commission make an inquiry into whether his civil rights were denied. Do you have any information on that subject?

MR. LANE: Yes. I saw what happened - I read it in the newspapers and heard it on the radio.

MR. RHYNE: It looked to me that most of the material presented here today was really in the newspapers. You are merely repeating what someone else has said.

MR. LANE: I don't think that is an accurate characterization of my testimony at all, sir. For example, I told you before of conversations that I have had - I know you listened intently - I told you of conversations that I had with Mr. Klein. I told you of conversations I had with Miss Hill, who is probably the closest eyewitness to the assassination, with Miss Woodward, who is perhaps the second or third closest witness to the assassination, with Dial Ryder, with at least two or three other persons.

MR. RHYNE: But on this one point, with respect to denial of any civil rights or protection of civil rights during this 48 hour period, you say that is all in the newspaper stories?

MR. LANE: No. What I meant by that response was that the basic denial that I was discussing was the development of the case publicly against him, so that it would be impossible in securing a jury panel to secure 12 jurors, probably anywhere in this Country, who had not reached a conclusion, first of all. And secondly, obviously the death of the accused, which I know is a matter for the Commission's inquiry already.

MR. RHYNE: I notice that you said your investigation was incomplete. So I just wanted to be sure that I understood what you meant with respect to this 48 hour detention period.

MR. LANE: No, I have no knowledge over and above that that I could give you in that area.

THE CHAIRMAN: Mr. Murray, do you have any questions you would like to ask?

Investigation Experience

MR. MURRAY: No, I have none, Mr. Chief Justice, at this time.

THE CHAIRMAN: Well, Mr. Lane, if any evidence should come to your attention in the future, would you be willing to convey the information to the Commission?

MR. LANE: Yes, I certainly would, sir.

THE CHAIRMAN: We will appreciate it if you would. Thank you for your attendance.

We will adjourn at this time.

(Whereupon, at 5:35 p.m., the President's Commission adjourned and reconvened in executive session.)"

I took advantage of my friendship with the Chairman and the General Counsel, as the months passed quickly, by dropping in unannounced whenever I could to observe witnesses and to talk to the Chief Justice and General Counsel about how the Commission's work was progressing. I talked with other members of the Commission when they were present but they too could not always be present, as the Commission heard 552 witnesses over the 10 months of its investigation.

The Commission's very able Assistant Counsel are recognizable to all who know the American legal profession, as among our greatest lawyers. They were Francis W. H. Adams, Joseph A. Ball, David W. Belin, William T. Coleman, Jr., Melvin Aron Eisenberg, Burt W. Griffin, Leon D. Hubert, Jr., Albert E. Jenner, Jr., Wesley J. Liebeler, Norman Redlich, W. David Slawson, Arlen Specter, Samuel A. Stern and Howard P. Willens.

From my observation seat, I can say that no investigation proceeding has ever been conducted more carefully, fairly and thoroughly. So much has been written that I can do no more than say that I agree completely with the Commission's findings that the overwhelming evidence leads to but one conclusion: Lee Harvey Oswald, acting alone, fired the shot from a window of the Texas School Book Depository Building which killed President Kennedy.

I agree that the Commission correctly concluded

Autobiography by Charles S. Rhyne

that Jack Ruby acted alone in killing Oswald. The Commission thoroughly ran down every rumor, presented by anyone, of various alleged conspiracies and correctly found them baseless.

I visited Dallas and the various places and scenes highlighted by the facts presented about Oswald and Ruby. I also went with ABA President Craig to Mexico to hear many who had assembled the facts about Oswald's attempts, through the Soviet and Cuban Embassies, to get to Cuba. I will not go further repeating what the 26 Volumes of Commission Hearings record. I recommend that anyone desiring a short but carefully worded summary of this investigation should read the "Foreword" to the Commission's 888 page Report, as it gives the Commission's summary of all that was presented and done during its exhaustive ten month investigation. For a detailed review of the appointment of Chief Justice Earl Warren as Chairman of the President's Commission to Investigate the Kennedy Assassination, his work as Chairman and his conclusions, I recommend one should read pages 351-372 of the Memoirs of Chief Justice Earl Warren, published in 1977, some three years after his death.

I will admit it saddens me to write the above. Such a tragedy to our young President, in almost the beginning of his service to our Nation, is not the great American dream I will always cherish and seek to further. I also, in my mind, recall the picture of a vibrant, youthful President Kennedy as he held onto my hand at the White House, as I was departing from his meeting that created the Lawyers' Committee for Civil Rights Under Law on June 21, 1963. He had earlier called me some time before the Civil Rights Meeting to ask that I, as a Past President of the ABA, help ensure the success of that meeting by calling the "big pooh bahs" of the ABA and urge them to attend. I had met also with Attorney General Robert Kennedy in his office to go over a list I had prepared and sent to the President. Nearly every ABA leader I called was present for the meeting. The President thanked me for that help. He then, again, expressed his support of the World Peace Through Law

Investigation Experience

Program, which he had expressed in writing to four Continental Conferences of legal professionals, arranged by me as ABA Chairman, to further that objective. His final statement was that he had signed a message on June 20, 1963 to the Athens World Conference but was holding it on his desk to see if he could possibly arrange to drop in at Athens to express his support in person, as he "expected to be floating around Europe at about that time". Unfortunately, he was not there in person but I received and presented his message to the Conference. It stated:

"Washington, D.C.
June 20, 1963

TO THE PRESIDENT OF THE FIRST WORLD CONFERENCE ON
WORLD PEACE THROUGH THE RULE OF LAW

It gives me great pleasure to send greetings to the distinguished group of lawyers participating in the First World Conference on World Peace Through The Rule of Law.

This Conference represents five years of effort and brings together lawyers and judges from over a hundred countries in the attempt to develop and strengthen the legal machinery that must form the basis for peaceful relations among all Nations. And these same habits and confidence must find their place in the relations between nations if we are to build a just and stable peace.

With every good wish for a successful and productive Conference.

(Signed) John F. Kennedy
PRESIDENT OF THE UNITED STATES"

To some this may seem to be out of place in a report on this most renowned great President's assassination, but to me it was the last personal conversation I had with him, and it demonstrates his

Autobiography by Charles S. Rhyne

tremendous support for the World Peace Through Law Program. It is a precious incident in my career.

In my opinion, no investigation has ever been conducted more fairly, more completely, or more thoroughly than that of the Commission on the John F. Kennedy Assassination inquiry. The Foreword gives a broad summary of everything the Commission did. The Commission's conclusions are backed up with complete copies of every word of testimony, every exhibit, every other information that the Commission received and considered in researching and arriving at its conclusions. The Commission did not turn any person away, no matter how speculative or unusual that person's presentation was. It did not curtail any witness statements or refuse any papers the witness presented. I suggest that anyone seeking complete information on the Assassination read the Commission's Report and the 26 separate printed Volumes which accompany it. As for certifying the careful following of every facet of fairness by the Commission, to all involved in this great tragedy, I do so as one familiar with what the Commission did in its extraordinary receipt of all evidence, theories or speculations presented as a basis of its Report. The Chairman, the other members of the Commission, the General Counsel, the able legal staff and the many who, from official agencies and as citizens of our great Nation, stepped forward to help and are due a vote of thanks for their thorough, careful and complete investigation under the most difficult of circumstances.

I now quote from the Foreword of the Commission's Report, its statement of the arrangement with President Walter E. Craig of the American Bar Association, under which I participated in this investigation.

"The Commission has functioned neither as a court presiding over an adversary proceeding nor as a prosecutor determined to prove a case, but as a factfinding agency committed to the ascertainment of the truth. In the course of the investigation of the facts and rumors surrounding these matters, it was necessary to explore hearsay and other sources of

Investigation Experience

information not admissible in a court proceeding obtained from persons who saw or heard and others in a position to observe what occurred. In fairness to the alleged assassin and his family, the Commission on February 25, 1964, requested Walter E. Craig, President of the American Bar Association, to participate in the investigation and to advise the Commission whether in his opinion the proceedings conformed to the basic principles of American justice. Mr. Craig accepted this assignment and participated fully and without limitation. He attended Commission hearings in person or through his appointed assistants. All working papers, reports, and other data in Commission files were made available, and Mr. Craig and his associates were given the opportunity to cross-examine witnesses, to recall any witness heard prior to his appointment, and to suggest witnesses whose testimony they would like to have the Commission hear. This procedure was agreeable to counsel for Oswald's widow."

Other Investigations

I have been involved in other investigations, but believe those described above illustrate my investigations involvements.

CHAPTER 14
CHAIRMAN OF ABA HOUSE OF DELEGATES AND CHAIRMAN
OF ADMINISTRATION COMMITTEE FOR 1957
LONDON MEETING

There is one office in the ABA which has usually been the only high office one could earn by years of hard long time work. That office is Chairman of the House of Delegates. When I set my sights on that office, it was the number two ABA office. Now it is the number three office, as the office as President-Elect has been created.

I have already written of then ABA President, Tappan Gregory, and his lesson to me on how to achieve the office of ABA Chairman of the House of Delegates. I followed his lecture precisely and, in 1956, I was elected to that high office for 1956-58. It was then, and is now, one of the stepping stones to the office of ABA President.

I knew when I was elected ABA House of Delegates Chairman that a major responsibility for the London Meeting would be mine, as the Chairman of the House of Delegates was then also Chairman of the ABA Administration Committee composed of the ABA President, Treasurer, and Secretary, as well as myself.

With the international scene, as described herein, before me, I worked hard on making the London Meeting a success by focusing its proceedings and outcome upon the then greatest worldwide international desire: a plan for a peaceful World that would avoid the certain death of millions, if not the death of all humanity, from nuclear bombs. The "Cold War" was at its zenith and many feared that the then current arms race would explode into that deadly nuclear war. The pages I have devoted, herein, to that meeting indicate how successful I was, although every part of that program was approved as it was developed, not only by the full membership of the Administration Committee but also by the Board of Governors.

1957 London Meeting

THE 1957 NEW YORK-LONDON ANNUAL MEETING OF THE
AMERICAN BAR ASSOCIATION
The New York Meeting of the ABA, July
15 and 16, 1957

The 80th Annual Meeting of the American Bar Association was divided, by the ABA Administration Committee of which I was Chairman, into two Sessions. The first Session in New York was designed to cover the usual speeches, Section and Committee meetings and election of officers of Sections, all matters believed to be of little interest to the English legal profession. The London Session was designed to carry out Section and subject matter Sessions in which the English were invited to participate and provide events for speeches appropriate to that Session meeting.

The First Session in New York convened in the Waldorf-Astoria Hotel on July 15, 1957. The Addresses of Welcome were delivered by United States Senator Jacob K. Javits of New York and the Honorable Robert F. Wagner, Jr., Mayor of New York City. The Response to those addresses was delivered by John D. Randall, immediate past Chairman of the House of Delegates. These speeches were followed by the election of Grace B. Doering of Ohio to succeed the distinguished, deceased Hatton Sumners, Assembly Delegate from Texas and former Chairman of the Judiciary Committee of the U.S. House of Representatives. The usual nominations of Assembly Delegates were made.

I, as Chairman of the House of Delegates and President-Elect, then introduced President David F. Maxwell, who delivered the President's Annual Address on "The Public's View of the Legal Profession". His address is printed on pages 362-372 of the ABA's 1956-57 Annual Report. Awards of Merit were presented to State and local Bar Associations for outstanding service by Russell E. Booker of Virginia, on behalf of ABA. Awards for Traffic Court Improvement were then presented to 50 cities by Albert B. Houghton of Wisconsin, on behalf of ABA.

President Maxwell then called for the

Autobiography by Charles S. Rhyne

presentation of Resolutions by title only, with a meeting of the Resolutions Committee announced for 2:30 that afternoon.

The Second Session of the Assembly was the Annual Dinner at which the Chief Speaker was the Honorable Christian A. Herter, Undersecretary of State of the United States.

At the Third Session of the Assembly, the Honorable John J. Parker, Chief Judge of the Fourth Circuit Court of Appeals, paid a highly laudatory, deserved tribute to past President Arthur T. Vanderbilt as "one who will unquestionably go down in history as one of the greatest American lawyers of all time... He established standards and ideals which have had Nationwide and even Worldwide influence... He knew that the chief function of the lawyer is to furnish leadership in the community in which he lives. He is a fine example of what that leadership can mean... It is for the work he did in improving the administration of justice, however, that Vanderbilt will be chiefly remembered by future generations". The full text of Chief Judge Parker's tribute is printed in the Annual Report of the ABA for 1956-57, Volume 82 at pages 203-207, and should be required reading for all who would like to know what a great lawyer can accomplish in a lifetime of leadership of our profession. There is no member of our profession I admire more.

The Honorable E.C. Leslie, Jr., President of the Canadian Bar Association, was the principal speaker at this Third Session of the Assembly. He gave a very outstanding address on the great legal heritage shared by the United States and Canada.

The Report of the Resolutions Committee was presented by LeDoux R. Provosty of Louisiana and adopted.

It was then announced, for the Record, that the Fourth Assembly Session would convene in London on July 24, 1957 at Westminster Hall.

1957 London Meeting

New York House Of Delegates Meeting

The New York House of Delegates Meeting began with its Twenty-Second meeting in New York on July 15, 1957, with me as Chairman presiding. It received the Certification of the Secretary of ABA, of the election of officers and members of the Board of Governors "to take effect at the adjournment of the current meeting," and the usual Certification of members of the House and approval of the Record of its last meeting. The House then received many reports and resolutions and took action upon them, all of which are recorded in the Annual Report of the ABA for 1957, pages 130 to 177. James L. Shepherd, Chairman of the Rules and Calendar Committee, then moved that the House recess the meeting to reconvene in London, England at 10 a.m. Thursday, July 25, 1957 at the Lancaster Room of the Savoy Hotel. The motion was approved and the meeting adjourned.

The London Meeting Of ABA, July 24-30, 1957

The 80th Annual Meeting of the American Bar Association, July 24 to 31, 1957, in London was hailed by Henry Luce, Editor of Time and Life, in his speech quoted at pages 396-400 of this Volume as "the greatest single event for the advancement of law in all history", up to that date. The ABA's commemorative volume covers this important meeting in detail. Herein I record summarily my comments on matters and events on which I worked and their planning, plus my participation. I do not attempt detail in presenting those events and happenings of most interest to me as I look back on a great meeting which, in my view, achieved major accomplishments. I do not attempt to do this chronologically but have written reactions and thoughts which occur to me of happenings occurring some 38 years ago, as being of possible interest now. I do not represent these pages as a complete picture of the meeting.

Capsuling the historic events and great addresses of the greats of the English and American legal professionals, plus Sir Winston Churchill, is

Autobiography by Charles S. Rhyne

difficult and necessarily embodies chiefly my personal remembrances and reflections.

With over 3,000 American lawyers and judges, and an estimated similar number of English lawyers and judges in attendance, ABA's 1957 London Meeting was designed to cover the status of law, not only in England and America, but the status of law in the world. Above all, it received tremendous media coverage reminding a worldwide audience that the rule of law was the greatest single force for peaceful order among humanity, within and among nations. The "cold war" and communist expansion, plus the tensions thus created, were cited as reasons for the then "arms race". In fact, it laid the ground work for the urging of a combination of legal professionals of all Nations into a voluntary world legal organization to further the great ideals of a replacement of force with the rule of law as the dominant accepted view of the peoples of the 20th Century. A peaceful world has been the dominant dream of humanity since the dawn of civilization.

Against this concentration of the meeting on what the legal professionals could do to replace war with the rule of law, the ABA proceeded reasonably and carefully at the London meeting. It created an International Planning Committee to study and report on the feasibility of such a replacement and the role ABA could and should undertake. The Committee was to contact legal professionals of all Nations and to seek their ideas. Moving the World Community from the oft stated ideal of a peaceful world under the rule of law from "dream" to "reality" was the challenge ABA was to present to Law Conferences worldwide. To harness nationalism and its inherent rivalry and tensions by a legal system that would fill new needs of humankind, created by the ever growing scientific and technological achievements of our day which had erased barriers of time and distance and made the interdependence of all peoples increase, was a major challenge voiced by many. The legal profession was, in fact, exploring its responsibilities and capabilities in meeting these new legal needs of the World Community. At the

1957 London Meeting

London meeting, some of the major speakers addressed this global picture.

So numerous and important were the speakers and their subjects at the ABA London meeting in 1957, and so important the events of the meeting, I cannot do more than mention a few of the many in this brief sketch. A commemorative book, to record details of the London Meeting, was suggested, drafted and printed by ABA as containing a complete report.

As distinguished from an earlier visit in 1925 by ABA, the 1957 meeting was purposely designed to emphasize the legal profession's growing responsibilities in the field of international law. The 1925 visit was not an ABA Annual Meeting. The 1925 Annual Meeting was held in Detroit.

The English extended the invitation for the London meeting in 1954 and the ABA House of Delegates accepted it in 1955. The ABA Board of Governors conferred the responsibilities for the meeting upon its Administration Committee. The final membership of this Committee was myself as Chairman, in my capacities as Chairman of the House of Delegates and President Elect of ABA; Harold H. Bredell, Treasurer of ABA; E. Smythe Gambrell, Past President of ABA; David F. Maxwell, President of ABA; and, Joseph D. Stecher, Executive Director of ABA. During three years of planning for the meeting, Presidents of ABA who participated ex officio were; Loyd Wright, E. Smythe Gambrell, David Maxwell and myself.

By mutual agreement, the work on the meeting was largely divided between Robin Bolton, Secretary of the General Council of the Bar of England and Wales; Thomas Lund, Executive Director of the Law Society; and, Joseph Stecher and his staff and myself, representing the ABA in my capacity as Chairman of the Administration Committee.

Because it was decided to hold a part of the 1957 meeting in New York, this was really two Annual Meetings in one. Most of the arrangements were carried out by the staff of ABA, under the directions of the Administration Committee and the Board of Governors, as well as the General Council of the Bar of England and Wales, Directed by W.W. Robin Bolton,

Autobiography by Charles S. Rhyne

and the Law Society staff headed by Executive Secretary Thomas Lund. The task of allocation of speaking assignments, invitations to events and finance matters were carried out by these staffs under the direction of the respective Presidents and other officials of the three Bar Associations involved.

The introduction to the commemorative volume concluded:

"In short, the London Meeting was a notable comixture of professional and fraternal intercourse between the leaders of the Bench and Bar in the great English-speaking Countries. The lasting significance stemmed from both of these elements: The reaffirmation of faith in the rule of law as the greatest force for peace in the World and the strengthening of ties between the two Nations which shoulder much of the burden for preserving a World order predicated upon law and justice."

Major speeches, especially including the historic last public address of Sir Winston Churchill at the Guildhall Dinner, had international legal concerns and developments of the past, present, and future, of the rule of law as their major theme. Because of the detailed coverage of the London Meeting events in the American Bar Association Journal and in the ABA Commemorative Volume, I will sketch only the highlights herein. I do cover, separately, the Magna Carta Memorial, as the meeting in general and the Magna Carta Memorial were planned and presented as separate programs.

The great speakers at the Inaugural Session in Westminster Hall assessed the status of the legal order in the then post-World Wars' "troubled times". The English Bar and Bench dressed in their traditional beautiful robes were Attorney General, Sir Reginald Manningham-Buller; Chairman, Bar Council, Sir Hartley Shawcross; President, Law Society, Sir Ian David Yeaman. They were followed by Lord Goddard, the Lord Chief Justice of England; Lord Evershed, Master of the Rolls; Viscount Kilmur, the Lord Chancellor; Lord Merriman, President of the Probate, Divorce and Admiralty Courts;

1957 London Meeting

and, Sir Harry Hylton-Foster, Solicitor of Britain.

The Americans on the platform were Chief Justice of the United States Earl Warren; Associate Justices John M. Harlan and Tom C. Clark; the Attorney General of the United States, Herbert Brownell Jr.; and, ABA President David Maxwell.

The first speaker, Sir Reginald Manningham-Buller, England's Attorney General, spoke on the many dramatic trials and other events that had taken place in Westminster Hall. He addressed the problems of the war's aftermath and expressed the view that "the great traditions of the common law provide a key to these modern problems created by the two recent World Wars, in the effort to preserve the freedoms of the individual which have contributed so much to the greatness of our countries".

The second speaker, Ian David Yeaman, President of the Law Society, spoke of the rule of law as the stabilizing prerogative in the administration of justice.

The Lord Chancellor, Viscount Kilmuir, was the third speaker. He spoke of the common law and the law of nature as, "the law of reason which has brought justice to humankind and common bonds to America and England".

Chief Justice Warren spoke first in response. He extolled the common law "as a mode of ascertaining and devising rules to meet particular circumstances and changing conditions...in conflicts which arise between man and man, and man and government. That is its distinctive aspect, that is its glory".

Attorney General Brownell said the legal profession must lead in finding ways to apply to the World the machinery of justice it has helped create for individuals within Nations. He said our greatest need was the lack of an "effective system of international justice". He urged all disputes between countries be determined under the rule of law. He said that "creating a system of law for Nations of the World should not be beyond its 'civilizations' competence".

President Maxwell said that "there was not to be

found, in the record of the 1925 ABA meeting in London, a single word about international conditions and law, whereas that subject is a dominant one in 1957". He spoke of the "deep rooted feeling of affection and bond which our people have for yours" and of "our deep conviction that the future fate of humankind depends upon the rule of law being made effective in the world community."

The day following the Inaugural, ABA's seventeen Sections presented numerous "bread and butter" professional programs which were well attended. At these all-too-brief sessions, English and American lawyers found themselves in general agreement, except on the gradual lessening of use of the jury system in England.

Sir Edwin Herbert, former President of the Law Society, delivered a most notable address on public misunderstandings arising from basic differences in the constitutional structure of British and American Governments. He concluded "both systems have been potent influences for good in the World of incalculable value to the human race".

Prime Minister Harold Macmillan spoke on the third day of the meeting. He addressed U.S. and English cooperation in the cold war, Russian propaganda, Anglo-American relations, friendships of Americans and the English, and our common heritage of the law.

The dinners at the four Inns of Court: Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn, were memorable and every one of the 3,000 American lawyers who registered for the ABA Annual Meeting was invited. Each Inn has three ranks of members: Benchers, Barristers and Students. All Barristers get their academic legal education, then eat dinners at the inn they hope will "call" them to the Bar. The dinners followed the historical traditional customs of the inns, with the Inn Treasurer presiding. There were two English and two American speakers at each dinner. The first English speaker offered a toast to the Americans and the first American speaker responded. The next American speaker then offered a toast to the hosts and the

1957 London Meeting

next English speaker responded. All speakers were limited to ten minutes, as stated in the ABA Commemorative Volume.

The toasts were not primarily occasions for formal speech-making; the toasts were for the most part devoted to reminiscence and anecdote, usually delivered extemporaneously. But running through many of the utterances was the serious theme of world communism's challenge to the freedom of individuals and nations and the rule of law as the free world's response to that challenge.

Associate Justice John Marshall Harlan of the U.S. Supreme Court, among others, touched upon this theme in his remarks at the Middle Temple. He said in part:

"These meetings symbolize our faith in our common legal heritage and free political institutions. Under them, we have each achieved a society free from enforced conformity...(now) being opposed by another political ideology which has temporarily engulfed large areas of the World. That ideology, having its roots in some of the thinking of an era which had never envisioned, much less tasted, a way of life such as ours, demands of the citizen uncritical subservience to government and absolute conformity to party line.

"Can there be any doubt, Mr. Treasurer, as to which of these two views of society will ultimately prevail in this worldwide struggle for the minds of men? Already we have witnessed uneasy shifts in the communist philosophy with the appearance of each new leader on the scene ...And we have yet to see a single people with the right of free suffrage choose the ways of communism. The communist ideology has made no progress among the English-speaking peoples.

"Manifestly, our two Countries must be alert to protecting ourselves from the actions of those who would seek to plot against us from within. Beyond that, our surest bulwark against the spread of communism lies in the maintenance of our free institutions in all their strength. We shall gain nothing in the end from internal security measures if in the process we allow our institutions to become eroded or withered by our own actions...

Autobiography by Charles S. Rhyne

"The steadfast upholding of the Anglo-American Alliance still gives the greatest hope to the strivings of the free World to avert the calamity of another war. We can say this in no boastful or vainglorious spirit, for our alliance is at once recognized by all freedom loving peoples as their surest refuge, and by would-be aggressors as the most serious deterrent to their selfish ambitions. It will be a sorry day for the free World, and for its efforts at collective security, should the English-speaking peoples ever stray from their natural and historic ties of friendship."

Other American speakers at the series of dinners at the various inns are listed in the Commemorative Volume as:

Lincoln's Inn - William T. Gossett, Whitney North Seymour, Judge Emory H. Niles, John G. Buchanan, Frank G. Holman, and Arthur Littleton. I did not give a speech but I was introduced at the Lincoln's Inn Dinner and I gave a few words of appreciation to the Barristers for their tremendous hospitality in having 3,000 Americans to the Dinners at their historic Inns of Court.

Middle Temple - Associate Justice John M. Harlan, Robert G. Storey, Judge Bolitha J. Laws, Cloyd Laporte, Judge William J. Jameson, C. Brewster Rhoads, Judge St. John Garwood, and Charles A. Bane.

Inner Temple - J. Welles Henderson, Harold J. Gallagher, Albert E. Jenner, Jr., Richmond C. Coburn, Judge John J. Parker, Archibald M. Mull, Jr., Thomas E. Dewey and Robert B. Troutman.

Gray's Inn - Associate Justice Tom C. Clark, Arthur H. Dean, J. Lee Rankin, Alfred J. Schweppe, Loyd Wright, Ross L. Malone, Cody Fowler and Vincent P. McDevitt.

These speeches were matched by an equal number of the leading English Judges and Barristers, of whom I have been unable to attain a list.

To fully summarize so many carefully prepared speeches by the greatest legal leaders of England and America of that day is impossible. Suffice it to say, that each paid their respects to the past basis of rule of law government back to Magna Carta and

1957 London Meeting

beyond, and reached forward to help speed the hoped for day when such law of right reason would exist worldwide. In sum, the major speakers agreed with the American Bar Association's great President David F. Maxwell who spoke for all American lawyers in his Westminster Hall speech when he said: "It is our deep conviction that the fate of humankind depends upon the rule of law in the world community".

The House Of Delegates Meeting In London

The Third Session of the House of Delegates convened on July 25. I, as Chairman, stated that, "This meeting is an historic occasion... The first time, since it was created, that we meet on foreign soil". I also reiterated what President Maxwell had said in Westminster Hall about the emphasis on international law and international affairs at this ABA meeting. The House then proceeded to receive, discuss, debate and act on Resolutions and recommendations presented by Section and Committee reports on international subjects and judicial administration not considered in New York because believed to be of interest to the English legal professionals. These also covered such subjects as Section and Committee Resolutions and recommendations presented by reports on insurance, negligence and compensation, criminal law, labor relations, aeronautical law, lawyer referral service, legal aid work and customs law. The purpose of the London House of Delegates meeting was to allow legal professionals of England to observe how ABA made decisions.

Some media reports, due to misinterpretation by the media, did not state that only Resolutions and recommendations presented by reports, submitted to, and approved by, the House of Delegates, were to be taken as approved policy or action of the American Bar Association. The media picked up arguments in one unapproved report and stated those arguments as approved ABA action. It is that unapproved report which criticized some U.S. Supreme Court decisions which, unfortunately, led to the resignation of the

Autobiography by Charles S. Rhyne

Chief Justice of the United States from his ABA membership. Later herein, I will set forth his letter of resignation and the reluctant acceptance thereof and the fact that the Chief Justice continued to speak at ABA meetings and support ABA programs on World Peace Through Law. I called the attention of the media to the approval statement printed on every report received by the House. The one Committee report, which had not received formal approval of the House and therefore did not have the status of House approved or ABA approved, was erroneously quoted as official ABA action. See *infra* pps. 460-462.

The House Committee on Draft, chaired by Philip C. Ebeling of Ohio, presented Resolutions of Appreciation to Her Majesty the Queen, the Lord Chancellor, the Prime Minister, the Treasurers and Masters of the Bench of Lincoln's Inn, the Middle Temple and Gray's Inn, the Law Society, the General Council of the Bar, Her Majesty's Attorney General, the City of London, and to the generosity and welcome extended by the English people. All were unanimously adopted and the Secretary was requested to send the wording of each Resolution to each of those named in each Resolution.

As the House of Delegates adjourned, it elected James L. Shepherd of Texas to succeed me as Chairman, pursuant to the nomination for election of Mr. Shepherd by me and a unanimous vote of approval of the nomination.

Creation and Dedication Proceedings Of The Magna Carta Memorial On Runnymede Meadow: As ABA Tribute To Freedom Under Law

One of my most rewarding accomplishments, as Chairman of the ABA Administration Committee, was to come up with the idea of erecting a Memorial to Magna Carta on Runnymede Meadow, as a tribute by the American Bar Association at its 1957 London Meeting, to "Freedom Under Law" and carrying the idea to fruition by erecting the Monument and dedicating it on Sunday afternoon, July 28, 1957.

In 1925, the ABA, with Charles Evans Hughes,

1957 London Meeting

Chief Justice of the United States as President, had made a pilgrimage to our law's ancestral English birthplace. I quickly read everything I could find on that meeting and found that its landmark "marker" was a statue of Blackstone, "as a tribute to our inheritance of the common law", erected in London's famous Royal Courts of Justice building, where it still stands. I also learned that this dedication was the highlight of that 1925 meeting.

I decided that the major historic achievement for the 1957 meeting had to be a law symbol as important, or more important, than Blackstone's statue to the joint legal history of England and the United States. The erection of a Magna Carta Memorial on Runnymede Meadow, as a tribute to freedom under law, is such a symbol. After I decided that, I secured the approval of ABA's Administration Committee and its Board of Governors. The Board's Resolution stated:

"The Committee to commemorate Magna Carta is authorized to do everything necessary to secure a suitable monument at Runnymede, commemorating the interest of the American Bar Association in Magna Carta, including the solicitation of funds from lawyers for this purpose".

I began to urge it for approval by the English and American legal leaders. I had learned that this was the road Chief Justice Hughes travelled in securing acceptance of his idea of erecting the Blackstone Memorial Statue. As Chairman of the Regional Administration Committee of ABA and at State and local Bar meetings, I spoke throughout our Nation of it as one of the important long time achievements of the upcoming London Meeting.

First, I should mention how I chose the Magna Carta Memorial. Upon an occasion when I had completed, successfully, an assignment as Special Counsel to President Dwight D. Eisenhower and reported my success to him, he thanked me and said, "In the old saying of Washington, I owe you one." We both laughed. His desk was clear, as usual, and he was in a talkative mood so he proceeded to talk with me about several current matters. He said he had

recently been out West fishing with some mutual friends of ours. He mentioned Aksel Neilson of Denver, Madge Hardin and Dick Reeves of Albuquerque, New Mexico and others he knew were not only my friends, but my long time clients. I do not think he actually knew much about what businesses my clients were involved in but asked what were they up to now. I gave a rather vague answer as I did not feel I should go into detail on their corporate acquisition endeavors, the Court defense of which was my relation to them. He was aware that Hardin was the Father-in-Law of Henry "Scoop" Jackson, then a U.S. Senator from Seattle, Washington. He asked about Jackson's political ambitions. I said my contacts with Jackson were usually telephone calls asking what corporation Hardin and his group had bought or sold, so I did not know about Jackson's political aims.

The President said, "What about me and politics?" I said I was not a politician but I had worked for his election. He said he knew that, but my Western clients were claiming I was achieving mightily in one of the toughest political areas, the fights between lawyers for ABA's two highest offices. I replied I had won one of ABA's highest offices unanimously and kiddingly added I was even then expecting to win the Presidency of ABA, also unanimously. He really worked me over then on how ABA politics could be so tough if someone, of my obvious young age, could win the two highest offices. I said I had a most friendly Western wife and he said so did he, but this business of winning a contest between lawyers just could not turn on that.

Somehow, we stopped kidding and got around to what I was doing. I said that my biggest problem, aside from those clients already mentioned and other clients, was my pro bono work. For example, I needed a symbol for the 1957 ABA Meeting in London. I told him of the 1925 Blackstone symbol and that I must equal or exceed that. He said he could not think of any legal symbol that would meet my need, but added, "Read Sir Winston Churchill's recent Missouri speech at Westminster College in Missouri. In it, he

1957 London Meeting

mentions every subject England and the United States have in common. It is a long speech, but you may get an idea out of it."

I got the Churchill speech and it was, indeed, long, but buried in it was a subject worthy of consideration for the symbol I sought. Clearly to me, Churchill's reference to Magna Carta overshadowed all the others. I tried to think up some way it could be embodied in a monument.

Shortly thereafter, I went to London with Mrs. Helen Lovelace, the ABA's Meetings Secretary. I hired a car and went out to see Runnymede Meadow. Above the meadow, on a bluff, was England's Monument to its Unknown Soldiers by its most famous architect, Sir Edward Maufe R.A. From this bluff, one could look down upon the meadow. The meadow had nothing erected on it. Along the meadow was a road between it and the river Thames. There are stone pillars at either end of Runnymede, recording the granting of Magna Carta in 1215, but no memorial had ever been erected on the meadow to commemorate this historic occasion.

I went back to London and met with the leaders of the Bench, the Bar, and the Solicitors: The Right Honourable The Lord Chancellor Viscount Kilmuir; The Right Honourable Lord Evershed, Master of the Rolls; The Right Honourable Lord Goddard, Chief Justice of England; The Right Honourable Sir Hartley Shawcross, Q.C., Chairman of the General Council of the Bar of England and Wales; The Right Honourable Sir Edwin Herbert, President of the Law Society of England and Wales; and, other distinguished representatives of the Bench, Bar and Law Society. Particularly important was the presence of Thomas Lund, Secretary of the Law Society, and W.W. "Robin" Bolton, Secretary of the General Council of the Bar.

I presented the proposal to erect a Memorial to Magna Carta, as a tribute to freedom under law, on Runnymede Meadow. I stated that I had presented the idea to the ABA Board of Governors and that the Board had unanimously approved it and that ABA President E. Smythe Gambrell had appointed me Chairman of ABA's Magna Carta Committee and he had informed me that I would be member sole. Gambrell said he personally

Autobiography by Charles S. Rhyne

would serve ex-officio on the Committee and help, as he liked the idea enormously. I had discussed the proposal with the Chief Justice of the United States, Earl Warren, and other Justices of the Supreme Court, with renowned U.S. Circuit Court of Appeals Judge John J. Parker and U.S. District Court Judge Ezekiel (Zeke) Henderson, both of my hometown of Charlotte, North Carolina, Arthur Vanderbilt and other ABA Presidents and great legal leaders, like my dear friends Bernard Segal, Richmond Coburn, Charles Burton, Walter Bastain and many more, including ABA President-Elect David Maxwell. All were favorable and most enthusiastic in praising the idea of the Magna Carta memorial.

I also discussed the memorial with many other leaders of the Bench and Bar, as I travelled to Bar Association meetings in the United States, carrying out my new duties as Chairman of the ABA House of Delegates, Chairman of the ABA Administration Committee and my work as Chairman of ABA's Regional Meetings Committee.

I also talked to my friend Henry Luce, Editor in Chief of Time and Life magazines, and he thought the idea was "tremendous". Mr. Luce and I had been discussing many ideas, such as Law Day - USA and the proposed program I was urging for World Peace Through Law. He was an avid admirer of the rule of law and made many speeches on its present and future, nationally and internationally.

When I was reporting to President Eisenhower on one of the assignments I had carried out for him, he asked me about my progress with the Magna Carta memorial and I gave him a glowing report. I feel sure that my success with the Memorial influenced President Eisenhower when I asked him later to approve and proclaim Law Day - USA. He mentioned my previous good law idea of a Memorial to Magna Carta when we were discussing Law Day - USA. When he signed the Law Day - USA proclamation he said, "You not only have great ideas, you are successful in carrying them out." He added that he "had a part in your getting the idea of the Magna Carta memorial" and he laughingly said, "Do not forget to give me some credit on this one". I do indeed.

1957 London Meeting

The British Prime Minister, Sir Anthony Eden, approved the placing of a monument on Runnymede, calling it a great idea, a "capital idea". He then, rather suddenly, was voted out of office over the Suez Canal Crisis. E. Smythe Gambrell, President of the ABA, soon thereafter, reported that he had received a cablegram stating that the new Prime Minister, Harold MacMillan, had vetoed the ABA Memorial Monument to Magna Carta. He advised President Gambrell that he would only approve our placing of a placard on one of the lodges near the entrance to Runnymede Meadow on the Windsor Castle side. Naturally, this caused chaos because we had gone so far with the Memorial Plan. The English legal professionals, particularly Sir Hartley Shawcross and Robin Bolton, stayed with us in our efforts to get the monument on Runnymede Meadow.

Sir Hartley advised that the Urban District of Egham, which adjoins the meadow, owned about one half of the meadow. President Gambrell was advised that the "National Trust of England" only owns a part of the meadow at Runnymede. The part owned by the National Trust is called "Long Mead", but the Egham Council owns all that part of the meadow called "Runny Mead". The whole of the great meadow is known as "Runnymede". Due to my long association with U.S. Mayors and NIMLO, I telephoned His Worship, the Lord Mayor of Egham, and arranged for a meeting to discuss placing the proposed monument on Egham's part of the Runnymede Meadow. Then ABA President E. Smythe Gambrell and I flew over to London and went to Egham and appeared before its Council asking for permission to erect the Magna Carta Memorial Monument on the part of the Runnymede meadow belonging to Egham.

After considerable discussion, that Council voted favorably on our request and approved a monument on its part of Runnymede Meadow upon the conditions that the ABA would hire Sir Edward Maufe, architect of The Unknown Soldiers' Monument, referred to previously, to plan and erect the Magna Carta Monument and guarantee payment of the cost of erecting it, as well as its care in perpetuity.

Gambrell and I were informed that the Egham Council had in mind granting to ABA a 999-year lease of the land on which the monument would be erected in exchange for "one peppercorn rent, and that meant forever". I turned to my dear friend President Gambrell, who had been fervent in his support of the monument and said, "Your Most Worshipful the Lord Mayor and Members of the Council, Mr. Gambrell is worth millions. I believe he personally will give such a guarantee, but so would the ABA." Smythe turned red in the face. He was well known, and proud to be known, as a "tight wad" and rarely spent any money. He finally got out, "Of course I will." The Council members all laughed heartily, as they recognized what I was doing to my dear friend Smythe. We were, by then, on such a friendly basis that I explained what I meant by "tight wad" and they laughed some more, as did Smythe. He did not deny the description. I also explained that ABA acceptance of the 999-year lease and other terms must come from the ABA Board of Governors.

Mr. Gambrell and I then departed for London. Smythe said that for his guarantee of the money, I had to guarantee that he would deliver one of the major speeches at the dedication ceremony. At that time, I did not know I would be President-Elect of the ABA, as well as Chairman of the House of Delegates, so in jest I told him that I would put the matter to a vote of the House of Delegates. He got a little agitated, so I said I would just do it. I would be presiding as Chairman of the House and, if it were put to such a vote at ABA's upcoming midyear meeting of the House of Delegates which would be held in his hometown of Atlanta, his chances would be great. He replied, "All right, you do it and you will not get anyone's vote except mine."

That very afternoon, we met the renowned architect Sir Edward Maufe R.A. and his wife. He said he was honored and flattered and would, indeed, do the Magna Carta monument.

We still had troubles with some of the local objectors, but H.R.H. Smith, M.B.E., the Clerk of the Egham Council, quieted them and secured all the

1957 London Meeting

necessary permits so that the monument went up and was ready in all its splendor for unveiling on Sunday, June 28, 1957, before a huge crowd, with the Queen's Prince Philip attending on horseback. He had been participating in a polo match at nearby Windsor Castle, so he came as he was. I was too excited to go over and thank him, even if I could have gotten through the massive crowd.

In fact, Robin Bolton had written on January 31, 1957, in part:

"As you can well appreciate, this whole project has been through a lot of heavy 'weather' and it has been bedeviled by the number of people involved, vested and local interests steeped in centuries of tradition and, finally, the physical distance between us. I honestly believe we are out of the woods at last. The position, in a nutshell, is that Sir Edward's Temple, which we all admire here [Sir Edward had also given us a copy of his proposed monument, for approval] will be erected on what we believe to be the best possible site, from a scenic point of view, in ideal surroundings in the Center of the Meadow."

The ABA Board of Governors accepted the 999-year lease and the other conditions and were most pleased to do so. In the meantime, I had become President-Elect of the ABA and sent a letter, approved by the ABA Board of Governors, to all ABA members soliciting not more than \$10 from each member to go into a special ABA fund to pay for the erection of the monument and pay for its care in perpetuity.

Our dear friend Mr. Smith, the Clerk of the Urban Council of Egham, formally suggested that Egham lease the land on which the Monument was to stand to a newly created Magna Carta Trust for "one peppercorn" in rent for 999-years and the Urban Council formally approved. The Trust was to be permanently chaired by the English Master of the Rolls and have, as members, representatives of Egham, of the ABA, the English Bar Council and the English Law Society. Trust members were to serve pro bono publico and the caretaker of Egham's part of the

Autobiography by Charles S. Rhyne

meadow was to be asked to take care of the monument and its grounds. The caretaker's compensation was to be paid out of interest earned by the money left over from the fund solicited as stated above. The monument's costs were estimated to be very low. Sir Edward Maufe, R.A. declined his architect's fee, stating that the value of the honor of being chosen as architect of the monument and having his name on the monument exceeded any possible fee.

The ceremony dedicating the monument was, indeed, wonderful. The program was entitled:

**DEDICATION OF A MEMORIAL AT
RUNNYMEDE
TO
MAGNA CARTA
BY THE
AMERICAN BAR ASSOCIATION
Sir Edward Maufe - Architect R.A.L.L.D.M.A.FR18A
1957**

The ceremony was witnessed by a huge crowd from London, transported chiefly by chartered trains, cars and buses. I here set forth the official program summary:

"Apart from the stone pillars at either end of Runnymede, which record the granting of Magna Carta in 1215, no memorial has ever been erected there specifically to commemorate that historic occasion. When the American Bar Association was invited to hold its 1957 Annual Meeting in London, the Board of Governors resolved that, after nearly 750 years, it should erect a suitable monument as a worthy and lasting tribute by American lawyers to an event which the United States and the British Commonwealth alike cherish as the origin of a way of life in freedom under law. The public authorizations, in due course, were granted and it was decided to hold a Ceremony of Dedication of a Memorial, designed by Sir Edward Maufe, R.A., on Sunday, 28th July, 1957, at 4 o'clock."

Volume 82 of the Annual Report of the American Bar Association summarizes the ceremony as follows:

"Impressive and never-to-be-forgotten were the ceremonies of the American Bar Association at

1957 London Meeting

Runnymede, Sunday afternoon, July 28, for the dedication of its memorial to Magna Carta, the first great English landmark of freedom under law. Assembled on the historic meadow not far from Windsor Castle for this great occasion, harking back 742-years to King John's capitulation before the barons in 1215, were more than five thousand who had come from every state and territory, and the most distinguished lawyers, Judges and statesmen of the United States and Great Britain.

"Formal addresses were delivered by E. Smythe Gambrell, immediate Past President of the American Bar Association; the Right Honorable Lord Evershed, Master of the Rolls; Charles S. Rhyne, President-Elect and Chairman of the House of Delegates of the American Bar Association; and the Right Honorable Sir Hartley Shawcross, Q.C., M.P., Chairman of the General Council of the Bar of England and Wales. Through television, radio and extensive press coverage, millions in all parts of the world were able to share in the inspiring rites.

"Designed by Sir Edward Maufe, R.A., and financed by the voluntary contributions of nine thousand American lawyers, the simple eight-columned rotunda stands on the ancient scene, opposite Magna Carta Island in the Thames. Its central pedestal, hexagonal columns and boldly incised frieze are of Portland stone. On the frieze is the inscription "Erected by the American Bar Association - A Tribute to Magna Carta - Symbol of Freedom Under Law." On the central pedestal, "To Commemorate Magna Carta Symbol of Freedom Under Law." On the apron is carved, "This memorial was dedicated on 28 July 1957."

To end another problem, I declined to have my name as Chairman and member sole of the ABA Committee engraved on the Monument. I had never thought of such self-enhancement until a question was raised and I quickly said that such action would subtract from the work and contributions of ABA members and so many of the English Judiciary, the British Bar leaders and the English Solicitors.

The ceremony, in its entirety, was telecast over BBC television and broadcast over BBC radio and

Autobiography by Charles S. Rhyne

watched and listened to by millions. The program pamphlet included the full six pages of Magna Carta's text and photos of Runnymede Meadow and an ancient reproduction of the signing of the Great Charter, plus a photograph of the monument. The words beneath the front part of the monument are: "The American Bar Association Monument - Runnymede - a Tribute to Magna Carta." On the stone frieze appear the following: "Erected by the American Bar Association to commemorate Magna Carta, Symbol of Freedom Under Law." On the side of the central pedestal appears: "Freedom Under Law," and on the reverse side: "28 July 1957."

I should add that when I promised Mr. Gambrell he would be a speaker at the Runnymede Magna Carta Memorial dedication, I had not the slightest idea I would be both Chairman of the House of Delegates of the ABA and President-Elect of the Association. When I made the promise, Mr. Whitney North Seymour of New York had been campaigning for about one year for the office of President of the ABA and was considered to have it "locked up" by ABA politicians. That I would win the ABA President's office in 1957 was not even thought of by me then. But, as stated elsewhere, even in staid old organizations like the ABA, things can change quickly. The battle for the presidency is always hard fought on a national basis. For example, the election in 1991 for President-Elect for 1992-93 required over 88 ballots before a great lawyer, J. Michael McWilliams of Baltimore, won.

Throughout the planning and erection of this tribute to Magna Carta, I served as member sole of the ABA's Magna Carta Committee. I had every detail approved for the ABA by its Board of Governors. I believe this is one of the Association's great undertakings, as do hundreds of others, judging from the letters of commendation I have received over the years from those viewing the monument.

I presented the Magna Carta Memorial for the American Bar Association to the Right Honourable Sir Hartley Shawcross, who received it for the Magna Carta Trust.

Interestingly, in 1985, when the ABA held

1957 London Meeting

another meeting in London, the Association decided not to erect another marker as a symbol to the English. It rededicated the 1957 Monument to Magna Carta instead. That speaks louder than words of high praise for the deep feeling of reverence that exists for Magna Carta in our Nation. Also interesting, my then law partner, J. Lee Rankin, one of the greatest U.S. Solicitor Generals in all history and a great student of law history, was asked by me, at ABA's request, whether he could suggest a marker for the 1985 London Meeting and he instantly referred to the "Iron Curtain" address of Sir Winston Churchill as the best search source.

Since I receive many requests for copies of the addresses given at the dedication, I herewith reproduce the entire text of the four speeches at the dedication ceremony. I should say that due to the TV and radio limitations, each speaker was limited to ten minutes.

DEDICATION OF THE MAGNA CARTA MEMORIAL PROCEEDINGS

MR. MAXWELL, President of the American Bar Association: The Assembly of the American Bar Association will now come to order. Will you all please rise while Canon Furth announces the invocation?

(INVOCATION)

It is now my privilege to present to the Assembly the Honorable E. Smythe Gambrell of Atlanta, Georgia, the immediate Past President of the American Bar Association.

Mr. Gambrell?

MR. GAMBRELL: Mr. President, Your Excellencies, Chief Justices, My Lords, ladies and gentlemen...

Proud and grateful peoples through the ages have raised monuments in memory of heroic deeds, and the men who performed them. Near the Colosseum in Rome stands the Arch of Constantine, erected 16 centuries ago to mark the victory of the first Christian Emperor, Amaxcantius.

Above the Champs-Élysées towers the Arc de

Autobiography by Charles S. Rhyne

Triomphe, commemorating military achievements of Napoleon. On a stately monolith in the heart of London stands a stately figure of Lord Nelson, the hero of Trafalgar.

We are gathered on hallowed ground to dedicate still another monument of commemoration, but this, our temple, will be consecrated not in martial glory. We have met rather to venerate an idea which found words and voice here seven-and-a-half centuries ago. We have come in reverence and thanksgiving to do homage to the rule of law.

As we stand where once they stood, monarch and baron, cleric and knight, we sense again the bond that unites the dead, the living, and the unborn, in the eternal quest for freedom. This occasion reminds us that we are the passing instruments of a process which transcends our fleeting hour, and then our faith, like that of our fathers, can live after us.

The barons of this bold encampment proclaimed a principle of ancient origin, foreshadowed in the historic philosophy of the Greeks; it echoed the spirit of the Judeo-Christian tradition, teaching that each man is a creature of divine will, worthy in his own right.

Magna Carta brought these precepts into the structures of government, and opened the way for man's pursuit of his noblest aspirations.

It fell to this place, in 1215, to reveal a new dimension in the eternal endeavor of men to live together in dignity and peace. By common consent, it is from that date that we measure our tradition of freedom under law.

This meadow we mark of the birthplace of sovereign power, administered within the limits of judicial process and according to the law of the land. It was written for all to read that justice will not be sold, denied or delayed, but granted as a matter of right.

It is to the Great Charter that we ascribe the ideal that all men, whether of station high or humble, shall stand as equals before the bar of justice and that no one shall be above the law.

The age old parchment had lived through eras of

1957 London Meeting

constant change in the expanding light of an advancing people; it speaks across the ages to all who cherish liberty; it holds upon the minds and hearts of each succeeding generation, nonetheless, because its resounding words were addressed to the troubles of a particular time and place, to pressing problems of a day long since passed.

It proves so universal and eternal, good for all men for all time. From Magna Carta, we have learned that great ends need small beginnings and that only in the concrete forms of judicial process can freedom be preserved.

It matters not that the determined men who camped here built better than they knew. What their work has come to be is the measure of its moment for today.

When Englishmen set out three-and-a-half centuries ago to find new homes beyond the Atlantic, they carried with them a cherished birthright. They sailed under a royal grant confirming to them the precious heritage of freedom. The charter for the Jamestown settlement, its rolling phrases in part the work of Lord Coke, concluded with the proclamation that they and their children should have and enjoy the liberties, franchises and immunities to all intents and purposes, as if they had been abiding and born within the realm of England.

Thus transplanted to the virgin soil of a New World, the hearty principle of Magna Carta took root and flourished to set the standard for future architects and government to shape the soul of a new nation.

The spirit of this place breathed in every American colony. In the irony of circumstance, the colonists later took up arms against the mother country when angered by the royal veto of other provisions of Magna Carta adopted by colonial legislatures.

It was fervent dedication to the ancestral law of England which moved the Americans to assert their independence. Their uncompromising devotion to the Great Charter brought about the separation in 1776. That same devotion, thanks to Divine Providence, now

Autobiography by Charles S. Rhyne

joins us indivisibly in a union of common ideals and objectives, a bond no transient feud or formal writ can put asunder.

The 13 colonies, by their action, reminded all mankind that Anglo-Saxons will govern themselves. In America, we exalted the fundamental tenets of Magna Carta by investing them in a written Constitution beyond the reach of simple majorities and above the ebb and flow of shifting currents of opinion.

We saw in the written word a measure of certainty and in the words the course to safeguard stability.

But the American Bill of Rights still wears the crest of Runnymede. We know that the life of our law is not preserved forever in a perfect crystal or polished phrase and that the animating spirit must abide at last in the minds and hearts of men.

There flows within our veins a common blood line, commingling Celt and Saxon, Dane and Norman, Scot and Pict. We share a turn and are enriched by a common culture.

But the genius of our concord is something more, what was brought into being on this meadow holds us still together. It was that seed, above all else, which made us brothers.

From the grudging concessions of King John, through the sacrifices of the colonial patriots in the Revolution which set America on the course of its independent destiny. From Magna Carta until this very hour, generations of selfless men have fought for their faith in freedom and man's capacity to govern himself.

In the ever changing form and manifold guises, the forces of oppression confront each age anew. The fight for freedom is eternal. There is no final victory. Wherever tyranny or oppression exists, wherever there is ignorance, bigotry and persecution, men have learned to express their aspirations in the words of Magna Carta and to look to the English speaking peoples to satisfy their yearnings for liberty under law.

Today, the 250,000 lawyers of America, represented by the American Bar Association, have

1957 London Meeting

returned in devout pilgrimage to the ancestral home, the wellsprings of our profession, to the fountainhead of our faith. Here with pride and gladness, we have raised up this shrine. We have fashioned it in stone that came like the ideals we venerate from the land of our fathers, made of stone that will gain luster, melody and beauty through the ravages of the centuries.

We offer it as a token of our allegiance to the rule of law and hereby resolve that it shall endure in this temporal time, this design for ageless principles for all mankind may worship. Freeing to its halter the humblest as defined raised over him the shield and buckler of the law.

We are the keepers of the citadel. For members of our calling, Magna Carta has a rich and special meaning. It invested the legal profession with a mission above that of ordinary occupations. By committing to law the protection of the dignity of the individual, it has reposed in the lawyers' sacred trust. Through the labors of Coke and Marshall, Blackstone and Sturry, Brackton and Kent, of countless lawyers and judges of both countries, Magna Carta has kept its vigor and remained a living instrument.

Each generation, in turn, demands that its meaning again be proclaimed. Before this shrine, where all lawyers of our great tradition with equal dignity may stand with heads uncovered, we today would focus the thoughts of world on this peaceful place and invite all peoples to communion with the ideal that found root and nurture here.

May no base instinct of meanness or recrimination obscure the vision of our common duty to mankind -- the strife and bitterness of particular controversies are now forgotten.

In this crises of world history, it is the privilege, the challenge and the responsibility of the lawyers of the common law to preserve, to proclaim and over the vast expanses of the earth, to share the blessings of our priceless inheritance.

As the prophets and guides of society, let us act together for the sake of humanity in the

Autobiography by Charles S. Rhyne

fellowship of free men that knows no limits of race or creed or land or time, let us be rededicated to the service that lies to our hands, mindful that freedom is not real unless universal, and that those who defend liberty and justice anywhere -- defend it everywhere.

MR. MAXWELL: Our next speaker will be the Honourable Lord Evershed, Master of the Rolls. Lord Evershed.

LORD EVERSLED: Mr. President, Your Excellencies, Chief Justices, and My Lords, ladies and gentlemen...

You have heard, Mr. Smythe Gambrell, speak of the monuments raised by proud and grateful people to commemorate heroic events and noble ideas.

For every Englishman, particularly for every Englishman who is a member of our profession of the law, today's is a proud and grateful occasion. We have become used by experience to the warmhearted generosity which is characteristic of the American people and of which this presentation is yet another instance.

But we do not forget that the American Bar in making this gift to us have also laid upon us a solemn charge. They have charged us that, as we look upon this memorial to the Great Charter. We and you and all of the peoples of the earth who prize freedom above material things, do mutually pledge to each other our lives, our fortunes and our sacred honor in support of the principles for which this Charter stands.

In this harsh and anxious age, there is, in truth, need that we should do so, remembering that what the Roman historian said of his Empire is no less applicable to liberty. It is preserved by the same methods which achieved it.

And first among the methods must be firm faith and a no less firm resolve never to submit nor yield in any degree or in any place to that which we know in our hearts to be inconsistent with our faith.

So have we today, in the words of your first President, raised here a standard to which the wise and honest can refer. It is no doubt easy to point

1957 London Meeting

out that the articles of Magna Carta are now somewhat out of date, having little practical relation to the modern state, and even to question the strict historical justification of some aspects of what we say and do today.

It seems to me that these sage iconoclasts sadly missed the point of the occasion, so movingly defined for us by the last speaker.

They may be usefully reminded of the significant and lively influence which the Charter has had and still has upon the development of the great country which is now the United States of America.

You, Mr. Smythe Gambrell, recalled the terms of King James's first charter to the Virginia colonists 350 years ago. I am proud that as Master of Rolls I have been able to send for exhibition in Jamestown by consent of Her Present Majesty the confirmation of Magna Carta by King Edward I in 1297, which came to the Public Record Office by gift of Her Late Majesty, Queen Victoria. It was, in fact, that confirmation which was first inscribed upon the statute roll of England.

But if the principles enshrined in Magna Carta were, as you pointed out, regarded as a birthright by the American colonists, these same principles and, in many cases, the terms of the articles themselves, exercised a profound effect upon the constitutions of the States of the Union and also upon the Federal Constitution itself, notably in the 5th and 14th Amendments.

In the Revolution, which cut at the time the political cord that tied the colonists to the United Kingdom, the colonists relied upon and asserted the rights which they had so inherited under the law, in common with Englishmen. What they repudiated was the power of the Parliament and the Government of the United Kingdom to override those rights.

So it is that the Great Charter, the progenitor and exemplar of later constitutional documents, justifies the conception that government involves a trust and justifies also the view inherent in the Constitution of the United States that limitations may be placed not only upon the executive power, but also upon the legislative power.

Autobiography by Charles S. Rhyne

It has been said that the crowning achievement of the United States, that great Court, independent of party, independent of power and independent of popularity, whose prestige is something won and not merely conferred, may be in having given with the assistance, let us not forget, of the Bar, continuity of life and expression to the high ideals of the founders of the Union.

But still, for all of us - English and American alike- the true value of the Great Charter lies not in the terms of its diverse 63 articles, but in its implications.

As Lord Price said on a somewhat similar occasion, its influence had been far deeper than that of a single constitutional document.

The emotions of the human breast, the stirrings of the spirit, have their part to play in ordering our affairs, no less than reason, however godlike. Even if Magna Carta were to stand for the English-speaking world, for lovers of liberty everywhere, as no more than a picturesque symbol, it would be none the worse for that.

On the other side of the Atlantic, at the entrance to New York Harbor, stands the symbolic figure of liberty. Upon a panel at the base of the statue, as of course all Englishmen know, are inscribed the lines: "...send these, the homeless, tempest-tossed to me; I lift my lamp beside the golden door."

That was the promise to the World with which the American Nation was born and to which it has kept faith. Now here at Runnymede has been raised a monument to our common inheritance and to the proposition that we must be free, who speak the tongue that Shakespeare spoke, that faith and morals hold that Milton held.

For, as I suggest, the two characteristics of our English law, which had given to it perseverance and a title to fame and even supremacy, are, first, that being essentially practical, it is part of our way of life itself, and, second, that it recognizes and reflects in some degree at least the moral law, as well.

1957 London Meeting

It is essentially practical because, as Chief Justice Warren lately observed at Westminster, its principles never finally expounded, still less dictated, emerge from what Benjamin Cardozo called the "laboratory tests of individual cases in the courts".

In this respect, Magna Carta, giving specific answers to specific questions, is the pattern and supreme example. And if, as I believe, our law has been borne upon its way by the support of the journeyman and the ordinary citizen, it is because it has thus invited and acknowledged as fundamental to its rule a moral obligation upon all men to obey it.

I cannot do better than recite to you the language used of Magna Carta by Lord Simmons, former Lord High Chancellor of England.

It is the very symbol of liberty, but no high sounding declaration of principle will here be found. In more than 60 articles, it provides specific remedies for specific evils. No clarion call, yet in the sum of it, freedom was born.

Sir, you and your colleagues will know that there has been lately formed a new Magna Carta Trust, having as its principal objects the perpetuation of the principles of Magna Carta. The monument which the American Bar has presented to my country and the land upon which it stands will be vested in the trust. You will, however, allow me to acknowledge, as its due, the debt which we also owe to the older Magna Carta Society.

Without the generosity and foresight of some of those associated with the old Society, the present occasion in this setting could not have taken place.

According to the late Mr. Gerome K. Gerome, the morning of 15th June, 1215, was sunny, soft and still. Today is more typical of English summer weather, not being quite so sunny or soft or still.

We may, however, indulge again the fancy of the three men in a boat, even without the experience of scrambled eggs for breakfast, prepared for one of them.

We may in imagination see and hear again the climax of the fateful proceedings on that historic

Autobiography by Charles S. Rhyne

day. And King John has stepped upon the shore and we wait in breathless silence until a great shout leaves the air and the cornerstone in England's Temple of Liberty has, now we know, been firmly laid.

Perhaps today, 28th July, 1957, another great shout will cleave the air and salute the generous inspiration of the American people, upon whose shoulders must now primarily rest the burden and responsibility of the leadership underguard of the free peoples of the earth.

Sail on, sell thy best ship of democracy; our value is thy freight, 'tis not the present only, the past is also stored in thee.

MR. MAXWELL: Our next speaker will be the Honorable Charles S. Rhyne of Washington, the District of Columbia, President-Elect and Chairman of the House of Delegates of the American Bar Association. Mr. Rhyne.

MR. RHYNE: Mr. President, Your Excellencies, Chief Justices, and My Lords, ladies and gentlemen...

We meet at Runnymede, representing the legal professions of two great Nations, to commemorate one of legal history's most momentous events, the sealing of Magna Carta by King John on 15th June, 1215.

Much of the language of Magna Carta seems curious to us today and alien to the 20th Century. But some of its words still move and inspire us. Men still rely upon the Great Charter's solemn promise that "to none will we sell, to none will we refuse, and to none will we delay right or justice".

And that powerful provision, that "no free man is to be proceeded against, except by the law of the land". These words are revered and cherished by the people of the United States as well as by the people of the British Commonwealth. For both of us, they are the tap root of our way of life.

Thus, the Constitution of the United States assures every citizen that the Government cannot deprive them of their "life, liberty or property -- except by due process of law". And our Supreme Court has declared that the words "due process of law" are equivalent to the words "law of the land" in Magna Carta.

1957 London Meeting

As Lord Evershed has emphasized, Magna Carta has been more important in the broad sweep of history for its implications than for its specific provisions.

When King John sealed Magna Carta, he assented to a principle which is basic to the constitution of every state in which men are free. The principle that the law, not the state, is supreme, that every man has natural rights, even as against king and government. The struggle to establish the rule of law did not begin here at Runnymede, nor was it ended here.

Tyranny did not disappear with the sealing of Magna Carta; indeed, it has not disappeared yet. But Runnymede was a turning point. It established a precedent which the English people were never to forget and which tyrants were to forget at their peril.

Magna Carta, Lord Coke was to declare, quote:

"...is such a fellow that he will have no sovereign".

End quote.

This monument to our joint heritage, our freedom under law, is a gift from the entire American legal profession. A solid cross-section of all American lawyers, heirs in common to the blessings of freedom and democracy, participated in this timely enterprise.

It is most fitting that we make such a presentation, since the Great Charter embodies the first effective written statement of the concept of liberty under law which is basic to Anglo-American jurisprudence.

Magna Carta was sealed 392 years before three small vessels, put 104 souls ashore at Jamestown to break ground for the first permanent English settlement in what is now the United States. Yet, the Great Charter is an important part of American history.

We know that the framers of our constitutions, both Federal and State, did not originate any of the major restraints and limitations upon the three cardinal branches of our government, nor the basic guarantees of civil liberties and individual rights contained therein.

Autobiography by Charles S. Rhyne

These we owe rather to the gradual development here in England, our principles which can be traced back to the Great Charter sealed here on this meadow.

Mere mention of Magna Carta stirs the Anglo-American pulse like a battle cry against oppression and tyranny.

From generation to generation, its pledges of liberties and rights, constantly repeated, have been a powerful force in the formation of our national character.

From it, more than from any other single source, we draw our shared tradition of fundamental and unalienable rights and liberties common to all Americans. Those thousands of American lawyers who have contributed to this memorial did so in the realization that every American citizen would be less that he or she is, but for the privileges of Magna Carta.

The world today is at a crucial point in the struggle between freedom and tyranny. On the one side are those who stand in the tradition of Magna Carta and defend the right of all persons to be free; on the other side stand the forces of darkness who would deny freedom and exalt the state.

The monument dramatizes the fundamental difference between our system of government, with its recognition of individual rights, and the communist system, which denies such rights.

This is the basic difference between communism and the free world. We hold to the principle of individual human freedom under the rule of law as the inherent right of every person, while communism rejects that concept and would destroy it.

Wherever communism prevails, the very existence of freedom under law is aggressively denied. All life, all government, all law, and whatever justice there may be, is subordinated to the concept of a supreme state, vested with all power, to which every individual owes complete obedience and against which no person may lay a demand or raise a defense based on any asserted right not granted by the all powerful state.

There are men today, sincere men perhaps, who

1957 London Meeting

love freedom but who profess to see no great difference between communist and anti-communist regimes.

They do not perceive the difference between what this monument represents and what communism stands for. That difference is measured by the phrase "freedom under law". And what do we mean by freedom under law? We mean a great deal more, surely, than mere obedience to written laws. We mean acknowledgement of the fact that there are moral limitations on civil power. We mean that human beings have rights, as human beings, which are superior to what may be thought to be the rights of the state or of society. This is the truth which all persons of goodwill must some day see.

It is the truth, exemplified in Magna Carta and in the American Declaration of Independence and Bill of Rights. This is the truth to which we must cling, the truth we must never permit to become trite with dull repetition, the truth we must proclaim again and again until it echoes and re-echoes not only in that half of the world which is free, but also in that half of the world which is enslaved.

This is the truth which is the crux of our heritage of freedom, which has made mighty nations of both Britain and America, the truth which is at once the sword and the shield of the free world in its battle against the alien tyranny of communism.

Freedom can be won only in struggle and once won, no matter how ably reported in writing for posterity, it can never be assured to any new generation, not willing to fight for it.

When freedom becomes ingrained into the civilization of a people, when they understand it, when they cherish it and guard it, and when their institutions bespeak it and their daily lives are guided by it, when they love it more than life and covet it not merely for themselves but for each other, then only is it truly theirs.

Mere love of country will not suffice without understanding devotion to its true ideals.

Compromise between what we know is good and what we know is wholly evil, can produce no good. Each

Autobiography by Charles S. Rhyne

generation that would pass on to its children the heritage of freedom must be honestly and intelligently ready to live or die for human liberty; it must count no personal ambition, no private gain, no popular cause or national slogan for a sole instant more important than the individual freedom of each man, woman or child.

We honor here today an idea, not the idea of a man or woman, but the idea of a people; the idea of a permanent law of the land, preserving and safeguarding the fundamental rights and liberties of every individual.

We Americans thank God -- and England -- for the origin and development of that body of law and those principles of government that were the foundation and have been the inspiration of America's legal system, and of the great basic guarantees of individual liberty and self-determination that underlie our constitutional structure.

It is in the spirit of perpetual union with you to serve and preserve the ideal of Magna Carta that American lawyers offer this monument as a token of reverence for our joint heritage of freedom under law.

It is our earnest desire that this dedication ceremony may be seen and understood throughout the whole world as encompassing not merely the dedication of a monument, but also the rededication of the people of two great nations to the principles which have made and kept them free.

Then will this monument stand forever as a symbolic beacon to summon all enslaved peoples towards the freedom that can be theirs. The ultimate goal of all people and all nations must be peace and freedom under the rule of law, which means a peace embodying the principles of the Great Charter that we honor here today. May God grant us the wisdom and the leadership to move steadily towards this goal with all possible speed.

This simple monument of Portland stone was designed by Sir Edward Maufe, one of England's most renowned architects, to harmonize with the natural beauty of this setting. We are most pleased and

1957 London Meeting

gratified with his beautiful creation which we are assured, will last for more than 1000 years.

As Chairman and member sole of the American Bar Association's Committee to Commemorate Magna Carta, on behalf of the people of America, acting through our legal profession, I hereby present this symbolic Monument to you who represent the people of England and its legal profession, and the British Commonwealth of Nations.

In doing so, we dedicate this monument to our joint heritage of freedom under law, and we call upon the legal professions of Britain and America to dedicate themselves to the task of extending this heritage to all humankind throughout the world, so that peace under the rule of law will prevail forever.

MR. MAXWELL: Our next speaker will be the Right Honourable Sir Hartley Shawcross, Queen's Counsel, Member of Parliament, and Chairman of the General Council of the Bar of England and Wales. Sir Hartley Shawcross.

SIR HARTLEY: Mr. President, Your Excellencies, My Lords, Chief Justices, ladies and gentlemen...

As Chairman of the Bar Council, and on this occasion the representative of both branches of our legal profession in this country, I thank you of the American Bar Association for presenting this beautiful, yet simple memorial, to the Great Charter, which was sealed here over 700 years ago and which is now regarded all over the world as one of the landmarks in man's march towards liberty and justice.

We're grateful for the spirit which led you at this time to wish to express here in tangible form your belief in the things which you, and we, have inherited together.

But Mr. President, I know little and shall say less about King John. He was supposed to be over fond of laundries, and according to a great British historian, Sir Alfred Bryant, he was a very singularly clean man. He had eight baths in the course of six months. Whether that included the occasion when he fell into the Wash is not recorded.

I shall say no more about King John and the

Autobiography by Charles S. Rhyne

barons and what they did, or did not, achieve in this place all those hundreds of years ago.

The significance of Magna Carta now lies not in what it achieved for the barons, but what it has come to mean in the minds of men today. And in the minds of men today, it has come to stand for the freedom of the individual, to ensure for the little man equal justice with his neighbor under the law and protection against the all powerful state.

We have spoken much about our great past. Let us think also about our great future. We here made no contribution to the past, but we collectively may have some influence on the course of future events, not only as lawyers, but also as citizens.

For this is not for the law alone. Laws cannot in themselves create the high values of liberty and justice in which we here believe. The creation of these things is of the spirit; they spring from the character of a people.

It is because we, all of us, first as citizens and second as lawyers, own a passion for liberty and justice that we are here today. The best way to commemorate Magna Carta is to look to the future and see to it that of which the Charter has become a symbol is protected and promoted in the World in which we live.

In the immortal words of Abraham Lincoln in the Gettysburg Address, "It is for us, the living, to be dedicated here to the unfinished work." And the pursuit of liberty and justice, the promotion of the rights of man is, indeed, an unfinished work.

All over the world, freedom and the rule of law are threatened in vast areas. For many hundreds of millions of our fellow men, they don't exist at all. Tyranny and oppression prevail in their place. And even in our own countries, our achievement is somewhat less than our ideal.

Sometimes, the activities of even popularly elected legislatures infringe on liberty. The tyranny of a majority is still tyranny.

Not always do we remember the great words of the Declaration of Independence, "...that all men are created equal, endowed by their Maker with certain

1957 London Meeting

inalienable rights..." Not always do we realize that power corrupts, not always do we prevent the excesses of bureaucracy.

As the modern state becomes more complex and the interventions of government more frequent, considerations of easier administration or more expeditious governmental action are too frequently allowed to override the judicial assessment of private rights.

We should do well to remember the famous final words of John Stuart Mills' essay on Liberty, and I quote them:

"A state which dwarfs its men in order that they may be more docile instruments in its hands, even for beneficial purposes, will find that with small men, no great thing can really be accomplished, and that the perfection of machinery to which it has sacrificed everything will in the end avail it nothing for want of the vital power, which in order that the machine might work more smoothly, it has preferred to vanish."

Now I agree with Mr. Rhyne that the most obvious danger to our free way of life is the spread of international communism. In this country, all political parties are united in their unflappable opposition to communism. It is not for us to contemplate, nor do we, bringing freedom to the rest of the world by force. Other less happier lands must work out their own salvation for themselves, and be sure they will.

What recently happened in Hungary is a demonstration of the fact that however long suppressed, man's instinct for freedom will in the end be reasserted. The popular movement in Hungary may for a time have been subdued by the ruthless measures that had been taken. For a time, the forces of totalitarian authority will continue to repress the latent urge to freedom elsewhere.

But however great and powerful, brutal and merciless, the totalitarian state may be, in the end the individual will transcend the state. His rights are of the spirit, they are imminent, and they will prevail.

Autobiography by Charles S. Rhyne

How best can we help? How can we push forward with the unfinished work? It is for us, in our two countries, working in close association and community together, to be strong and eternally vigilant in protecting our liberties from external attack or from internal erosion.

We must show by our example to the rest of the world what freedom under the law really is. So will the light of liberty and justice best penetrate into the dark lands at present curtained away from it. We must show them, and we will.

Let us look forward, rather than backwards. The qualities of our two countries are complementary. I don't talk now of our common ancestry, our common language, our common law, important as all these things are.

I think, rather, of the great vitality of the American people: Their invigorating enthusiasm for great ideals and causes, their wealth, and at the same time their immense generosity, their power and their fundamental goodwill.

In Britain, we no longer have the great wealth and material power we once possessed, but that does not mean that we have nothing. I think of my country's people, the British, with an abiding faith in the fundamental freedoms, with a certain spirit of tolerance for the views, however disliked by others, which is not, as some think, a lazy or easygoing indifference, but is a brave reflection of our own insistence on the liberty to say what we think.

Our country, with its long experience in the development of democratic government and of free and independent justice -- not only here, but amongst the far off peoples whom we have led or are leading forward to freedom -- our country still has a great contribution to make. Together, the United States of America and the British Commonwealth can lead and protect the peoples of the world by our influence and by our example.

But divided, we shall imperil those things for which we stand -- life, liberty and the pursuit of happiness.

I know that sometimes we have our

1957 London Meeting

disagreements. Sometimes one or the other of us pursues a mistaken course. The wisdom of neither of our countries, still less that of our politicians, is infallible. But the very shock and pain which these misunderstandings cause underlines the identity of our common purpose.

Let us then remember this great and significant occasion as one which marked our determination to strive mightily together in every field of political and legal and social endeavor, to make the brave words of Magna Carta a reality. Not for ourselves alone, but for all mankind, so that liberty and justice shall not perish from the earth.

Mr. President, in 1215, there grew here a great English oak. It was cut down some time ago, and a small plaque was made by the Eggerman Thorpe Royal Agricultural and Horticultural Association. Sir Howard Roberts, the President, was too young in 1215 to remember the actual existence of the oak at that time, but was sure himself of the fact that it did, indeed, exist, will now present that small plaque as a symbol of this occasion to the President of the American Bar Association.

(APPLAUSE)

MR. ROBERTS: Mr. President, Your Excellencies, Chief Justices, My Lords, ladies and gentlemen...

I have the honor to ask you to accept a small memento of this historic occasion. May I just read the scroll which accompanies?

"This shield of English oak, grown in the neighboring forest of Windsor in the year 1200, was presented by the Eggerman Thorpe Royal Agricultural and Horticultural Association on Sunday, the 28th day of July, 1957, at the memorial ceremony at Runnymede to commemorate the signing of Magna Carta by King John on June 15th, 1215."

(APPLAUSE)

MR. MAXWELL: President Roberts, it is with profound gratitude that I accept this shield on behalf on the American Bar Association. It shall ever serve to remind us of your warm friendship for our people, which has made this ceremony possible.

Autobiography by Charles S. Rhyne

And now, if you will all rise, as President of the American Bar Association, representing a quarter of a million lawyers of the United States, I have the great honor to unveil this beautiful monument to commemorate Magna Carta, symbol of freedom under law.

(STAR SPANGLED BANNER BEING PLAYED)

The American Bar Association Memorial at Runnymede was then unveiled by David Maxwell, President of the Association.

The Assembly was adjourned.

Her Majesty The Queen's Garden Party

The Garden Party, given by Queen Elizabeth, was the great social event of the London Meeting. My wife Sue and I were presented to the Queen and Prince Philip in Buckingham Palace just prior to their going out into the Garden to meet as many of their guests as they could.

When Sue and I were presented as President-Elect of the ABA and my wife, Prince Philip said, "President-Elect of the American Bar Association, how are you chosen? Are you appointed or elected?" I replied, "I was elected." He then said, "How many voted against you?" I replied, "None, my election was unanimous." He then said, "What? A Russian election in the United States of America." That evoked a good laugh from all. Both the Queen and Prince Philip said for us to go to the Queen's tea tent where they would talk to us at more length.

In the tea tent, one of my American friends came up to chide or tease me, as I was talking to Prince Philip, about my arrival at Buckingham Palace in a "small" Ford sedan, while all other "ABA big shots" arrived in a Rolls Royce. I replied that my good friends, Mr. and Mrs. William Gossett, provided the Ford car and driver as the best way to get around in London traffic. I also said the car was not so small, as the Solicitor General of the United States, J. Lee Rankin and his wife Gertrude, had been riding in that car with Sue and I to all events all over London ever since we both arrived on the Queen Mary at Liverpool and we were most happy and comfortable,

1957 London Meeting

with both car and driver. As my teasing friend moved on, Prince Philip asked, "Was your friend one of those who voted for you in that unanimous vote you spoke of earlier?" I said I believed he did. He then asked many questions about people and events in the United States, as I had served as an introducer to him of many of my fellow Americans and their wives. The Queen was boxed in on the other side of the tent, so I did not get to talk to her so much, other than to present many ABA officers and members. She did inquire of Sue about our children and said she was sorry to learn that the ABA policy against members bringing their families prevented their presence at this historic occasion, especially historic for Sue and her husband.

The Garden Party was attended by many of the English legal professionals and their wives and by every possible yardstick of measurement, was by far, the largest in attendance and the most enjoyable social event of the London Meeting.

My Inauguration As ABA President Sets Precedents At Closing Session Of London Meeting

It was at the closing session of the Assembly, following immediately upon the adjournment of the House of Delegates on July 30, 1957 that another precedent was established. Never, until then, had a President of the Association been inducted into office on foreign soil. And never before had an incoming President simultaneously vacated the office of Chairman of the House of Delegates. Both of these distinctions fell to me.

Presented to the Assembly by retiring President David F. Maxwell, I, as the new President, paid a tribute to the achievements of the Association under President Maxwell and outlined the objectives I proposed to pursue. My six-point program embraced: steps to increase the prestige of the Bench and Bar; increased service to practicing lawyers; development of a more effective program for legislative action; increasing Association membership to one hundred thousand; seeking legal machinery to achieve peace

Autobiography by Charles S. Rhyne

through law, and developing adequate legal rules in the atomic energy field.

I said in part:

"You are all aware of the great, the giant strides which our Association has made since 1951. We have completed a Survey of the Legal Profession; we have erected a great American Bar Center; we have now the American Bar Foundation to do essential research to guide our program; we have an American Law Student Association with thirty-five thousand members and, in the past two years, we have more than doubled our membership, so that today the American Bar Association is the largest association of lawyers in the World.

"We face now our greatest opportunity - an unsurpassed opportunity for great achievement through our new organized strength. We have an obligation to our Country, to our profession and to ourselves to step out on the path of progress and accept the challenge which is presented by the ever-changing and expanding duties and responsibilities of our profession in the World today. I sincerely believe that in a strong legal profession lies the greatest force for the preservation of the liberties of the people of the United States, and that in the preservation of the liberties of our people lies the hope of the World.

"One of the greatest opportunities open to the American Bar Association is the opportunity to help mobilize the prestige, the power, the sanity and the skill, the judgment and the judicial temperament of the lawyers of the World on behalf of the goal of peace under the rule of law.

"We must recognize that the tremendous developments in nuclear science compel us toward a pragmatic choice between two alternatives: either we must learn to live with the expanding forces of the atom, or we must die, and our civilization with us, as the victims of those forces.

"It is up to the lawyers of the World, working largely each in his own Nation, yet all cooperatively in the sense that we share a common objective, to bring about as speedily as possible the development

1957 London Meeting

of a body of national and international law under which the World may live in peace."

The final House Session closed with the presentation of an ivory gavel to President Maxwell, on behalf of the Association, as a memento of the London Meeting, and a similar presentation to me by Sir Reginald Manningham-Buller, the Attorney General of Great Britain, on behalf of the British Bar.

Following this ABA final formal Session, I convened a meeting of the Board of Governors to create an International Law Planning Committee to move forward the great idea of World Peace Through Law. I was pleased to tell the Board that the Honorable Thomas E. Dewey had agreed to serve as Chairman of that Committee. The Board was most enthusiastic about this idea. It approved the Committee and many members spoke of their high regard for Governor Dewey. I advised the Board that I would announce the Committee and its mission at the Guildhall Dinner which would be held that night.

CHAPTER 15
MY UNPRECEDENTED ELECTION AS PRESIDENT OF AMERICAN
BAR ASSOCIATION: CHURCHILL AND GUILDHALL DINNER

How I Was Elected Unanimously

My formal election as President of ABA came on July 15, 1957 when the New York part of the ABA 1957 Annual Meeting ratified my earlier unanimous nomination by the ABA State Delegates, effective on July 30, 1957, upon adjournment of the Annual Meeting. That the election came as a result of a series of unusual events, and time-wise, was as unexpected to me as it was to many others, is no secret. Since many have asked how it happened, that I moved up so fast, I will state my memory of what occurred. At the outset, let me state I earned my presidency by coming up through the ABA leadership ladder, setting forth and carrying out ABA leadership programs, setting forth positive pro bono programs which ABA members found worthy of support. Each advance was carefully planned and accomplished by hard work. I did nothing suddenly. I learned to earn support before I made every move.

Whitney North Seymour, a distinguished member of the New York City Bar, with his wife Lola, had made the traditional visits to ABA State Delegates all around the Nation seeking their votes at the February 1957 ABA Mid-Year Meeting. State Delegates, of which there is one to each state, are elected by written ballot of all ABA members of each state. They were then the nomination committee for all ABA officers. They would meet at the ABA Mid-Year Meeting each year to nominate ABA officers. Their nominees were, under ABA's Constitution, deemed elected if no other ABA member filed a proper Petition for the office for which they were nominated, "No later than 70 days before the beginning of the Annual Meeting" of ABA, which was usually held in August. According to my memory, Morris Harrell of Dallas is the only ABA member to file a Petition and defeat the State Delegates' nomination for President (1982-83). So, State Delegate nomination is usually tantamount to

Unprecedented ABA Election

election. Visiting State Delegates is a time consuming experience but candidates usually tried to call upon enough of the State Delegates to win a majority vote of those Delegates at the ABA Mid-Year Meeting.

When I arrived in Spokane, Washington, to address the Pacific Northwest Regional Meeting of ABA on May 31, 1956, Mr. Seymour was generally considered to be the winning candidate for the next ABA President. ABA Past President, Harold Gallagher, Seymour's Campaign Manager, was claiming victory for Seymour. Among his strong points was that Seymour knew the English legal profession well, as he had represented Ford Motor Company in the battle over the name of the Fordson tractor between Ford and others in London litigation.

In addition to ABA members from the Pacific Northwest States, the legal professionals of the adjoining Canadian Provinces of Alberta and British Columbia were invited and did attend. I was late in arriving in Spokane, as airplane schedules were delayed due to weather conditions.

When I arrived in Spokane, ABA President E. Smythe Gambrell and others met me at the airport and escorted me quickly to the Hotel. The luncheon was underway. Attendance was so large, it was being held in the large lobby of the Davenport Hotel. The dining room was too small. President Gambrell said Whitney North Seymour had spoken the day before about his plans for election as next ABA President, including stories about his hundreds of English judicial and other legal friends. Gambrell also said he had something very private he needed to tell me after the luncheon. We were pushed and pulled through the over-crowded lobby dining crowd to the head table. Everyone stood up and cheered when I entered.

President Gambrell gave me a very laudatory introduction as Past President of the District of Columbia Bar Association and Chair of the ABA House of Delegates, as of August 1956, in his slow southern accent and I made my speech. I spoke on "A Role for Lawyers in this Year of Political Decisions". Being from Washington, I made my speech a mixture of

entertainment and a serious call for lawyer leadership in the upcoming national, state and local elections. I urged that lawyers were the leading public opinion molders in our Nation and that they should not only vote, but help get others to vote informed ballots by educating voters in debates on the great issues of the day involved in choosing winners in each local, state or national election. I prepared speeches but did not need to read them, having then a "photographic memory". "The speech" seemed to go over well, as there were bursts of applause during the speech and finally a roaring standing ovation at the end. I had fine-tuned its punch lines and accommodated them to the issues before the voters I addressed by telephone calls, mostly to city attorneys or ABA local leaders.

Gambrell could not get the audience to calm down for a word of thanks to me but grabbed me and said, "Lets go, you can shake hands, wave and take bows anytime but I have something to tell you which is much more important." We made our way out and went to Gambrell's suite. There he handed me a crumpled copy of a telegram signed by the five ABA State Delegates of the Northwest. It said, in substance, "We do not want someone from beyond the New York Hudson River as ABA President at the London Meeting. Having checked enough of the other State Delegates to know we have nearly all their votes for him, we propose that you send Charles S. Rhyne a telegram today at his Washington office stating that you will vote for him at the February, 1957 nominating meeting of the State Delegates for President of ABA". Gambrell then said, "Well, what do you say to that?" I was speechless, and said so. The signers of the telegram and others were pounding on the door and Gambrell let them in. I, of course, thanked everyone profusely. I asked for time to call my wife - and chief adviser - Sue. She, while clearly shocked, said, "Always grab the brass ring on the merry-go-round the first time around or else someone else will get it." I said I believed I understood her recommendation. Sue was a much beloved wife in ABA circles, and while born in Nebraska, she grew up

Unprecedented ABA Election

in Wyoming. The Westerners loved her as one of their own. She exuded the open-hearted friendship of USA Western people.

The situation I faced was unprecedented. I already had the unanimous nomination for the then second highest ABA office, Chairman of the House of Delegates. I was scheduled to take over that high office at the Annual Meeting of ABA in August 1956. That office was for a term of two years. I knew I could step up to President in the near future from Chairman of the House of Delegates. The question was, did I dare take on a great leader of the American Bar and perhaps lose or hurt my chances of ever being ABA President? I was only 43 years of age and no one had ever been elected ABA President at my age.

I was told the telegram had already been sent to all ABA State Delegates, except those at the Spokane Meeting who had signed it. That made any decision by me irrelevant someone shouted. I said to all those in Gambrell's suite, "O.K. I will run but you must get out there and elect me."

I had to return home to Washington via Charlotte, North Carolina, due to the illness of my Father. I found him in a hospital, but recovering nicely from pneumonia. I went on to Washington. Naturally, Sue and my family were very excited. She rushed me to my office where my wonderful Secretary, who had worked for me throughout my legal career, Flo Crumpacker, was waiting in my office pointing to a pile of telegrams and said, "You have a telegram from all but one ABA State Delegate, stating they will vote for you next February for President of ABA". I said, "You mean me", as I was the elected D.C. ABA State Delegate. She said, "No, but look whose telegram is on top of the pile." It was from the New York State Delegate, Lewis C. Ryan, from Syracuse, New York. The one vote I did not have was from Indiana's Richard Tinkham. He asked me to call him, as he "wanted to make a deal".

From May 31, 1956, until my nomination was unanimously voted for by the State Delegates in February 1957, I continued an expansive speech

Autobiography by Charles S. Rhyne

schedule. I also practiced law but depended very much upon my Brother and Law Partner, Brice W. Rhyne, and my very able Partners and Associates. I made speeches to Bar Associations, law schools, municipal associations, traffic court conferences, the American Medical Association, other associations and civic clubs all over the Nation. I also addressed the International Law Association Convention in Oslo, Norway.

I entered into extensive work on the upcoming London meeting, as my upcoming election as Chairman of the House of Delegates was certain when no one filed against my nomination by the State Delegates for that office, within the 70 days before the Annual ABA Meeting, as required by the ABA Constitution.

In my speeches, I urged American lawyers to support my proposal of an ABA Magna Carta Monument, as a permanent marker of the London Meeting, and continually asked for ideas on ways and means that would cause the people of the United States to pause and appreciate the values to them of their life under our rule of law heritage and our Constitution. I urged constantly, to legal audiences, that a license to practice law embodied an obligation to render pro bono publico service to upgrade our law system so as to cause our people to know and feel that the system we have was delivering fair and reasonable justice to the American people. I called upon the legal profession to help in making our legal system deliver the equal justice Americans were entitled to.

From the time that I became Chairman of the ABA House of Delegates, and as explained in the Chapter on the London Meeting, supra, I was also constantly urging the values of World Peace Through the processes, principles and institutions of the rule of Law. Law, as a peace process, was one of my major subjects and when I urged it as an idea strong enough to pierce Churchill's Iron Curtain, end the "Cold War" and help end dictator communism, I found audiences most attentive and responsive.

Cold War Anti-Communist Fears

Background Comment On Cold War-Communist Fears At Time Of London Meeting

To understand the action of ABA in London in 1957, in setting up the International Law Planning Committee to investigate the feasibility of World Peace Through Law, it is essential to recall the "setting" of World events at that time which overshadowed the meeting.

The so-called free World was consumed by Communist threats poised in the "Cold War" by the Soviet Union's possession of feared nuclear capacity. Leaders of the Bar, as well as governmental leaders and expressed public opinion, created a cloud of fear that failure to develop a "harness" for Russia's nuclear power could mean the death of all who opposed the Soviet Union and its ever-increasing reach. The fear was gradually developing into an enormous international arms race of great proportions. When the rule of law was referred to by me as a possible harness or a concept to destroy communism-force slavery, that thought was sometimes classified as "hopeless" and an "impossible dream".

But I had found that many in the legal profession were not intimidated by that claim. They thought that lawyers within most Nations have powerful sway over public opinion. Since public opinion in a democracy is a controlling element, the belief was growing that if democratic rule of law government was embraced by the people of a Nation not even Communism could defeat that embrace, so great is the lure of the personal freedom human rights, equality of human beings and justice of that form of government.

In discussions with Heads of State of Nations, I learned they would lend the prestige of their office to a program beyond the overall United Nations programs focusing on substituting rule of law for rule of force in international relations. In my book, International Law, published in 1971, I collect a number of such statements ranging from 1915 up through 1971 (pp. 514-593). In discussions with

Autobiography by Charles S. Rhyne

legal professionals of Communist Countries, it was clear they just might welcome rule of law government. They were obviously seeking a way out of the restraint of communism.

In the years of my career leading up to my ABA Presidency, I had been deeply engaged in law reform programs of local, state and national governments. Those needs and experiences were part of my thinking which led me to Law Day - USA, as described herein, with the ABA playing a leading part in that program. Prior to the time I was almost suddenly and unexpectedly nominated to be President of ABA, I had become greatly interested in the rule of law internationally. I had come to the conclusion that the public opinion of our Nation, which backed Law Day - USA, could be marshalled as a means of penetrating and defeating the Communist and dictator Nations and the support of and freedom for the people these enslaved. I found that such great government leaders, as President Eisenhower, Secretary of State John Foster Dulles and others, were great supporters of the idea that the concept of the rule of law could, should and would, in time, replace war as the controlling force in international relations.

I determined that Law Day - USA and World Peace Through Law would be my great endeavors as President of the ABA and began to work toward the realization of those goals, as my great, permanent contributions in that high office.

I had been talking with government, legal and other leaders about my vision of the potential of World Peace Through the Rule of Law, as an answer to the fears then existing from the Cold War. With my impending election as President of the American Bar Association, I accelerated my effort to assemble support for that vision within that organization.

When elected as Chairman of the House of Delegates for 1956-1958, I had, in that capacity, major responsibilities. As the Chairman of the ABA Administration Committee planning the London Meeting, I was invited to deliver speeches throughout the United States, at which I discussed that Meeting. I often mentioned subjects that the London Meeting

Cold War Anti-Communist Fears

could address. In these speeches, I sought public reaction to what the London Meeting could do to further my belief that the fears generated by the Cold War - then raging - could be lessened by a vast rule of law cooperative undertaking by the legal professionals of the World. I stated my belief that these legal professionals would get the support of their Heads of State, thus adding much prestige to their cooperative efforts. I urged the substitution of a strengthened rule of law for the prevailing rule of force in international affairs. While some reaction was that such an undertaking was an "impossible and hopeless" task, by far the major reaction was positive. I sensed that the time was ripe for me to launch my idea of an ABA initiative of substituting law for force at the London Meeting.

In my speeches and in personal contacts, I argued that one who studies ancient history, as I had, slowly but surely becomes convinced that humanity's overwhelming desire for peaceful personal freedom in a living atmosphere of governmental protected human rights equality was humankind's oldest, ancient dream and most current desire. I argued that after centuries and decades of war deaths and war horrors, made recently increasingly dangerous by nuclear bombs capable of eradicating all humanity, the people of the 20th Century would support the peaceful processes, principles and institutions of the rule of law as the concept which should be so strengthened as to be a credible substitute for the now out-moded force process in disputes between Nations, as well as disputes between individuals.

I argued also that the people living under dictator and Communist governments would welcome the freedoms, justice and equality of rule of law governments. I urged that the rule of law was the best or only concept which could pierce the "Iron Curtain", made World famous by Sir Winston Churchill. I also urged that it would furnish an answer to the greatest existing need of an end to the Cold War fears then enveloping the World Community.

Shortly after the end of World War II, the Soviet Union's Communist government began a series of

Autobiography by Charles S. Rhyne

expansions which alarmed the peoples of the World. The Nations of the World were soon arranged into three sides or blocs, with the Soviet Union the leader of the Eastern bloc and the United States the leader of the Western bloc and the non-aligned Nations in an uncertain bloc. Incidents and disputes arose galore. The Soviet Union and the United States increased their nuclear powered armaments and the Korean War with South Korea was aided by the United States and North Korea was aided by Soviet armament. Fear of a new World nuclear war, which would destroy humanity, was constantly expressed throughout the World.

Inside the United States, we had our own troubles with such developments headlining the media as a flurry of "loyalty" investigations and legislation which created new fears. "McCarthyism", was the name given to unsupported loyalty charges against government employees at all levels of government, even at the local level. NIMLO, of which I was General Counsel for example, was sent many city and county ordinances requiring "loyalty oaths" of employees. The Alger Hiss Spy case highlighted this Communist investigation of officer and employee loyalty. My Law School classmate, then Congressman Richard M. Nixon, was one of the major congressional investigators. Senator Pat McCarran, for whom I had worked pro bono, mostly on aviation and airport legislation at a prior time, was the Chief Author of the Federal Security Act (1950) and the Immigration and Nationality Act (1952).

The ABA's Committee on Communist Activity was busy criticizing some U.S. Supreme Court decisions, with another of its Reports due at the London Meeting.

My interest in international legal subjects, which I have already described, began with my joint activity as ABA Junior Bar Chairman with the ABA International and Comparative Law Section and as the latter Section's Chairman in its fights with the "old guard" isolationists over the Genocide Convention, the Connolly Amendment to the Statute of the International Court of Justice, the Jenner Bill to

Cold War Anti-Communist Fears

limit Court jurisdiction in the loyalty field, and other such subjects. The debates in the House of Delegates were intense. I took part in these House of Delegates Proceedings to establish ABA policy and was Chairman of that influential body, as I worked on the London Meeting as Chairman of the ABA Administration Committee in charge of that meeting.

I had begun to travel internationally in the late 1940's. I attended meetings of the International Law Association, an organization chiefly of International Law Professors in Oslo and other European cities. There I met I. Tunkin, a law professor who was head of the Soviet International Law Agency and other leading law professors from throughout the World. Several of my clients had international law matters. I often combined my foreign travels with their needs in Nations I visited.

I discussed ideas with law professor James Oliver Murdock of the George Washington University Law School and many other leaders in the international law field, including Senator John Foster Dulles of New York before he became U.S. Secretary of State and while he was in that high office. He was a strong supporter of World Peace Through Law.

I became a member of the Union International Des Avocats, through the invitation of my great friend Robert Martin, President of that international organization and the French Bar Association. I attended Union International Meetings. Through that Association, I became acquainted with many leaders of the European legal community.

I was an active member in the Inter-American Bar Association and developed many friends among the legal professionals of Latin American Nations. They were supportive of my ideas of a worldwide World Peace Through Law Program.

I could extend this recitation of my personal international law acquaintanship prior to London, but I believe that which I have written demonstrates that before I advanced my proposal of an ABA World Peace Through Law "Initiative" in London I was fairly well

grounded in international legal matters. I was convinced that that Initiative could and would pierce the so-called "Iron Curtain". Because people generally wanted to be free of dictatorial government, they would listen and learn from the proposed World Peace Through Law program. Under the peaceful approach proposed for that Initiative, I did not foresee that it would take so long to develop the current turn to the rule of law as a peace process or that this "Turn" would come so suddenly or, seemingly, so overwhelmingly.

When I served as Chairman of the ABA Administration Committee in Planning the London Meeting, I did take into consideration the then current international scene. I recognized the need to focus that Meeting on the rule of law as an idea, a credible concept of well-known but untried capacity, which could, if given a chance, translate humankind's most ancient "dream" into reality. From a "dream", into the reality of a peaceful World.

Creation Of The International Law Planning
Committee As First Step Toward The World
Peace Through Law Program

After the House of Delegates and Assembly of the American Bar Association adjourned the London Meeting, the Board of Governors created the Special Committee on International Law Planning to investigate the feasibility of a World Peace Through Law Program by ABA, pursuant to my recommendation. I asked Thomas E. Dewey, former Governor of New York, to accept the Chairmanship of this Committee. We had previously discussed this initiative and he had expressed his support in discussions with Chief Justice Earl Warren and Justice John Harlan. He enthusiastically accepted. We agreed upon appointing a small Committee and a large group of ABA consultants, who were the outstanding International Law Experts of the United States.

I advised Dewey that at the Guildhall Dinner, I would introduce him as Chairman of the newly created ABA International Law Planning Committee to determine

International Law Planning

the feasibility of a worldwide initiative by ABA, to forward the idea of World Peace Through Law. That, in my view, we should proceed with great care in that task and put to an end all questions as to whether World peace could be accomplished by a well planned program participated in by Judges, lawyers and law professors of the entire World, for the support of which we would ask all Heads of State. This would be a unique and historic development in the World Community but given the well known capacity of legal professionals as worldwide leaders in the creation of public opinion they, working cooperatively for the first time, could build and focus that opinion on a turn to the law as humankind's best course in a "Cold War", fear-clouded World.

Dewey agreed with my assessment of the legal profession's ability and said while it was a daunting challenge, he believed it could be accomplished.

Dewey was most knowledgeable of the then current World situation and said that background should aid immeasurably, as the people of the World were looking for such an initiative that could help end the fears created by the Cold War and its inevitable fears of nuclear disaster. He said he believed that as a first step his Committee should proceed in good "lawyer-like" fashion and assemble a report on all the prior attempts to use law's principles and institutions in major disputes, internationally. He referred to Courts, arbitration and mediation bodies, peace agreements and treaties, as furthered or ignored by the United Nations. From that foundation of knowledge, he hoped to build a clearly credible program upon which to base ABA's new World Peace Through Law Program. He was honored to be the leader of this initiative, which was clearly ABA's most important action at its London Meeting.

He said he would assemble the experts to do the law research foundation and we could talk and meet again as soon as we arrived back in the United States. He would clear his schedule to give this undertaking his number one attention.

I had to go on to the Post-London events in Europe, described infra, and to the Charlotte,

Autobiography by Charles S. Rhyne

N.C. Homecoming, for which I knew that so many of my home folks had done so much.

I had done my homework on such other ABA Presidential duties and signed many letters dated July 30, 1957 on Committee appointments. I had a group of young lawyers in my office working on my ABA Presidential dates and speech schedule and my idea of a program to elevate the importance of law, which eventuated into Law Day - USA. I also had international law professors Edgar Turlington, James Oliver Murdock and other experts working on suggestions for speeches I could make to help the Dewey Committee.

Members of the Dewey Committee that I appointed, at his suggestion, were Eugene D. Bennett, Walter J. Cummings, Jr., Charles A. Horsky and Philip H. Lewis.

They were asked to study the work done over the years to use law principles and its institutions of Courts, arbitration, mediation, treaties and other law ideas to settle or prevent international disputes. Their study was also to include a review of the work of the ABA Section of International and Comparative Law and the accumulated writings and experiences of various Committees and Sections of the ABA and the writings and experiences of international law professionals of the World. The latter included lawyers, Judges, professors and, in general, special legal associations devoted to international law. Dewey was to provide expert researchers, as needed, who he felt certain he could get in law firms and law schools.

At Dewey's request, I appointed the following distinguished international law experts as ABA Consultants on the Dewey Committee's work: William W. Bishop, Jr., Willard B. Cowles, Edward B. Dickinson, Ernesto Eula, Richard N. Gardner, John N. Hazard, Philip C. Jessup, Milton Katz, Nicholas DeB.Katzenbach, Myres S. McDougal, Norman Marsh, Mario Matteucci, James Edgar Murdock, Kurt H. Nadelmann, Louis B. Sohn, E. Blythe Stason, and Quincy B. Wright.

Guildhall Dinner

The Guildhall Banquet: Pre-Dinner Discussion With Sir Winston Churchill

The first great event of my Presidency was a dinner given by The Law Society, in honor of their American Bar Association guests. It was held in the famous London Guildhall, where so many banquets of great historical significance have taken place.

While the dinner may, in uttered words, been a dinner to honor American Bar Association leaders, let there be no doubt about the fact that it was, in fact, a dinner honoring the greatest Englishman of the 20th Century, Sir Winston Churchill and Lady Churchill. Their presence made it the great event it was.

Prior to the dinner, the Chief Justice of the United States and his wonderful wife, Nina, and my wife Sue and I met with Sir Winston and Lady Churchill for quite some time in an Ante Room of the Guildhall, as the dinner was late in starting. The Chief Justice and I had quite a discussion with Sir Winston, with our respective wives joining in. Sir Winston asked questions about many of his friends in the United States, including Presidents Eisenhower and Truman. He said someone told him I got the Magna Carta Monument idea from his "Iron Curtain speech" at Westminster College in Missouri and I confirmed that was true. I also stated that President Eisenhower suggested I read that speech to study the great "common bonds" of England and the United States that Sir Winston had enumerated therein. One of them was the Magna Carta, so I locked onto it. He said he was very pleased and honored by that history of "his part in the Magna Carta Monument". He said for me to tell the President that he was appreciative that his speech had led to the Magna Carta Memorial. He later referred to Magna Carta in his speech at the Banquet.

He then inquired about the World Peace Through Law Program, which he said he was told was ABA's most important action at its London Meeting. Both the Chief Justice and I answered his questions with enthusiastic words of our hopes that this ABA initiative would indeed become a worldwide endeavor of the legal profession.

Autobiography by Charles S. Rhyne

Lady Churchill said we should be aware that Sir Winston's hearing was not excellent, but he was a good lip reader. She said she would tell him everything he did not hear, so we were not to notice how close she was to him so she could hear well.

Sir Winston was clearly most interested in the idea of organizing the legal profession of the entire World into a body that working with, or through, their Heads of State and other national leaders might make great progress in so strengthening law into a peace system which could greatly supplement the then peace making processes composed of diplomacy and in the ultimate end, the use of the deadly force of war. He spoke intensely of his World War experience and his hope that lawyers cooperatively could bring to the peace making and peace keeping processes a new and, as yet, unused element that could help avoid deadly wars. He was not optimistic about the United Nations. He warned that ABA should be careful to ensure that all members of the legal profession be included in its proposed program, working as individuals rather than attempting to usurp existing governmental peace processes and organizations. He said of course one of the major elements the lawyers could bring to bear on peace through law was their influence to help create an informed public opinion back of the ABA initiative. He expressed his view that lawyers were among the best educated peace makers within Nations and the most experienced profession in using peaceful means to get peaceful results from disputes rather than use of force. He spoke carefully, seemingly choosing his words carefully, so as not to be misunderstood.

That he was interested in, and supportive of, the World Peace Through Law Program was made abundantly clear. He did often refer to the fact he was not a trained lawyer, but "a person exposed to a lot of law during his career".

From his statements, he had obviously been briefed well as to both the career of the Chief Justice and my own career.

Sir Winston said that lawyers are politically inclined and that I must be a good politician to

Autobiography by Charles S. Rhyne

become the youngest President in ABA's history. The Chief Justice got in more kind words about me than I did about him, as Sir Winston referred to my winning important Supreme Court cases.

The photograph of Sir Winston and I with Chief Justice Warren, herein reproduced, is one of my proudest possessions. The Chief Justice stood up and tried to make his statement understood by Sir Winston and I somehow got into the kneeling position that I was in when the photograph was taken. No one suggested that I kneel.

The dinner had another feature that brought a few smiles to Sir Winston's face. I congratulated him on the array of badges of honor decorating his coat lapel and said we Americans had very few such decorations, except a few boy scout badges. He quickly asked if I had ever seen President Eisenhower in all his decorations, if so, I would have seen a lot of earned decorations few persons could equal.

He spoke also of his confidence in the Anglo-American Alliance and its great influence on peace in the World. I replied that I was a member of the United States Atlantic Alliance Committee and its General Counsel.

When we entered the Great Hall, we were each ushered to our seats and the dinner began.

Guildhall Dinner

Given by The Law Society in honor of its
American Bar Association Guests

P R O C E E D I N G S

The President of the Law Society of England, Sir Ian Yeaman Presiding said:

"Mr. President, Mr. Chief Justice, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen, I give you the toast of the Queen and the President of the United States.

After everyone stood and drank Sir Ian's toast, the **TOASTMASTER** then stated:

"Mr. President, My Lord Mayor, My Lord Chancellor, Sir Winston Churchill, Chief Justice, Mr. President Rhyne, My Lords, Sheriffs, ladies and

Autobiography by Charles S. Rhyne

gentlemen, pray silence for Sir Leonard Homes, Master at Law, Justice of the People.

SIR LEONARD HOMES: Mr. President Yeaman, My Lord Mayor, My Lord Chancellor, Sir Winston, Chief Justice Warren, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen. We're running a little bit late tonight, so you mustn't mind if I cut my remarks a little shorter than they otherwise would have been. You probably will be pleased as a consequence.

When the Law Society undertook to arrange a program of hospitality and entertainment for our very good friends of the American Bar Association, the first thing that came to our mind was that we should end the program, in a function of this kind, in the Guildhall.

We did that for two reasons, because the Guildhall has always been closely associated with the administration of justice in the City of Liverpool, in the City of London. And the various landmarks in the history of the Law Society have usually been accompanied by celebrations within these walls.

Our second reason, of course, was that we know from experience, the great interest which all our American friends take in our antiquities and ancient monuments in this City. And we felt that they, beyond anyone, would enjoy dining within these walls with its historical associations.

We all know what an appetite our American friends have for information of any kind. And for that reason, we printed in their Conference handbook a short historical account of Guildhall. I've no doubt that they've all learned that off by heart. But in case they haven't, there is again printed on the menu cards a little historical account which they can take away with them to show to their friends.

If any evidence were required of their interest in our antiquities and our ancient ceremonies and so on, it is to be found in that marvelous memorial to Magna Carta provided by them and unveiled on Sunday last. That, I think, absolves me from any attempt to say anything about the historical interests of this Hall. I'd only remind you of the two giants standing

Guildhall Dinner

up there on top watching with eagle eyes to see that you all behave yourself.

My Lord Mayor, this toast is associated with your name.

My last recollection of you is on that unique occasion in the history of the Law Society when after your election as Lord Mayor, you attended in full regalia at the Council meeting of the Law Society, and with hat in hand, you humbly asked for leave of absence from our meetings during your year of office.

That is, as I say, a unique occasion. And I felt at the time that it was a measure both of your greatness and of your humility.

All of my English hearers will certainly have heard the old story of the bishop who went visiting one of his parishes, took the opportunity of inquiring of the verger whether he thought the vicar or curate were the better preacher.

The verger said at once, the curate. And when asked why, he said, well, when the vicar says, and lastly, he lasts. But when the curate says in conclusion, he concludes.

May I endeavor to earn your gratitude by emulating the curate, saying in conclusion, will you rise and drink the toast.

TOASTMASTER: Mr. President, My Lord Chancellor, Sir Winston Churchill, Chief Justice Warren, Mr. President Rhyne, My Lords, Sheriff, Sir Leonard Homes, ladies and gentlemen, pray silence for a response by the Right Honorable, the Lord Mayor.

LORD MAYOR: Mr. President, My Lord Chancellor, Sir Winston Churchill, Chief Justice Warren, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen. On behalf of the Corporation of London, the Queen's Sheriff of the City of London, and on my own behalf, may I thank the senior past President of the Law Society for the generous terms in which he has submitted this toast. And to you, the whole Company, for your enthusiastic and warmhearted reception which you have given to it.

It is, as I've already said in another place, a great compliment to this Country that the American Bar Association is this year holding their convention in London for the first time since 1924.

Autobiography by Charles S. Rhyne

It speaks wonders for the organizing agility of the American lawyer, that what he commences to talk about in New York he is able, with apparently the greatest ease, to adjourn for final pronouncement and determination in London.

Of course, we deskbound English lawyers, and I was one of them until I took on this great office of Lord Mayor of London -- now I'm having a holiday, of course, from my profession -- had much to learn from our globetrotting American cousins about the art of spatial speaking.

The Corporation of London is proud and happy, Mr. President, to have had the opportunity of contributing in some degree to the entertainment of our ever-welcome American visitors.

And I do hope that here in Guildhall, they may have caught something of the historic atmosphere of this ancient place, the environs of which, as your menu card, Mr. President, rightly declares, have been dedicated to the art of civic government for more than a thousand years. These venerable walls have been the silent witnesses of many an event of triumph and rejoicing, sadness and sorrow, all of which have left their indelible mark on the pages of our long history. But tonight, I recall especially the stirring incident of the 12th of June in 1945, when in this place, in this Hall, and in pursuance of the unanimous will of the Court of Common Council, the Honorary Freedom of the City of London was conferred upon that doughty son of America, General of the Army, Dwight David Eisenhower, then Supreme Commander of the Allied Expeditionary Forces and later destined to be the President of the United States. This act of gratitude to a great man was done, not merely for London, but for all the people of this land and for a host of people beyond our shores. And right glad was the Corporation of London to do it.

And may I mention that in the audience on that historic occasion was another Honorary Freeman of this City who tonight adds lustre to these proceedings by being at your table, Mr. President. I refer to the Right Honorable Sir Winston Churchill.

Guildhall Dinner

I am delighted, and I know you all are, to know that Sir Winston is to address us in a few minutes.

We shall listen eagerly to the voice which is as well known -- and I say this advisedly, as well loved in the United States of America as it is here.

As a lawyer, I appreciate, Mr. President, very much the invitation to be here in the heart of my own City this evening. Tomorrow morning, Mr. President, along with the **Lady Mayoress**, Sheriffs and their ladies, the Chief Commoner and Mrs. Heyward, I sail in the Queen Mary for the New World.

We shall visit the Jamestown Festival, Conference of Virginia Lawyers at White Sulphur Springs, New Orleans and Philadelphia. Then my wife and I go over to our great dominion of Canada for visits to many cities there, finally returning from Montreal by air on the first of September.

In six days from now, ladies and gentlemen, I shall be passing once again before that tall symbol of liberty, the mighty woman with a torch whose flame is the imprisoned lightning, and from whose beacon hand glows worldwide welcome, as she lifts her lamp beside the golden door.

We're all looking forward eagerly to our visit to the United States. And what happy augury could there be for the welcome which I know we shall all get over there, and the welcome which you, Mr. President, the Council, my brother members of the Council of the Law Society, together with all our American guests have given the Sheriffs and myself here tonight.

It's gotten a little late. I'm supposed to finish speaking at 22 and a half minutes past nine.

So I content myself with saying, on behalf of the Corporation, the Sheriffs and myself, thank you most sincerely, Mr. Senior Past President, Sir Leonard Homes, for the way you have proposed this toast. And to each and every one of you for your reception of it.

TOASTMASTER: Mr. President, My Lord Mayor, My Lord Chancellor, Chief Justice Warren, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen, pray silence for the Right Honorable Sir Winston

Autobiography by Charles S. Rhyne

Churchill, Knight of the Most Noble Order of the Garter, Order of Merit, Companion of Honor, Deputy Lieutenant, Member of Parliament.

SIR WINSTON CHURCHILL: Mr. President, My Lord Mayor, My Lord Chancellor, Your Excellencies, My Lords, Sheriffs, Chief Justice Warren, Mr. President Rhyne, ladies and gentlemen, I am very glad that it has fallen to me to propose the toast of the legal profession. I can do so without the slightest bias.

I am very glad indeed that I am also to welcome here the many illustrious American guests who have come from within and without the ranks of that profession. Several thousand members of the American Bar Association have come to our island for part of their annual convention. I earnestly trust that our hospitality has been equal to the sentiments of pleasure with which we welcome them.

That is a remarkable fact, and it is a compliment of which we're all deeply sensible. It illuminates a great truth spoken perhaps at a time when it was particularly advantageous, a great truth: In the main, law and equity stand in the forefront of the moral forces of our two countries. And they rank our common language in that strong bond of unity on which I firmly believe our life and destiny depends.

If you are over a 160 millions, and we with our dominions gathered around us are 70 or 80 millions, and if we work together, there is no doubt that we shall together represent a factor in the development of the whole World which no one will have any cause to regret.

The alliances of former days were framed on physical strengths, practically expressed. But the English-speaking unity can find its lasting coherence above all in those higher ties of intellect and spirit of which the law and the language are a supreme expression.

Last week, you or many of you visited Runnymede. There was the foundation on which you have placed a monument. It has often been pointed out that the Fifth and the Fourteenth Amendments of the American Constitution, the body which was concerned in framing it, contained six members of the

Guildhall Dinner

Inns of Court. I may remark, it's often been pointed out, that these amendments are an echo of the Magna Carta. "No person shall", under the Fifth Amendment, "be deprived of life, liberty or property without due process of law". And of the Fourteenth Amendment, "no state shall deprive any person of life, liberty or property without due process of law. Nor deny any person within their jurisdiction equal protection of the laws".

National governments may indeed obtain sweeping emergency powers, for the sake of protecting the community in times of war or other perils. These will temporarily curtail or suspend the freedom of ordinary men and women. But special powers must be granted by the elected representatives of these same people by Congress or by Parliament, as the case may be.

They do not belong to the state or government as a right. Their exercise needs vigilant scrutiny, and their grant may be swiftly withdrawn.

This terrible 20th Century, which we have witnessed, has exposed both our communities to grim experiments. And both have emerged restored, competent and guided.

I speak, of course, as a layman on legal topics. But I believe that our differences are more apparent than real. And that they are the result of geographic and other physical conditions, rather than any true division of principle.

An omnipotent Parliament and a small legal profession, tightly bound by precedent, are all very well in an island which has not been invaded for nearly -- I think I'm correct when I remark -- nearly 2,000 years.

Forty-nine states of the Union, each with fundamental rights, and each with a different geographical situation, that contributes a totally different proposition. Between Magna Carta and the formulation of the American Constitution, we in Britain contain the authorship of the whole wealth of the English common law. That I think will not be disputed.

Our pioneers took it with them when they crossed

Autobiography by Charles S. Rhyne

the Atlantic Ocean. For many centuries in the Middle Ages, English lawyers would not admit that the law could be changed even by Parliament. It was something sacrosanct, inviolable, above human tampering, like right and wrong.

And this seems to have been the view of the English Chief Justice -- I must get that right, now.

Coke.

He had, earlier in the 16th Century, unfolded his dream for this Country, of a Supreme Court, above the legislature for Great Britain. This dream vanished in the Civil War, after the war, I mean, because --

-- we had some of it ourselves. The Supreme Court, however, survived and flourished in the United States. England was too compact and uniform a community to have need of it. But the Supreme Court in America has often been the guardian and upholder of American liberty before all the World. Long may it continue to thrive.

There are wider aspects to these considerations. Justice knows no frontiers. Within our considerable communities we have sought to regulate our affairs with equity. We have now reached the point where Nations must contrive a system and practice to resolve their disputes and settle them peacefully. We have not so far succeeded in this. Some have tried, at one swoop in the hour of victory, to draw up an all-comprehending scheme to meet international possibilities, such as the Charter of the United Nations.

In a recent speech, that most distinguished Australian statesman, Mr. Menzies, whom I hope you will meet, told us that justice was not being achieved in the Assembly. That is a serious charge, but it is true.

I do not throw in my lot with those who say that Britain should leave the United Nations, but it is certain that if the Assembly sometimes can take its decisions -- continues to take its decisions on grounds of enmity, opportunism or purely jealousy or petulance, the whole structure may be brought to nothing.

Guildhall Dinner

This shape, the shape of the United Nations, has changed greatly from its original form and from the intention of its architect. The differences between the great powers have thrown responsibility increasingly on the Assembly. This has been vastly swollen by the addition of new Nations. We wish all these new Nations well; indeed, we created many of them, and have done our best since --

-- to restore their integrity and prosperity. But it is anomalous that this vote, that the vote or prejudice of any small Country, should affect events involving populations many times exceeding their numbers, and should affect them as self-advantage, or momentary self-advantage may direct.

This should be improved. There are many cases where the United Nations have failed. I have no wish to cast gloom over your thoughts, but Hungary does creep across my mind. Justice cannot be a hit-or-miss system. We cannot be content with an arrangement where our new system of international laws applies only to those who show themselves willing to keep them.

I do not want tonight to suggest an elaborate new Charter for the United Nations. But I think we can all agree that in its present conception, its imperfections must be changed.

The mere creation of international organizations does not relieve us of our individual responsibilities, at least, not until an international system has been created which is truly effective.

It falls to the righteous man, individually, to do what he can and to form, with his friends, alliances which are manifestly crowned with justice and honor. Such are the North Atlantic Treaty, and other combinations which the free World has made. Such, I trust and believe, is in the main union of the English-speaking peoples.

I have the honor to propose to you the toast of the legal profession, which in its far-reaching way has steadily woven forward and upward all those principles which we have in mind and which I have ventured to touch upon to you tonight.

Autobiography by Charles S. Rhyne

To the legal profession. Coupled with the name of the Chief Justice of the United States and the Lord High Chancellor of Great Britain.

TOASTMASTER: Mr. President, My Lord Mayor, My Lord Chancellor, Sir Winston Churchill, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen, pray silence for the Chief Justice of the United States, the Honorable Earl Warren.

CHIEF JUSTICE WARREN: Mr. President, My Lord Mayor, My Lord Chancellor, Sir Winston, Mr. President Rhyne, My Lords, Sheriffs, ladies and gentlemen. You have completely spoiled all of us for future conventions.

We are not accustomed to such rousing receptions at home. In America, where every business and professional organization, large or small, holds a national convention, not necessarily because it is essential, but because it is the custom to do so, a convention is but a convention.

There, we meet, we parade through the business district, at the most traffic congested hour -- in order to have a captive audience, and to attract the press, we discuss violently some controversial public question. We pass resolutions in thunderous tones, we recommend ourselves to the public most highly, and then adjourn to see the sights by night.

The next day we return home, thoroughly exhausted, and with barely the strength to make our deductions for income tax purposes.

If this penchant of ours for conventions had existed in the time of Abraham Lincoln, I am sure in speaking of them he would have repeated, and with great fervor, his classic phrase "the World will little note nor long remember what we say here".

But I am sure if he were here in London tonight, he would speaking of yourselves complete his sentence -- "but it will never forget what they did here".

You have transformed what at best would have been a workshop Conference into a great legal, cultural and spiritual experience for all of us. You have literally showered hospitality on us.

Everyone has done so, from your gracious Queen, to her Prime Minister.

Guildhall Dinner

To the little children we meet in your parks and your beautiful green grass. The great men of your Nation have laid aside their problems of worldwide importance, not only to greet us, but to exchange views with us in brotherly fashion.

You have opened your great houses of God to us -- Westminster Abbey and St. Paul's Cathedral, both of which were protected by His Grace during England's darkest hours and preserved for greater use in these days when Christian brotherhood is so essential in the turbulent World.

You have opened your historic shrines to us -- Westminster Hall in which was evolved the English and American concept of law, and your Houses of Parliament, which have charted the course of parliamentary government in all parts of the globe and which have contributed so much to the stability of the World.

You have taken us into your homes, even your gracious Queen has opened her palace to us, to complete a cycle of hospitality that has not been excelled any place, at any time.

Even the much berated weatherman has been most considerate of us. He has permitted the sun to shine upon all our proceedings. But, in frankness, I should say to you that your weatherman has not always received favorable comment in our Country. But there are now thousands of American lawyers who will never know how or why London ever acquired a reputation for less than perfect weather.

Tonight, through the generosity of the Lord Mayor, who is also well known in our Country, we are honored by our brothers of the Law Society in historic Guildhall where, for so many centuries, big ceremonials have been held.

Now, all of this would have sufficed far beyond either our needs or our desserts, but as though there are no limits to your consideration for us, you cause us to be greeted by the man who has done more to subordinate brute force to the rule of law than any man of our time -- America's greatest friend in war and peace, Sir Winston Churchill.

We feel honored sir, beyond our power of

Autobiography by Charles S. Rhyne

expression, that you, who in the darkest days of history supplied the leadership which made the survival of free institutions on this Continent possible, would now toast our profession and recognize it as a force for preserving those institutions. You challenge us sharply, sir, and we accept the challenge in the same spirit of comradeship that our boys in service accepted the friendly challenge of your soldier boys some years ago.

When the United States entered the late World War, British soldiers sent the following message to our soldiers, "We welcome you as brothers in the struggle to make sure that the World shall be ruled by the force of law and not by the law of force." That they did struggle together, and did succeed gloriously, is now a matter of history.

How we are measuring up to the responsibility of our newborn opportunities is yet to be recorded. But this much is certain, the struggle between force and law is not over. In many places, personal freedom is still the victim of personal government. The rule of law is not yet fully accepted between Nations. While these conditions exist, complacency is a word to be scorned by the legal profession, both here and in America. There can be no severance of your interests from ours. We must travel the same road together, and our comradeship must be the same as that of your tommies and our G.I.s while they jointly manned foxholes around the World. Nothing less will suffice.

We need have no difficulty in traveling that road together. Different as our institutions are in many respects, it is our common devotion to law, our belief in equality under it, and our insistence upon personal freedom, that make it possible for us to travel the same road -- narrow and rough though it may be, at times.

Two centuries ago, before our Nation was formed, your Bard, Alexander Pope, gave us our cue when he wrote, "For forms of government, let fools contest. What air is best administered is best."

We have our Federal system of 48 states, each

Guildhall Dinner

with its own Constitution and laws. You have your Commonwealth of Sovereign Nations. Yet, we all can and we do pursue the same legal ideal. The United States is a young Nation in years of existence, but it is an old Country in light of the heritage and tradition that it shares principally with your great Nation.

We acknowledge this debt we owe to those who preceded us, perhaps most respectedly in our Supreme Court. There on the frieze of our Courtroom are medallions of the great lawgivers of history. On one wall are those who lived before Christ -- Menes, Hammurabi, Moses, Solomon, Lycurgis, Solon, Draco, Confucious, and Augustus. On the opposite wall are Justinian, Mohammed, Charlemagne, King John, Saint Louis, Hugo Grotius, Blackstone, Napoleon, and John Marshall, our great Chief Justice.

This visit to London increases our understanding of the debt we owe to those of all ages who have contributed to our way of life. This is perhaps the largest pilgrimage of lawyers ever made to another land. We would like to believe it is also the most successful.

We leave here refreshed and with strengthened bonds of friendship. We are, however, interested in another visit. One that is soon to be made to our Country.

Our people are looking forward to it with the greatest of pleasure. I am sure you know I am speaking of the proposed visit of your gracious Queen and Prince Philip to the United States in October.

We are looking forward to that occasion. Then you will witness the depth of our feeling as a Nation for your lovely Sovereign and our friendship for the people of England.

TOASTMASTER: Mr. President, My Lord Mayor, Sir Winston Churchill, Chief Justice Warren, Mr. President Rhyne, My Lord Sheriff, ladies and gentlemen, pray silence for the Lord High Chancellor of Great Britain, the Right Honorable Viscount Kilmuir, Knight Grand Cross of the Royal Victorian Order.

VISCOUNT KILMUIR: Mr. President, My Lord Mayor,

Autobiography by Charles S. Rhyne

Sir Winston, Chief Justice Warren, Mr. President Rhyne, My Lord Sheriffs, ladies and gentlemen. I know that this great company would not only permit but desire me to add my thanks on behalf of us all to the proposer for his tribute to our profession.

The other day, I was looking at the life of a predecessor of mine, as a law officer of England from the highlands of Scotland. And this sentence came to my eye. "He was noted for his unswerving support of Mr. Pitt." Mr. President, if after another hundred and fifty years, your great grandchildren find in a small printed footnote in some musty Volume these words, "Kilmuir was a most loyal Leftenant of Winston Churchill," then all else about me may accompany me to that limbo of lost lawyers, where I'm sure I shall meet a number of good friends.

But, many of you must have thought tonight how fortunate for his potential competitors in the legal profession, both in England and America, for with his ancestry, he could have chosen either, that Sir Winston did not embark on a career in the law.

With that ability to get at the essence of a problem, that flexibility of mind, that mastery of language, what an advocate, what a Judge he would have made. How terrifying his cross-examination, experto crede, I have experienced and enjoyed it for twelve years.

How lucidly majestic his judgements. Had that occurred in America, the Law Society might, tonight, be entertaining Chief Justice Churchill of the Supreme Court.

Had the honor fallen to the English Bar, my friend Lord Goddard might still be wondering if the mantle of the Lord Chief Justice of England would fall on his shoulders -- rather than considering whether in a lustrum or two it should pass to another.

Yet, with that generosity for which we are famed, we spared him to arms and politics rather than to law. That choice, as you have heard in such generous terms from my friend, the Chief Justice, has proved a blessing to the free and civilized World which found in him a great captain when its need was

Guildhall Dinner

sorest and which still, as we realize tonight, stands in need of his wise and penetrating counsel.

Tonight, then, after Sir Winston's speech, we have special reason to ponder the position of the lawyer in the western World. I've always thought, Mr. President, that there were three essentials of our common civilization, sine quibus non.

The first, an ethical system which has transcended all religious differences. The second, the right to think for ourselves. And the third, the existence of an even-handed justice, not only between man and man, but between man and the state.

The legal profession is responsible for the last and may modestly claim to have made a great contribution to the other two. It is, Mr. President, the basic social service on which the comfort and security of ordinary people depend.

Many years ago, I remember arguing a case before inter alios, the late Lord McMillan who set me back slightly by saying, "You've given me your reasons for stating that this is the law. I'm much more interested in the question why is it the law," and that, as all my legal friends will appreciate, was a far more difficult question to answer than the question which my other friends have so often received in our Parliament.

That could not be answered as a Parliamentary question is answered. My countrymen all know this story, but I hope it's fresh to some of the others, as to the essence of a Parliamentary question.

It arose from an experience of a civil servant who lost his way in a motor car, not knowing where he was, he asked a native of these parts who came up to him. And he said, "Where am I?" And the friendly countryman replied, "You are in a motor car." And the civil servant said, "That is the perfect answer to a Parliamentary question. It is short, it is true, and it does not add by one iota to the information which you have already."

If, then, Mr. President, another of my pragmatist countrymen were to ask me why the lawyer was important in the context of the tenets of the western World, I should venture to say that it is

Autobiography by Charles S. Rhyne

because he is bred to a double loyalty. First, to his client for whom he must do. Second, to the standards of his profession and the administration of justice of which each and every one of us is a part.

To which, Mr. President, we must render all.

Thus, we claim that the law, so infinitely greater than any of its practitioners, is the keystone of the arch that we as lawyers are content and proud to be the cement of society.

The fact that this conception of a lawyer's duties is not confined to one Country is the strong foundation of the very real brotherhood of the law. And this has certainly been the predominant impression of the last week. We hope that you have felt just as we do when we visit your shores, or as many of us as have been fortunate enough to persuade the Treasury that our journey was really necessary, that is the feeling from, if I may quote my personal experience, from Simon's Island to Seattle; from Portland, Maine to Portland, Oregon, or -- now I'm thinking of my friend, Bob Storey, anywhere in the length and the breadth of Texas, that we were not somewhere in a foreign land, but somewhere where we still felt at home. And I hope that you have had the same reaction.

Perhaps, Mr. President, that feeling has been strongest, not in your more formal deliberations or in the more ceremonial occasions, but in the casual contacts which you have made, lawyer to lawyer, guest to host. For on these occasions, you discovered that the lawyer from Westchester had many of the same problems and the same outlook as the lawyer from Surbiton, that legal gossip and legal stories have much the same flavor, however you spell that word and there is a bond between you, whether the giants of your legal firmament are Holmes, Hughes, and Cardozo, or McNaughton, Birkenhead, and Adkin.

Mr. President, a poet once said, "Juxtaposition is much, but what is juxtaposition?" After all, I was brought up as an example of the dangers of propinquity on the story of the Minister in Minneapolis who daringly said, "I shall take my text from St. Paul," and such was the feeling between

Guildhall Dinner

these two great twin cities that he emptied his Church in the record time of two and a half minutes.

Be that as it may, Mr. President, we have gathered round us a great company of our two Countries who have put away isolation and insularity. I hope that this two-way traffic of legal points of view will continue after this organized meeting has come to an end.

If you feel, as is true, that you have been personified icebreakers, breaking through the alleged British reserve, and finding, I hope, very warm hearts underneath - may I say one word of appreciation to the gracious ladies who have accompanied you and won all our hearts.

My friend, the President, may tell you that our Law Society has a rule -- and I quote from memory. "The Council reserve the right to refuse admission to any lady they think proper."

Will the American Bar Association please leave their roles and their ladies exactly as they are.

Mr. President, I hope that the friendships now created will promote more informal visits across the Atlantic, in both directions.

I know that the legal profession will strengthen the ties and fortify each other by their common outlook. Not only towards the law, but towards the common heritage of western civilization. That it is our task, to preserve for future generations and more, to preserve for the World.

TOASTMASTER: My Lord Mayor, My Lord Chancellor, Sir Winston Churchill, Chief Justice Warren, Mr. President Rhyne, My Lord Sheriffs, ladies and gentlemen, pray silence for the President of the Law Society, Mr. Ian David Yeaman, your Chairman for tonight.

MR. YEAMAN: My Lord Mayor, My Lord Chancellor, Sir Winston, Chief Justice, Mr. President Rhyne, My Lords Sheriffs, ladies and gentlemen. We are no longer on the air. So we can drop the level a little bit. And therefore, freedom of speech for us means added complications for the gentlemen of the press who are here tonight.

May I give them a word of encouragement, and

Autobiography by Charles S. Rhyne

warning, by reminding them of these famous lines, "And so, while the great ones retire from their dinner, the pressman is left, getting thinner and thinner. Racking his brains to record and report what he thinks that they think they ought to have thought."

History has been made, no doubt, during these last seven days in many ways. But two are especially significant, as regards the Toast which I have the honor to propose now, that of the American Bar Association coupled with the name of its President. This is the first occasion, I believe, on which the American Bar Association has held its Annual Meeting outside the United States.

On the only previous occasion upon which we have been privileged to receive a visit from American lawyers, they came to look us over professionally and socially, without pretense of any working program. After a suitable interval of reflection, which has lasted thirty years, they have, presumably, concluded that they can safely discuss the common problems of business with us, and we have had some extraordinarily interesting joint meetings over a wide range of professional subjects.

Both branches of the legal profession here are delighted to have had this second opportunity of entertaining our friends from America.

English Barristers are fortunate in having four beautiful Halls in one or other, of which they have been able to entertain all, or nearly all, of the members of the American Bar Association who visited us. We Solicitors, alas, have only one Hall and therefore cannot do that in our own home. Had our forefathers foreseen this visit from you, they would no doubt have retained all those Inns in chancery, with their separate Halls, where we might have dined you also.

As Sir Leonard Homes has said so well tonight, 'Fortunately the Lord Mayor of London, himself one of our Council, and the City Corporation, have come to our rescue and have very kindly made this ancient Hall available to the Law Society, to entertain the members of the House of Delegates and their ladies.'

Guildhall Dinner

At this hour in the evening, and at this late stage in your visit, I'm prepared to admit that we had some anxiety about our ability adequately to repay the hospitality which you Americans traditionally show to your guests in the United States. We heard with great pleasure, tinged perhaps, with a little trepidation of the tremendous reception which you gave to my distinguished predecessor, the President of this Society, Sir Edward Herbert and Lady Herbert, his wife, when they were your guests with the Attorney General last summer. We tried to produce for you a program which would make you realize, in some small measure, the genuine pleasure which has been given, not only to your fellow lawyers, but I honestly believe to the British public as a whole, by your visit to this Country.

Anyway, tonight, I'm pretty confident you share my view that we've, in the vernacular, done you proud.

We have produced, and are delighted to have been able to produce for you, the greatest man of the Age, whom you've heard, Sir Winston Churchill.

We welcome him, and we are most grateful to Lady Churchill, also, for coming with him.

We have also produced for your Delegation the heads of our respective legal professions, in the persons of your Chief Justice and our Lord Chancellor, and their ladies.

We had arranged also to have present with us your own Ambassador to Great Britain and our Secretary of State for Foreign Affairs. I'd been asked by both of them to express to you their real regret at not being able to be present, but unfortunately, our Prime Minister has apparently decided to set up an opposite function, as a result of the arrival here of Mr. John Foster Dulles.

We are, however, also delighted to have with us the Master of the Rolls, Lord Evershed and Lady Evershed. The heads of the English Bar, and all the other guests who have honored us by being here tonight.

Now, since the last war, there have been very

Autobiography by Charles S. Rhyne

many more contacts than ever before between the lawyers of the United States and those in England. And certainly, the governing bodies of the legal profession in England and of the United States have worked much more closely together than previously.

When, in 1946, the American Bar Association created the new international legal body, called the International Bar Association, membership of which is limited to the Law Societies of Bar Associations of the World, the Joint Committee of the Law Society of the Bar Council decided to back your efforts in that connection and ever since, we've given full support to the meetings of the International Bar. We are grateful to you and your association for putting forward men of great character to lead that body, first, that great man and former President of yours, the late Mr. George Maurice Morris, who was Chairman of the IBA until his premature and sudden death in 1954. We are very glad indeed to have Mrs. George Maurice Morris with us in this Hall tonight, where she's a most welcome guest. As indeed, also, is Mrs. Stinchfield, the widow of another of your former Presidents.

You then gave to the International Bar Association another of your outstanding Presidents in the person of Mr. Loyd Wright, who has now taken over the helm and we especially welcome him and his lady and thank them for the great work which they are doing in that connection.

Your Bar Association has made huge strides forward in developing its appeal to the practicing attorneys of the United States in the last two years. We wish you still greater successes in the coming years in your efforts to enlist the interest and active support of the whole -- or substantially, the whole body of the legal profession in the United States. Every attorney should be a member of it. There is no doubt whatever in these days, it is only through a strong and thoroughly representative body, that the great profession of the law can play its full part, and an invaluable one it can be, in the affairs of the Nation.

Long may your Association flourish and may it go from strength to strength.

Guildhall Dinner

And now, I want to turn for a moment tonight to the man with whose name I couple this toast. The new President of the American Bar Association, Mr. Charles Rhyne, who yesterday succeeded in office Mr. David Maxwell, who, incidentally has made such a wonderful and outstanding contribution as President, with Mrs. Maxwell, towards the great success of this reunion in England.

Mr. Rhyne's succession to office has come as a great encouragement to me. I was elected to office 26 days ago. Therefore, as compared with him, I am no longer the new boy. So you, Charlie, can only claim one day's service.

There was a circus proprietor who advertised as an attraction to the public, "Come in and see the lion lying down with the lamb." A doubting Thomas paid his money in expectation of being able to get a free show and then get his money back. He was astonished to find that just exactly what had been advertised took place. The lion did lie down with the lamb. He tackled the proprietor on the matter, and asked him how he managed to have a lion and a lamb in a cage together. The proprietor replied that the phenomenon was really quite simple. He said, "I do it by frequent and judicious change of the lamb."

So it is with us Presidents. We last but a short time, and the appeal of a Bar Association to its members is no doubt enhanced by frequent and judicious change of its President, except, of course, Sir Hartley, the Bar Council.

Anyway, we're glad to know that this second event, to which I have referred, has taken place in England, namely, the accession to office of the President of the American Bar Association outside the boundaries of the United States of America.

We hope that this is significant in the belief that there is so little between us that you're as much a President taking office in London as if you had taken office in New York.

May you have -- as indeed we expect to know that you will -- yet another outstandingly successful year of office and may the American Bar Association, under your able leadership, rise to even greater heights.

Autobiography by Charles S. Rhyne

I give you, ladies and gentlemen, the toast of the American Bar Association, coupled with the name of its President, the Honorable Charles Rhyne.

TOASTMASTER: Mr. President Yeaman, My Lord Mayor, My Lord Chancellor, Sir Winston Churchill, Chief Justice Warren, My Lord Sheriffs, ladies and gentlemen, pray silence for the President of the American Bar Association, the Honorable Charles S. Rhyne.

MR. RHYNE: Mr. President Yeaman, My Lord Mayor, My Lord Chancellor, Mr. Chief Justice Earl Warren, our dear and revered friend, Sir Winston Churchill, My Lords, Sheriffs, ladies and gentlemen.

Britain has given many priceless gifts to the World -- parliamentary government, the common law, masterpieces of literature, heroes without number. Surely one of the greatest is that great man, whose presence here tonight enriches and enlivens this occasion, Sir Winston Churchill, an Englishman to the marrow of his bones, but the cherished property, nevertheless, of all the free World.

Sir Winston and Lady Churchill, we are greatly honored and pleased by your presence here tonight. We, in the United States bow to no one, not even your fellow countrymen, in our admiration, respect, and affection for you.

We claim you as one of our very own, and wish for you continued good health and happiness and even further achievements in a career which is acclaimed by all as one of the greatest in the history of mankind.

Since our arrival here, one week ago, we have received from you nothing but the most wonderful and charming hospitality and kindness, and certainly it is that this magnificent banquet tonight is a fitting climax to a week filled with events of great historical significance.

We have been received, not as guests, not as strangers, but as one of you, and it is my high privilege, on behalf of the American Bar Association to respond to the kind and inspiring words with which you have honored us tonight, President Yeaman, and to express our thanks for the toast that you have

Guildhall Dinner

proposed, for the gracious words in which it was phrased, and to join with our Chief Justice in thanking you for your gracious and unexcelled hospitality throughout our visit.

You have indeed "done us proud", President Yeaman. You have given us many exquisite and delightful social functions, and the charm, cordiality, warmth, and extent of your wonderful entertainment is certainly unsurpassed in all history.

We leave you with a deep feeling of appreciation. I know that I speak for all of us when I say that from Westminster Hall to Guildhall, your arrangements have indeed been perfection, itself.

Our Chief Justice referred to the weather, and I want to inform him that Lady Shawcross and Mrs. Yeaman have promised that since we come from Washington, where we sometimes have a little trouble with the same subject, that they are going to tell us how they controlled the weather during the past week, so that those of us who go back to that rather hot climate can use their system and become very popular with everyone in that great City.

When our Association was first in your Country, some 33 years ago, the then-President of the American Bar Association, who was then the Chief Justice of the United States, Charles Evans Hughes, in thanking you for your hospitality, said that in that visit he and his American lawyers had, quote, "gone down to the roots of our lives." End quote. And we indeed do have our taproot here in this great land and in its traditions, its history, its customs, its literature, and its legal institutions and principles.

If you will have us, we would like to come back again and again to renew the experience of going down to the roots of our lives and to renew the acquaintance with a kind, a gracious, and a great people.

I know we'll want to come back as individuals, and I trust that we will not wait another 33 years before coming back as an Association.

Guildhall is a symbol of that municipal and national pride, so magnificently expressed by Sir

Autobiography by Charles S. Rhyne

Winston in the dark days of 1940 when he said, speaking for all Britons, quote:

"...we would rather see London laid in ruins and ashes than it should be tamely and abjectly enslaved." End quote.

We, who have been so fortunate as never to have seen ruins and ashes in our cities, stand in humble admiration of a people and of a City that can rise, as you rose, from such devastation as was visited upon you.

We pray to God that neither we, nor you, nor anyone else on this globe, will ever have to face such trials as you in London have faced and overcome. However, if it should ever be our luck to be so tried, then we could wish no greater glory for ourselves than to meet and overcome the ordeal with the same spirit and vigor that you of London demonstrated to the whole World.

But the spirit of London is not appropriate to times of catastrophe only -- it is a spirit of freedom that is essential to all the undertakings of free men in peace, as well as in war.

It is the spirit that must continue to motivate your Nation and mine, at every level of government, if freedom is to endure. We know that you will never fail in that spirit, and we know that just to have been here has strengthened that spirit in us.

Since our joint Conferences have constituted the largest international gathering of lawyers in World history, it seems most appropriate to refer to the vital need today to inject some of that same spirit of London into the efforts to establish and maintain a World order under the rule of law in which humankind can live in equality, in freedom, in justice and in peace.

As has been emphasized before at this meeting, the most essential need of the World is the application of the rule of law to peaceful settlement of disputes between Nations. We lawyers have inherited responsibilities, as well as benefits, from Coke and Blackstone, Marshall, and Holmes, and all the other great men of our Anglo-American jurisprudence.

Guildhall Dinner

Those responsibilities bid us bring all of our talents, our experience, all of our courage, and all of our determination to this task of creating effective legal machinery for the maintenance of peace under the rule of law for the whole World.

I call upon you to join with us in pledging anew the devotion of our profession to the rule of law, as the only sure foundation upon which future civilization can rest.

Chief Justice Warren and I have appreciated the opportunity we have had to discuss with Sir Winston the program envisioned by the historic action of the American Bar Association at its closing London Session to launch a worldwide peace through rule of law program. As Sir Winston just said, "Justice knows no frontiers" in the World of today and we hope to help build rule of law justice throughout the World by worldwide cooperation of the legal professionals of all Nations.

Let me again assure Sir Winston that we appreciate his encouraging words for this American Bar Association initiative. We will, as we assured him also, take this program to the Judges, lawyers and law professors of all Nations. Through them we hope to take it to their peoples, to their leaders in government offices and especially their Heads of State. We hope for your help in this daunting undertaking, as we admire the Bench and Bar of England as one of the greatest in the World.

We hopefully will, through this program, build national and international faith in the idea of developing a law system strong enough to replace the current death through war system, as the decision method for resolving international disputes. We hope, with the help of lawyers of all Nations, to create a peace law system backed by universal community efforts. Sir Winston, we will indeed "stay the course until this idea has been translated from hope into reality", as you urged.

We are well aware that this program cannot be accomplished in a day, a week, a month or a year. No matter what time, or effort is required, we will undertake to work cooperatively with legal professionals of all Nations to do this task.

Autobiography by Charles S. Rhyne

As evidence of our determination, I am proud to announce that this very afternoon, one of our greatest American lawyers and most eminent public official leaders, the Honorable Thomas E. Dewey, at my urging and that of Chief Justice Earl Warren and Mr. Justice John Harlan, has accepted the Chairmanship of a special ABA Committee to carry this peace law program idea to the lawyers of all Nations. We have thus begun our ABA effort and will not stop until our mission has been accomplished.

I pause to introduce this great American to all of you at this historic Guildhall dinner. Will the Honorable Thomas E. Dewey please stand.

Thank you Governor Dewey, now that you have received such a tremendous ovation of applause, I am sure that you know it was meant as a vote of confidence that you will carry out this program, this great challenge to the legal professionals of the World, to help create law to replace death in the battlefield. In our day, law must replace force as the decision process in international disputes, as the atomic bomb makes the very survival of humankind in a World atomic war questionable.

We have listened during the past few days to many memorable speeches, and what is far more important than that -- we have met personally so many of your lovely and charming ladies and so many of your most delightful men.

If the public speeches have been many, the private conversations have been more -- and in all these grand associations, we have secured new ideas of professional organization and a new conception of judicial procedure and administration. These ideas throw new light upon the strength and frailties of our own administration of justice; we have benefited greatly, and the people of America -- whom our profession serves -- will benefit immeasurably from our mutual exchange of information and experience.

On behalf of the American Bar Association, I wish to express our most sincere appreciation to the Law Society, to the General Council of the Bar, and to all of you who have contributed to make our meeting here so successful and so unforgettable, in the minds and hearts of us all.

Guildhall Dinner

I wish I could name personally each person to whom we are thus indebted, individually -- but to do so would require the naming of all the members of the Bench and the legal profession in all of England.

I must, however, mention two names. Tommy Lund of the Law Society, on whose broad shoulders has fallen the major part of these arrangements, which I have already referred to as perfection itself, and his very wonderful staff who served us so well throughout this whole great meeting.

And, Robin Bolton of the Bar Council, and his staff, who made the very wonderful arrangements for Runnymede, the Inns of Court dinners, and so many other parts of this program, which we appreciate so much.

I am sure that we have all been impressed by the wholehearted friendship for us, which has been exhibited wherever we have gone, at every function in our honor -- and even if this were to be a final parting, which of course it will not be, since we will surely come again -- the past week has given us memories to last a lifetime and to pass on to our children.

Over a long period of years, we have had an intimate and friendly relationship with the members of our profession in your Country. This great meeting has done much to strengthen the ties between us, and it is good that these ties be strong in these critical times.

There have been many spontaneous manifestations of friendship and sympathy which we have experienced, the profound sincerity of which no man can doubt who has eyes to see, or a heart to understand.

And these manifestations have a significance too broad and too deep to be limited by the interests of a profession -- the springs of friendship, already great, have been replenished anew and have been multiplied one hundred fold by this personal contact at this meeting.

This pilgrimage of the American Bar to its ancestral home is an event of substantial and continuing importance, not only in the history of our profession, but also in the history of the entire English speaking world.

Autobiography by Charles S. Rhyne

As a result of this visit, we will be even closer now -- and forever more.

Our people report to me that they have found you people the most friendly and hospitable in all their experience. Those few with preconceived ideas that the English would be cool and difficult to meet have proved to be completely in error.

Already, hundreds of us are on a first name basis with hundreds of English lawyers and their beautiful ladies. But the major impression is that while Britain has achieved mightily in the past, her achievements in the future will be even greater.

Your demonstrated ability to readjust to the great new social, economic, scientific and political developments of the jet, atomic, international era, is therefore the most lasting impression with which we leave you -- and we leave you thrilled immeasurably with the certain knowledge that your glorious past is but a prelude to an even more glorious future.

We hope to have many opportunities to return your wonderful hospitality. Each of you must visit the United States to give us that great privilege and pleasure. Do come often and do stay a long, long time on each visit.

The privilege of offering a toast to the grand, the gracious and great people who are our hosts tonight is one that I will always cherish. In this historic place, on this momentous occasion, before this distinguished gathering -- it is indeed a great honor to offer this toast as a representative of all of us who are your guests from beyond the sea.

And I ask all of you from the United States, and the distinguished President of the Canadian Bar Association, to please rise for the toast I am about to propose.

I now propose a toast to our host of tonight -- the Law Society and coupled with the Society, its great new President and the entire legal profession of England, and I invite all of you to drink this toast with the greatest of enthusiasm.

Mr. President, before I take my seat, I have one further, very pleasant function to perform -- but

Guildhall Dinner

before I perform that function, even, I would like to introduce the distinguished Chairman of our House of Delegates, James L. Shepherd, Junior, of Houston, Texas -- and the lovely Mrs. Shepherd, he having succeeded me as Chairman of the House of Delegates just yesterday. Mr. Shepherd please rise.

It is now my great honor, on behalf of the American Bar Association, to present honorary membership in our Association to three very distinguished members of the English legal profession. I would first of all ask that Lord Evershed, the Master of the Rolls to rise. My Lord, on behalf of the American Bar Association, it is my honor to present you with this Certificate of Honorary Membership in our Association. Thank you.

LORD EVERSHERD: Mr. President Rhyne, thank you very warmly and sincerely for this great privilege. It makes me very proud and very happy; proud to be taken into your great brotherhood, which to whom belief in the rule of law is I think so real, and upon whom therefore, as I believe, so much of the world's happiness in the future depends -- and happy because it has been my wish, as it has, I know, been that of all my compatriots, to be able to return to you in some small degree the unmeasured hospitality I have had from you, in New York and Chicago and Kansas and San Francisco -- wherever I have been -- and what you now do makes me think perhaps that to some extent, we have succeeded.

Thank you, sir, very much.

MR. RHYNE: I now have the honor on behalf of the American Bar Association to present this Certificate of Honorary Membership to the Chairman of the General Council of the Bar, the Right Honorable Sir Hartley Shawcross.

SIR HARTLEY SHAWCROSS: Thank you very much, Mr. President Rhyne. I, too, am most proud and most happy to become an honorary member of your great family. It will provide me with the excuse I've been looking for, for a long time, to come back and join you once more in the United States.

MR. RHYNE: Now, Mr. President Ian Yeaman of the Law Society, on behalf of the American Bar

Autobiography by Charles S. Rhyne

Association, I am highly honored to present to you this Certificate of Honorary Membership in our Association.

MR. YEAMAN: This is an unexpected pleasure; I couldn't attempt to express my thanks as gracefully, either as the Master of the Rolls or as Sir Hartley Shawcross. But I do thank you, Mr. President Charles S. Rhyne, and all of you -- for the tremendous honor you've done me and through me, the Law Society.

Paris Post-London Meeting

Having separately described the London Meeting, I want now to describe the Post-London Meetings in Paris and Vienna.

Sue and I first attended the Paris Post-London Meeting of ABA. The French Committee on arrangements for the Paris Meeting was headed by my friend of many years Maitre Marcel Remond, President of the Association Nationale des Advocats. I was Honorary Chairman and Past ABA President E. Smythe Gambrell was General Chairman of the some 500 American lawyers and their ladies who had moved from London to Paris.

We were first received on July 31, 1957 in the Library of the Palais de Justice. The welcome of the Bar of France was delivered by Maitre Marcel Remond, saying in his welcome, "Yesterday evening I left the brilliant sunshine and blue sky of Provence solely to have the joy of saluting you in the name of the 8,500 French advocates distributed across the World." Maitre Claude Lussan speaking for the Paris Bar said, "In opening the doors of these intimate premises, we desire to express to you the community of thought which unites us in the same ideals of defense of human freedom and the safeguard of justice."

In response to these warm words of welcome, I referred to our consanguinity of common cultural heritage stating:

"There is, of course, no civilized Nation on the face of the globe that is not enormously in the debt of France, for France has been the cradle, and remains the center, of the civilization and culture of the West. Wherever men are free in this World,

Paris Post-London Meeting

there is a little bit of France to be found deep within men's souls. But these are merely the sentiments of respect and gratitude. For us in the United States, our feeling for France passes beyond respect and gratitude; it reaches the status of deep and abiding affection."

Chairman Gambrell joined in this response to the addresses of welcome stating:

"We have gathered in the confraternity of our mutual traditions to enjoy the conviviality of good fellowship as professional brothers. If lasting peace and understanding are ever to come to this Earth, I believe that they will result not so much from the formal functioning of the diplomatic corps or official consultants of the Chiefs of State. They will come from meetings like this, of men and women of good will, animated by common ideals that transcend the National boundaries."

The welcome was followed by a brilliant reception given by the Mayor of Paris at the Hotel de Ville in its great Hall of Chandeliers. The climax of the day was a reception for the entire American Delegation given by U.S. Ambassador Amory Houghton and Mrs. Houghton.

On the second day, we visited UNESCO and SHAPE in the afternoon, then on to the city of Versailles. At the Chapelle Royale, Batonnier Robert Planty of the Versailles Bar, in his eloquent greeting, told us about the hallowed surroundings and great occasions in the life of France and civilization we were now visiting. We were escorted through the Palace of Versailles and its famous Hall of Mirrors. A delightful al fresco dinner was served.

On the third day, we visited, by a memorable train trip, two historical cities, Epernay and Rheims. We visited the great vineyard country to Rheims and its world renowned Cathedral, where King Charles was crowned, Jeanne d'Arc fulfilled her mission and the Allied High Command received the Surrender of Germany, ending World War II, in 1945.

The Paris interlude was both stimulating and enjoyable - a meeting in which American lawyers had an opportunity to discover their ethnological and

cultural kinship to the people of France, and to make proper acknowledgements for the great heritage of freedom under law, indeed for the deliverance from tyranny, which in such great measure came to America from France.

Vienna Post-London Meeting

Sue and I went from Paris to Vienna for another post-London meeting of ABA. I checked us into the Sacher Hotel and as I turned around from the registration desk to get Sue, a familiar voice said, "Charlie Rhyne, come here a moment." I then saw the famous movie and TV star Bob Hope sitting in a lounge chair. He said, I want to give you a lecture on the proper way for a married man to check into a Hotel. He pointed to the Registration desk where his wife was busily engaged in signing the register and checking the Hopes into the Hotel. She soon came over for Bob and we had a good debate on the subject of wives checking husbands into Hotels. He congratulated me on my election as ABA President. I told him that as a penalty for embarrassing me over checking into the Hotel, he must perform at the ABA Banquet, one year from that date at the ABA Meeting in Los Angeles. He agreed to do so, and as you will read later, he kept his word.

The Burgermeister(Mayor) of Vienna gave a reception for American and Austrian lawyers and their wives at the Rathaus (City Hall) during which he delivered a speech of welcome to which I responded with an expression of our appreciation. Sue and I, with other Americans, visited some of the fabulous historic places, such as the Schonbrunn Palace, the Belvedere Palace and its historic beautiful gardens, Saint Stephen Cathedral and the Spanische Reitschule (Spanish Riding School) where we watched, with great pleasure, the performance of the famous Lipizzaner (White Horses) which General Mark Clark saved from destruction during World War II. We also visited the picturesque Vienna Woods and the flowing Danube River immortalized by the famous waltz by Johann Strauss. We also visited the memorial sites of Mozart, Beethoven, Haydn and Schubert.

Vienna Post-London Meeting

The highlight of the evening was a special performance of Johann Strauss' opera "Die Fledermaus" held in the operetta room of the Hofburg, the former Imperial Palace built by Queen Maria Theresa (1740 - 1780).

The entire visit was arranged by the Austrian Ambassador Dr. Karl Gruber with the cooperation of Chancellor Raab; Dr. Emerich Hunna, President of the Vienna Bar; and, Ralph E. Becker, Attorney from Washington, D.C. who was Chairman for the visit for the American Bar Association.

At the conclusion of our visit, past President of ABA E. Smythe Gambrell spoke glowingly of the renowned and unique Cultural Center that is found in the great City of Vienna. Over the decades, I then agreed with Chairman Becker that "it is the soul of Austria that wins the lasting affection of visitors and above all the great music, which had originated in this great Nation". He spoke also of the fabulous ancient, but most beautiful Churches and great government buildings that are outward manifestations of this soul of Austria. The Vienna meeting was a fitting climax to our Post-London European visit. It created memories we shall cherish always of a great Nation and great people whose architecture and music we will remember forever.

CHAPTER 16
ON THE ROAD AS ABA LEADER

First Stop: My Hometown's Civic Reception and
Dinner in Charlotte, N.C. Honoring Me, My
Wife Sue and My Family

As Sue and I returned from the after-London Paris and Vienna Meetings, we were pleased with how well everything had worked out. The cheers of success were ringing in our ears. The Guildhall Dinner with Sir Winston Churchill, Chief Justice Earl Warren and the Law Greats of England and the Magna Carta Memorial with Lord Evershed, Sir Hartley Shawcross and E. Smythe Gambrell, were never-to-be forgotten events. We flew the Atlantic to New York, where we were greeted by warm friends and then rushed off to get our children from their Vermont Summer Camp for the trip to the hometown reception and dinner at Charlotte, North Carolina. We did not take the children to London because of an ABA policy ban, due to the limited hotel facilities then available.

As we crossed the Atlantic, Sue turned to me and said, "What we did in London is now history. We must get on with this big idea you have made so many speeches on in the past. You have pictured your year, as ABA President, as one when the legal professionals of the USA and the World will work together, for the first time, to make rule of law the rule of our Nation and the World. We need to use the rule of law to help cure domestic problems and for use in piercing Churchill's "Iron Curtain" to eliminate the threat of the arms race ending in worldwide nuclear death. Talk is no longer enough, you must now lay out a concrete plan or plans." She said I need not go further to convince her that I would succeed. She had seen the formula for my plan all sketched out in my prior speeches.

She was my brilliant, hard thinking "western woman" at her best. She recognized that the Dewey Committee was a year away from reporting its recommendations and that, while I was moving as fast as I believed ABA would go, within that year I must

On the Road as ABA Leader

do what must be done. I told her I had not changed my plans for my Presidential year. I was going to harness the tremendous pro bono publico capacities and leaders of our Nation, and the World's, legal professionals (Judges, lawyers, law professors) and non-lawyer public affairs leaders under one "tent" and try to accomplish both our needed national law reform and focus on rule of law internationally, with emphasis on individual freedoms and human rights. For the latter, I wanted to wipe the arms race off media front pages, as the lead off of TV and radio news, and replace that race with a massive, worldwide competition between the USA, other rule of Law Nations and Communist-dictator Nations in the area of the law. I would call for an answer to the question of which system of domestic government and which system of international relations of policies and actions could, and would, do the most to provide individual freedom - freedom from dictator government's slaves and freedom to all peoples from death in the nuclear holocaust explosion, toward which the accelerating arms race was headed. I said, "That theme got us where we are and will take us to success."

I also said if I can get some lasting cooperative machinery created and aimed at these great objectives, that will be my "marker" as ABA President, just as the Magna Carta Memorial is a "marker", or a pledge, of continued combined efforts of England and our own Nation for cooperative rule of law principles in all we do. She said, "Nothing worthwhile ever comes easy, so let's hit the sacred ground running and keep up the running for your entire year, and as long after that as is required, to reach the great goal we seek." She also reminded me of my many statements that the rule of law grows and changes to meet new methods. She said, "What you envision is a never-ending task. That is the strength of rule of law, as it puts those who live under it in charge of their present and their future."

Her enthusiasm and willingness to work day and night, to get our tasks underway, was indeed a great

Autobiography by Charles S. Rhyne

inspiration. The satisfaction that she was with me all the way, everyday, was also a great satisfaction.

When we arrived in Charlotte, the Airport crowd poured out and surrounded the airplane. We were escorted to the Hotel Charlotte. The welcoming well-wishers and photographers were hard to satisfy but we were hardened to that regime, so we really enjoyed it.

The dinner honored not only my wife Sue and me, it also honored our then young children Peggy and Bill, my Father and his wife Essie and their children, my brothers James, Max and Brice, my sisters Ruth and Ashby, my Uncles, Aunts and their children. It also included what Henry Luce described, in the quote from his speech, as my many "kissin' cousins".

I now quote from a speech, delivered in my absence, by Henry R. Luce, Editor-in-Chief of Time, Life and Fortune magazines, at the Annual Meeting of the Indiana State Bar Association on September 20, 1957, at French Lick, Indiana. He not only captures the setting of the welcome home reception and dinner, but reaches out to state my greatest purpose in life of making a difference in the field of law at all levels, by improving its impact for equal human rights and equal justice, thus providing peaceful living at home and in the World. Mr. Luce said:

"A few weeks ago, the new President of the American Bar Association, Mr. Charles S. Rhyne, returned from your historic meeting in London and was given a homecoming celebration in his hometown, Charlotte, North Carolina. That is the part of our Country where, in addition to the ordinary Constitutional Rights, every American is endowed with a large quota of what they call "kissin' cousins". In the presence of hundreds of kissin' cousins and hundreds of just plain friends and neighbors, it was appropriate for Mr. Rhyne to recall his boyhood and youth. Even as I read his speech in cold type, it is a wonderfully warm bit of Americana. Mr. Rhyne is only 45, but as he recalled his upbringing in lovely and famous Mecklenburg County, it seemed like some lost golden age. He spoke of his happy childhood, of

On the Road as ABA Leader

the "most wonderful Father and Mother any child ever had," of his three mile walk to Big Springs School where Miss Dewell Marshall taught eleven grades all in one room. There was plenty of baseball, and came the day when a ball went crashing through a window of the church. That called to mind Preachers Walker and Greer and their wonderful Sermons at Steele Creek and Mulberry Churches, which sometimes lasted for more than an hour and a half while I fell asleep in my Mother's arms.

Life began at 4 a.m. with getting up to milk the cows, slop the pigs, feed the mules. Life also held in store for later in the day - and in golden memory - fish fries on the Catawba River and the swimming hole in Uncle Henry's pasture. From there on, the story of Charles Rhyne gathers speed as he goes through school, clerks in Neal's Grocery Store, proceeds to Duke University, marries his beautiful wife Sue in their Sophomore year and takes up the practice of the Law.

I tell you this much about your new National President because many of you perhaps have not yet met him and you will be wanting to know him. But also, for another reason, I make him, and his American idyll, the starting point for what I have to say today. When President Rhyne had completed his family reunion with renowned Mecklenburg County, he gave clear and emphatic utterance to the meaning of his distinguished job as spokesman for the lawyers of America. President Rhyne said - I quote at some length:

A goal of the American Bar Association, vital to every citizen, is the development of the legal machinery to insure peace under law. To achieve such rule of law is the greatest challenge and the greatest obligation of the legal profession. That our predecessors have failed is no cause for dismay. We, faced with the dread possibility of atomic annihilation, dare not fail. I am sure we will...create the legal machinery which will end war forever. So spoke among his friends and neighbors and kissin' cousins the President of the American Bar Association.

Autobiography by Charles S. Rhyne

End war forever? That perhaps is too sweeping a statement - a dream of Heaven rather than Earth. Nevertheless, we would be making a mistake if any one of us were to dismiss this utopian dream with a cynical shrug. He that has ears, let him hear says the Bible. If we have ears at all, what do we hear? We hear from the greatest men, from the most realistic men, from soldiers as well as statesmen - we hear the most tremendous alternatives of hope on the one hand and disaster on the other. Either - or? Either we press on toward a warless world - or we crash into a phantasmagoric night of horror. Either - or!

And in fact, ever since Pearl Harbor, we as a Nation have been pressing on to that goal. To fight off the threat of disaster, we have made armaments our chief business. We have fought our most frustrating war in Korea. We have spent billions to build up the world's economies. We have done practically everything - except make use of the law as a means toward order and stability in the world. That is the theme which brings me here today - the neglect of the law.

Why this amazing neglect? The simplest explanation is that ever since Pearl Harbor we have lived in a pattern of emergencies. But there are deeper reasons. The deepest reason is that in this 20th Century there has been a serious deterioration in the worldwide sense of Law. Then there is a more proximate reason, namely, that in this post-war decade the lawyers of America themselves have not been ardent advocates of the Law as a practical ideal which can be put to work in international affairs.

But the year 1957 may mark a great transition from neglect of Law to emphasis on it. That is why I have given you at the outset the remarkable and, I believe, historic statement of the new President of the American Bar Association.

President Rhyne goes on to say: Our job as lawyers is not only to write the rules of law, but to sell those rules to the people of the World.

Gentlemen, at this point I feel that I must say, with profound relief, that I have no more to say. If

On the Road as ABA Leader

the lawyers of America are going to put their backs into this job, then an editor can return to his proper role of reporter and commentator. In recent years my friends have often asked me - why, if I feel so deeply about the Law, why didn't I say more about it to the general public from my platform as an editor. Perhaps I should have - and certainly will. But hitherto my reason has been this: The constructive uses of the Law are difficult for ordinary people to understand. Many people think of Law as something as a civilizing force. They do not understand how Law builds good human relations, and how bit by bit it can grow in authority. It is necessary first of all that lawyers should believe in the civilizing power of the Law - and carry a torch for it.

Now in 1957 that torch - of faith and of hope - has been lit. And what I will try to do today is, not so much to argue the general case for Law, as to offer some conspicuous examples of how, in 1957, the course of history is compelling us to see in the Law, both our necessity and our hope.

The greatest single event for the advancement of the Law was the meeting of the American Bar Association in London. The significance of that event has many facets. For one thing, it marked the restoration of the Anglo-American Alliance. What is the real basis of this Alliance? The real basis of the Anglo-American Alliance is our common reverence for the Law. We live by the Law. We hold our freedom by the Law. It is this to which the peoples of the English-speaking world come back, through all the twists and turns of our conflicting politics. If we really want the Anglo-American Alliance to work, we must give it work to do. And there is tremendous work for the Anglo-American Alliance to do in the world. The work which America and Britain must do together is a work of law-making and of law-upholding...

...For the desire for Justice and the sense of injustice are universal - probably even deeper-set in human nature than the desire for what we, of the West, call Freedom. Justice is often sought by the

Autobiography by Charles S. Rhyne

sword. Justice, like Freedom, may be the inflammatory cry of dictator and demagogue. But Justice is rarely achieved except through the Law. And Freedom never is. Our concern for Law is the supreme expression of our concern for Justice - and for Freedom. That is the image of America which must shine ever more brightly from day to day, through all the clutter of human events."

I can never thank enough the wonderful people of my hometown who organized and carried out this event, which will live forever in my memory. This included my lifelong friends, renowned United States Federal District Court Judge D.E. "Zeke" Henderson and our also most renowned United States Circuit Court of Appeals Chief Judge for the Fourth Circuit, Judge John J. Parker. Hundreds "did us proud" in a massive outpouring of friends and relatives. With them was Mayor James Smith of Charlotte, the leaders of the Bar of Charlotte, Mecklenburg County and the State of North Carolina, the Chamber of Commerce and their many helpers too numerous to list. They collectively staged one of the largest and most enjoyable events honoring not only a native son, but a family, ever organized in Mecklenburg County. It was an unforgettable occasion, such as comes to one only once in a lifetime. It was so perfectly carried out that I cannot find adequate words to describe this most appreciated occasion. I will not add more to what I and Henry Luce have said. I only wish that my beloved Mother could have lived to be there. She had died suddenly of pneumonia the Christmas I was twelve, but it is to her teaching and loving upbringing that I owe so much of what I have accomplished.

Speeches As ABA President On The Power Of The Law, Nationally and Internationally

From Charlotte, I began my schedule as ABA President making speeches before Bar Associations, other professional associations, civic clubs and organizations of all kinds throughout the Nation and abroad. I was selling and getting in some real hard

On the Road as ABA Leader

efforts for all programs of ABA, but must say honestly that I highlighted the subjects that got me elected. That was the power of the law to rectify discrimination wrongs in our Nations and to provide a new peace process as a substitute for the war process which, with the development of nuclear bombs, threatened all humanity.

I generally travelled with my family but our teenage daughter, Peggy, had unchangeable social and school engagements which tied her and her mother up much of the time. My 8 year old son, Bill, was always ready to travel. He soon became an essential part of my speechmaking. He would sit in a front row, where I was bound to see him from the head table, and when 13 minutes passed he held up two fingers. That meant I must quickly transpose my presentation so as to finish in 15 minutes. That system worked well as Don Hyndman, the ABA Press Relations Director, generally duplicated and sent my speeches to my host organization before my arrival, so the press could use the written word rather than my oral presentation. I, at that time, had a visual memory which would allow me to follow the text which I had usually written about a week to ten days before I had to deliver it, but allowance was made, time wise, for a few changes due to interim happenings. I would have the text before me in case my memory failed me, but I do not recall that ever happening.

I had ABA friends every place I visited. I had held many Committee, Section and House of Delegates memberships or offices as Chairman, as well as member. They, in turn, to use the phrase of former ABA President Carl Rix, often "peddled" me as a speaker to service clubs such as the Rotary, Lions, and Kiwanis, and to business groups like the Chamber of Commerce and others who "just happened" to meet while I was in their town. Since I had been a long time lawyer, on an overall national basis, for cities, counties and states, the local officials, particularly present and past city attorneys and their assistants, were usually in the front line at the airport or train station to greet me. Nearly all national and state officials in the United States got

Autobiography by Charles S. Rhyne

their start as a local government official. In my then more than 20 years as NIMLO General Counsel, I had met and worked with many who in 1957-58 had moved to higher positions by election or appointment. Governors, Mayors, U.S. Congressional Representatives and U.S. Senators were usually present at some of my local speech deliveries and I would say a few words about their great national service in Washington, which they appreciated. They often put my speeches in the Congressional Record. I often instructed my Washington staff to add my commendatory words to the copy sent to the Congressman or Senator's office staff for that purpose.

Many arrivals had a local flavor like the one in Tucson, Arizona, where an "armed posse" entered the airplane, "arrested" me as an "alleged horse thief" and quickly declared a sentence of death by hanging. Riding their beautiful horses and dressed appropriately in Wild West attire, they escorted me hurriedly to the execution platform high up in the sky, put a rope around my neck and pulled the rope that caused me to drop quite a few feet into a net. While I was not in the least injured, this scared my wife and children, as to them the net seemed to arrive awful late. In Los Angeles, I arrived at the airport from Boston at about 6 o'clock in the morning, Los Angeles time. I was rushed to the Jonathan Club, given orange juice and introduced by my host, Past ABA President Loyd Wright with the words, "Stand up and speak for 5 minutes, we will then be on our way to 5 other 'breakfast clubs'." I later learned, through similar experiences, that California cities have more breakfast clubs than any other on Earth. At the end of 5 minutes, in each instance, Wright stood up and said one word, "thanks", and took me, via police escort, to 5 other clubs in the Los Angeles area for repeat performances. The last club (I forget its name) put a robe on me and smattered me from head to feet with bacon and eggs. Their clean up expert was excellent. But these experiences are unforgettable.

Introductions at my speeches ranged from "O.K. Charlie, stand up and speak", to a wide variety of

On the Road as ABA Leader

usual and unusual descriptions of my career, to a more than one hour introduction by Illinois U.S. Senator Everett Dirksen to the Illinois Legislature. That Dirksen introduction was interlaced with many humorous and serious anecdotal references to experiences on his Senatorial efforts on behalf of the people of the State of Illinois. He was a great orator and a hard one to follow as a speaker.

I almost always spoke extemporaneously and drove home my points about ABA's public services and accomplishments, such as the Magna Carta Memorial, Law Day - USA and ABA's Federal or State legislative programs, to the ever-building upward and outward worldwide cooperative program, in which all legal professionals of all Nations had been asked to join, aimed at defeating communism and thereby helping end the "Cold War". I adjusted my subjects to fit the audiences. My previous years of travelling and speaking stood me in good stead, as did Don Hyndman's good professional advice.

In addition to speeches, I did many legal articles for publication. Over 400 copies of my speeches and articles are contained in 33 bound Volumes. I will mention one rather unusual article.

A Readers Digest Editor at one of my press conferences said, "You, in your travels, have met Heads of State, Presidents, Prime Ministers and other greats of our day. I feel sure you gave some of these great leaders your advice on the paramount issues of the day and that you used your best advice in winning landmark decisions from the U.S. Supreme Court. Quickly, now, tell me the name of the Adviser who gave you the best advice, and the content of the advice received by you, which has meant the most to you in the overall of your career." I quickly said the Adviser was Rob Thompson and that the content was "half plowed ground means poor yield."

After the news conference, my questioner grabbed me and said, "Who is Rob Thompson and why has his advice meant so much to you?" I told him the story about one of the most beloved persons of my life which, by request, I later wrote out for Reader's

Autobiography by Charles S. Rhyne

Digest and here I repeat it as printed by permission from its November 1958 issue at pages 233-34.

THE BEST ADVICE I EVER HAD
By Charles S. Rhyne, President, American Bar
Association 1957-58

"I was seven years old and had proudly finished my first plowing job - on a small plot of land Father had let me have for a popcorn crop. Rob Thompson had outfitted me for the task with his mule, old Bell, and a Dixie Boy plow. Rob was not only my friend; he was the most highly respected Negro and the best farmer in Mecklenburg County, North Carolina. His cotton rows never showed green with weeds, and he never had a crop failure. Now he came over to survey my work.

Scratching his gray head, he pointed out place after place where my plowshare had slipped out of the ground and not stirred the soil at all. Instead of plowing deep and thoroughly, I had just scratched up the patch.

While corn planted on such scratched-up land would come up, Rob explained, the baby roots could not penetrate the hard soil beneath, and would wither and die or be stunted in their growth. "Charlie, boy," he said, "half-plowed ground always means poor yield."

So I replowed, and I sowed my seed corn. And that fall I got a good yield, sold some and still had plenty left over for our family to enjoy.

The lesson Rob Thompson taught me that spring morning is one of the memorable experiences of my life. From that day to this, I have had deep plowing - thorough preparation - to thank for whatever success I have enjoyed.

I found that extra time spent in the library helped me to finish high school at 14 and to be a leader in my classes in college and law school. It also helped me get started in the law.

Shortly after I hung out my shingle in the District of Columbia, a young soldier asked my help. He had bought a secondhand car for \$250 and driven it

On the Road as ABA Leader

only 40 miles when it fell apart. The dealer refused to accept responsibility, and the finance company was suing the boy for his unpaid balance.

When we went into municipal court, the judge looked over his glasses at my client and me, and said curtly, "There is no need for a trial."

His view was that the finance company was not at fault, and so should be paid. I was prepared to prove that the finance company had known the condition of the car and therefore had no legal claim. The judge ruled against us. "I've heard a thousand cases like this," he said, "and never upheld any such contention."

Having broken ground, I plowed deep. I spent weeks in a law library, going through all the court decisions handed down in similar cases. Of several hundred examined, I cited 27 in my brief to the court of appeals. This court reversed the municipal judge. Palmer v. Associates Discount Corp. 124 F.2d 225 (D.C. Cir. 1941)

Although I had not the heart to charge the soldier a fee, I gained a good yield from this case - in experience and prestige. Other lawyers began sending me clients, and I was well launched on my legal career.

Since then, Rob Thompson's counsel has won for me many a lawsuit in courts and before federal agencies where volumes of testimony and briefs are sometimes required. I have spent as much as three months in preparation for arguing a case for 40 minutes. As the noted advocate and Justice of the Supreme Court, Robert H. Jackson said: "Success in law is about 95 percent preparation and 5 percent inspiration - and the inspirations comes from the preparation."

Thorough preparation, I have observed, is the hallmark of men of achievement in all professions. Even though the great Caruso had sung an aria a thousand times, he rehearsed it before each performance. The most eloquent ministers do not just stand up and let the inspiration of the moment guide their tongues; their sermons are painstakingly prepared through hours of research, study and

Autobiography by Charles S. Rhyne

thought. Skilled surgeons, faced with an unusual operation, read and reread everything written on the subject before they draw on their rubber gloves.

I am certain that what Rob Thompson told me when I was seven - that "half-plowed ground means poor yield" - is the secret to success in any line of endeavor."

My ABA speeches were on the power of the rule of law. I argued that if that law was strengthened, it could meet the needs of humanity, nationally and internationally. The public service obligations of lawyers and ABA programs, which carried out those obligations by ABA members pro bono publico, were emphasized. I spoke on subjects ranging from needed reforms in traffic and small claims courts being heard by non-lawyer Justice of the Peace "Judges", to legal aid for the poor, to the multitude of improvements in state courts of lower or greater jurisdictions, the new Rules of Civil and Criminal Procedure for Federal Trial Courts, the new Administrative Procedure Act, and the duty of lawyers to defend the courts since it was inappropriate for judges to speak in defense of their decisions. I defended Judges as the upholders and defenders of the basic liberties and rights of Americans. (See text of my speech herein on this duty of lawyers, infra, pages 467-475.)

As part of my support of Law Day - USA, I concentrated on the differences between our civil liberties and the absence of such liberties under communist government. Then as support for the World Peace Through Law Program grew, I emphasized the ABA initiative reaching out to the law professionals of each Nation of the World - a unique and difficult task but I urged that only worldwide legal professional cooperative efforts could achieve the program's success and end the "Cold War" nuclear threat. I stressed - after I had been there - how friendly the legal professionals in Communist Nations were toward the World Peace Through Law Program. pp. 478 - 498 infra. I mentioned the progress we were making in expanding that friendship. I urged that someday people living under Communism would be

On the Road as ABA Leader

joining us Americans in celebrating a Law Day of their own, as our May 1 date for Law Day - USA was aimed directly at the horrors of people living under communist governments.

I repeatedly said that we ABA lawyers were reaching out to the legal professionals in every Nation on Earth, including those in dictator and Communist Nations, for their help in carrying out our program of World Peace Through Law. I had visited Russia, Yugoslavia and other dictator Nations and found their legal professionals friendly and anxious to help, individually and personally, on the World Peace Through Law Program.

The Lawyer's Defense of Unpopular Defendants

I also spoke often of defending unpopular defendants as a great tradition and outstanding public service of the legal profession expressly recognized and encouraged by ABA's Canons of Professional Ethics which state that regardless of a lawyer's "personal opinion as to the guilt of the accused, otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense." I urged that aid of Counsel and a fair trial were recognized as inherent rights by our Constitution. I sometimes quoted the ABA Resolution adopted in 1953 which states:

"Resolved

That the American Bar Association reaffirms the principles that the right of defendants to the benefit of assistance of counsel and the duty of the bar to provide such aid even to the most unpopular defendants involves public acceptance of the correlative right of a lawyer to represent and defend, in accordance with the standards of the legal profession, any client without being penalized by having imputed to him his client's reputation, views or character."

I then cited some of the famous cases wherein great lawyers defended unpopular defendants like

Autobiography by Charles S. Rhyne

Andrew Hamilton's defense of John Peter Zenger who was accused of criminal libel for printing, in the New York Journal, an article opposed by colonial officials in 1734. Zenger was jailed and effectively denied bail by an exorbitant bond. Two lawyers who attempted to defend him were disbarred. Hamilton entered an appearance as Counsel for Zenger and at his urging a jury found Zenger not guilty. Harold Medina's defense of Anthony Cramer, who was charged with treason, was somewhat more fresh in the minds and annals of lawyers in 1957-58. Cramer was found not guilty by the U.S. Supreme Court in Cramer v. United States, 325 U.S. 1 (1945) by a 5 to 4 decision that Cramer's traitorous intent had not been proved and that eating and drinking with the enemy did not establish guilt.

I gave other illustrations of such cases well known to the legal profession and wound up by quoting the famous words of the great Clarence Darrow:

"The profession to which we belong is, of all others, fearless of public opinion. It has ever stood up against the tyranny of monarchs on the one hand, and the tyranny of public opinion on the other; and if, as the humblest among them, it becomes me to instance myself, I may say with a bold heart, and I do say it with a bold heart, that there is not in all this world a wretch, so humble, so guilty, so despairing, so torn with avenging furies, so pursued by the arm of the law, so hunted to cities of refuge, so fearful of life, so afraid of death; -- there is no wretch so steeped in all the agonies of vice and crime, that I would not have a heart to listen to his cry, and a tongue to speak in his defense, though around his head all the wrath of public opinion should gather, and rage, and roar, and roll, as the ocean rolls around the rock. And if I ever forget, if I ever deny, that highest duty of my profession, may God palsy this arm and hush my voice forever."

I was personally involved in cases where intense media coverage brought public wrath down upon some of my clients. One case was labeled by the media as "the purple pants burglar". I was appointed by the

On the Road as ABA Leader

Court of Appeals of the District of Columbia to defend, in that Court, a black man who was arrested because he was wearing purple pants and present in the area of Washington which had been ravaged by a burglar. The Government's witnesses identified the defendant as the man dressed in purple pants at the time of a burglary and who was arrested and convicted on that circumstantial evidence. The Court of Appeals reversed on insufficiency of the evidence of identification, Crawley v. United States, 320 A. 2d 309 (D.C. App. 1974).

The most concentrated national media coverage, in any case I was Counsel, was in the Watergate investigation. My client Rose Mary Woods, Secretary to President Nixon, was identified by her White House Counsel to Judge John J. Sirica in a closed door proceeding as being suspect of having knocked off 18 1/4 minutes of a Watergate recording tape, allegedly containing a conversation of her employer President Richard M. Nixon. I have described some of the legal issues and facts of the case, supra, pages 156 et seq.

The case was TV, radio and print media major news from Thanksgiving 1973 to July 1974. Time and Newsweek both did drawings and photos on their covers carrying Rose Mary stories on December 10, 1973. The magazine New York had a cover artist drawing depicting Rose Mary holding a baby, the baby being an image of President Nixon in her arms asking the question "Still Rose Mary's Baby?"

This matter and intense media coverage went on from the Saturday after Thanksgiving, November 25, 1973 until July 1974. I repeat that I defended Rose Mary Woods entirely pro bono publico receiving neither fees, payments of any kind, or expenses incurred.

Media throughout the Nation focused upon her and the tapes. On the Sunday before Rose appeared, as subpoenaed for a public hearing before Judge Sirica, nearly all media carried a story that Rose would plead the Fifth Amendment, which she did not.

Rose testified fully before Judge Sirica and the Grand Jury. The end result of not charging Rose with anything I have reported, supra page 156 et seq.

Autobiography by Charles S. Rhyne

Despite the created idea that highly publicized tape experts would prove her guilty, the end result was that some tape experts pleaded guilty to erasure and whitening out of facts and figures so as to increase their bills to the U.S. Government by \$2,000,000 for their "expert work". In a plea bargain, they repaid the \$2,000,000 to the government and paid criminal fines of \$706,000. Having covered this matter as noted supra, I will not pursue it further here.

I could add that the highly publicized elimination of the word "white" from the Constitution of the District of Columbia Bar Association's, as a requirement for membership, placed me in the role of unpopular defendant for my role in proposing that amendment. (That matter is reported herein at pages 264-271.)

As I travelled the Nation and the World, I also urged that we of the law had an obligation to take the mystery out of the rule of law and its judicial and other peaceful processes of arbitration and mediation - in other words - settlement of both national and international disputes by negotiations under the rule of law.

I spoke broadly of ABA plans to make meaningful and productive, the law processes in every area of human contact or conduct. But I did not hesitate in saying that law must replace force in the nuclear age if nuclear extinction was to be avoided. While some questioned that idea, a great majority urged me to hammer away on that ABA initiative, as it offered humanity's greatest hope. I here quote my commencement address at Duke University on June 2, 1958, as an example of my "Law as a Plan for Peace" presentation to lay audiences.

"President Edens, members of the Board of Trustees, members of the Faculty, members of the graduating class of 1958, parents and friends:

What a thrill it is to be here today! A commencement ceremony is always a great and pleasant occasion. For the Faculty it means the end of another school year of work. For the graduating class, it means the opening up of new fields,

On the Road as ABA Leader

possibly unknown fields, for service and accomplishment. For you proud parents it means a goal achieved and an obligation fulfilled.

May I say, through personal experience, that though you graduates leave this beautiful campus today to open a new chapter in your lives, your membership in the "Duke family" will never end. And for that, through all the bright, the bitter the successful and the unsuccessful years which may lie ahead, you will be eternally grateful. Your life has been permanently enriched by your associations and by the immeasurable widening of your horizons which has occurred here. For it has given you the tools and the maturity to start your education in earnest. The rest is up to you.

The World of 1958 is indivisible physically, but very much divided ideologically. It is an anxious World, a frightened World. It is a World in which there is no peace, but merely a truce, a truce maintained by mutual terror.

Humankind has always desired peace, but never before have people universally desired it so desperately. And never before has the alternative been so clear -- or so frightening. For never before has humankind lived in such fear at home under the constant threat of nuclear war. We stand today in the shadow of World holocaust, and if there is any good at all in that situation it is that the resulting tensions and anxieties have attuned the minds of men to an overwhelming yearning for peace never exceeded in all history.

If men were indifferent to the problem of peace, then the chances of securing a lasting peace would be slight. But men today are not indifferent to the problem of peace. Quite to the contrary, the desire for peace is intense beyond precedent, and it is felt by all the peoples of the World. The time is ripe, therefore, for earnest and hard-headed searching after the ways and means of establishing peace. The search will require the support of all men of goodwill. It will require the participation of the Earth's best minds. You who have enjoyed the privilege of higher education have a particular

Autobiography by Charles S. Rhyne

responsibility to participate in this quest for peace. The degree each of you receives today is more than a certificate of past accomplishment; it is also a commission for future action. If you accept the diploma, you accept the commission and thereby promise to participate actively and meaningfully in the affairs of men on the local, the national, and the international levels. And since it is unthinkable that you should ally yourselves with forces moving toward the senseless destruction of mankind, your participation necessarily must involve working for the establishment of enduring peace on Earth.

I have spoken of this matter before. I have addressed myself to it only recently on this very campus. I shall continue to speak in this vein at every opportunity. For the cause of peace is not merely a topic of conversation, a passing thought, a hope for the future. Civilization may not survive a nuclear war. The cause of peace is the cause of our own survival. It is that important!

Peace means something more than the absence of war, something better than the truce of mutual terror in which we now live. It means acceptance by all men and all Nations of the rule of law. A community, whether local, national or international, can remain peaceful only so long as it is subject to the rule of law. International peace can be established and maintained only through the establishment and maintenance of the rule of law internationally. President Eisenhower has said:

'The World no longer has a choice between force and law; if civilization is to survive, it must choose the rule of law.'

What is meant by the rule of law? I mean by this term that the law is supreme over the whims of men, and indeed over the whims of government. The rule of law recognizes and inherently encompasses the concept of individual freedom and the natural rights of man. It insures these rights by establishing all men equal under the law. It is a fundamental requirement of the rule of law that disputes be settled by adjudication rather than by force. The

On the Road as ABA Leader

history of the Free World, as contrasted with that of the Communist-dominated Nations, shows clearly that only under the rule of law has it been possible for men to live together peaceably, and without the constant shadow of fear, in communities and Nations. Only under the rule of law has man enjoyed liberty, equality and justice.

If the World is to achieve and maintain peace, a way must be found to make the rule of law apply among Nations as it now applies, in the Free World at least, among the citizens of a single Nation.

The difference between peace and a truce is that where there is peace there is no fear and no threat. We must go a long way before the World passes from truce to peace. And while the concepts of massive retaliation and mutual terror may have a place in maintaining the truce, they offer no foundation for peace. Peace must be built not on the rule of might, but on the rule of law. The "space age" must be an age of justice, or it will never be.

Do you say that this is idealistic? Of course, it is. But do not be afraid of idealism. It is a common error to regard youth as too idealistic. Actually, youth is not idealistic enough. And do not reject the rule of law as a solution to the problem of peace because treaties, and such international law as now exists, have not sufficed to stop wars in the past. Remember that wise saying about Christianity -- that it has not failed, it never has really been tried. The rule of law has not failed. It has not been really tried -- not internationally. And it is because it has never been tried that wars and threats of war are still with us.

We have only two alternatives. Either we shall all die together in an ultimate catastrophe or we must all learn to live together under a system of World rule of law. President Eisenhower is correct in his thesis that if we do not adopt the rule of law, civilization cannot survive.

The choice is easy to make as an intellectual exercise. It is much harder to stand by as a practical matter in a World sundered by differences of custom, culture, race, nationality, and belief.

Autobiography by Charles S. Rhyne

It is going to be a difficult job to make the rule of law work, but it is not a problem which is beyond man's capacity. The splitting of the atom was not an easy thing to do, but humanity did it. The launching of an Earth satellite was not easy, but humanity did it. To conquer space will not be easy, but humanity will do it -- that is, if we survive. Is it not reasonable to suggest that the same technique which we have applied toward these accomplishments be now focused on the problem of achieving the rule of law internationally? It is a technique which Twentieth Century humankind has made work well in science and technology. It might be called the technique of the "big push," the concentration of many minds, and a great deal of money, in a search for a "breakthrough" toward a specific goal. And lest you think it altogether too ironic to apply to the problem of peace the same technique that built the atom bomb and launched the Earth satellites, may I remind you that this is the same technique that produced the polio vaccine and may yet bring forth a cure for cancer and other dread diseases. It is a technique which, while accepting the necessity of basic research and independent thinking, recognized that coordinated effort is utterly necessary if results are to be reached.

The World has now reached the point in the quest for peace where it is mandatory to initiate a concentrated drive, a "big push," if we are to produce concrete and workable proposals for making the rule of law work internationally. Obviously, something more is needed than treaties or agreements as such. A disarmament agreement or a mere renunciation of war, as in the case of the Kellogg-Briand Pact, is meaningless unless there are institutions to support it. The beginnings of institutions to support and enforce the rule of law are probably already present in the United Nations and its affiliated agencies such as the little used International Court of Justice. Perhaps significant precedents can be found in those or other instances where the Nations of the World have been able to cooperate -- in postal matters, for example; in

On the Road as ABA Leader

telecommunications; even in the hunting of whales. A recent example of tremendous international cooperation in the scientific field is the International Geophysical Year.

For the most part, these are evidences of what we in this Country would call the executive or the legislative fields rather than the judicial field; while the problem of establishing the rule of law internationally is essentially the problem of achieving international acceptance of a fundamental judicial concept. But the experience gained and the lessons learned in all those areas where we have been able to cooperate internationally will prove invaluable in the search for a sound and practical way of establishing an international rule of law with institutions to support it.

For this search we shall need qualified men and women; teachers, scientists, lawyers, technicians, ministers of religion, experts in such diverse fields as psychology, language, and parliamentary law. A "big push," a concentration of brains and money, is required if we are to reach the goal of peace: the goal of making the rule of law work in the international community as it now works in national and local communities.

Universities and centers of learning obviously will have to play an important part in the "big push" to establish World peace through World rule of law. The contribution of universities was essential to all of the important recent breakthroughs in nuclear energy and missiles and medicine. Some of the most important scientific research being conducted today is being conducted on college campuses, including, I might add, our own. Research for peace is as much a foundation of a Twentieth Century university as research in the fields of physics or astronautics or medicine. The sad truth is that so far this fact has not yet been fully realized and the function has not yet been performed.

In addition to university-centered activity there is a great need to establish a place or places where specialists can come together to work on the problem of peace. Such a place would be a center for

Autobiography by Charles S. Rhyne

study, research, experimentation, and reporting on the problem of peace. During World War II, we gathered together at Los Alamos many of our best scientific brains with the object of producing an atomic bomb. The technique worked on a problem of war; why should it not work also on the problem of peace?

Mobilization of university resources, and the establishment of peace centers, are examples of what can be done, and needs to be done, in the "big push" for peace. Many more specific proposals will come to light as we continue to concentrate on the problem. For the moment, however, the important thing is to obtain acceptance of the principle that concentrated practical activity is a vital necessity. Peace will not be established by pious slogans any more than it can be established by weapons. The effort I propose is not merely an exercise in fellowship or in the recital of platitudes. If mere wishing could establish peace, the World would have had peace centuries ago. I propose a program of hard work, by technicians as well as by theorists, by practical men of affairs as well as by scholars. I propose that scientific research techniques be utilized in the effort to determine what concrete steps may be taken to make the rule of law supreme among Nations. The rule of law is the answer to the problem of peace. And adequate expansion of law, unlike expansion of science or technology, can mean only peace.

To write an ideal code of laws for the space age would be an empty gesture, a profitless academic exercise, unless there is provision and prospect for use of that code by going institutions, based on its acceptance by the people. You must understand, therefore, that when I urge coordinated efforts toward establishment of a World rule of law, I am not talking of intellectual effort alone. It is fruitless to speculate on the possibility of academically developing an ideal body of World law; because there can be no freedom under law, nationally or internationally, unless the law which rules is accepted because the people want it. Our "big push" for peace must include, therefore, not only

On the Road as ABA Leader

concentrated academic effort but a program of national and international publicity, education, and information, to win the support of all peoples for this idea of the rule of law throughout the whole World. There is no reason why peace cannot be sold with the same verve and enthusiasm that we sell soap and other products and programs.

We must not expect to offer a "package" plan for World peace under law and have it readily agreed to by the Communists. Nor, if such a plan should be agreed to by the Communists, would there be any basis in experience for expecting them to honor the agreement. Communists honor agreements only when it serves their own purposes to do so, and the basic purpose of the Communist World conspiracy is World domination, which is the antithesis of that state of universal freedom for all which is the only solid basis for World peace.

But this does not mean we should despair of ever achieving World peace, any more than we should despair of ever seeing right triumph over wrong.

The essence of Communism is denial of God, denial of any supreme law in the universe; whereas, we know that there is a God, that there is a supreme law, and that the ultimate triumph of right over wrong cannot be doubted.

We must go on building brick upon brick, developing institutions so soundly founded upon legal principles that they constitute facts of life, which necessarily must be accepted even and eventually by the Communists.

The people of neutral Nations, and even those behind the Iron Curtain, if properly informed, will be drawn toward any system that can substitute the justice of the courtroom for slaughter on the battlefield as a means of settling national differences.

No effort is too great, and no effort is wasted, which seeks to strengthen and develop forces by which the people of the World will move toward better mutual understanding, trust, and goodwill; for these alone are the bases upon which can be built a worldwide rule of law to bring peace to all mankind.

Autobiography by Charles S. Rhyne

You members of the class of 1958 are, or you should be, deeply committed to work for the cause of peace, for you have been deeply involved in the results of war. You were born when that reckless madman, Hitler, was at the height of his power, a time when the World tottered on the brink of war. You were hardly more than babies when the World actually went over the brink, and a grim and terrible conflict ensued. You were still young children when World War II ended, but to some of you, I have no doubt, that war came very close. Your fathers may have fought in it; some of them may have died in it. You grew up in the era of the Cold War; you were in your early teens when that war turned "hot" in Korea. Some of you already may have seen military service; for many of you it is imminent.

To you, who have lived all your lives in the shadow of war or threatened war, there should be few things more important than the way to a permanent and lasting peace. No generation ever born had greater cause to hope and work for the universal establishment of the rule of law. Believe in it and work for it. The universal rule of law is the only way to both achieve and maintain peace. There is no truth I believe in more. There is no greater goal for any generation than to be dedicated to its attainment."

I controlled my own schedule through my own law office staff of young lawyers, who I paid personally, so that the ABA staff was free to do the necessary services on its multitude of programs that ABA performs and especially to help develop Law Day - USA when it became an official major ABA program in February, 1958.

Early in my career as a lawyer, ABA President Arthur Vanderbilt and Judges John J. Parker and "Zeke" Henderson, of whom I have already written, instilled in me a yearning for improvement in our law systems in general. They also urged pro bono publico educations of the public, as to the necessities of constant reforms in law, to keep law current with ever-changing, ever-increasing human needs, due to scientific and technological advances. The

On the Road as ABA Leader

communications and travel industries made all humanity neighbors by the almost instant contact they provided. From my talks with city Mayors like La Guardia and Burton, of whom I have already written, and city attorneys who, from the beginning of my employment by the U.S. Mayors Conference, had me working through NIMIO and that Conference on their needed updating of city law needs, I gradually developed a vision of the important relation between public opinion and persuading legislative bodies to enact necessary updated laws.

I learned from experience that lawyers were the most effective public opinion builders for law reform. By the time I became ABA President, I was convinced that since public opinion generally governs the making or enforcing of rule of law government, we lawyers were the best public pro bono publico advocates for both Law Day - USA and the World Peace Through Law Programs. I made speeches of national and world scope to help lead those programs to success. We had to develop ideas for creating a public understanding of the need for new law reforms. That opinion was an essential ingredient in functional democratic governments' constant need for updating of its legal infrastructures, both national and international.

Out of all the many discussions I had on this subject, both in the United States and my gradually increasing international contacts, came the idea of Law Day - USA. I began to sell the idea in my speeches and discussions with lawyers and others like Prescott Bush, U.S. Senator from Connecticut (and Father of later President George Bush) and John Foster Dulles, U.S. Senator from New York and Secretary of State under President Eisenhower, great public service leaders whose support of Law Day - USA and the World Peace Through Law Program was essential to our success.

My relationship with Prescott Bush and John Foster Dulles was one of long-standing. When researching this Book, I called the Senate Historian and he came up with speeches on TV I made with Bush, which were televised all over Connecticut and one of

Autobiography by Charles S. Rhyne

Bush's first Law Day - USA speeches. Dulles, over a period of years, was a constant source of contact and speech support for both World Peace Through Law and Law Day - USA. No American law leader has exceeded the contributions of Dulles to the advancements in updating our law structure to meet our international law needs. As great as he was, and as crowded with the demands of his high offices as he was, he was never too busy with these demands to spend time helping me formulate both Law Day - USA and the World Peace Through Law Program and the types of speeches that I should make.

I started talking, all over our Nation, about a celebration of our Law heritage and the proposed Magna Carta Monument to crystallize major public and legal support for them. In the almost continuous travelling and speech making which was a major part of my NIMLO and ABA duties, beginning in the early 1940's and 1950's, I spoke to Conferences and Meetings all over the Nation, to State Leagues of Cities on municipal matters, to local and state bar associations and national organizations on ABA traffic court reform and related subjects. As ABA President I was doing speeches, not only on the law and its ever-increasing importance, but what ABA and/or NIMLO were doing on reform legislation. I spoke on legislation of national interest in the developing World War II picture and the array of Federal-City programs that FDR was creating. I addressed Chambers of Commerce on my writing of the Federal Airports Act, with cities as the major recipients of the Federal Aid therein provided, and on the enormous need of airports to enable air transportation to grow.

After my election as an ABA Assembly Delegate in 1944 and then as D.C. State Delegate to ABA's House of Delegates, I began to be invited to speak before more State and local Bar Associations. There I spoke on the ABA Traffic Court and general State Court reforms urged by ABA President Arthur Vanderbilt and his successors. I urged support by lawyers of the Federal Administrative Procedure legislative reforms urged by ABA Presidents Frank Hogan, Willis Smith and

On the Road as ABA Leader

other ABA Presidents. Above all the specifics, I developed the theme of pro bono leadership as an essential tradition and obligation of the legal profession on the great issues of the day.

I especially learned to write speeches covering my speech subject matter for release to the media in advance but to speak extemporaneously. This kept my audiences awake, as I looked them in the eyes constantly and generally confined my oral presentations to 15 minutes. I often took questions, which enlivened my presentations. I further learned that such a dull topic as law reforms could hold audience attention for 15 minutes if, and only if, I explained how the reforms impacted members of my audience personally. I talked constantly of what ABA, NIMLO and the Organized State and local Bar Associations could do, and were doing, together. I here quote my address before the International Bar Association, in Cologne, Germany on July 21, 1958, as an example of my "Plan for World Peace Through Law" presentation to bar associations. Frankly, I spoke extemporaneously as usual, but covered the substance of this speech. I did present a printed copy of the speech to all in attendance at the Convention. I included the letter from J.H. Smith, Jr., Director of the International Cooperation Administration, which I had also summarized for the IBA Convention.

"World peace is the major need, the major desire and the major goal of humankind. How to achieve and maintain peace is the number one problem of our day.

The lawyers of the World - of whom you and I represent more than three-fourths - hold in their hands the key to this problem of peace. We therefore have thrust upon us at this moment of history an awesome duty and responsibility, and the greatest challenge to achievement ever faced by any group of men.

With full recognition that in doing so I present a summary of the views of many lawyers, including some who are here today, I now offer for your consideration a plan for World peace through law. This plan, I sincerely believe, is humanity's best hope for achieving and maintaining peace in the World in which we now live.

Autobiography by Charles S. Rhyne

But first, let us pause to take a short look at the World today. No man can doubt that we live at a turning point in the history of civilization. Ours is an era of turbulent and rapid change and transition. We are witnessing a revolution in international affairs. A veritable torrent of scientific discoveries has recently swept over the World. Rapid communications and transportation have shrunk Nations to neighborhoods. The age-old barriers of time and distance, seas and mountains, terrain and climate, are now fading into insignificance. The economic relations and intellectual exchanges between Nations are numerous and increasing. Dramatic achievements thrust themselves upon us in nuclear energy, outer space penetration, rapid social shifts, rising nationalism, anticolonialism, the birth of Nations and new patterns of alliances. Nuclear energy unleashes power of tremendous dimensions for good or evil. Manifold implications arise as we ponder the exploration and use of outer space. The whole World is involved in accelerated industrialism and in a revolution of rising expectations. All twentieth century persons everywhere expect - and have a right to expect - the benefits civilization has developed for better living. Yet there are vast discrepancies of economic development with widespread poverty, hunger and disease. Half the people of the World are rebelling against social and racial discriminations and low living standards to which they have submitted for centuries. Many seek to compress centuries of social and economic development into decades. There are inexcusable artificial barriers to the free flow of trade and money between Nations. The thinking and concepts of the past are no longer a secure basis for the dynamic present and the uncertain future. The struggle for power impairs the chances for peace. We live constantly on the brink of catastrophe. Nations feverishly seek security in awesome military preparations while combining into regional and international security organizations. The United Nations has been put to severe tests revealing both problems and potentialities.

On the Road as ABA Leader

These thoughts will suggest others to you. And it is against this capsule edition of the good and the bad in the World that we must measure any plan to achieve and maintain peace. Certain it is that these developments have created tensions, anxieties, fears and threats which have attuned the minds of man to an overwhelming yearning for peace never before exceeded in the history of civilization. Today when man has learned how to destroy the World, his greatest need is for instruments and institutions which will save mankind from the mass extermination of nuclear war. The time is ripe, therefore, for earnest and hard-headed searching for the ways and means of achieving and maintaining peace.

Peace means something more than the absence of war, something better than the truce maintained by mutual terror in which we now live. The difference between peace and a truce is that where there is peace there is no fear and no threat. All must concede that we must go a long way before the World passes from truce to peace.

The mechanism of weapons of horror is no foundation for peace. The mechanism of diplomacy and its offspring of agreements and treaties seemingly lacks something in the basic principle of stability. Certain it is that tireless efforts to use the treaty and agreement technique have not brought peace. The United Nations has performed magnificently within its limitations, but wars and rumors of wars are still with us.

To end the ever accelerating arms race before mutual doom replaces mutual terror, we must go beyond the instruments and institutions of the past and adopt a new approach - a new plan - for peace. We must look forward, not backward, and make a new start as the present mechanisms are providing little or no advance toward peace. We must think and act boldly and meaningfully and adapt our peace mechanism to the realities of today and tomorrow.

A combing of all the instruments, concepts and institutions developed by man since the dawn of civilization indicates that law used in tribunals of justice offers mankind its best approach and the best hope for success in achieving and maintaining peace.

Autobiography by Charles S. Rhyne

The instrument of law and the institution of the courts have proven their worth as a solid and certain and stable foundation for peace within Nations. Peace between Nations can be achieved and maintained through the same instrument and the same institution.

Humanity does not yet realize what law can do internationally. The need for law in the World community is the greatest gap in the growing structure of civilization. A community, whether local, national or international, can remain peaceful only so long as it is subject to the rule of law.

Law is as old as people but its potential in relations between Nations has never been fully realized. In ancient times, man and man settled disputes through brute strength, then through sticks and stones, and finally through guns, or private armies. The strongest man, the man with the best guns or best army, or weapons, won the decision. But today in all civilized countries such disputes between individuals are settled in courts under law, and peace reigns within Nations. Peace has never reigned for long in relations between Nations, because disputes between them have not been settled in the courts under the rule of law. Nations, unlike individuals, still use the bloodbath of battle, instead of the peaceful means of law in the courts, as the ultimate mechanism to settle their disputes. The World's greatest need is for Nations to settle their disputes in a civilized manner by going to court instead of to war.

Peace must be built not on the rule of might but on the rule of law. The "space age" must be the age of justice or it will never be!

I define law, and the rule of law, as those basic principles which provide reasonableness and fairness in the relationships of person and person, and persons and Nations, and Nation and Nation. Those basic principles which mean, and can only mean, liberty, equality and justice under the rule of law in all such relationships.

In a World sundered by differences of language, color, creed and belief, and by background in diverse forms of government, the rule of law is the one

On the Road as ABA Leader

concept universally understood as an ideal nearly all persons have in common on a worldwide basis. It therefore offers a common ground which humankind possesses upon which to erect an edifice for peace.

We who are here at this great International Conference represent many different cultures, races, languages, customs, traditions, nationalities and beliefs. We represent many different varieties of legal systems. But we are as one on the basic principles of law. These principles in their conception of justice are common to all of our countries. Whether our legal system stems from the Chinese, Hindu, Hebrew, Greek, Roman, Germanic, Japanese, Islamic, Slavic, Civil or Common law, or from some other source, there is no such basic or fundamental difference in the concept of the legal principles underlying each such system as to make us strangers toward each other in the field of law. Law is a universal term all men comprehend. From Hammurabi in 2100 B.C. to Moses in 1450 B.C., to Solon in 600 B.C., to Confucius in 500 B.C., to Justinian in 550 A.D., to Shotoku Taishi in 600 A.D., to Bracton in 1250 A.D., to Bartolus in 1350 A.D., to Colbert in 1665 A.D., on through the other great law givers of the ages, and through all the basic documents down through the centuries which have developed the rule of law, the expressed basic principles are the same. Law has no boundaries and is of its nature international. The rule of law has meant reason and fairness with a moral basis which has remained constant through all the ages. The rule of law is not a new concept. There is no mystery about its principles. There is no need to await the writing of an elaborate new code of international law before this rule is utilized in the courts in resolving disputes between Nations.

Reflection demonstrates that the brightest chapters in the history of any Nation are those years when the principles of the rule of law have governed. And it is irrefutable that we are now at the time in humankind's development where if civilization is to survive in our shrunken World the rule of law must govern relations between Nations.

Autobiography by Charles S. Rhyne

Within Nations law brings order and orderliness into the affairs of men. It can do the same between and among Nations, not only on Planet Earth but in the dramatic new exploration and use of outer space as well.

I sincerely believe that this International Bar Association should adopt as its number one project the advancement of World peace through law. Each and every one of us should go home and tell our people that this is the message which the lawyers of the World send from this Conference to all humankind.

President Eisenhower said recently:

'The World no longer has a choice between force and law; if civilization is to survive it must choose the rule of law.'

Many other great leaders of the World have expressed the same position. But the time has come to go beyond words to action. Peace will not be established by mere words, or by pious slogans, any more than it can be established by weapons. Peace through law as herein envisioned is not merely an exercise in fellowship or in the recital of platitudes. If mere wishing could have established peace the World would have had it centuries ago. The ideal of today requires constructive and decisive action to become the reality of tomorrow. Our leaders must be induced to go beyond words into meaningful action.

To make the rule of law effective between Nations as well as within Nations, experience teaches that the basic institution of a court system is required. The World needs today a new international system of courts to apply the rule of law in deciding disputes between Nations so as to eliminate resort to war as the ultimate mechanism for settlement of international disputes. Peace is the dominant desire of humankind. There now exists a state of mind among the peoples of the World immediately receptive to progress in this field. When the people of the World are fully cognizant of the potential back of the idea of going to court instead of to war they will demand and we will get that court system.

The attainment of World peace through law's use

On the Road as ABA Leader

in the courts is an objective readily grasped by the people of the World. But the idea must be crystallized concretely and presented in a concerted way. Progress in response to challenge and advance is never automatic. When the people so want it as overwhelmingly to demand it they will have it. We lawyers have the knowledge, the contacts, and the training to do the selling job that must be done here on a worldwide basis. We have the common background and the capacity for leadership so badly needed to serve humanity in achieving this great goal. We have the "know how" to build the foundation for this plan if we will but use it effectively.

In our effort to increase use of the judiciary in the settlement of disputes between Nations we begin by admitting that law and the existing courts are not yet capable of responding to the international judicial problems arising from our shrunken World. In the World community we now have just one Court to work in this vital field, whereas within Nations we have thousands of courts. The International Court of Justice is the most unused instrument for peace in the World today. The people of the World hardly know of its existence, much less what it could do for humankind. It has decided only ten cases in twelve years. I contrast this with the approximately 24,000 written opinions of appellate courts in the United States last year and thousands of lower court decisions each year. While such a contrast is hardly on an equal basis, my point is clear.

No idea to outlaw war will work without institutions to support it. The history of the Kellogg-Briand Pact proves that. We must therefore erect and use the necessary court institutions to put this great idea to work for humankind's benefit. We must create a worldwide system of international courts inferior to the International Court of Justice so law and the courts will be accessible to Nations all over the World. When accessible they will be used. Of that I have not the slightest doubt.

Here in Europe, there is a newly created Court to decide disputes arising out of the new European

Autobiography by Charles S. Rhyne

Economic Community. We need many more such regional courts, with broader jurisdiction, all over the World. We need not only new courts to decide disputes between Nations, but courts which can be utilized in the broad economic field to bring to that field the thing that underdeveloped and developed Nations need most, i.e., a mechanism whereby investors can put their money into underdeveloped countries with assurance that they are guaranteed compensation in cases of governmental expropriation. There are many Nations in the World where funds are available for investment in underdeveloped Nations. There are many underdeveloped Nations which want such investors.

As you well know, the possible uses of law plus the courts in international relations are many and their values are great. I will not attempt to list them here.

To put into effect a plan for World peace through law will not be easy. But neither was the splitting of the atom, the launching of the Earth satellites, or the development of a vaccine for polio. The chief need is for application to this problem of the same dedicated and concentrated effort by which humankind achieved those great goals. Law is a branch of civilization just as are international trade and commerce and the organization of postal service and communications and transportation among different countries. While these other branches have attracted the attention of the intellectual world and have been the object of scientific studies, the utility and existence of a need for law in the World community is not yet fully recognized. Creating that recognition is the major task before the legal profession of the World. We must launch this great idea of peace under law and so get it into orbit that it will circle the globe.

When this lawyer leadership function has been performed as it must and can be, and there is a worldwide realization that the terrible shadow of the holocaust of nuclear war can be dissipated only through law as a plan for World peace, then and then only will the essential pressure of public opinion solidify as it must back of World peace through law.

On the Road as ABA Leader

Disarmament conferences have been held down through the centuries but no agreement resulting from such a conference has ever contained a successful formula to maintain peace. The best evidence of this is the fact that every disarmament conference or agreement has been followed sooner or later by an arms race - then war. A study of these conferences and agreements reveals that the reason they have failed is an inherent inability to devise a method for so weighing armed might that all participants in such conferences and agreements would always feel that they were treated fairly. In essence this means treated equally.

The rule of law does not contain this inherent defect, as all Nations would be on a basis of equality before the law.

Are there reasons why Nations should not be on a basis of equality before the law? None has ever been even suggested. There are perhaps some disputes to which present legal rules cannot be applied, but we of the legal profession have always developed new legal rules based upon the principles of the rule of law to meet new needs. Law, legal procedures and legal tribunals must not be allowed to lag behind the needs of the World in this vital field of settlement of disputes between Nations.

"World Government" has inherent defects similar to those of disarmament agreements. The understandable and overwhelming desire for national equality is and will remain the chief stumbling block. Weighted representation in a World legislative body is not a goal reasonably within the ken of humanity today. Economic, population, and other problems constitute hurdles man may yet surmount. But the utilization of law as here envisioned need not, and cannot, wait for the solution of such problems. This idea of peace under law for the World Community does not require a World legislative body. Through law, Nations that are interdependent remain independent and our dependence on each other is enabled to work smoothly rather than be a source of friction.

Law plus courts as a plan for peace is not a

Autobiography by Charles S. Rhyne

cure-all. It will not end disputes and quarrels between Nations any more than it now does within Nations. Courts are a human institution. And while their decisions are sometimes disagreed with, we must never forget that death is irreversible but court decisions are not. So while international courts are not and never will be perfect, and may sometimes decide contrary to our wishes, their decisions if contrary to fact and reason are always subject to change. The millions of gravestones all over the World are mute testimony, however, to the unchangeability of the results of war.

Compliance with decrees of international courts would depend, in the first instance, as do such decrees within Nations, on the pressure of public opinion. There are few Nations who would want to stand before World public opinion branded as an "outlaw" by defying such a decree. Secondly, diplomatic and economic sanctions could be imposed. Finally, some kind of international police force has been suggested for use in extreme cases under proper safeguards. The latter idea would certainly require extreme caution, care and insurance against misuse.

We have utilized war and weapons, diplomacy and legislative action through treaties, but have not achieved peace. The idea here espoused of law plus courts, while always available in the past, has never been used as it could and must be. In many ways the use of law here recommended is like the harnessing of a mighty river for hydroelectric power. Law and the river have been around since time immemorial; but law, like the river before its harnessing for power purposes, has not been utilized for humankind's benefit as fully as it can be. True, a few could use the river in the past for navigation and a few have used law in the past to settle disputes, but the full potential of the law like the full potential of the river requires further harnessing to make it perform as it can for humanity's salvation.

An idea can be more powerful than any atom; and an idea whose time has come is too powerful to deny. Our task - and it is a task for lawyers and laymen alike - is to see to it that the "time" of the rule

On the Road as ABA Leader

of law as a decider of international disputes arrives before nuclear annihilation overtakes us.

In a real sense the legal profession spans the World. We lawyers of the World must combine our efforts in this field where our interests and capacities are universal. We must unite a divided World through use of law. We must lead a worldwide bloodless revolution for the use of law internationally, thus leading toward peace and away from war. Law can insure liberty, equality and justice for all Nations and all persons. No greater public service could be performed in the service of humanity.

When World peace under law arrives we lawyers will have done our duty, lived up to our responsibility and met the challenge that is peculiarly ours in this physically indivisible World. Then, and then only, can men live together in freedom and happiness in the World community. Then and then only can humankind enjoy the miracles of science and technology which offer unprecedented joys in better living to us all. Then and then only will threats and fears disappear and the arms race grind toward a halt. Then and then only can the World pass from a truce to that peace for which all peoples of goodwill so fervently pray.

It is conceded that peace through law and the courts will take a major effort over years and possibly generations. But the longest journey begins with the first step. No more momentous moment in history could possibly exist for that first step than now. Let us not be deterred by the defeatists of little faith who, not realizing that tomorrow's World must be erected by today's people, cannot see this great vision of what Henry R. Luce has called "a law-ful World." The time for action is now and the duty and responsibility for action is ours.

I conclude therefore by recommending that we begin our joint endeavors to achieve this great goal of World peace through law by taking a "first step" action at this great Conference providing:

1. World peace through law shall henceforth be the number one project of the International Bar Association.

Autobiography by Charles S. Rhyne

At an hour in history when World order is in peril it is particularly appropriate that we here and now proclaim our rededication to the great principles of the rule of law.

2. Member associations are requested to arrange celebrations during the ensuing year honoring the rule of law within their respective countries so as to focus public and governmental attention upon what law means to their people nationally and what it can mean internationally.

Such observances would not only solidify the free World but they will reach the minds and hearts of those in lands where liberty, equality and justice are now non-existent but where hope has never died. As Tom Paine once said: "An army of principles will penetrate where an army of soldiers cannot."

3. Member associations are requested to explore and report to the next Conference, or earlier, upon possible participation by their countries in an "International Law Year" to focus worldwide attention upon law and what it can do for humankind.

The scientists have through their "International Geophysical Year" achieved a centralized World spotlight upon science, and a tremendous acceleration of accomplishments thereby. Lawyers can achieve just as greatly as have the scientists. And unlike science, an expansion of law can only mean peace. The rule of law can be used only for peace!

With adoption of such a program we can go home with a sense of satisfaction in the knowledge that at this moment in history we of the legal profession have recognized our duty and have lived up to our responsibility to humankind in the "World of Today" by moving forward toward the "World of Tomorrow", World peace under the rule of law. Adoption of these recommendations should spark a worldwide advance toward peace and away from the holocaust of nuclear war. Thus would we strike a responsive approving chord in the minds and hearts of hopeful people throughout the whole World."

My address brought on a long, very long, standing ovation. When I waved for silence and it arrived I said:

On the Road as ABA Leader

"Since preparation of this address a letter has been received from the Director of the International Cooperation Administration, an Agency of the Government of the United States, which is of transcendent importance that I quote it in full:

'INTERNATIONAL COOPERATION ADMINISTRATION
Washington

Office of
The Director

June 30, 1958

Mr. Charles S. Rhyne
President
American Bar Association
839 Seventeenth Street, N.W.
Washington, D.C.

Dear Mr. Rhyne:

Among the responsibilities assigned to the International Cooperation Administration by the Mutual Security Act is that of making available to the free Nations and peoples, assistance in achieving economic and political stability.

These conditions can prevail only in an atmosphere of law and order, both international and national; yet many of the countries of the World have not yet found it possible to establish adequate judicial systems nor, in fact, is there any assurance that international law is sufficiently developed in the light of today's rapidly advancing technology to bring about conditions sustaining economic and political stability.

The International Cooperation Administration therefore has under consideration a request to the American Bar Association to convene leaders of the Bar from the Free World in order to discuss means whereby the judicial process could be developed to facilitate economic progress and to assure survival through the maintenance of peace.

It is thought that possibly one or two individuals from each Nation could attend this conference which might be held in say April of 1959.

Autobiography by Charles S. Rhyne

These could be selected on the basis of their stature as jurists and without regard to official position in government. It would also be hoped -- if not expected -- that the individuals would undertake to spend about one month sometime prior to the conference preparing for it individually, in addition to approximately one month at the conference itself. In other words, participation will involve a rather complete separation from normal activities for a substantial period but this is a condition that seems minor in relation to the importance of the task. Financing of costs of the conference and of individual participation would be handled by the International Cooperation Administration.

In order to further this project, I am authorizing you to advise the International Bar Association at its Cologne meeting of this plan and to request an expression of its views, preferably by action taken at that meeting. A strong consensus of opinion that such a conference would be useful and productive would clear the way for discussion of the details which should be initiated promptly in order to meet an April 1959 target date.

Sincerely yours,

(Signed) J.H. Smith, Jr.'

I advise that if the International Cooperation Administration makes such a request to the American Bar Association, Mr. Ross L. Malone, who succeeds me as President, and I will join in recommending favorable action. I would then expect the Association to approve our recommendation and that it would move quickly in setting up the proposed Conference in April of 1959.

This proposed Conference would be a tremendous forward step toward World peace through law. Concentration of effort by scientists has accomplished the miracles in scientific achievement of our era. This "World Law Conference" will make possible a concentration of the experience, learning and capacities of lawyers from throughout the World.

On the Road as ABA Leader

By bringing this concerted effort to bear upon the great problem of how to achieve peace the Conference possibly could achieve a gigantic "breakthrough" for World peace through law.

I earnestly recommend that the International Bar Association adopt a resolution expressing approval of the objectives of the proposed Conference and urging lawyers of member associations to participate therein. I would add as my final recommendation the following:

4. This Conference views favorably the proposal that the American Bar Association convene leaders of the Bar of the Entire World to discuss means whereby the rule of law process could be developed to promote economic progress and to assure survival through the maintenance of peace.

Such an expression of support for such a Conference will almost certainly insure that it will be held. The underwriting of the expenses of participants and of the Conference is assured. Such a "World Law Conference" could serve as the launching machinery for dramatic progress toward a worldwide utilization of law and the courts to solve humankind's number one problem."

Again, there was a long, very long, standing ovation.

I believed the ovations constituted approval of the world conference I had recommended. I departed on my journey to Russia before the governing body of ABA officially acted through its House of Deputies. Former ABA President Loyd Wright was then Chairman of that House of Deputies. He advised ABA officially that the House of Deputies acted favorably on the proposed World Conference. See ABA News for August 1958 pp. 1-2. The International Cooperation Administration approved the financing of the preparatory continental conferences as reported infra pp. 562-640 and the World Conference as reported infra pp. 641-716.

CHAPTER 17
THE CREATION OF LAW DAY - USA ON MAY 1: USA
INDIVIDUAL HUMAN RIGHTS FREEDOM HERITAGE
AIMED AT COMMUNISM

I honestly cannot recall any one day when I came up with the idea of a Presidential Proclamation of Law Day in 1957. I recall Attorney General William Rogers asking me to go see President Eisenhower about a matter personal to the President, at which we talked a lot about Magna Carta and law subjects relating to my representation of our mutual Denver friends, especially Aksel Neilson.

I did not then ask the President about issuing a Proclamation creating Law Day. I had not progressed that far. I began to use the idea and the need for a law celebration more and more in discussions with ABA, NIMLO and State and local Bar leaders as I prepared for the London Meeting. I talked as well to foreign law leaders visiting Washington and on my increasing foreign travels. Chief Justice Earl Warren was enthusiastic and President Eisenhower seemed to be. They thought the public education programs I began to describe as the "Mastery of Law" or the "Power of the Law" were good ideas, upon which ABA should focus the eyes and minds of all Americans through the law heritage foundations of our Nation. So did renowned Judge John Parker of my hometown of Charlotte, North Carolina and many others in ABA leadership and non-legal public leaders. State and local Bar leaders and city lawyers, who were proud to have the ABA President as their NIMLO General Counsel, were tremendously interested and supportive, as were State Attorney Generals. Many of these law leaders later drafted Law Day Proclamations for their Governors, Mayors or other officials. Over 5,000 Proclamations were made by Governors and Mayors after the Eisenhower Proclamation in 1958. Thousands of editorials came in through ABA's news clipping service praising Law Day - USA.

Now, as I now focus my mind on Law Day - USA and its history, the first and foremost thought I recall is the fact that Law Day - USA almost did not come

Creation of Law Day - USA

into existence by Presidential Proclamation. I can still see the glee in first ranking Presidential Assistant Sherman Adams' sharp eyes as he told me, in his White House office on February 3, 1958, "President Eisenhower will not sign the proposed Proclamation you have prepared praising lawyers." He then pulled it out from underneath the blotter on his desk and handed it to me.

With the proposed Proclamation in my hand, I whirled out the door and headed down the corridor leading to the White House Oval Office. I asked John Stepenhens, the President's door keeper, if I could see the President. He said, "Sure, he has a clean desk and nothing scheduled for now, go right in." I believe he talked to the President but I did not hear the conversation, as Governor Adams arrived beside me at about that time spouting objections. I walked into the Oval Office with Governor Adams right beside me. The President said, "Hello, Charlie" and arose from his chair behind his desk to shake my hand saying, "I am glad to see you, what can I do for you." I handed him the proposed Proclamation all typed out by the Secretary of the Secretary of State, John Foster Dulles, on President Eisenhower's required one page. Governor Adams said, "This is the Proclamation I told you about Mr. President, praising lawyers."

Before I could rebut that as an erroneous statement, the President who was standing up reading the proposed Proclamation across his desk from Governor Adams and me said, "What is Foster Dulles' signature doing on this?"

I replied that:

"As you well know, Secretary of State, John Foster Dulles, is a good friend of mine and when I took a prior draft of the proposed Proclamation to him in his State Department office, the Secretary read it carefully then added "U.S.A." to my draft's title of "Law Day".. He then said, let's confine this Proclamation to our Nation, although I agree with your separate proposal to ask the legal professionals of the World to become involved in putting together a World rule of law system which we have talked about on other occasions."

Autobiography by Charles S. Rhyne

I then agreed to the name change and some other changes Secretary Dulles suggested. Then I said to him, something like:

"Mr. Secretary, you spend most of your time travelling around the World, I want your name, your personal attestation, to the President's signature, not that of some Acting Secretary. If the President signs it, this will be a most important Presidential document proclaiming our Nation's dedication to rule of law government and calling upon our people to celebrate that dedication on May 1, 1958.

I further argued, "What a contrast that will present to the World when on May 1, as Russian tanks and other armor roll down Red Square past the Reviewing Stand on the wall outside the Kremlin, the Soviet leaders stand there to celebrate Soviet dedication to dictator government by force. This Proclamation would create a unique picture of our Nation's people. A celebration, on the same day, of our people's proud dedication to rule of law government. That picture, of our people, I hope will replace past USA media photos of Communist leaders in other May 1 celebrations atop the wall of the Kremlin in Red Square. That picture will help immeasurably in our constant "Cold War" conflict with communism, as we strive to get others to follow our lead to individual freedom under the rule of law. A picture of dictator arms to enforce slavery while our people, in our Nation, on the same day, celebrate our freedoms from governmental dictator slavery.

"Then I said, Mr. Secretary, will you please have the Law Day - USA proposed Proclamation retyped, as I want your personal signature on it while I have you in front of me", or some words like that. I also said, "We have worked on this a lot, let's finish in style. He laughed and had it retyped and with a flourish signed his name and handed it back to me."

I added:

"I should tell you also, Mr. President, that next I took the proposed Proclamation to Attorney General William P. Rogers. He read and approved it and agreed to give it to you and urge that you sign it. That was some days ago, so I got anxious and

Creation of Law Day - USA

came here today to the White House to find out why the delay. Governor Adams told me you were not going to sign the proposed Proclamation because it praises lawyers. That is not correct, so here I am trying my best to persuade you to sign it."

The President laughed, then he changed to a serious mood as he looked at Governor Adams, continued to reread the proposed Proclamation and said:

"Sherm, this Proclamation does not contain one word praising lawyers. It praises our Constitutional law system of government, our great law heritage under the Rule of Law and asks our people to stand up and praise what they have created. I like it and I am going to sign it. I believe it will bring a most positive response from our people. I believe they are as proud of our Nation under the rule of law as I am. They will welcome a unique Nationwide celebration of the law fundamentals which have made our Country great. This Proclamation for such a celebration on May 1 is a new landmark idea. I do not believe anyone could criticize it. If anyone is praised it would probably be the President of the United States for having this idea of issuing this Proclamation and calling upon our people to speak up and celebrate with him the great ideals we stand for."

I herewith reproduce the Proclamation.

"A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

WHEREAS it is fitting that the people of this Nation should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law which our forefathers bequeathed to us; and

WHEREAS it is our moral and civic obligation as free men and as Americans to preserve and strengthen that great heritage; and

WHEREAS the principle of guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation, and distinguishes our

Autobiography by Charles S. Rhyne

governmental system from the type of government that rules by might alone; and

WHEREAS our government has served as an inspiration and a beacon light for oppressed peoples of the World seeking freedom, justice and equality for the individual under law; and

WHEREAS universal application of the principles of the rule of law in the settlement of international disputes would greatly enhance the cause of a just and enduring peace; and

WHEREAS a day of national dedication to the principle of government under law would afford us an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the World upon them;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday, May 1, 1958 as Law Day - USA. I urge the people of the United States to observe the designated day with appropriate ceremonies and activities, and I especially urge the legal profession, the press, and the radio, television and motion picture industries to promote and to participate in the observance of that date.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Third Day of February in the Year of our Lord Nineteen Hundred and Fifty-eight, and of the Independence of the United States of America the One Hundred and Eighty-second.

(Signed) DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

The White House
February 3, 1958"

The President shook my hand and said:

"Charlie, please collect the editorials and media stories which praise this Proclamation and bring them to me. I will then order Sherm to sit down across from me and read every one of them. I have a strong feeling there will be many who will say this Proclamation is one of the best ideas I ever had."

Creation of Law Day - USA

As I departed, he said again, "Do not forget to bring me the editorials and news clippings". I replied, "I sure will bring them."

Governor Adams walked me back to the entrance lobby in silence. Then he said, "Just a moment, I have something to show you, which proves we share something in common." I went with him into his office. He pulled out of his desk two newspaper articles from the Manchester, New Hampshire Union Leader. One criticized him for something I seem to remember as his accepting of gifts. The other criticized me for the contents of my speech to the New Hampshire Bar Association on World Peace Through Law. Then the Union's Editorial added that I added insult to injury by running out of the Bar Association Dinner to catch a train for Boston in the midst of the ceremony, where that Association's President was attempting to present me with an honorary membership in the New Hampshire Bar Association and expressing their thanks to me for being there. The newspaper, as I remember, did say that I "yelled thanks" as I ran out the door.

The truth is ABA Presidents are on a tight schedule. Snow was many inches deep in Manchester and no airplanes were flying. Getting to Boston by automobile was impossible. Under my schedule, I had to get to Springfield, Illinois, by early the next morning where United States Senator Everett M. Dirksen was to, and did, introduce me to the Illinois State Legislature. The New Hampshire Bar Association knew all this and understood my running out to catch the train. As it was, I barely got on the train to Boston before it left the train station.

As this Volume records, I have said many times that I have never done anything of consequence in law alone. On important decisions, I talked to many people before making them. I should, and will, write down my memory of the background purposes which led me to Law Day - USA. I have largely worked as a lawyer for local governments, cities, counties, boroughs, towns, utility and other special districts classified broadly as municipalities, as well as for states and for, or against, large corporations in

Autobiography by Charles S. Rhyne

cases which sometimes ended before the United States Supreme Court. Much of my litigation has involved Federal Governmental agencies and officials. One important factor in my mind was improving the rules of law governing administrative decisions by each governmental unit under applicable law, or the absence of law, which meant uncontrolled discretion. In talks before Lay organizations, I was increasingly appalled by the ignorance of the role of the rule of law and its institutions in our Nation among non-lawyers. Since our democratic law system depends upon public opinion support, I envisioned a pro bono publico education of the public on the great law heritage of our Nation and its value to them. I was also reaching out for World recognition of the greatness of our rule of law system. From my talks with law leaders from rule of force Nations, I knew they would welcome Law Day - USA and help pass its message along to their people. At least, that was my hope and prayer.

In rule of law Nations, like ours, in ultimate thrust, it is the will of the people in their expressed public opinion which, when crystallized, generally becomes the law. When I discussed this fact with great law leaders of our Nation, they agreed with my conclusion. When I suggested that we law professionals, as part of our pro bono publico efforts, should help to enlighten the public on our legal system, its history of providing freedom, equality and justice and its need of almost constant improvements, they agreed, and gradually there evolved the idea of searching for special ways to take on such a task or tasks. Its magnitude and importance, of a way to focus public attention in our Nation and the World, upon the importance of the rule of law and its institutions, was never questioned. Assembling the leadership and people to achieve meaningful results was questioned. Use of law professional volunteers, on a pro bono publico basis, was an extension of my city traffic court and law reform experience. I chose that approach. No one can say it did not work or that when used, in a focus on needed reforms, the people did not comprehend

Creation of Law Day - USA

them and demand their adoption. That is how the rule of law works. As some have said, it may not be a perfect system, but it is the best yet conceived by the collective minds of humankind.

I talked to the Chief Justice of the United States, Earl Warren, former ABA Presidents Arthur Vanderbilt, Frank Hogan and George Maurice Morris, who had emphasized to me that doing pro bono work by lawyers in taking the law to the people would help the most people in specific ways, as with traffic laws, court reforms and Federal Administrative Law reforms already proposed by Vanderbilt and Hogan and supported by George Morris, Willis Smith and other ABA Presidents who were law leader greats.

My talks about the benefits that state and local Bar Associations were giving, by their pro bono and ABA pro bono programs, commanded audience and public attention as proof of the public benefits of the law system reforms which were addressed by me. This kind of effort, on a massive scale, led by ABA state and local Bar Associations on Federal Administrative Procedure and traffic court lawyer reforms, for examples, received much public acclaim and achieved much reform. In selling Law Day - USA, I urged that we lawyers needed to do great Law Day - USA programs, so the public could better understand the law. I urged that we needed to educate the public to understand that the law system, which is their system, is dedicated to helping them and can be changed by them when needed.

In my statement on February 20, 1958 to the Opening Session of the ABA Midyear Meeting, I explained the great significance placing of Law Day - USA on May 1, 1958 had in the "Cold War" battle. I stated:

"The first day of May is also the day on which international communism celebrates its past victories and looks forward to future conquests. There could be no better date for us to recall the basic moral and philosophical principles upon which our society is based, and to contrast them with the cynical, immoral and atheistic philosophy which underlies the international communist conspiracy."

Autobiography by Charles S. Rhyne

In his Proclamation of Law Day, President Eisenhower called upon the legal profession, and the press, radio, television and motion picture industries to encourage the widest possible observance of the day with "appropriate ceremonies and activities". I quoted in part President Eisenhower's words that:

"A day of national dedication to the principles of government under law would afford us an opportunity to better understand and appreciate the manifold virtues of such a government and to focus the attention of the World upon them."

President Eisenhower also expressed the hope that the observance would demonstrate to the World that the American people are dedicated to preserving the legal order as the "heart and sinew" of our Nation... and a beacon light for oppressed peoples seeking freedom, justice and equality for the individual."

I then stressed that "Individual freedom under law" is the great historical achievement of our system of government by stating:

"Today, after 350 years, the greatest strength of America lies in this concept of individual liberty under law. Other systems of government have produced great scientists, great musicians and other outstanding achievements. But no system has produced the individual freedom which exists in America..."

The hope of civilization is establishment of the rule of law on an international basis to govern relations between Nations -- not only on the planet Earth but in outer space as well. The struggle for a World ruled by law must go on with increased intensity. If man can conquer space he also can solve the need for legal machinery to insure universal use of space for peaceful purposes only."

Finally out of all the above, when I became Chairman of the ABA House of Delegates in 1956, and more suddenly, President of the ABA, I had to get my perceptions and programs together quickly, as I was beyond the talk stage and needed to get into the doing stage. Somehow, somewhere, I hit upon the idea or name of Law Day on May 1, the very day Communists celebrated their rule of force, as a way and the day

Creation of Law Day - USA

of taking the importance of our law heritage to the American people with law professionals and public minded non-lawyers, who were knowledgeable of our law heritage, as speakers. I envisioned lawyer volunteers speaking of the benefits of rule of law government in schools, colleges, universities and on radio and TV. That, in major ways, we should create programs that appeal to the public to recognize our law system as their system and one they should help by comprehending its benefits. I used the comparison to slavery under Communism to awaken U.S. citizens to a realization of how lucky they are to live under rule of law as compared to Communism's slavery, as demonstrating the value of the message and image of Law Day - USA.

Over the years, statements and addresses by high ranking officials on the importance of Law Day - USA have helped hold public interest in this celebration of our reliance upon the rule of law. The statement issued by U.S. Attorney General Robert F. Kennedy, on May 1, 1961, is one of my favorites. He said:

"In a less civilized World, May 1 - May Day - meant the rule of pleasure. It was celebrated with wild demonstrations and dances around the Maypole.

In the Communist World, May Day means the rule of force. It is celebrated with arms demonstrations and parades of tanks, planes and guns.

Our society celebrates May 1 also, but we have come to celebrate something much less tangible, much less strident but much more important in the affairs of men - the rule of law.

This May 1, for the fourth time, our Nation will observe Law Day - USA. The day has been so designated by act of Congress and Presidential Proclamation.

There will be radio and television programs and local observances throughout the Nation. There will be displays in schools and patriotic speeches.

But this is not simply a day for judges and lawyers. It is not simply a day for oratory and flourish. There is only one real way to celebrate Law Day - USA and that is to rededicate ourselves to upholding the rule of law which the day symbolizes.

Autobiography by Charles S. Rhyne

Because we are a free and a proud people, it is not always easy to bow to the law. But we have learned that we must.

Where the primitive society settled disputes with clubs and where the Communist society settles disputes with bloody purges, we have learned to tell it to the judge - and to abide by his decision.

In this acceptance of a judgment or a law, whether we agree with it or not, rests the strength of our Nation. Fundamental to our society, it infuses the strong as well as the weak; in the obedience of the strong rests the protection of the weak.

We were given a striking illustration recently in the electric price-fixing cases. Who could help but be impressed by the sight of large, powerful companies bowing their heads to the law?

I think we are seeing the same thing happen in the South. While some of our citizens do not agree with civil rights laws, men of reason in the South do agree with the importance of accepting law.

It is this acceptance of law - by the individual - of which we should remind ourselves on this day, as I am reminded every day by an inscription on the side of the Department of Justice building in Washington:

'Justice in the life and conduct of the state is possible only as it first resides in the hearts and souls of the citizens.'

CHAPTER 18

ABA'S OUTSTANDING RECORD PROMOTING LAW DAY - 36 YEARS OF NATIONAL AND WORLD IMPACT

After the February 3, 1958 Proclamation was signed and issued by President Eisenhower, the ABA Board of Governors endorsed full Association leadership in carrying out the Law Day - USA celebration. Unanimous Board approval was then followed by unanimous approval by the 1958 Mid-Year Meeting of the House of Delegates in Atlanta, Georgia on February 24, 1958.

The success of the first Law Day - USA "celebration" on May 1, 1958 was so great, ABA decided to repeat its leadership of the celebration on May 1 of each of the succeeding 36 years. I should also say that this tremendous success is due, in large part, to the ABA's outstanding staff, first under the direction of Don Hyndman, ABA's first Public Relations Director, then Marcia Kladder took over, along with other ABA staff members as Directors of Law Day, editing an outstanding Law Day - USA brochure each year containing pattern speeches, proposed Proclamations, and pages of materials listing ideas for Law Day - USA celebrations. ABA has also enlisted the aid of state and local bar associations, courts, law schools, individual lawyers, lay organizations, businesses, civic clubs and other support in arranging meetings and creating Law Day - USA events on a massive scale nationwide. The media, both newspapers and on the air, TV and radio, have devoted much time to our law heritage and current needs on May 1 each year.

I did admit to Henry Luce, when he advised me of his decision to put me on the cover of Time, that his count of over 5,000 state and municipal Law Day - USA Proclamations supporting President Eisenhower and ABA leadership was due, in part, to my personal letters to many municipal lawyers, Mayors and other municipal leaders, like county board chairmen, State Governors and State Attorneys General, many of whom I represented as a lawyer or in my capacity as General Counsel of NIMLO, so many were also my personal

friends. He replied, "I still say the Proclamations were spontaneous."

Many foreign bar associations, who receive ABA publications, have followed the idea of Law Day - USA with their own Law Days. Undoubtedly, Law Day - USA's impact, together with ABA's sponsorship of the creation of the World Peace Through Law Center, in which legal professionals of the World have participated as volunteers for ABA's program of expanding the rule of law system throughout the World, helped crumble Communism and the "Cold War" into its present demise in the Soviet Union and elsewhere. Never before had the lawyers of the World been led by such an organization of individual lawyers, for the support of which, each legal professional could call on his own national leaders and his own people to help him sell the rule of law and its principles and institutions as the road toward the individual freedoms and peace that mankind has sought for centuries, as the pages of law history prove overwhelmingly.

After nearly four decades of this program of ABA, and other U.S. and foreign bar associations, selling the rule of law as the path to human liberty, the Cold War has dramatically ended. The people of many parts of the World have rejected lack of individual freedom and opted for the individual freedom provided by the rule of law and its principles and institutions. No one dreamed when Law Day - USA was created that this dramatic turn to the rule of law would come so suddenly, be so far reaching, and in the way it did, as a people's uprising for rule of law government. Many called it an "impossible" dream, when I so urged. And, if you have read my quotes from Henry Luce's speech to the Indiana Bar Association in 1958 earlier herein, you will see that even so staunch a supporter as Henry Luce believed I was dreaming of the almost impossible. He was nevertheless for our trying to do it. See page 396, supra.

As briefly noted above, the American Bar Association prepares and makes available, directly or through state and local Bar Associations, a handbook,

ABA's Promotion of Law Day - USA

adapted to a new slogan or theme each year, outlining how to organize and carry out Law Day - USA programs. These handbooks are compact statements of information and suggestions for Law Day - USA programs before all kinds of audiences, be they organizations, service clubs, high schools, colleges and universities. The handbooks contain the current Presidential Proclamation, suggested Proclamations for state and local government officials, like Governors and Mayors, reference material sources, speakers, films and recordings, publicity suggestions and key events in the growth of the American legal system. To quote ABA's official description:

"The purpose of Law Day - USA, celebrated annually on May 1st, is to reserve a special day of celebration by the American people in appreciation of their liberties and to provide an occasion for rededication to the ideals of equality and justice under law. Law Day - USA is a public service project sponsored annually by the American Bar Association and funded by the Fund for Justice and Education. Law Day programs are conducted in all 50 states plus the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands and at U.S. armed service installations across the globe. Ninety-eight percent of state bar associations and 94 percent of local bar associations sponsor Law Day programs. Typical Law Day activities include visits to senior citizen community and residential centers to explain legal rights of the elderly, including wills, health care power of attorney, and social security and medicare concerns, courthouse tours, judge for-a-day and lawyer for-a-day shadow programs, mock trial presentations, law fairs conducted in shopping malls with information booths, free legal consultations, law enforcement demonstrations, child finger printing, traffic safety exhibitions, etc., food and blood donation drives, speeches, call-in-programs, legislative "year-in-review" analyses, community forums, film festivals, fund raising events, Liberty Bell award presentations for non-lawyer contributions to law related efforts in the community, visiting lawyer programs at schools, question and answer

Autobiography by Charles S. Rhyne

sessions at factories and businesses during pre- and post-working hours and lunch hours, naturalization (citizenship) ceremonies, and alternative dispute resolution seminars and special, some legislatively directed, "Settlement Weeks".

From the first Law Day - USA observance in 1958, to the present Law Day - USA, it has made a bigger impact upon the Nation than any other ABA public service project. Never before have the courts and the state and local Bar Associations joined in such a program, so universally and effectively. An estimated over 20,000 Law Day - USA programs were carried out in 1958 and the number has grown each year in scope and participation.

President Eisenhower was presented with the 1958 editorials and news clips I promised by my successor, ABA President Ross Malone, on the 1958 Law Day - USA programs and events, which he had requested when he agreed to sign the Proclamation. He took occasion to refer to his receipt of that book compilation of media editorials praising Law Day - USA when I next met him, as proving I did not forget my promise, pursuant to his request, when he signed the Proclamation on February 3, 1958.

The media has published hundreds of editorials and news stories praising Law Day - USA over the past 36 years. As I write these words, I gaze upon fifteen enormous volumes of press clippings compiled by ABA, chiefly on Law Day - USA and its World Peace Through Law Programs.

As Henry Luce had informed me it would, Time magazine dedicated its May 5, 1958 issue to Law Day - USA with my photo on its cover. He said this was the first and only Time cover for an ABA President in office and an ABA sponsored law program. Henry Luce, as Time's editor, publisher and owner, also gave many speeches personally praising the national and worldwide significance of Law Day - USA and the World Peace Through Law program. In addition to ABA, many law professionals, in nearly all Nations, can claim credit for the great continuing success of the World Peace Through Law Program. It was Sir Winston Churchill who said, "You can sell an idea of change

ABA's Promotion of Law Day - USA

to the World if you let others share in, or have, the credit". That is what has happened here. As I will write in detail later herein, the legal professionals of all Nations feel they are part and parcel of the World Peace Through Law Program. They rightly claim it theirs, as they helped originate and carry it to fruition. They were the leaders, as the whole World turned to the rule of law in the late 1980's and early 1990's.

In 1961, the United States Congress unanimously adopted a joint House-Senate Resolution calling upon the President of the United States to issue a Proclamation declaring May 1st, each year, Law Day - USA. This celebration, as proclaimed by all United States Presidents from Eisenhower to Clinton, has helped immensely in recalling to all Americans the great values of their rule of law government. Sure, it is not perfect and needs constant updating, but Law Day - USA offers a wonderful vehicle to educate Americans on this greatest of American ideals and the responsibilities they, as United States citizens, have under our system of government to strengthen and maintain our government under law.

Considering that most law reform is, as I repeat for emphasis, crystallized public opinion, Law Day - USA has pushed forward many law reforms by providing a time and theme upon which all Americans could speak out on their views as to our law and needed reforms, as well as praising the "good" laws. The thousands of Proclamations, editorials, TV and radio programs speak in a loud voice to our people and the World. The people of the non-rule of law Nations have heard that voice and are now claiming rule of law as their own.

I quote one of the many letters the District of Columbia Bar Association has received:

"Public Schools
of the District of Columbia
U.S. Senate Page School
Library of Congress
Washington, D.C. 20540

Autobiography by Charles S. Rhyne

Dear Mr. Pearlstein, President, Research Foundation of the Bar Association of the District of Columbia:

The staff and student body of the U.S. Senate Page School wish to thank you for your generous gift of time on May 1st to help our school commemorate Law Day. To say our students enjoyed your visit would be an understatement. Had we not established a time limit, we're sure the questions would have gone on and on.

Be assured that we appreciate your interest and effort in making such an opportunity available for our pages, and we thank you for being so understanding of our time constraints.

Hopefully, our paths will cross again.

Sincerely,

(Signed) Blanche E. Williams
Director
U.S. Senate Page School"

The above letter is just one example of the letters received by Judges, Law Professors and lawyers who have helped students in public schools understand the importance of the rule of law in their everyday lives by volunteering about two hours of their time to speak on what the rule of law means to Americans on Law Day - USA each year.

Having worked on Capitol Hill, for U.S. Senator Pat McCarren of Nevada, Chairman of the Senate Judiciary Committee and with Congressional members of many other Committees, when President Bush seemed hesitant to issue a Proclamation, I naturally turned to the resources Senators provide for themselves, one of which is the Senate Historian Richard A. Baker, to find one of his Father's, Senator Prescott Bush, speeches on Law Day - USA, to use to nudge President Bush to issue the 1992 Proclamation as required by public law, 87-20, approved April 7, 1961. Mr. Baker found one of Senator Bush's Law Day - USA speeches and I quote from it here. Addressing the Georgetown University Law Day - USA audience on May 1, 1959, Senator Bush said, in part:

ABA's Promotion of Law Day - USA

"It is an honor and privilege to address such a distinguished audience of Judges, lawyers, legislators, Alumni of this great Institution and members of its student body.

"I must confess that I approached the assignment with some trepidation. I am not a lawyer... However, I have some exposure to legal learning. In my undergraduate days at Yale, I studied Constitutional Law at the feet of a Former President, who later became a great Chief Justice of the United States, William Howard Taft.

"I should say that I have shared the concern aroused by some of the Supreme Court decisions in recent years but I believe criticism should be carefully restrained to avoid damage to the Court as an Institution. Whatever its imperfections, the Supreme Court must always be regarded as a shield for human liberties..."

After attacking "the rising tide of isolationism", the Senator concluded his most thoughtful speech as follows:

"And I have an abiding confidence that a system of government which exalts the individual above the state, can defeat a system in which the individual is nothing and the state everything. In short, I believe that freedom will eventually triumph over evil..."

I should add that I have reviewed many Congressional Law Day - USA speeches over the years by other members of Congress, and have participated in recording some of them, for distribution to their home constituents. Many like to have someone, like me, sprinkle in a few accolades and I am always glad to oblige.

It is difficult to capsule, or summarize, the impact of the great outpouring of support Law Day - USA has received for 36 years. But I will try.

Above all, Law Day - USA has provided the annual opportunity to American's legal professionals - Judges, lawyers, law professors and other leaders in all professions and activities - to work cooperatively, pro bono publico, on the required task of calling public attention to address the constant

need of adapting our law system to new developments in the life of the people of our Nation and other Nations. ABA has provided professional leadership in this essential requirement of revising and updating our law system, which is so needed in a democracy where every governmental action must be adopted as law. In a democracy, an informed public opinion is the ultimate element for governmental success. Law Day - USA gives legal professionals and all public leaders in all professions, or other work, their greatest opportunity to inform the public of the contents of our Federal and State Constitutions, and the state statutes and municipal ordinances adopted thereunder. They can, at the same time, suggest amendments required by new knowledge and achievements. ABA is performing this essential function by providing an organized effort nationwide to examine and re-examine, each year, the law fundamentals of our rule of law government and the need of developing an informed public opinion, or knowledge, on its law strengths and new law needs of our democracy. And as the foregoing proves, they have taken full advantage of the opportunities Law Day - USA has provided.

That the major part of the World's peoples have opted for what Law Day - USA stands for tends to refute the "impossible dream" critics.

The Proclamation, on which John Foster Dulles put the final words, was the result of a lot of discussions, over several years, leading up to my presentation of that final draft to him. He was a great joy to talk to. Even when he was very busy as Secretary of State, he would squeeze in time to talk about law and how we could make our people, and the people of other Nations, more inclined to follow and honor the rule of law, nationally and internationally. I am convinced, that but for the signature of John Foster Dulles on the proposed Proclamation, Sherman Adams would probably have killed Law Day - USA before it had a chance to prove what it could do.

As I report under my discussion of the Magna Carta Memorial, President Eisenhower began to make

ABA's Promotion of Law Day - USA

speeches on a World Legal System under the Rule of Law, as a substitute for the rule of force. These speeches were largely written by Arthur Larson, then on the President's staff and later Head of the World Legal Center at Duke. As a matter of fact, President Hollis Edens of Duke asked me why couldn't Duke create such a Center when I made a Duke Commencement Speech on the great ideals of international rule of law and its potentials for true World peace. President Edens said he had almost hired Larson as Duke Law Dean and knew he was available. He later told me that he had called and hired Larson that very day, so Duke could take great strides in this field of "Peace Law", as he was impressed by what I had said about it. See pages 410-418 supra.

I had many discussions with others on how to get public support for rule of law government, as I travelled our Nation and the World. These included Robert Martin, the great former President of the French Bar and Battioner of the Paris Bar; Prime Ministers Nehru of India, Robert Menzies of Australia, John Marshall of New Zealand, MacKenzie King of Canada, Law Professor I. Tunkin of Russia, Chief Justices Smirnov and Lebedev of Russia and, Chief Justice Gorkin of the Soviet Union. I also talked to Chief Justice Ren Jainxin of China and, Chief Justices Ademola and Elias of Nigeria. Elias later became Chief Judge of the International Court of Justice. I also discussed this with many U.S. Judges and many U.S. lawyers, over the years. These included many of our renowned legal professionals. I was honored by audiences with Their Holinesses, Pope Pius XII, Pope John XXIII and Pope John Paul II, and other great religious leaders to discuss the close relation of religion and the law, as espoused by Law Day - USA. These discussions led to Ecumenical Services at the Opening Session of World Conferences of the World Peace Through Law Center and its Associations. The list could be extended to many others in many Nations. My point is, all those previously named by me herein, those just listed, and many more I could list, were enthusiastic supporters of, and participants in, the

law leader rule of law program. I will name many more in the part of my story of how and why the World has turned to the rule of law in the 20th Century, as the most credible road to World peace.

Since I have praised Law Day - USA so highly, I believe I should add one item of proof beyond ABA's consistent, yearly support of Law Day - USA.

After the Law Day - USA program had been in existence for 20 years, it is only natural that it would incur criticism as "old hat" from some ABA members, as well as receive praise from the overwhelming membership. ABA President, James D. Fellers, accordingly, in 1974, appointed an Advisory Committee, chaired by a distinguished ABA leader from Mobile, Alabama, Thomas G. Greaves Jr., to study the use and usefulness of Law Day - USA. His article is published in the October 1978 Volume of the American Bar Association Journal at pages 1526-1529, under the intriguing title of "Bouquets and Brickbats". Mr. Greaves was then a former member of the American Bar Association's Board of Governors, State Delegate from Alabama to ABA's House of Delegates and Chairman of the Association's Adjunct Committee on Law Day.

Mr. Greaves asks the question, at the beginning of his article, "Is this fact or fiction?" He then answers in part as follows:

"No public relations program, ever devised by the legal profession, has been more versatile and effective in bringing broad public attention to the work of the Bench and Bar than the annual, nationwide observance of Law Day."

He makes an analysis of replies to questionnaires sent annually by ABA to more than 2,500 Bar Presidents, Secretaries and Law Day Chairpersons for the years 1969-1978. He describes Law Day programs for Town Meetings, Drug Seminars, Court Trials, Law for Children, A National Law and Order Test, Law for Laymen, Law Weeks, Media Aid, Legal Services, Public Debates, Law Day Quizzes, Law for the Elderly, and Law Mobiles at shopping centers and gives the following totals for the 10 years, 1969-78: 488,550 Programs, 200,440 Schools, 45.255 Attendance in

ABA's Promotion of Law Day - USA

Millions, 2,118 Media Pages in Print, and 1,247 Million as TV-Radio Audience.

He states:

"In 1978, newspapers devoted more than 70,000 inches to information about Law Day events and programs. Laid end to end, all of these articles would be longer than the length of 16 standard size football fields!"

The adjunct Committee recommended that Law Day - USA continue to be sponsored by ABA.

Always, I receive a flood of Law Day mail. As an example of what comes in from out there, I herewith reproduce the following article and Law Day - USA Proclamation:

"LAW DAY - LIVING LEGACY OF THE "COLD WAR"

"Did you know that Law Day, an annual observance to celebrate law in America, was inspired by a speech by Winston Churchill and May Day, the traditional holiday of international socialism?

Churchill, the British World War II Prime Minister, gave a 1946 speech in Fulton, Mo., which moved a prominent, young Washington, D.C. attorney, Charles Rhyne, to action. During the speech at Westminster College, the wartime leader coined the phrase, "Iron Curtain", referring to the imposition of dictatorial communist regimes in the Nations of Eastern Europe. Rhyne tried to think of ways those in the legal community might help dissolve the "Iron Curtain". He tried to arrange direct contacts between American and Soviet lawyers and Judges, since he thought that might foster better understanding. But the Soviets were uncooperative.

Rhyne was also affected by the annual May Day parades of the late 1940's and 50's, particularly those in Eastern Europe and the Soviet Union, which highlighted communist military strength. Those two experiences provoked Rhyne to crusade for the establishment of Law Day. He "envisioned a day in America to celebrate equality, human rights, and to try to convey that message to the slaves behind the Iron Curtain". In short, he saw Law Day as a counter

Autobiography by Charles S. Rhyne

to the militaristic May Day message of international socialism. Rhyne began to lobby for Law Day by contacting two of his friends on Capitol Hill, Senator John Foster Dulles and Senator Prescott Bush, Father of President George Bush. The two of them convinced Rhyne that a Presidential Proclamation would be the best way to establish Law Day.

In 1958, Rhyne, as the newly elected President of the American Bar Association, the leading organization of lawyers in the United States, took his proposed Proclamation to his friend, John Foster Dulles, now Secretary of State, for his support. Dulles approved, and forwarded the Proclamation to President Dwight Eisenhower for his signature. However, it was intercepted by the White House Chief of Staff who thought the proposed Law Day was a tribute to lawyers. The Chief of Staff disliked lawyers. Rhyne insisted that Law Day paid tribute to the role of law, not lawyers. But the Chief was firm - the President would not sign the Proclamation.

So Rhyne went directly to the Oval Office to see the President. Eisenhower, not a big fan of lawyers either, read the proposed Proclamation, but found nothing in it praising lawyers. Eisenhower then told Rhyne, "Some people will think this is the best damn idea I ever had." The President signed the Proclamation.

Law Day has been celebrated every year since, and it has spread to other Nations too. While the significance of May Day has declined around the World in recent years, Law Day's importance should not. The annual observance reminds us of the critical role of law, particularly the Bill of Rights and the Constitution, in guaranteeing the basic liberties and freedoms we so often take for granted.

The theme for Law Day 1994 is "Just Solutions". It is a reminder that we should all work to improve our justice system. As Rhyne, now 82 years old, said last week, Law Day "should focus on what is wrong with our legal system," and how to fix it.

The Commanding Generals of the Third Marine Aircraft Wing and Marine Corps Air Station El Toro have joined in issuing a Proclamation recognizing May

ABA's Promotion of Law Day - USA

1 as Law Day aboard Marine Corps Air Station El Toro. The Proclamation calls upon the rights we enjoy, and to re-affirm our loyalty to the United States of America."

"LAW DAY PROCLAMATION

WHEREAS, the United States of America has been the World's citadel of individual liberty and beacon of freedom for more than 200 years, and

WHEREAS, the foundation of our freedom and liberty is the body of law that governs us, and

WHEREAS, the Constitution of the United States of America and the Bill of Rights are the heart of the body of law, bestowing on us many freedoms - including freedom of religious belief, freedom to have and hold property, freedom of assembly, freedom of speech, freedom of press, freedom of petition, and due process of law among others, and

WHEREAS, the Congress and President of the United States, by official Proclamation, have set aside May 1 as Law Day - USA, a special day for recognition of the place of law in American life,

NOW THEREFORE, we the commanding generals of Marine Corps Air Station El Toro and Third Marine Aircraft Wing, do hereby designate May 1, 1994 as Law Day - USA and call upon all Marines to commemorate the role of law in our lives.

signed,

P.D. Williams
Major General USMC
MCAS El Toro

P.A. Fratarangelo
Major General USMC
3d Marine Aircraft Wing"

Copied from Flight Jacket, April 22, 1994

CHAPTER 19
THE RESIGNATION OF THE CHIEF JUSTICE OF THE UNITED
STATES, EARL WARREN, FROM ABA

I soon learned that with the high office of ABA President came many problems which impacted on, and were a part of, my duties as President.

My first big, totally unexpected, problem came from a most unexpected source, Chief Justice Earl Warren, on September 3, 1957. He sent me his letter of resignation from the ABA, in which he explains why he resigned. A messenger from the Supreme Court delivered, to my Washington office, this letter which I now reproduce in full:

"Supreme Court of the United States
Washington, D.C.
September 3, 1957

Chambers of
THE CHIEF JUSTICE

PERSONAL AND CONFIDENTIAL

Mr. Charles S. Rhyne,
President,
The American Bar Association,
726 Jackson Place, N.W.,
Washington, D.C.

Dear Charley:

After giving the matter most serious consideration, both before and after the London Convention, I am convinced that my continued membership in the American Bar Association would not contribute to the welfare of the Association or of the Court of which I am a member. I, therefore, resign with the following brief explanation of my reasons for so doing.

The Association is composed primarily of practicing lawyers, and the members should be free at all times to say and do whatever they consider to be in the interests of their practice. This involves full discussion of the decisions of all our Courts.

Resignation of Chief Justice Warren

Such a course inevitably leads to differences of opinion concerning the wisdom of those decisions. This calls for debate, and if the Association is to fulfill its purpose, it should always be in a position to criticize those decisions without the embarrassment of the presence of the Chief Justice of the United States, who is partly responsible for the most controversial of them. His presence would, of necessity, cause embarrassment to some, because the bar of the Nation, if not the general public, knows that the members of the Supreme Court cannot, with propriety, engage in public debate when their decisions are challenged, and that they must live in silence with what they have written, regardless of what might be said in derogation thereof.

By the same reasoning, a Chief Justice becomes a captive member at such times. He cannot, with dignity, rise and defend the work of the Court. Neither can he, with honor, sit quietly and listen to what he considers unjust castigation of his Court, at the cost of weakening its standing as a responsible agency of government. It is better in such circumstances that he should not be a member of the organization and thus be free, at least from the inference that by his silence he is deserting his own ship.

As you know, the situation which I describe is not hypothetical. It was enacted at London. At a Conference, to which the Chief Justice was invited to participate as one of the leaders of the profession, in a pilgrimage to the home of the Common Law, which is the basis of our concept of law, the House of Delegates, as one of its final acts - and only two days before dedicating a monument to Magna Carta and its provisions guaranteeing human rights - accepted, without debate and without protest, a report excoriating the protector of those rights, the Supreme Court of the United States, thus demeaning it in the eyes of the entire World. After closely linking its decisions - merely by assertion of the fact - with the objectives of the Communist movement, it concluded with these words:

"If the Courts lean too far backward in the maintenance of theoretical, individual rights,

Autobiography by Charles S. Rhyne

it may be that we have tied the hands of our Country and have rendered it incapable of carrying out the first law of mankind - the right of self preservation."

This, as I am sure must have been anticipated, was the most widely publicized action of the Convention. It conveyed the thought to the World that in the unanimous opinion of the American Bar, the Supreme Court of the United States is advancing the cause of Communism, is unworthy of its heritage and, therefore, must be thwarted by the other Branches of Government. If that is the opinion of the Association, it is, of course, its right to say so. Moreover, it would be its duty to say so. But the Chief Justice, who is part and parcel of that Court, and who bears his share of responsibility for its actions, should never be in a position where he can be represented as either subscribing to the condemnation of or being too timid to say even a single word in defense.

These are my own personal views. Membership in the Association being an individual matter, I have so treated it in taking this action, and have not discussed it with any of my associates.

I close, as I opened, with the statement that the Bar, in my opinion, has not only the right, but the duty to criticize any or all of the decisions of the Supreme Court with which it is in disagreement. A Bar that would not defend to the death, if necessary, the basic rights of the poorest or most despised defendant, or of the great Government to which we all owe our lives and our happiness, whenever the rights of either are violated, would not be worth a pinch of salt.

I shall continue to cooperate with the American Bar Association in every worthy enterprise. As you must know, I have a high regard for you, and I anticipate that you will give to the Association a forward-looking administration of which all lawyers can be proud. If I can be of assistance to you in accomplishing that end, you have but to call on me.

Sincerely,

(Signed) Earl Warren"

Resignation of Chief Justice Warren

I should say that by the time I received this letter, I had known the Chief Justice since his days as Attorney General of California. Dean Justin Miller, of Duke University Law School, was a good friend of the Chief Justice and introduced me to him at the Indianapolis meeting of the ABA in Indianapolis, in September 1941. I had seen him earlier at meetings on city-state problems, like the tidelands and traffic courts. But at Indianapolis, Justin Miller got us rather well acquainted in discussions of city-state legal matters that I was working on for NIMLO.

When Governor Warren was appointed by President Eisenhower as the Chief Justice of the United States, I argued one of the first cases he heard in his first term on that highest Judicial Court, Phillips Petroleum Co. v. Wisconsin, Detroit, Kansas City, Missouri, et al., 347 U.S. 673 on April 6, 7, 1954. He made several requests that I repeat facts about the interstate operations of Phillips while he carefully wrote down my answers. He and the Court then voted in favor of my clients as I report, supra, pp. 115-118.

I believe my next contact with him came when he invited me to lunch to discuss the Magna Carta Memorial, in my capacity as Chairman of the ABA Administration Committee. He liked the memorial idea and reacted favorably when I first discussed Law Day and what became the World Peace Through Law Program. He accepted my invitation for him to speak at the Banquet of the D.C. Bar Association when I was its President. He invited me to several luncheons in his chambers to discuss these subjects before the London Meeting and, as I have written, supra, pp. 356-358, he and Mr. Justice John Harlan helped persuade Thomas E. Dewey to accept appointment as Chairman of the Exploratory Planning Committee to report on the feasibility of the ABA undertaking of the World Peace Through Law Program.

When I received the above quoted letter, I was shocked. The ABA Board of Governors was not meeting until October, so I called the Chief Justice for an appointment with him. He received me warmly, as

Autobiography by Charles S. Rhyne

usual. I asked him to reconsider his decision. We discussed it at length. Finally, he arose and walked over to the window of his chambers, looked out and stood there for some minutes. He then turned toward me and said, "I have found in life that once I have made up my mind on something, I should not abruptly change it." He emphatically stated he did not want to be misunderstood. He had "the highest regard for me and his resignation had nothing to do with me, as he would cooperate with me and the ABA as he had in the past." I wrote a letter to him on September 6, 1957 which I now reproduce.

"AMERICAN BAR ASSOCIATION

Office of the President

Charles S. Rhyne
400 Hill Building
Washington, D.C.
District 7-1380
September 6, 1957

PERSONAL AND CONFIDENTIAL

The Honorable Earl Warren
Chief Justice of the United States
Supreme Court of the United States
Washington, D.C.

Dear Mr. Chief Justice:

With reference to our discussion of your letter of September 3, I have now obtained a copy of the transcript from the House of Delegates and it reads as follows:

"CHAIRMAN RHYNE: Because of the requests that have been made to the Chair, I would like to call the attention of the House to a notice to editors that has been placed on the press desk over here, to this effect:

'Reports of Committees and Sections of the American Bar Association, prepared for submission to the House of Delegates, represent the views of the Committee or Section reporting and are NOT to be construed as the official policy of the American Bar Association.

Resignation of Chief Justice Warren

In the case of those reports preceded by specific resolutions, calling for approval of the House of Delegates, action by the House on such recommendations becomes official policy of the Association.'

"As you all know, that is in accordance with Article XII of the Rules."

This notice was on the press desk at the time of the making of the report to which you refer. It is also my impression that the report was summarized rather than read in full to the House, but I want to check the official transcript against the report, as released to the press by the Chairman on that point.

Since your letter was labeled "personal and confidential", I have labeled this note that way also. Before presenting your resignation to our Board of Governors which, as I informed you, is the only body authorized under the American Bar Association's Constitution to act upon it, I would appreciate a written authorization from you. Otherwise, some member of that body is almost certain to inquire by what authority I am revealing something that was written to me in confidence.

I have already expressed to you how much I deeply regret your decision and my hope that you will reconsider before the October meeting of the Board.

Sincerely,

(Signed) Charles S. Rhyne
President

CSR:bdb"

In response to my letter, the Chief Justice responded with the letter I now reproduce.

**"Supreme Court of the United States
Washington, D.C.**

Chambers of
THE CHIEF JUSTICE

September 12, 1957

Mr. Charles S. Rhyne,
President,
American Bar Association,
400 Hill Building,
Washington, D.C.

Autobiography by Charles S. Rhyne

Dear Charley:

This is in response to your letter of September 6th concerning mine of September 3rd.

By labelling my letter "Personal and Confidential", I had no intention of limiting your use of it. I merely marked it in that manner so that it would be sure to come to your attention first.

I also was interested in your statement to the press at the House of Delegates which, as so often happens, was more honored in the breach than in the observance.

With best wishes, I am

Sincerely,

(Signed) Earl Warren"

I reported the above to the ABA Board of Governors at its October, 1957 meeting and they urged me to go back to the Chief Justice and again urge him to reconsider and withdraw his resignation.

When I went back to see him for that purpose, I listened to him for quite a long time. He was particularly disturbed by a Report to the House of Delegates Meeting in London, which focused on the decision in Jenks v. United States, 353 U.S. 657 (1957). I gave him the official transcript of what occurred to read. ABA's Committee on Communist Tactics, Strategy and Objectives had, in fact, said it agreed with the Jenks decision, that any person accused of a Federal criminal offense was entitled to all relevant information and material collected by, and in possession of, the prosecution so that the defendant could prepare an adequate defense. The Chairman of the Committee, in his brief summary of its Report to the House of Delegates, did say members of the Committee did believe that "one accused of subversion against this Nation and its people will, and should, not be allowed to rummage, at will, through government documents containing confidential information important to national security and of no relevance whatsoever to the defense of the accused." See 1957 ABA Annual Report, pages 180 and 328-330.

Resignation of chief Justice Warren

In its written Report, the Committee did suggest "remedial legislation" to carry out its comment on limiting Jenks. But the House of Delegates took no action whatsoever. The Report was merely received and filed. There was no discussion whatsoever of the Report in the House of Delegates. I ventured that the meeting was held at a time when our Nation was in turmoil over loyalty oaths and "McCarthyism", which impacted nearly all speakers at the London Meeting, so this one Committee Report was not given much media attention as compared to the Magna Carta Memorial and the Guildhall Dinner. At the dinner, Sir Winston Churchill praised him and his Court. See pp. 368-370, supra.

Lawyer Duty to Defend Courts

I also gave him a copy of a speech I had made before lawyer audiences, particularly state and local bar associations, entitled "A Lawyers Duty to Defend Our Courts as an Institution of Government".

I gave him the text of this speech, which I had made as ABA President, before the New Mexico Bar Association on September 20, 1957. He said he would read it with interest. I told him the speech had earned standing ovations upon each presentation all over the Nation which indicated, to me, lawyers were all for carrying out their duty to defend our Courts, especially the U.S. Supreme Court. I became rather proud of the speech and herewith set it forth, in full, as an example:

"The cause I will ask you to champion today is one no American can deny in his heart. I am here to speak of our Court system and to express some personal views about the lawyer and his duty to uphold public esteem for our judiciary and public confidence in it as an institution of government.

"May I begin by quoting from the Preamble to the Canons of Professional Ethics as promulgated by the American Bar Association.

'In America, where the stability of Courts and of all departments of government rests

Autobiography by Charles S. Rhyne

upon the approval of the people, it is peculiarly essential that the system of establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration.'

"My attention has been forcefully called to Canon Number One of the the American Bar Association's Canons of Professional Ethics which provides in part:

'It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor.'

"Our system of government is no stronger than our Courts and our Courts are no stronger than the strength of the public's confidence in them. Our government was established with three separate branches specifically to create a balance of power. The checks which each of these branches has on the others are our best insurance that the absolute power necessary to form a tyranny will never vest in any one branch. If the American public loses its respect for our Courts, one third of our governmental system of checks and balances will be stripped of its power. This is axiomatic, for no organ has power absent either respect or fear; and fear has never been an arm of democracy. If one of our three branches of government may be destroyed, none are safe. Unless our Court system can maintain its position of dignity and respect in the eyes of our public, the foundation of our way of life is in danger. The truth inherent in this reasoning is sufficiently grave to merit our thoughtful, objective consideration. I ask you, then to lay aside your personal reactions and judgement as to any individual recent decision - as I now do - and consider with me the deeper problem. I frankly am deeply disturbed by

Resignation of Chief Justice Warren

the nationwide attack on our Courts which, it seems to me, has gone beyond criticism of individual decisions to the point where the confidence of the public in our Courts, as an institution of government, may be impaired. Let me stress that I respect the right of any man to express criticism of any decision of any Court and recall to you the fact that from such criticisms have come many changes in decisions down through the years.

"In discussing this subject, one would be less than frank if he did not face up to the fact that while other Courts have been criticized, the major target of the current criticism is the Supreme Court of the United States. Some of this current criticism is of such character as to lead to disrespect and loss of confidence in all law, all Courts and all lawyers. Recently I received an article by a nationally known newspaper columnist who made one of the most vicious attacks I have ever read on all lawyers and all Courts. So while I use the Supreme Court as an illustration, the current situation is by no means limited to that Court and the members of its Bar. Certain issues which have come before that Court recently have been highly controversial. The Segregation Cases, regardless of their resolution, were bound to offend the convictions of an appreciable portion of our population. The Internal Security decisions grappled with the basic conflict between the rights of the individual and the necessary powers of the sovereign. Again, public opinion was bound to be divided. It is not at all disturbing that large numbers of intelligent persons should disagree with the legal reasoning of the Court, the authorities cited, or lack of them, or the ultimate decision. But it is extremely serious that personal insults are now hurled at members of the Court in place of criticism directed at their decisions. One may disagree with an opponent, and yet respect him and his motives. Disagreement is a sure sign of intellectual activity - the freedom of thought which is essential to democracy. But when that disagreement runs rampant in the form of malicious charges directed toward undermining and

Autobiography by Charles S. Rhyne

smearing the opponent, this is cause for freedom loving men to become alarmed. For this type of attack cares little for the virtue of truth.

"All of us are somewhat familiar with the history of the Supreme Court of the United States. In its decisions, one can trace most of the significant social, political and economic trends and developments of our Nation. During each major crisis the Supreme Court has risen above the prevalent emotions and prejudice. Often its decisions have been attacked as too conservative or too liberal. But always the Court itself has gained in respect, until today, as Sir Winston Churchill said so dramatically at our recent ABA Convention in London, it "stands as the most esteemed judicial tribunal in the World."

"The Court began its role as a resolver of great national issues in the classic case of Marbury v. Madison. The majority opinion, voiced by the great Chief Justice John Marshall, stated that conflict between a Federal statute and our Constitution must be resolved in favor of the Constitution, the supreme law of the land. Although this declaration was actually mere dictum, it was widely accepted as controlling on the power of the Court to rule on the validity of Federal statutes.

"Opponents lashed out at the language of the opinion. Many eminent men, among them President Jefferson, were extremely critical. They took the position that each branch of the government had the exclusive power to pass on its own authority. Rational grounds were advanced for this argument. Certainly many persons must have considered the decision, that the judiciary could overrule the legislature, to be a violent misuse of judicial authority. Yet, now we look upon Marbury v. Madison as the very cornerstone of constitutional law. Absent this review of constitutionality of Federal legislation, the basic rights and freedoms we prize would be unprotected. The "gross usurpation of 1803" is the "genius of John Marshall" today.

"McCulloch v. Maryland introduced a line of decisions in which the Court established the supremacy of the Federal Government. Each

Resignation of Chief Justice Warren

infringement of states' activity and each addition to Federal powers brought forth a new barrage of criticism. So vehement and bitter were the feelings that several plans were suggested to limit or transfer the appellate jurisdiction of the Court, where validity of statutes were involved. A number of eminent persons, including Senators and Representatives, joined in this crusade; but, fortunately, wiser heads prevailed. We now recognize the value of these decisions. Our national currency has never lost its value. All sections of our great Nation have pulled together in time of emergency. Our commerce has not been hampered by duties, taxes or retaliatory measures between our states. The Court's interpretations of our Constitution, even in the face of violent opposition at the time, have made us nationally strong today. And I say this as one who respects and advocates states' rights and deplores the ever-expanding octopus of the executive branch of the Federal Government. While not a legal matter strictly, it is only fair to insert a footnote here that state inaction in meeting modern needs and problems has contributed largely to that expansion.

"Certainly, the equality of man has always been a contentious issue. Every American reads in grade school how the Court returned Dred Scott to slavery. The hue and cry which arose from the abolitionists then was equal to any modern attack by segregation forces. President Lincoln was extremely displeased with the decision. But he made a statement which we would all do well to ponder:

'We know the Court that made it has often overruled its own decisions and we shall do what we can to have it overrule this. We offer no resistance to it.'

"This was the position of a man willing to shelve his personal disappointment rather than lead an attack, as he said, against "our whole Republican system of government - a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy and violence."

"This must be the position of our legal profession. We must lead in upholding the dignity

Autobiography by Charles S. Rhyne

and respect of our judicial system. Fight the decisions if you will. Endeavor to have them overruled. But do not disparage the status of the Courts, as an institution of government, by blanket attacks upon the Courts, or even a particular Court.

"It is needless to continue tracing the history of the Supreme Court in support of my thesis. You know it as well as I. Never a decade has passed that some great controversial economic, political or moral issue has not been resolved. Time has proved many of the decisions to be not only correct, but brilliant. Others were later seen to be short-sighted or shallow and were overruled. But would we have it otherwise? Would it be better to have as our High Court of Justice a board of nine pacifiers whose chief function is to concede some basic value here and withhold a little justice there in an effort to appease a minimum of, say, ninety percent of the public? Or would we have nine legal minds, men, not gods, who wrestle with the great judicial issues of our day and resolved them to the best of their ability? Is our first concern that every decision be correct, important as this is? The answer is clearly no. It is more important that we have independent judges, free to decide unfettered by outside pressures. If unpopular decisions can result in loss of appellate jurisdiction or impeachment of judges, how can we hope that fear of consequences of decisions -- or what is even worse, political corruption -- may not seep into and rust the scales of justice?

"Never forget that there were lawyers to present both sides of every great issue before our Courts. The Court is persuaded, or urged, by lawyers to the decision it announces. Few indeed are the issues that are so one-sided that all will agree on the ultimate decision. We lawyers are part and parcel of this judicial process, and we are the only participants who can do the job I here propose. Our clients are not equipped to do it. Self-imposed judicial ethics and tradition forbids any response by the judiciary to attacks upon it no matter how false or unwarranted those attacks may be. But we of the

Resignation of Chief Justice Warren

Bar have no such restraint upon us. Our duty, as I see it, is to assume leadership here and see to it that our people have the correct facts and a proper appreciation of the place of the Courts in our system of government.

"It is not my purpose here today either to defend or to criticize any particular decision of any Court. I make the basic point that we of the Bar have a duty and a responsibility to perform in maintaining the confidence of the public in our Courts. Such confidence is the foundation of our whole system of government, and we must never allow it to be impaired or destroyed. We as a people may talk loud and strong of rights and liberties, but rights are as nothing without a redress and protection in the Courts. Chief Justice Marshall so truly said:

'The judicial department comes home in its effects to every man's fireside, it passes upon his property, his reputation, his life, his all.'

You will recall also that the Preamble to our Constitution recites that one of the purposes for which our Nation was created was to "establish justice." Certain it is that the judiciary, as one of the three great branches of our government, has always played a basic role in the lives of our people. Our people have a right to justice, soundly and properly administered. And we of the Bar have a duty to make the people secure in their rights. That means we have a duty to defend the Courts. Do not forget, either, that the prestige of the Bar depends in large part upon public confidence in and esteem for the Bench. If we of the legal profession lend ourselves to criticism of the Courts, as an institution of government, we are striking a body blow at our own standing in the estimation of the public. We are in effect "fouling our own nest."

"These are critical times. The forces of Communism are constantly trying to undermine our institutions. One of their principal goals is to create distrust and dissension within our Nation - to make us doubt our way of life. Certainly this is no

Autobiography by Charles S. Rhyne

time for our own people to add impetus to the Red attack. For no institution in our government is so directly opposed to the concept of a supreme State as our Courts. The rule of law and the supreme State cannot coexist.

"As lawyers and officers of the Court, we of all Americans, are best able to appreciate our priceless heritage of freedom under law. In our daily life we see the great principles of democracy applied by our Court system. We tend to take them for granted. But whenever we stop and think, we must recognize that not one of our priceless freedoms - speech, religion, press, even criticism of government - would be safe without the final safeguard of the Courts. Our whole future as a Nation, and as a people, depends upon the maintenance of our independent judiciary to preserve the rights of our people.

"Our Court system is not above censure. No organ of government is. None of our institutions is perfect. As Justice David Brewer of the Supreme Court said in 1898:

'It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism.'

But there is a vast difference between criticism stemming from constructive analysis of particular decisions and the uninformed, misleading insults which are sometimes being hurled currently. As President Lincoln suggested, time spent in ranting and raving would be better used working to establish the fallacy of the unpopular holding. But no degree of disagreement justifies degrading the foremost protection of our finest heritage - freedom under law - a protection only the Courts can guarantee.

"Our American people have traditionally been ready to respect their Courts and to look to them as the ultimate guardians of the liberties of our people. "Justice" as Daniel Webster said:

'...is the greatest interest of man on Earth. It is the ligament which holds civilized Nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress

Resignation of Chief Justice Warren

of our race.'

"To insure justice in our land, we lawyers must do all in our power to preserve the respect and dignity of the public for our Courts. We are dually obligated, as dedicated servants of the public and officers of the Courts, to speak forth on every occasion to maintain confidence in our Courts. Our profession has, in large part, created the freedoms that exist under our Constitution and, through vigorous advocacy, we have protected them in our Courts. Today when we are faced with the greatest challenge in all history to our system of government, we must defend the vital keystone of that system -- a free judiciary... secure in the confidence of the people.

"To defend and protect the Courts as an institution of government is peculiarly a task for lawyers. I hope you will join me in it, for there is no greater service you can render to our profession and to the public.

"The stake of the public at large in a strong rule of law and a strong and respected judiciary is tremendous. These, plus a strong Bar, are essential to maintain freedom under law in our beloved Nation. Maintenance of that freedom is essential to the continued liberty of our people and the continued liberty of our people is essential to the future of free peoples everywhere."

After our discussion, the Chief Justice repeated his decision not to withdraw his resignation. He repeated his desire to help me in every possible way with my idea of aiming, what I believe I then called a "Law Heritage Day," on May 1, 1958, aimed at comparing our system of justice with that of communist systems. That "idea" became Law Day - USA. He also said he was ready to go "all out" on the World Peace Through Law Program.

We parted on a most friendly basis with him suggesting we have lunch, in his chambers, the next time I happened to be in Washington. He recognized that my days in Washington were few, due to my constant travelling as ABA President.

Then occurred two events. ABA sent the Chief

Autobiography by Charles S. Rhyne

Justice a bill for his next year's dues, which the Chief Justice's Secretary returned, stating he had resigned as of September 3, 1957. The Secretary of the ABA wrote back that acceptance of his resignation was up to the ABA Board of Governors. The second event was that I, with the Board of Governors' approval, invited the entire membership of the U.S. Supreme Court to the ABA 1958 Annual Meeting in Los Angeles, as its guests. The Chief Justice accepted, as did other members of the Court. I should report here that ABA's Board of Governors, in January 1959, accepted Chief Justice Warren's resignation, as of September 3, 1957.

The Chief Justice kept his word that he would support ABA programs, especially Law Day - USA and World Peace Through Law. He and his most wonderful and brilliant wife, Nina, travelled the World with me, promoting the World Peace Through Law Program, until his death in 1974 at the age of 83. In pages to follow, I will often recount his contributions to the ever-growing turn of the 20th Century to the rule of law.

I cannot close this subject without quoting what Nina Warren wrote on the flyleaf of the Memoirs Volume that she sent to me. She wrote:

"July 9, 1977

To Charles:

Earl spoke often about his plans to include a Chapter in this book on his work with the World Peace Through Law organization. He felt very strongly that this was an extremely important movement, and was grateful to you for your tireless efforts to make it a reality. Had he been permitted to remain with us a short time longer, I know he would have written in bold language of his belief that this project, indeed, would have a worthwhile future, even in our present confused state of world affairs.

With Affection,

(Signed) Nina"

Nina lived to be 100 years of age and kept in touch over the years she survived the Chief Justice. I here quote a letter I received from her:

Resignation of Chief Justice Warren

"Sheraton-Washington Hotel,
Washington, D.C. 20008
November 10, 1987

Dear Charlie:

Many thanks for your letter enclosing a copy of the speech you delivered at the Seoul Conference on the Law of the World. It was a very effective and meaningful address, and I hope those who were privileged to hear it benefited from your timely remarks on the need for peace in the World. Nothing is more important during these troubled days we are living through.

I was pleased that you quoted from the Chief Justice's speech at the first World Conference. He was intensely interested in the World Peace Through Law movement, and was grateful to have a part in promoting this very important cause. I, too, was delighted to attend the Conferences, which were so well planned and executed, thanks to the dedicated efforts of you and Bill Thompson.

I am sure you and your wife enjoy your young children and that both of you are very able and devoted parents. Some of my great grandchildren are about the same age as your Sarah and Elizabeth. They are living in California, so I do not see them too often, but when I do I thoroughly enjoy every minute we are together.

It must be frustrating to work hard on your farm, and then have to share the results of your labors with the wildlife. Apparently they do leave a little for you to enjoy, so that is one good point.

Warm good wishes to you and your family for good health and happiness always, and with love,
Sincerely,

(Signed) Nina

Mr. Charles S. Rhyne,
Rhyne & Rhyne,
1000 Connecticut Avenue, N.W.,
Washington, D.C. 20036."

CHAPTER 20
VISIT TO USSR IN 1958 REVEALS SYSTEM OF JUSTICE
AS COMMUNIST'S GREATEST SHAME

Since one of my major themes, before, during and after my presidency of ABA, was to help win the "Cold War" by piercing Churchill's "Iron Curtain" with the democratic rule of law concept, one of the major tasks I set for myself was to get into Russia. This became almost a necessity after I launched Law Day - USA on May 1, 1958, aimed directly at Communist control of Russia's Union of Soviet Socialist Republics (hereafter USSR or Russia).

I called the Soviet Ambassador's office in Washington and asked for an appointment with him to allow me, as ABA President, to present my proposal for an exchange of U.S. lawyers with lawyers of Russia. I said in support of my request that the U.S., almost daily, heard on radio and TV about scientists, physicians, technological engineers, educators and many other professionals, including all kinds of athletes, who had visited Russia on an exchange basis. I would like to propose the same kind of exchange of legal professionals, Judges, lawyers and law professors.

The Ambassador did not meet with me but three members of his staff did. I urged that since we of the United States were clearly in competition with the Russians in all other fields, I would like to create some competition in the field of law.

I proposed that I arrange for an exchange group of 100 lawyers, one from each of 100 different large U.S. cities, to visit 100 different large Russian cities for two weeks. In return, I would arrange for lawyers in 100 United States cities to host 100 Russian lawyers for two weeks. I urged this exchange would give a composite view of justice in the USSR and justice in the United States. Each American and Russian lawyer would be asked to write up their impressions of what they found, as to the system of justice which prevailed, in the city they visited.

I was sure I could deliver 100 lawyers both ways for the trips. I had discussed this idea with the

Visit Reveals USSR Lacked Justice System

City Attorneys of cities I represented through my being General Counsel of NIMLO and Mayors, through the U.S. Mayors Conference, and with a good sampling of our ABA leaders. I was confident I could carry out my idea. I also had discussed this idea with other legal professionals and all thought the idea was great. Some said as bad as our democratic rule of law might sometimes be, it had to be better than Communism. They thought a comparative competition would be great.

When the Ambassador's assistants asked about expenses, I said my 100 lawyers from the United States would pay their own airline fares and expenses. I said if Russian lawyers had problems doing that I would raise the money to pay their fares and other expenses. I even talked to General Reginald Harmon, Judge Advocate General of the U.S. Air Force, who had been most helpful in staging Law Day - USA ceremonies at Air Force Bases around the World. He said he believed the Air Force would, if asked, furnish the airplanes "if" the Russians would let them do that.

My meeting at the Embassy occurred just after the Russians had launched "Sputnik" into space on October 5, 1957. They obviously were proud to show off anything they did which put them in front of the USA. I had not, at that time, launched Law Day - USA which spotlighted justice in the United States as compared to justice in Russia. The "Cold War" was at its highest level. Yet all I talked to, who had been to Russia, said they were received in a most friendly manner.

The Ambassador's staff said I had presented a most ambitious proposal. They would have to investigate its feasibility and would let me know what reaction they got from Moscow. I realized they would take time to check me out to the utmost but heard nothing from them for several months.

I was wrapped up in the continuous travel my ABA presidency required, so I did not call the Russian Embassy back for some time. I did check with the Embassy before the ABA Midyear Meeting in Atlanta in February, 1958 but was told nothing had been heard

Autobiography by Charles S. Rhyne

from Moscow. Therefore, I did not mention my lawyer exchange idea at ABA's Midyear Meeting. With the February 3, 1958 Proclamation by President Eisenhower of Law Day - USA, I stepped up my attack on the alleged Communist plan to outbuild the U.S. with space delivery of bombs and thereby conquer the World by their armed might. The arms race was increasing and the fear of atomic war was at its zenith.

I had visited all U.S. states, at least once, making speeches with a lot of "punch lines" about those with World conquering ideas like Alexander the Great, the Ceasars, Napoleon and Hitler trying to conquer the World by armed might. I emphasized that all had failed and died short of their dreams. I predicted so would the USSR. I urged, in substance, that the idea of democratic freedoms, under the rule of law, was stronger than armed might, as it gave all humans under such governments a piece of the government. And that Communism made slaves of those who lived under its rule of dictator force, even if they were well educated scientists.

Law Day - USA gave me an extraordinary chance to highlight democratic rule of law superiority over Communism. I urged that an idea can travel where an army cannot go. That all imprisoned slaves dream of freedom. That our rule of law concept program would pierce the "Iron Curtain" and sooner, rather than later, the slaves of dictator Communism would rise up and throw off their "chains". The media gave much space to that idea. Other Law Day - USA speakers echoed my words.

I collected news photos and stories of past years of Communist Celebrations on May 1 in the Kremlin's "Red Square" taken from front pages of U.S. newspapers. These clearly glamorized the USSR leaders standing on the Kremlin's Wall beaming at thousands of their slaves as scores of tanks, guns and other arms were paraded boastfully by. I said the purpose of the parades was to tell the World that the USSR was leading the World in space, in death dealing bombs and other armaments. And their plain message was join the USSR or die.

I called upon those who were planning the first

Visit Reveals USSR Lacked Justice System

Law Day - USA Celebration to outdo the USSR Celebration by so strongly presenting our rule of law governments and our international rule of law position, that the media's message on U.S. front pages of all newspapers on May 1, 1958 would be praise of that concept. A message glorifying our human rights, equal justice and peaceful lives and homes. That would be our May 1 message for all humanity. A message, I urged, which was sure to seep through, into and behind the "Iron Curtain".

I did not call the Russian Embassy again as I was thus lambasting the USSR almost daily, sometimes several times daily. I thought by now I was on their list of the "unwanted". I had almost given up my idea of going to Russia.

Then along came an unexpected break. The President of the Baltimore, Maryland Bar Association, Francis A. Michael, caught up with me on the morning of June 10, 1958. He said he needed me real bad. He said he had invited the Russian Ambassador, Michael A. Menshikov, to speak at his Bar Association's Annual Banquet on June 10, 1958 at the Lord Baltimore Hotel. That with the high officialdom of Baltimore and Maryland as guests, it was certain to be a great event. He said that somehow the invitation to the Ambassador had received unusually bad publicity. The large Baltimore population of emigrants from the USSR had begun to picket his office building, and the Lord Baltimore Hotel, in protest at the Ambassador's invitation and through the protest, to speak their opposition to the USSR's "Cold War" expansion actions and power claims which were causing the arms race. He said they were loudly denouncing Russia and the Bar Association, marching around the Hotel, six to eight abreast, making entrance to the Hotel difficult. He had called to ask me, as ABA President, to come and speak at the Banquet. He would then announce this to the media and hope that announcement would help tone down the protest picket march.

I told President Michael I just happened to be at my weekend home in Easton, Maryland for a few days rest, as ABA Presidents carry out a most difficult

travel schedule, but I would come to the Banquet. I told him I had been reading in the Baltimore papers about the picket lines. To be sure that I got there, in case the situation was as bad as the papers said it was, he was to arrange for my friend, former Baltimore City Solicitor Thomas N. Biddison, to meet me at a place we could agree on, close to Baltimore city limits, and drive me in with a police escort if necessary. The marchers were still marching when Biddison and I arrived at the Hotel.

At the Banquet, I was seated beside the Russian Ambassador. We had a very friendly discussion about current subjects, except the "Cold War", and the protest marchers of whom he was bound to know. He was introduced and spoke lavishly about how wonderful his homeland was in broad terms. He really went "overboard" on how the Russians would welcome visits from the lawyers in the audience. His English was perfect and could not be misunderstood.

When he sat down, I immediately told him that there was to be some short speeches from others then I was to speak and that I was shocked by his speech and invitation, to an audience of over 1,000 lawyers, to each come and visit Russia. I asked had he heard of my proposal for an exchange of 100 U.S. and Russian lawyers. Diplomatically, his answer was not exactly, no. I then said that when I spoke I was going to explain my proposal and tell those in the audience something like they should not hold their breath until their Russian visas arrived, if my experience was a prediction of how welcome American lawyers were in Russia.

He replied that he would be greatly embarrassed if I said that. That if I refrained from doing that, he would issue me a visa promptly. I said I did not want one visa and that I never did leadership, cooperative endeavors alone. I wanted to share the visit to Russia with other U.S. lawyers.

At about that time, I was being introduced and the Baltimore Bar Association President so overdid the subject of his introduction that the Ambassador must have been impressed. Even I was! I did not mention my discussion of my proposal with the

Visit Reveals USSR Lacked Justice System

Ambassador or my reservations about its truth. When I took my seat to an extremely loud standing ovation from my many friends in Baltimore, the Ambassador leaned over and said he would issue more than one visa. I smiled and jokingly said that if he did not, his failure to do so would be the subject of the next speeches I would deliver nationwide as ABA President.

Several days later, my office received a message from the Russian Embassy. The Ambassador would issue me 9 visas but no more. We would be received by the Bar Associations in Leningrad, Moscow and possibly Kiev. His message did ask if I knew, personally, any Russian lawyers. I returned his call and asked his Secretary, in his absence, to tell him that Professor I. Tunkin, Head of Russia's International Law Office in Moscow, was the only Russian lawyer I personally knew well enough that he would remember me. I had delivered a speech at a meeting of the International Law Association, an organization chiefly of Law Professors in Oslo, Norway, and I believed Tunkin would remember me from our meeting there.

Since I had failed to get more than 9 visas, I gave a lot of thought to who should be invited to take the Russian trip. Despite its downscale in numbers, I was determined to go and do it quickly, although my term as ABA President would expire on August 29, 1958.

I was very close, personally, to many who I had talked to about my proposal for 100 visas but had not promised anyone a visa. I decided to quickly call those I believed would accept promptly. Those I called were Ross L. Malone of Roswell, New Mexico, who had been nominated to succeed me as ABA President; Lewis F. Powell, Jr. of Richmond, ABA State Delegate from Virginia; Walter E. Craig of Phoenix, Arizona, member-elect of the ABA Board of Governors; Richmond C. Coburn of St. Louis, member of the ABA Board of Governors; and, E. Smythe Gambrell of Atlanta, Georgia, a past President of ABA. The wives of Malone and Craig wanted to go so I called the Russian Ambassador's office and they said I could take the wives as long as I did not exceed 9 visas. My wife Sue, with our teenage daughter Peggy to look

Autobiography by Charles S. Rhyne

after, did not want to leave her for two weeks. She suggested I take my 8 year old son Bill instead of her. I again called the Ambassador's office and they agreed Bill could go. We closed the trip with those named going.

We worked fast on our reservations for airplane flights and Hotels and departed for two weeks in Russia. I naturally checked with my friends in Government and was told we were going at a bad time. A few days earlier, President Eisenhower had just ordered American troops into Lebanon and some thought we should not go. I arranged to go by way of Cologne, Germany to speak at the International Bar Association en route to Helsinki, Finland, where we were to board a Russian airplane for Leningrad. My last checkpoint, on whether to go in or stay out, was to be our then Ambassador to Germany at Bonn, West Germany's capital city near Cologne. He reported we should go into Russia. I did my speech on ABA's program on World Peace Through Law to the International Bar Association. Supra pp. 421-435.

We took off for Helsinki the next morning. We were transferred to an ancient Russian airplane with overstuffed seats. Just as we settled into our seats, a courier from the U.S. Embassy in Finland came rushing out to the airplane waving and yelling my name. He yelled up at me, standing in the door of the airplane, that he had a message from John Foster Dulles for me which required an answer. All of us except Bill got off the airplane quickly. We all assumed the message was a warning not to go into Russia. Bill announced he was going on to Russia, so did not disembark. I hurriedly tore the cable envelope open. The message was "I regret to tell you that I cannot accept your invitation to speak at the ABA Annual Meeting in Los Angeles in August. Signed, John Foster Dulles, Secretary of State."

I was dumbfounded by the cable. The courier seemed to believe the airplane was about to take off.

He said he was to get an answer and loudly demanded one. I hurriedly said, "Tell the Secretary this, If I said what I wanted to at this moment, it would scorch his eyebrows when he read it." The courier

Visit Reveals USSR Lacked Justice System

said, "Ah, code" and hurriedly left us. We got on the airplane and departed. My personal relations with Secretary Dulles, a man of great good humor, were such that I knew if the courier did send a cable quoting me correctly, the Secretary would laugh all the way to his wastebasket with the cable, so I did not worry about what the courier sent.

I now excerpt, by permission, parts of identical articles by me entitled "The Law: Russia's Greatest Weakness" from the American Bar Association Journal of March, 1959 beginning on page 246 and the Municipal Law Review (1958) pages 34-41.

"Fourteen days in Russia, with a delegation of American lawyers, investigating law, lawyers and the Courts was certainly one of the most memorable experiences of my term as President of the American Bar Association. We went there to find out first-hand what lawyers and Judges do in the Soviet Union and how they do it. Since the legal field offers an almost unexplored area insofar as our knowledge of Russia is concerned, it was believed that any knowledge we might acquire would be extremely useful. We wanted to find out also whether our Association's program for World Peace Through Law had any possibility of acceptance in a Nation founded upon, and operated under, the concept of force.

In recent months, Americans have grown accustomed to emphasis upon Russia's growing achievements in education, medicine, science, technology, agriculture, military might, propaganda and other fields. These achievements are often held up as demonstrating that she has, or may soon, outstrip us in many areas. Delegation after delegation had gone to Russia to investigate different fields of endeavor and have returned with reports of dramatic progress. Each report stresses that Russia's dominant theme song is "Beat the United States" in every field of endeavor. From sports to satellites, from submarines to jet aircraft, many examples can be cited of her astounding progress. Our report on law and justice is radically different from these other reports on Russia. We found her law weak and her progress small.

Autobiography by Charles S. Rhyne

Although our visit was approved by the Board of Governors of the American Bar Association, all members of the party paid their own expenses. We went into Russia from Helsinki, Finland, in July, 1958, just after our U.S. military forces had gone into Lebanon. At that time, newspaper headlines were screaming charges and countercharges between Moscow and Washington. Peace or war appeared to be in the balance. Even under ordinary circumstances, any free man probably feels a few tugs at his heart when he goes behind an Iron Curtain. But to go in there when war could break at any moment gives one an indescribable feeling.

Our interviews with the lawyers and Judges were all conducted in about the same way. I would open by telling each lawyer, Judge, or group that we appreciated their meeting with us, and that we were there to find out all we could about law, lawyers, Judges and the administration of justice in Russia. I told them that we would answer any questions they might have about the same subjects in our Country. I would then ask all the questions I could think of to develop the general picture. Each of the other lawyers would in turn ask all the questions he could think of. This proved to be a splendid mechanism to develop the facts. We left no area unexplored. Certain it is that never have more Russian lawyers and Judges been subjected to a more vigorous questioning! Their questions to us evidenced great interest in our law, lawyers and Courts, so it was a mutual exchange.

We generally worked through interpreters, although some of the Russian lawyers could speak English. The Judges and lawyers were friendly throughout.

With the opportunity to compare the answers given by different lawyers and Judges, both within the same city and in different cities, we believe that we acquired a rather good picture of their legal system and the function of their law, lawyers and Judges. We probably did not have a completely accurate picture and some of our observations and information may not for that reason be entirely

Visit Reveals USSR Lacked Justice System

accurate but we tried our best to be objective and complete.

At every meeting or conference, our most piercing questions about the cleverly revealed control of everything legal and governmental by the Communist Party were answered in a friendly manner. At every interview - even in early morning - the Russian lawyers had tables set with apples, grapes, mineral water, candies, cookies and cigarettes.

We found that the USSR had an estimated 16,000 practicing lawyers as compared to over 200,000 in the United States at that time. There are, in addition, an estimated 50,000 to 60,000 Russian lawyers who work for governmental plants and agencies. We talked to both types of lawyers, but chiefly with the practicing lawyers and Judges.

At each meeting with Russian lawyers and Judges, we explained our program for World Peace Through Law and inquired as to whether the Soviet lawyers and Judges thought there might be cooperative effort between the lawyers of the USA and the USSR toward such an objective. They spoke enthusiastically of their genuine interest and mentioned the Conference on the Law of the Sea, which, with Russian participation, produced four agreed-upon conventions, as proof of what cooperative lawyer effort can do in the field of World law.

After such an intensive investigation, a complete but short summary is difficult. Russians are not proud of their law. The highlights are as follows:

1. Russia has a legal system in form. In Soviet Courts, trials are public. The defendant can have a lawyer and offer evidence through witnesses in his defense. Behind this facade of form, it is abundantly clear that their system lacks substance since prior to the Court trial, at a "star-chamber" investigation questioning, the presence of counsel is not allowed and everything is taken down for use against the defendant at his trial. This is Russia's famous "confession" procedure. Those we interviewed admitted that it still exists, but they hope to change it by a proposed new criminal code now under consideration.

Autobiography by Charles S. Rhyne

2. It is clear that the Soviet legal system is under the domination of the Communist Party and that it is utilized as an instrument to insure a Communist monopoly over all political, economic and other activity in Russia. Since the Communist Party lies outside the legal framework of the Soviet government, it is an inescapable conclusion that the real sovereign power in Russia resides outside the official government.

3. Communism controls and warps justice in Russia. Among the most important questions put to every defendant, in every criminal case, is: "Are you a member of the Communist Party?" This question was put in the criminal trials we attended. And, though they usually deny that it is a fact, it is irrefutably clear that the Soviet legal system provides a different type of justice for Communists and non-Communists.

4. Complete ownership of all real property, business, and productive plants by the government, and their radically different system of government, creates dissimilarities which make exact comparisons between our system of law and Courts and that of Russia difficult or impossible.

5. No person is allowed to accumulate any instrument of power with which to overthrow Communism. Their legal system is designed to prevent acquisition of power through money, land, or weapons. While we encountered some discontent, Communism seems solidly entrenched. There is no apparent prospect of a sudden explosive revolution to overthrow it or of any organization to replace it.

6. The reign of terror no longer exists openly but tyranny, through Communist-controlled bureaucracy and the new "parasite" laws, seems inescapable. Seven of the fifteen Soviet Republics now have such laws. Under these laws, the people who live within a certain area (usually a block) can meet and denounce one of their neighbors as a "parasite" because he is not working - or is living off unearned income - and banish him to some place like Siberia where he is put to work forcibly. So terror is still there but expressed in different form. It is, one feels, being

Visit Reveals USSR Lacked Justice System

planned and engineered - but not so openly as before. The complete Communist Party control is an unseen but realistic fact. An aura of mystery characterizes this inhuman mechanism and almost everything in Russia for that matter. Russian life is still a hard life. Fear obviously stalks everywhere and everyone. Institutionalized ruthlessness, false propaganda, thought control and denial of civil liberties are party policies which were made clear by our interviews and observations. These "parasite" trials resemble the witch trials of old, since obviously skilled Communist agitators can manipulate them as instruments to terrorize the people into cowed submission. Khrushchev's promise of a new "legality", to replace what he denounced in his famous speech as Stalin's "illegality", is yet unkept.

7. The Judges and lawyers claim political prosecutions are now nonexistent, and that Khrushchev's new "legality" policies will eventually lead to more individual liberty and rights through a strengthened adversary procedure in the proposed new criminal code. One gets the feeling that the Russians like the small taste of increased personal freedom they have received recently, and that their appetite for more and more individual liberty will not be satisfied easily. Khrushchev may find it difficult to reverse the "liberalization" trend he has announced and seemingly started. Particularly this is true among the "new rich" scientists, teachers and bureaucrats who, with the Communists, form the new aristocracy - the new "lords" and "ladies" of Russia.

8. Our first hand study of law and their governmental system makes crystal clear to me that a major difference between our democracy under the rule of law and Communism is in the status of the human being, the legal position of the individual. Our governmental system is based upon the natural rights of the individual and our government is limited accordingly. The Soviet government recognized no limitations upon itself in dealing with Russian citizens. Rule by dictatorship rather than rule of law is the heart and core of Communism.

Autobiography by Charles S. Rhyne

9. Anti-American propaganda fairly boils at hot heat constantly in all media (newspapers, radio, TV, posters on buildings) constituting about 25 percent of all such printed or spoken "news" items, according to the informed estimates given to us. Its effect is hard to evaluate in view of the attitude of friendship exhibited by the Russian people everywhere we went.

10. The overwhelming and constantly expressed desire and hope of the Russian people for peace - a desire constantly fanned by the most intense and extensive domestic propaganda machine in the World - creates a unique challenge and opportunity to convert that desire into an instrument for the good of humanity. Certain it is, that the person who can harness the Soviet people's "peace passion" - probably the strongest general feeling in Russia today - into support for an end of the cold war and the arms race could earn the eternal gratitude of mankind. To have their "peace" propaganda backfire on the Communists and really accomplish peace is perhaps a far-off dream, but no possible harm can come from considering the great potential which could come from such a development. If we can but equate peace and the rule of law for the World Community in the minds of Russians, the possibilities are tremendous.

11. The higher the Russian standard of living rises, the more we shall have in common. A rise in that standard is a good trend toward an unfreezing of current standoffish relations which they insist upon, due chiefly to what amounts to the most terrific inferiority complex that exists in the World today. This complex is apparent in every line of endeavor in which we come into contact or competition. Russians seemingly go to extremes in trying to prove their superiority - even when they know it does not exist.

12. The hunger among Russians for knowledge of the outside World - especially America - is almost an overwhelming obsession with them. The new - and too few - cracks in the barriers to outside contacts are most welcome to Soviet citizens. We need all the people-to-people, word-of-mouth communications we can

Visit Reveals USSR Lacked Justice System

get to them, as the barriers to other media of communication are almost impenetrable. I strongly urge that all barriers to easy travel between Russia and our Country be removed as speedily as possible, so as to encourage thousands of Russians to come here and thousands of Americans to go there. My confidence in our system is such that I feel confident Communism will secure no real converts through such increased interchange of visits by our people. The fear of the effect on Russians of seeing how we live is obviously the reason they are not allowed to come here except in carefully controlled small groups.

We hope that our visit has opened up channels through which information and experience in the legal field, between the USA and the USSR, will flow in an ever-increasing manner. Such an increased flow should be in the best interests of both Nations. The Russians are copying us and trying to outdo us in many lines of activity and endeavor. One great hope for a peaceful future lies in their learning from our people what individual freedom under law is and means. Once that concept is widely comprehended in the USSR, we would hope that its people will want to copy it also.

We were sowing seed on what is now rather barren soil in the legal field. Quick productive results cannot be expected. While Communist leaders obviously care little about law, since their system is based chiefly upon force, Russian lawyers and Judges seem to understand what law means to us. That is a hopeful enough indication to justify a feeling that work in this field is not an entirely hopeless pursuit.

In urging better understanding and relations, I do not want to be understood as urging that peaceful coexistence "Russian style" is a helpful goal. Communism's aim of World domination rules out a trustful and peaceful coexistence. That we must never forget. Perhaps something better than the current armed truce, with explosive war just around every corner, is possible as the Russians become more civilized. We must live in hope rather than despair

Autobiography by Charles S. Rhyne

of that day. And in the meantime, we must never relax our strength as the Kremlin will test it constantly.

Here in the relatively unexplored field of law, we may find some of the answers to the ever-puzzling riddle that is Russia. We must constantly endeavor to fathom her often baffling moves and motivations. At the outset, reference was made to education, science, agriculture, sports and other fields, where the Russians give overwhelming emphasis to their competition with, and desire to outdo Americans, and in those fields they do go to great lengths to demonstrate their ever-growing capacity. But law is never mentioned by them as a field for competition. It is Russia's greatest weakness. Her greatest shame.

What a great thing it would be if we could open up a tremendous competition with Russia in the field of law! In bringing about the human values and considerations which could mean a peaceful World, such a competition is unbeatable.

Absence of law and lawfulness in Russia is a reality. The Communists are most sensitive to this gap in their governmental structure. By throwing a spotlight upon this glaring weakness, we may encourage or shame Russia into progress on law. Such progress can but augur good for the World. In fact, few things could mean more. Perhaps law could be a part of the new pipeline we need to the Russian people. Law thus could become a beacon of hope in a fear-clouded World.

If our visit kindled the interest of the Soviet legal profession in law, as a substitute for force in settling disputes between Nations, as we believe it did, it could well open up a whole new area whose exploration could lead to real benefits for all mankind. An idea can sometimes penetrate where even armies cannot move. While their law and their legal profession are weak today, let us hope they will indeed grow into a real force within Russia. Such growth could bring a new day in our relations with the Russians. Such a new day is one of mankind's greatest needs." [end of excerpts of 1958 Report]

Visit Reveals USSR Lacked Justice System

At our first meeting in July 1958, Chief Justice Smirnov, who was President of the Russian Bar Association, said to me that I should come back to see him at any time I could. He was tremendously interested in the World Peace Through Law Program.

After Athens, U.S. Chief Justice Earl Warren visited Smirnov at a spa on the Black Sea and reported that Smirnov was anxious to become active in the World Peace Through Law Program. Over the next years, I made several trips into Russia with groups of American lawyers. Among those who visited Russia with me were Richard Brown, Edmund Carpenter, Leo Nevas, Fanny Litvin, William S. Thompson, John Warner and others. The issues of The World Jurist record these visits and the ever-increasing participation by the Russian legal professionals in the World Peace Through Law Program. Chief Justice Smirnov and I discussed the possibility of a Moscow Conference on the Law of the World but Russia, even at the urging of its Chief Justice, could not open its doors to the lawyers of all Nations, an unwaivable requirement for such a Conference.

In other parts of my report on my work on the World Peace Through Law Program, I report on the great Russian participation over the years. Especially do I report the USSR's message to the Beijing Conference embracing the rule of law. That message, alone, has meant so much to me and all peoples of the World who desire World Peace. It has been worth the long years of work for that to happen. That subject is covered herein on my report on the Beijing Conference on the Law of the World held in 1990 at pp. 862-893. I also call attention to the great address of the current Chief Justice of Russia in my report herein on the Manila Conference held in 1993 on the Law of the World at pp. 910-922. I must say that the Manila and Beijing Conferences, with China's and Russia's Chief Justices becoming elected as Honorary Presidents of the World Jurist Association's World Peace Through Law Center represented a long step toward our mission of World Peace Through the Rule of Law.

I believe that the report on my first trip to

Autobiography by Charles S. Rhyne

Russia, 36 years ago, will help readers to understand how tremendous the change to a democratic rule of law government is. I believe that great change will go forward in the months and years ahead. Those who have lived under Communism want the freedom that democratic rule of law gives them. They have, and will have, problems but this freedom road is one they will travel successfully in the long run. I do believe we, who are free peoples, should help the Russians carry their freedom march from dream to reality. I now include Russian "telephone justice", described in a fascinating speech by United States Court of Appeals Judge Stephen Breyer, prior to his elevation to Justice of the United States Supreme Court.

"RUSSIAN TELEPHONE JUSTICE"

This is an excerpt from The Bulletin of the American College of Trial Lawyers, Summer Edition, 1994. The headlines of which read "Challenges and Goals for The Future by the Honorable Stephen Breyer, Chief Judge, United States Court of Appeals for the First Circuit. This article is the verbatim unedited text of the Address of the Honorable Stephen Breyer at the 1994 American College of Trial Lawyers Spring Meeting at Scottsdale, Arizona."

I requested and received permission of the American College of Trial Lawyers, of which I have been a member for many years, to reprint this most interesting excerpt from that speech.

Judge Ereyer stated in part:

"Let me put the first challenge this way. I'd say the first challenge is "maintaining the institution." What's the institution? The institution that protects our rights - the courts, the Bar, the very fact that you, as members of the Bar, will look me in the eye, or the trial judge, and politely say, "Judge, you're wrong. My client is not a popular human being. But I represent him. And you're wrong." All right, but what do I mean by this? Let me illustrate this first challenge a little bit more. To me, it means something personal and emotional.

Visit Reveals USSR Lacked Justice System

It means something to me because of the following context: a year ago last October in Russia, Mr. Yeltsin and his Minister of Justice were having a meeting of 500 Russian judges. They were going to announce all kinds of reform, and they needed some observers. They brought in five outside observers, and I was very lucky and happened to be invited as one of them. They had interpreters with head sets and it was a big room, just like this one, and there were 500 judges sitting there from all over Russia. And my goodness, I didn't realize what a diverse place Russia is! I mean, they came from Kamchatka, Siberia, and from places where there are whole Buddhist republics inside Russia. I didn't know that. It was a very diverse-looking group. And Yeltsin spoke to them, and it sounded terrific, actually, to them and to me. And you know what, he said, "We're going to have lawyers, and the prosecutor isn't always going to win. And defendants are going to have defense attorneys, and we're going to have habeas corpus. And we're going to keep your pay steady and we're going to give you the Russian Communist Party Headquarters all over the country. They'll belong to the judiciary."

The speech was pretty good, and was well received. I rather liked it myself. And then I listened for two days as the Russian judges talked about it. That, too, was pretty interesting. The first thing they started to talk about was their pay; how are they really going to get more... yes, I thought I was at an American judicial meeting! They started to talk about pay, and then they went on, saying "Oh, yeah, yeah, Yeltsin says he's going to give us the Communist Party Headquarters. But I went over to the Headquarters that he said is supposed to be my office. And they said, 'Get the hell out of here.' They said, 'Who are you?' They wouldn't give it to me." Then the group of judges began to get serious. They said, "We all know what's been going on. We all know. We call it 'telephone justice'." "Telephone justice" - they began to talk about that. They said, "Will it ever really change? We should never have been doing this!" What is "telephone

Autobiography by Charles S. Rhyne

justice"? Well, the party boss calls up, and tells you how to decide. By the way, interestingly enough, there were a lot of women in the audience, too. I said, "Gee, you have a lot of women judges here." They said, "Yes, it's a very badly paid profession." Uh huh. That's true. That's true.

What were they talking about when they talked about this "telephone justice?" "We should never...well how could we avoid it?" they said. "We needed the money. Where do we get a house, an apartment, our education for our children," and on and on and on. "Will it end, won't it end?" And, of course, I got involved. I couldn't help but getting drawn into this. And they were interested about the United States. They said, "Well, if you could have one thing, what would you have?" I said, "Well, in my own opinion, if I could have only one thing for the criminal defendant, I'd have habeas corpus. Why? Because the root of habeas corpus is that any one of 500 or 10,000 judges can say to an official: bring that human being in front of me, not some paper, not some piece of paper - who knows who wrote it? - but bring that person. And then the judge can look that human being in the eyes, and ask "What are they doing to you?" Okay. You got the story. So we talked about that for a while.

Then they got to what was really interesting for them - back to "telephone justice." They said, "Well...is there telephone justice in the United States?" I said "no." They said, "Well, who appointed you? How did you get your job?" I said, "Well, President Carter." They said, "President Carter, why did he appoint you?" I said, "He appointed me, I guess...well, Senator Kennedy recommended me, actually." They said, "Well, suppose President Carter called you. Suppose Senator Kennedy called you." I said, "But they wouldn't call me. That's out of the question. It doesn't happen." They said, "Oh...?" I said, "Oh, I see. You think that even if it did happen, that's what I'd say." "Right," they said, "that's right, that's right." I said, "But it really doesn't happen." But they...hey, you think I'd say that too?

Visit Reveals USSR Lacked Justice System

Yes...exactly...exactly. I said, "Well, how can I explain this? How can I explain?" I said, "Look, they'd be crazy to call me. They would be crazy. It would be such a scandal. They'd end up in jail. I would lose my job. I'd be able to... I mean, my God, I'd have a weapon over them. It's crazy in our country for them to do that. A newspaper would find out, somebody would find out, we'd be prosecuted, there's nothing that would make it worth it for them to run such a risk." And I began making a little headway on that one. I began to make a little headway.

But all of this began to get me thinking about something I don't normally think about. "Telephone justice" doesn't happen. I mean, maybe it happens sometimes - sometimes, not in federal court, but sometimes, and then the person's in jail... But you see, it just doesn't happen. That it doesn't happen is probably the best guarantee that all those rights we read in the First, Fourth, Fifth, and Sixth Amendments, all those rights, are things that we really enforce, and not just words on paper. And that enforcement doesn't just "happen". Rather, it's a function of the fact that judges are independent, and this independence itself is a function of the fact that all of you look the judge in the eye and say, "Judge, you're wrong." You're wrong, and that you go out there and represent the client who is unpopular and give that client your best. Judicial independence is a function, not of any words on paper, but of 150 or 200 years, of an entire history. And nothing that any of us can write, and nothing that any of us can change on paper, can protect that independence better than our history and our mores can. And so, that's why I say that it is a challenge when you come under attack for representing people who are the dregs of the earth. Let people understand - and you will have to explain it to them - that those rights that they are concerned about, and that affect 99.99999 percent of the country that are not the dregs of the earth, are dependent on the institution as a whole being strong enough for you to come in and say, "No!" and for me to know and for

Autobiography by Charles S. Rhyne

you to know that there is no phone call. And that's what I mean by "the challenge." It isn't words on paper, nor is it something that you can take as absolutely guaranteed for the next 50 or 100 or 200 years. It's something that has to be worked out."

The ABA Central Eastern European Law Initiative (CEELI)

The quoted words of Chief Judge Breyer, now Justice Breyer of the United States Supreme Court, illustrate the enormous problems Russia faces in transforming its judicial system to a Rule of Law system. That is the great challenge to Russia and those who are helping carry out that transformation.

I know that ABA's current CEELI (Central Eastern European Law Initiative) is working in Russia and other former Soviet Nations to create functional democratic rule of law governments and has raised some 25 million dollars for this purpose, chiefly from the United States Agency for International Development (AID). That this help is needed, no one can reasonably deny and I wish this Initiative tremendous success.

The speeches and actions of the Chief Justice of the Supreme Court of Russia, Vijacheslav M. Lebedev in his capacity as an Honorary President of the World Jurist Association of the World Peace Through Law Center indicate that despite difficulties Russia is making ongoing progress toward rule of law government, see *infra* pp. 874, 877, 910, 914-915.

Functional Democratic Nations cannot be created in the former USSR Republics in a short time. The news media is full of stories of difficulties encountered. But the desire for the individual freedoms embodied in functional democratic rule of law government is so persuasive, I feel certain this effort will succeed.

CHAPTER 21
THE ABA ANNUAL MEETING IN LOS ANGELES

ABA's 1958 Precedent Breaking Annual Meeting

The ABA Annual Meeting in Los Angeles, August 25-29, 1958, broke precedents. Its 5,604 registrants exceeded all prior records. Its printed program of 103 printed pages listing an unprecedented array of great speakers from our Nation and the World presented challenging ideas and experiences to inspire and stretch the minds of attendants. The House of Delegates received an unprecedented number of reports on great issues of the day from Sections and Committees. The program, put together by beloved past President Loyd Wright, Honorary Chairman, and William P. Gray, Chairman of the Host Committee, and fellow bar leaders of the Los Angeles area, exceeded any such program at any Annual Meeting. The entertainment, headed by Bob Hope, Jeanette MacDonald and other greats from Hollywood, could not be equalled. No words of mine can adequately describe how the program met and exceeded the three requirements of a great program: Inspiration, Entertainment and Ideas, that each registrant could take home with him or her to advance personal law practice and pro bono publico work of the legal profession.

Days before the meeting, Loyd Wright called to say the Host Committee wanted to move the Opening Session from the scheduled 4,000 seat auditorium to a larger auditorium, as with registrations already exceeding 5,000 and each registrant having a spouse and some having family in addition, the Committee believed the attendance would exceed 10,000 or more. He caught up with me in Chief Justice Warren's chambers. I asked the Chief Justice what he thought. He said, "Do not move it, as nothing inspires a speaker more than fighting his way into such a overcrowded gathering. Let them close off the surrounding streets and set up microphones around the scheduled auditorium." Loyd agreed with the Chief Justice.

Preceding the Inaugural Session, my friend and client Carl Rehnberg, President of Nutrilite Products, Inc., and Mrs. Rehnberg gave a wonderful dinner for the ABA officers, Board of Governors and their wives. He also invited many of the law leaders who were then present. The dinner was symbolized as a dinner on the Pacific island of Tahiti. All present received unique Tahitian made gifts. The only speech allowed was Mr. Rehnberg's three words, "Thanks for coming". He had warned, as his guests were seated, that since those present were scheduled to hear many speeches over the next week this gathering would be unusual!

The Inaugural Session Of The Assembly

When I escorted Chief Justice Warren and Mrs. Warren into the auditorium for the Opening Session, the streets outside were indeed jammed with people using temporary seats and microphones. The Chief Justice was elated. I had broken the precedent that only the ABA President spoke at opening meetings, by inviting the Chief Justice to speak.

Governor Knight delivered the Welcoming Address and congratulated the Association on its "continued self-critical efforts, as evidenced by the 103 page printed program of the Meeting, filled with workshops, conferences, meetings and Panel discussions" as a "constant effort to improve justice, by use of the tools of the profession...to uphold the honor and integrity of the law". Norris Poulson, Mayor of Los Angeles, and E. Avery Crary, President of the Los Angeles Bar Association, also welcomed the Association.

Joseph N. Welch, distinguished Boston attorney, noted for his defense of the Army before the McCarthy Committee of the U.S. Senate, responded on behalf of the Association to the addresses of welcome in a short, witty and charming speech. I then introduced many distinguished guests who were seated on the platform.

My Presidential Address On World Peace Through Law

James L. Shepherd, Jr., Chairman of the House of Delegates, introduced me and I delivered the President's Annual Address entitled "World Peace Through Law". I here quote excerpts from that address which is printed in full in the ABA's Book of Proceedings of 1958 at pages 624-639.

"The Presidential addresses of my predecessors have considered the contemporary facts of their day and the duties and responsibilities thrust upon lawyers by the great issues and problems of their time. These distinguished Presidents of our Association have challenged our profession to face up to those issues and to solve the legal problems which arose therefrom. In emulation of precedent, I now speak of the number one problem of humankind in the so called "Cold War" World of today: How to achieve and maintain World peace.

As a foundation for my thesis that peace between Nations may be achieved and maintained through use of the rule of law, it is helpful to recall the rapid forward rush of events in our era of unprecedented change. History teaches that these dramatic new advances are mere promises and preludes to even greater achievements in the future. One who would postulate any plan to solve any problem of our day must therefore also look beyond the present to the new horizons and the new frontiers envisioned by the World in which we now live.

We live at a turning point in the history of civilization - in a time when the whole World is being made over socially, economically, scientifically and even intellectually. Our era has witnessed such dramatic achievements as flight faster than sound, the splitting of the atom, miracle drugs, satellites in space, and many others. Rapid and turbulent changes in the scientific, economic and social fields, almost too numerous to name, daily defy evaluation on the basis of prior standards and experience. Vistas of endless space have opened, as humanity's horizons have widened to encompass the universe. At a pace beyond dreaming, the whole

Autobiography by Charles S. Rhyne

pattern of our existence is being reshaped. As we inventory our strengths and weaknesses, we must conclude that concepts of the past are no firm foothold for the dynamic present and the uncertain future.

Amid tremendous developments for good and evil, a revolution in international affairs is taking place. Due to rapid communications and transportation, ours is a physically indivisible world. Age-old barriers such as seas and mountains, weather and climate, even time and distance are fading into insignificance. The many economic relations and intellectual exchanges between Nations are steadily increasing. The birth of new Nations, and the newly won independent status of other Nations, have created a rising tide of intense nationalism and anti-colonialism.

We have been forced into spending billions on military expansion in an ever-accelerating arms race with Russia. Every such arms race in all history has ended sooner or later in war. We live constantly on the brink of catastrophe as we go from crisis to crisis. The Damoclean sword hanging over all the wonderful scientific achievements of our era is the knowledge that man's achievements could lead to the suicidal extinguishment of the human race. No one doubts that an all-out nuclear war today would be so incredibly destructive as to produce mass extermination.

As we listen to the roar of current history, it is absolutely clear that humankind - men, and Nations, and races - must learn to live together or else see civilization as we know it perish in the senseless devastation of war. The atomic and hydrogen bombs, the ICBMs, the Sputniks, the Explorers, and Vanguards have attuned the minds of the people of the World to an overwhelming desire for peace which is stronger than such desire at any other time in all history. There is a growing realization that if the holocaust of all-out war explodes, every man, woman and child will be in the front lines for the first time since the Indian Wars. The cause of peace is thus the cause of human survival.

1958 ABA Annual Meeting

Today, when man has learned how to destroy the World, his greatest need is for instrumentalities and institutions which can save humanity from the mass extermination of nuclear war. The sands of time have about run out in the hourglass of our civilization. Few will dispute that the number one problem of our day is how to achieve and maintain true peace. This situation presents a unique and unparalleled opportunity to lawyers, for it is the rule of law which contains the key to a peaceful World.

To end the ever-accelerating arms race before mutual doom replaces the truce of mutual terror, we must go beyond the instrumentalities and institutions used in the past and adopt a new approach - a new plan - for peace. We must look forward, not backward. We must make a new start based upon a new concept. We must think and act boldly and meaningfully to adapt our peace-seeking effort to the realities of today and tomorrow.

To pull the World out of its present drift toward destruction, and to set it on the path of progress toward peace, a dramatic new approach to peace is essential. Such a plan must capture and fire the imagination of humanity the World around. It must be a plan which all peoples can understand. It must be related, therefore, to their ordinary everyday knowledge and experience. Settlement of international disputes through law in the courts is such a plan.

'Law' and 'courts' are universal terms all men comprehend. All peoples know the law and Courts have proved their worth as a keeper of the peace within Nations, where individual freedom reigns. They will readily grasp the concept, content in the value of this plan of going to Court, or mediation, or arbitration, instead of war. They know what law and the Courts have done nationally, and if proper leadership is given they can be brought to see what law can do internationally.

Humanity has not fully realized what law can do internationally, and that is the reason why law has not been used in this field as it can and must be. The basic ungrasped fact of our time is that the lack

Autobiography by Charles S. Rhyne

of the rule of law in the world community is today the greatest gap in the growing structure of civilization. A community, whether local, national or international, can remain peaceful only so long as it is subject to the mastery of the rule of law. Down through the ages, people have lived in terror and fear wherever the rule of law has not prevailed within Nations. And this is true today in Nations under Communist domination. We, of our generation, must find a way to implement the best answer to our number one problem of peace - the application of the rule of law to relations between Nations. We must apply this formula for living together before we dissolve together in nuclear flame.

We live in a world of ideas. Strength today resides in man's mind. When people throughout the World understand what law and courts can do to prevent the unimaginable horrors of World War III, public opinion will crystallize behind the rule of law in such a powerful way as to insure its use.

The lawyer's responsibilities from the World of today therefore present the greatest challenge ever faced by any professional group. I am proud of our profession and proud of its tremendous accomplishments of the past. I feel certain that it will rise to this challenge and live up to this new responsibility. We lawyers will give to this task all the hard and arduous years of effort that are required to make peace under law a reality. We will succeed because we must. Failure is unthinkable, when the result of our failure could be a World reduced to ashes.

The most important public service, open to our legal profession today, is this opportunity to mobilize the prestige and the power, the sanity and the skill, the judgement and the judicial temperament of the lawyers of the World on behalf of this goal of peace under law. Never in all history has the climate been more favorable for success if we but move swiftly, surely and carefully to meet the need that exists. We must build upon the experience of the past and the possibilities of the present, to insure a peaceful future for the World.

1958 ABA Annual Meeting

An idea can be more powerful than the atom. And nothing can deny an idea whose time has come. We lawyers must make certain that the time of this idea of peace through law arrives before atomic annihilation overtakes humankind.

I am confident that we will."

The Address Of Chief Justice Earl Warren: Focus On Overcrowded Courts

I then introduced the Chief Justice of the United States, Earl Warren, as "one of the greatest Jurists of his day or any other day".

The Chief Justice said he wished "to tender a candid report on judicial administration in our Country, to place in perspective the basic problems facing the profession and to suggest lines of action necessary to overcome widespread inertia and improve administration of justice throughout the United States". He said:

"Interminable and unjustifiable delays in the Courts are compromising the basic legal rights of thousands of Americans, and, imperceptibly, corroding the very foundation of constitutional government in the United States. This creates a disrespect for law at a time when everyone should be continually conscious of the fundamental principle that it is primarily the law and its adequate enforcement which makes individual liberty possible.

Knowledge that in America we possess the greatest system of law and justice ever envisioned can be of little comfort in the face of the tremendous, increasing backlog - 70,000 - of cases crippling the judicial system."

The Chief Justice then presented an historical outline of the Bar and Bench in the United States, enumerating some important steps in the "Coming of Age" of our legal administrative system. He mentioned better management, standardization of trial practices, pre-trial and lawyer-Judge consultation, the Attorney General's Conference on Court Congestion and Delay, the Omnibus Judgeship Bill and other proposed legislation. He said "necessity compels

every other profession to improve its technique to meet new conditions. The same necessity confronts us". He urged the profession, through its Associations, to work together to improve the administration of justice.

The Chief Justice received a long standing ovation at the conclusion of his speech.

Reception For The Chief Justice And Mrs. Warren

That afternoon I gave a reception in honor of the Chief Justice and Mrs. Warren on the lawn of the Broadmoor Hotel that began at 4 p.m. and ended in darkness, so great was the desire to greet the Warrens. As the hours grew, the line grew out of sight as far as I could see down the sidewalk leading to the receiving line. We shook hands with seemingly thousands. During this reception, Mr. Justice Brennan and J. Lee Rankin, Solicitor General of the United States, interrupted the handshaking a few times to get the Chief Justice's approval of plans for a Special Session of the Supreme Court to hear developments in the Little Rock desegregation case, where the Governor of the State of Arkansas stood in the door blocking desegregation of a public school, as required by the U.S. Supreme Court's Brown v. Board of Education decision.

I suggested several times that if he and his wonderful wife were tired, we would just end the reception but he said, "No, let them come on." My two children, Peggy and Bill, ran down the line which extended off the Hotel lawn onto the sidewalk out of our sight and came back and said, "Daddy, there are hundreds out there." The Chief Justice enjoyed their report and he smiled and smiled but he let them keep coming. He said, "This is a wonderful homecoming for Nina (his wife) and me."

Throughout my year as ABA President, I saw the Chief Justice quite a few times, at his invitation, usually at luncheons of just the two of us in his chambers. We discussed the raising of our kids, family matters of all kinds, his great interest in sports - he said he always read the sports pages of

1958 ABA Annual Meeting

any newspaper before he even glanced at page one - and the developing Law Day - USA, but especially his intense interest in the World Peace Through Law Program. He and Nina attended all of the World Conferences on World Peace Through Law, even after his retirement as Chief Justice, until his untimely death. He organized and was President of the World Association of Judges, as a part of the World Peace Through Law Center, and usually had one or more of the Justices of the U.S. Supreme Court and their wives with him at the Conferences he attended on the Law of the World, all over the World. Justices Black, Clark and Thurgood Marshall were the usual attendees that the Chief Justice invited to accompany him and his wife, Nina. Both before and after his retirement, the Chief Justice made one of the inaugural addresses at each World Conference he attended. The warm reception, esteem and personal affection he and the other Justices received throughout the World was tremendously wonderful and most helpful in advancing World Peace Through Law.

The Landmark Address Of Attorney General William P. Rogers On School Desegregation

At the ABA Assembly meeting on August 27, 1958, I introduced the Attorney General of the United States, William P. Rogers, as a truly great Attorney General and law leader of whom we were all proud to discuss one of the greatest issues of our day. Rather than summarize his landmark address, I here set forth the summary prepared by the Editor of the ABA 1958 Annual Meeting Volume, pages 123-125. The summary states:

"First speaker of the Session was the Honorable William P. Rogers, Attorney General of the United States, who was introduced by Association President Charles S. Rhyne. He preceded his address with the extension of a special tribute on behalf of the Department of Justice and the Administration to President Charles S. Rhyne for the outstanding work he has done for the Association during his year as President. He also complimented the Association upon

Autobiography by Charles S. Rhyne

its choice of Ross L. Malone, his immediate predecessor in the office of Deputy Attorney General, as its new President.

The Subject of the Attorney General's address was the decision of the United States Supreme Court in the School Segregation Cases and the broad problems which have arisen in connection with its implementation. The ultimate issue, he noted, was the 'role of law itself in our society; whether the law of the land is supreme or whether it may be evaded and defied.'

The Court's unanimous decision rendered on May 17, 1954, in Brown v. Board of Education, stated that 'in the field of public education, the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal'. This decision, said the Attorney General, was foreshadowed as early as 1938 and again in 1950 in other decisions of the Court. Subsequent to 1954, other decisions of the Supreme Court and the lower Federal Courts have further emphasized the point, so that 'the doctrine separate but equal' must be considered a thing of the past.

The Attorney General noted that the cornerstone of our federal system is the Constitution as the supreme law of the land, the judiciary's function being to expound it. "It must be our hope," he said, "that persons who oppose the decision will see the wisdom and the compelling need, in the National interest, of working out reasonable ways to comply."

The speaker observed that no one should minimize the problems of local adjustment posed in certain areas by the decisions. The Court recognized this and laid down no hard and fast rules about the transition from segregated to nonsegregated schools. It left the method of change and the length of time required to the local school boards, under the supervision of the local Federal Courts. But the Attorney General emphasized that 'time to work out constructive measures in an honest effort to comply is one thing; time used as a cloak to achieve complete defiance of the law of the land is quite another.'

1958 ABA Annual Meeting

He reminded the audience that the President of the United States had recently said that the common sense of the individual and his civic responsibilities eventually had to come into play if the problem was to be solved.

The general policy of the federal government under the present law, as reported by the Attorney General, is that it does not institute proceedings to alter the practices followed in the Nation's school systems. This is a local matter. However, the federal government does intervene when necessary to assure proper respect for law and order and for the decrees of the United States District Courts.

Mention was made of what the speaker considered the most serious situation - where a state under the guise of preventing disorder uses its state military forces in a manner calculated to obstruct a final order of the Court, or fails to provide adequate police protection to those whose exercise of rights determined by a court is hindered by "domestic violence, unlawful combination or conspiracy". While a state has primary responsibility to maintain order in its communities, the Attorney General noted that the President on two occasions had clearly stated that if a state fails to do so the federal government must be prepared to support and insure the carrying out of the decisions of the Federal Courts. Yet, Mr. Rogers stressed the belief that every state was fully capable of maintaining law and order within its borders and, in doing so, would make unnecessary any special action by the Federal Government.

In summary, Mr. Rogers restated these conclusions:

- (1) The decision of the Supreme Court in the school cases and in related fields is the law of the land.
- (2) Compliance with the law of the land is inevitable. President Eisenhower had recently said, "Every American must understand that if an individual, a community, or a state is going successfully and continuously to defy the Court then there will be anarchy."
- (3) In the final analysis, therefore, it is vital in the national interest that there be thoughtful

Autobiography by Charles S. Rhyne

compliance in conformity with the general guideline laid down by the Supreme Court and in a manner specifically worked out by local authority under supervision of the local Federal Courts.

(4) Whenever good faith efforts to comply have been made by local and state officials, substantial progress has been made without serious incident. (I again remind you that there is nothing inflexible in the rules laid down by the Court.)

(5) Each state has the clear, affirmative duty to use its police power so that the lawfully determined rights of all persons are protected against violence and lawlessness.

(6) Most states have made it clear that they are able to and intend to perform this duty. If each state performs its duty, the occasion should never arise - and I am sure that all of us fervently hope that it will not arise - when the ultimate duty would fall upon the executive branch of government "to support and insure the carrying out of the final decision of the Federal Court".

(7) We in the executive branch stand ready at all times in a spirit of cooperation to consult with state officials in a search for solutions consistent with the decisions of the Court.

In noting that no more serious problem has confronted the legal profession, Attorney General Rogers expressed the hope that all of the lawyers present and all of the lawyers in the American Bar Association, and lawyers throughout the Country, would give thoughtful consideration, thoughtful attention, to this problem in an effort to help its solution. These problems present a serious challenge to all Americans in the days ahead, he said. With an awareness of the gravity of these problems which face the Nation, there is but one course to follow. "We are one Nation, with total dedication to the rule of law. We must always remain so," he said.

Standing applause marked the end of the address as President Rhyne thanked the Attorney General for his tremendous courage and leadership in discussing one of the greatest issues of our day. He expressed his feeling that the Bar, who by training and

1958 ABA Annual Meeting

tradition have risen to discuss and provide leadership on the great issues before our Country from time immemorial, would accept his invitation and his challenge to provide leadership on this tremendously important matter."

The Meeting Of The ABA House Of Delegates

The ABA House of Delegates, of course, has its own agenda and met under the Chairmanship of James L. Shepherd, Jr. for five Sessions August 25-29, 1958. It is there that great debates take place on all the great issues of the day as Sections and Committees make their Annual Reports and it is the House which in the ultimate makes final decisions of Association policy, programs and actions. Having served as Chairman of the House, I cannot overemphasize its important role of directing Association position and actions. I served several years on the House Committee on Rules and Calendar which controls in general its agenda. Short summaries of the Agenda and House Action thereon are set forth on pages 151-232 of the 1958 Annual ABA Report. I will not do my summary of those summaries.

My participation in the House of Delegates Agenda consisted largely of a brief report on the great success of Law Day - USA and the estimated 30,000 speakers who spoke on Law Day throughout the nation and the 5,000 Proclamations of Law Day - USA by Governors, Mayors, County Chairmen and others. I thanked and praised Joseph D. Stecher, ABA Executive Director and the ABA staff.

I also gave a brief report on my visit to Russia along with Lewis F. Powell, Jr., E. Smythe Gambrell, Walter E. Craig, Ross L. Malone, Richmond C. Coburn, as an ABA delegation, at our own expense, to determine the nature of the law, lawyers and courts of the Soviet Union. In sum, I said we discovered that even the Judges and lawyers did not cover up the fact, in my judgement by what they said, that the Communist government's greatest weakness was the absence of the rule of law, and that I also concluded that the legal profession of Russia yearned for a rule of law government.

The Dewey Committee Report

Chairman Thomas E. Dewey, in presenting his Committee's Report to the House of Delegates at the 1958 Los Angeles Annual Meeting, said in part:

"Building peace is the most important job in the World today. It cannot be built by ARMS. It can only be built by law. The lawyers of the World are equipped to be, and must be, the architects of peace.

We do not deceive ourselves about the enormity of this task. The roots of war lie deep. Underlying the conflicts among Nations are men's despairs, needs and competing demands. Yet surely the human heart contains, too, the seeds of peace; and World law, the law among Nations, the law of peace, must be built up from the common desires and the universal purposes in the hearts of all the peoples of the World.

This is a job for practical idealists, for men skilled by their profession in transmuting the best human impulses into effective working rules. Yet we cannot afford, in being 'practical', to set our sights too low. There can no longer be peace just for us, or for any one Nation; there will be peace for the whole World, or there will be no peace at all.

The American Bar Association's Special Committee on World Peace Through Law is practical idealism at work. It is what Lincoln was talking about when he said that, 'It is as a peacemaker that the lawyer has the superior opportunity of being a great man'."

The Dewey Committee, after a year of intensive and extensive study, made an exhaustive Report to the ABA's House of Delegates covering the prior utilization of law to produce settlement of international disputes of Nations. His Report is printed in ABA's 1958 Annual Report pages 566-583. The Report's primary recommendation being:

"We believe that there is more urgent need and greater opportunity today than ever before for the American Bar Association, and lawyers generally, to play a vital role in carrying forward this great work."

The Dewey Committee urged that lawyers of the

1958 ABA Annual Meeting

World, under ABA's initiative, work cooperatively on codification of international law, strengthening of international tribunals, repeal of reservations to the World Court's jurisdiction, and that they develop public support for the rule of law internationally. On the latter, the Report also urged:

"Cooperation and exchange of ideas and philosophies among the members of the legal profession, on an international scale, would seem to be an essential part of the process.

Part of this effort must be, first, the encouragement of educational discussions within the legal profession in this Country and, second, expansion of such discussions on an international scale.

The development of public opinion in this field cannot be left to the governments alone, for they will frequently hesitate to propose measures which do not have genuine popular support.

In our Country, the American Bar Association is especially qualified, through its widespread membership, to lead the way for lawyers of the free Countries, and thus help to create a climate which may spread to embrace all the peoples of the World."

ANNUAL DINNER WITH ENTERTAINER BOB HOPE AND SPEAKER MADAME CHIANG KAI-SHEK

Special Commendatory Message From President Dwight D. Eisenhower

Those at the Annual Dinner were honored by a special message from the President of the United States, the Honorable Dwight D. Eisenhower, which I read to them and here quote in full:

"I am delighted to send greetings and congratulations as the 81st Annual Meeting of the American Bar Association draws to a close. The theme of this year's meeting, "Leadership of Lawyers in Public Affairs," is of particular significance in this era of rapid community growth and broadened requirements for leadership.

The clear challenge confronting you can and must

Autobiography by Charles S. Rhyne

be met by lawyers not only on the national level but in villages, towns and cities throughout the Country.

Tonight I should like to make special note of a significant project of the American Bar Association of the past year. That activity was its part in making the first observance of the 'Law Day, U.S.A.' such a success. 'Law Day, U.S.A.' stressed the role of the rule of law in our land, and its observance had an important impact on the Nation. First, it helped to re-emphasize in the public mind that reverence for the law is so vital to a free people. Second, it fostered respect for our system of government under law.

Finally, Law Day served to remind our citizens of the crucial role of law in world affairs and the hope it offers for peaceful settlement of disputes among Nations.

I am grateful to the American Bar Association for the cooperation and professional guidance it has given this Administration during the past year in the selection of Federal Judges and for assistance to the Administration's legislative program concerning the administration of justice.

To each of you personally, and to your distinguished organization, my very best wishes for a successful year ahead."

(Signed) Dwight D. Eisenhower

Introductions of Norman R. Tyre, Bob Hope And Madame Chiang Kai-shek

I then introduced my friend Norman R. Tyre, to introduce his client Bob Hope, the great professional humorist. Bob Hope earned his standing ovation by his jokes, "one liners" and quips. No one could possibly recall them but they brought his audience to an almost continuous uproar. He was wonderful to come, thereby keeping a commitment he made to me at the Vienna Hotel where I attended the Post-London meeting in Austria. I add this, as he accused me (truthfully) of using his lawyer to produce him.

Following Bob Hope's entertainment, I thanked him in the words of his song "Thanks for the

1958 ABA Annual Meeting

Memories", which I did not make into a "one liner", as I had hoped!

I then introduced Madame Chiang Kai-shek as "one of the great persons of the World stating:

"Our people admire and respect courage and fighters for great principles, and especially courage against great odds. There is certainly no picture of greater courage in all the World today than that of this distinguished lady's husband and the great Country that she is from.

As the foreboding headlines tell about Communist belligerence in the Far East, and speak of the shells and ships near her homeland and all the ferment that is arising therefrom, I think that lends emphasis to her message tonight.

Last year at Guildhall, at our final banquet, we, as guests of the English Law Society, were privileged to hear Sir Winston Churchill, one of the greatest men of our generation. Tonight, we are privileged to hear one of our generation's greatest ladies. Ladies and gentlemen, Madame Chiang Kai-shek!"

Madame Chiang Kai-shek spoke of her training in the past by saying:

"...to every serious thinker in politics the principle which underlies and governs every form of authority of the State is based on principles of law, be they civil, criminal or administrative laws. As lawyers and Titans of thought, aside from your immediate concern in municipal and corporation laws, your first priority project must be in making World law a reality as a basis for World peace."

She expressed her belief in the feasibility of bringing the World to order for:

"Without risking arbitrament we can say that, East or West, the concept of law as the ultima ratio has always remained undisputed, for law by experience is the only authoritative regulator of social relations... What is significant to me is not that the sanctity and pre-eminence of law is recognized by individual Nations or civilizations but that justice is a principle of nature. Justice as an expression of the universal principle of the law of nature - the

Autobiography by Charles S. Rhyne

final and conclusive principle - is behind all law, and should we be without it, society at large would be a human jungle.

In this fusion and fission age of weapons when it is no longer sufficient merely to keep law and order within national boundaries...it behooves us to think on an international scale and to control our actions on a worldwide basis."

Her final comment was "...Honorable ladies and gentlemen of the Bar, I would like your considered counsel and guidance."

A standing ovation was accorded Madame Chiang for her address.

Ross L. Malone, My Successor As ABA President

I then had the honor and pleasure of introducing one the greatest American lawyers and law leaders, my dear friend of many years, Ross L. Malone of Roswell, New Mexico, as my successor. He said:

"I am acutely conscious of the great responsibility which accompanies this honor and of the incomparable opportunity which the position affords for service to our profession and to the public which we serve."

He enumerated several things which I, as President, had achieved during my year in office - such as the initiation of Law Day - USA, the establishment of the Committee on International Law Planning, the promotion of World Peace Through World Law - and then assured me that "...as the youngest 'Elder Statesman' in the history of the Association, your service to the American Bar Association is far from ended."

He then outlined his plans for the coming year, including "...the exploration by the lawyers of this Country, and ultimately of the World, into the means whereby effective application of the precepts of World law can be made to the solution of World problems."; efforts to alleviate the "...'interminable and unjustifiable delays in our Courts which are today compromising the basic legal rights of countless thousands of Americans!'" and the

1958 ABA Annual Meeting

revitalization of interest of this Association in legal education.

Following President Malone's address, I brought the dinner to a close, expressed my satisfaction with "...the greatest and largest Annual Meeting in the history of the ABA...", saying "The committee that has arranged and carried out this convention has done a tremendous job, and I would like to tell you that with more than 5,600 lawyers registered, we have some 10,000 people in attendance."

Creation Of ABA Special Committee On World Peace Through Law

As a consequence of the Dewey Report, the Special Committee on World Peace Through Law was established by the American Bar Association at its 1958 Annual Meeting. Later, due to a heart attack, Governor Dewey reluctantly advised that he could not continue to head the World Peace Through Law Program. I was appointed Chairman by my successor as ABA President, Ross Malone. The Committee's original assignment was:

- "(1) To explore and report upon what lawyers can do of a practical concrete character to advance the rule of law among Nations, and
- (2) To stimulate interest and activity among lawyers and laymen for the advancement of World peace through the extension and expansion of the rule of law."

The Special Committee was to supplement and complement existing programs, and conduct a thorough study "involving the feasibility of a World Conference of Lawyers on the Rule of Law and, if it is found that such a Conference is feasible, to prepare a blueprint for the organization and operation of the Conference".

The Committee held its first meeting on November 13, 1958 at which time it was reported that the first step toward securing worldwide support among lawyers was successful. I, as President of ABA and head of its delegation, had introduced the suggestion for a

Autobiography by Charles S. Rhyne

World Conference to the International Bar Association at its meeting in Cologne, Germany on July 21, 1958. Delegates at the IBA meeting expressed great enthusiasm and offered their individual support for the idea. The IBA's House of Deputies later stated IBA favored the World Conference. See page 435 supra.

The Special Committee decided at its first meeting to continue endeavors in contacting and corresponding with practitioners, professors of law, bar associations, and other national and international legal organizations, government and diplomatic officials, and other interested individuals and groups throughout the world. Their comments and suggestions were to be solicited and their cooperation encouraged.

In addition, the Committee undertook to study the efforts of the United Nations and other official agencies in the field of international law, and to consider conducting a series of regional meetings in the United States in order to directly seek the opinions and cooperation of leading judges, lawyers and professors of law. At these meetings, it was also hoped that a format could be developed to capture the interest and cooperation of practicing lawyers who had taken little or no interest in the field of international law in order to broaden the available workforce for the program that was envisioned.

A Committee staff was employed and directed to give special attention to the compilation and analysis of ideas and information concerning the proposed World Conference and other efforts that lawyers might make to advance the rule of law in international relations, and to increase the sense of responsibility and influence of the legal profession in World affairs.

For the remainder of 1958 to March 1959, ideas and recommendations were solicited and received from well over 10,000 individuals and organizations throughout the World. In response, useful information and many constructive suggestions were received as well as indications of almost universal support and enthusiasm. These served as an

1958 ABA Annual Meeting

invaluable aid in developing the World Peace Through Law Program.

The next step was for the Committee to arrange the series of regional meetings of leading lawyers in the United States for some "down to earth" discussions of their views and suggestions regarding the proposed program. The plan was to invite the Presidents of state and local bar associations and other leading lawyers, as well as leading non-lawyers with international experience that those invited might wish to designate. These invitations evoked an almost unanimous favorable response.

The Special Committee decided to undertake the following program:

1. To seek the cooperation of judges, lawyers, professors of law, associations of lawyers in this Country and abroad and the cooperation of such legal organizations as the International Bar Association, the Inter-American Bar Association, and the International Law Association.
2. To study the efforts of the United Nations and other official agencies in the field of international law.
3. To go forward with the regional conferences of leading lawyers in the United States for discussion of tentative ideas, suggestions, practical plans, and proposals.
4. To instruct its staff to give special attention at the outset to compiling and analyzing ideas and information on how the proposed World Conference might clearly advance the use of the rule of law in world affairs, promote the use of the judicial concept in the settlement of disputes between Nations, extend international judicial institutions to disputes of individuals growing out of international transactions and increase the sense of responsibility and the influence of members of the legal profession in the field of international relations.

As its Staff Director, the Committee was fortunate in securing the services of the late Edgar Turlington, who had a distinguished career as an international law expert.

Autobiography by Charles S. Rhyne

The Committee urged that more letters asking for ideas and reaction be addressed to the Presidents of 1,400 state and local bar associations in the United States and to 182 United States professors of international law asking them for their suggestions as to what a World Conference on the Rule of Law should and could do. Similar letters were sent to members of the Section of International and Comparative Law of the ABA, to members of the American Society of International Law, and to the Presidents of bar associations in foreign Countries. All Foreign Ambassadors to the United States and Ministers of Foreign Affairs of all Nations also received similar letters.

The ample and speedy response to these additional letters, from both the United States and foreign Nations, provided the Committee with a most helpful perspective of the thinking of those who received the letters on expansion of the rule of law as the basic concept for world peace. The sentiment was overwhelmingly in support of such an endeavor. Some raised questions on the basis that such an enormous worldwide effort by legal professionals of the world had never before been envisioned or attempted that focused so directly upon law and an expansion into a substitute process to replace the force process and perhaps the Committee was undertaking too much. That suggestion did not prevail and the Committee forged ahead with the development of a program for an ABA endeavor to sponsor World Peace Through Law.

National And International Impact Of The ABA Los Angeles Meeting

It is difficult to judge the national and international impact of the Los Angeles Meeting. Don Hyndman, the Public Relations Director for the ABA, hailed it as the most publicized national and international law meeting ever held. I was too busy on the road making speeches, as a follow up of the meeting and organizing the new ABA Committee on World Peace Through Law, to read the news clippings and

1958 ABA Annual Meeting

letters of congratulations which Hyndman reported were flowing into ABA Headquarters. I think a few references here will indicate the impact of the meeting.

Being from Washington, the political capital of the United States, I should just say that the members of Congress seldom support concepts and ideas before they are fairly certain their constituents back home support them. I here quote the September 8, 1958 letter I received from the U.S. Senator from Texas, Lyndon Baines Johnson:

Dear Mr. Rhyne:

I am grateful to you for sending me a copy of your most provocative address, "World Peace Through Law". Like most everyone else, I saw a newspaper account of the speech; now I am happy to have the full text of it.

While it was a considerably more modest undertaking, the Senate recently passed legislation establishing a commission to study international procedure and practice, and to make recommendations on the recognition of foreign decrees. I believe this is of interest not only to practitioners of international law, but to the Nations themselves.

I should like very much to discuss with you sometime your concept of peace through law. I was tremendously interested in your work in establishing a Law Day in the United States, and I think your expanded proposals are equally important.

Sincerely,

(Signed) Lyndon B. Johnson

U.S. Senator from Idaho, Frank Church, wrote on September 3, 1958:

Dear Mr. Rhyne:

Thank you for sending me a copy of your August 25th address before the ABA Convention.

I congratulate you on it, and I wish to express

Autobiography by Charles S. Rhyne

my feeling that your address was a climax to a year of outstanding leadership, which you have given to the legal profession.

Sincerely,

(Signed) Frank Church

U.S. Senator from New York, Jacob K. Javits, wrote on August 27, 1958:

Dear Charlie:

Thank you very much for sending me a copy of your address before the First Session of the Assembly of the American Bar Association Convention on August 25. I have been over it very carefully.

The speech is a rare combination of logic and vision. I am myself particularly interested in two aspects of your speech -- first, your suggestion to remove the present limitations on the International Court of Justice, and second, your reference to the proposed treaty guaranteeing World investment.

I agree that a World of law requires a Court system which can command the dignity and respect of the peoples of the World; and to do that it must do more than decide ten cases in 12 years. In order to have any impact on the fields of international relations and international economics there should be a much broader usefulness and use of the International Court. Your suggestion for a more complete and varied court structure is certainly sound.

I am aware of the reaction to our own Supreme Court from a number of people -- particularly in relation to the segregation and other Civil Rights decisions. This I still find surprising, in view of the Court's long tradition and accepted place in our Constitutional scheme of government. It does require imagination to conceive of similar attacks directed against an International Court. I do not believe that such possibility is an objection but I do believe, in all honesty, that we have much work to do to get such a program accepted.

1958 ABA Annual Meeting

My suggestion would be that the Congress should undertake to participate more directly in the studies of the American Bar Association. I am delighted to see that Governor Dewey heads a Bar Committee on international law planning.

I hope to be able to follow through on more of this and will be in touch with you before the next session of Congress.

With warm regards,

Sincerely,

Jack

(Signed) Jacob K. Javits

Congressman from New York, long time Chairman of the U.S. House of Representatives Judiciary Committee, Emanuel Celler, wrote on October 6, 1958:

I was intrigued with your address entitled "World Peace Through Law". It should have widespread coverage, and when Congress re-assembles, I shall place it in the Congressional Record.

Congressman, James Fulton, from Pittsburgh wrote on August 23, 1958:

I have read your address again carefully. It is an outstanding step forward.

We members of the House Foreign Affairs Committee base our decisions on US foreign policy on concepts of justice applied to varying international areas and heritages. Rules of law to implement such decisions, as well as to serve as international guide posts for the future, would certainly be the greatest social and economic advance this present generation could contribute to World progress.

State of Florida Governor, LeRoy Collins, wrote on September 10, 1958:

Thank you so much for your letter of September 2, supplying me with a copy of your address, "World Peace Through Law", delivered to the recent assembly of the American Bar Association Convention in Los Angeles.

Autobiography by Charles S. Rhyne

During your term as President of the American Bar, I have followed your work with a great deal of interest and admiration.

Like yourself, I have been tremendously disturbed by the drift of the World situation toward apparent destruction, and it is most heartening to see some clear thinking on the subject, such as yours.

I do not know when our paths might cross, but sometime I would like to sit down and talk with you about your ideas on this and to get your thinking on the problem we are having right here in our own Country with the accomplishment of racial peace through law.

State of Washington Governor, Albert D. Rosellini, wrote on September 5, 1958:

This will acknowledge your letter of August 20 with the copy of a statement in support of World Peace Through Law.

Thank you very much for sending it because I think that the urgency of securing a World Peace Through Law is probably the paramount problem of our time. Your statement will certainly contribute to the solution.

C.H. Morris, lawyer from Wichita, Kansas, wrote on September 8, 1958:

Thanks for sending me your annual address. I took it home with me this weekend and have read it every word. I can well understand how your concept of "World Peace Through Law" is branded by many as fantastic and unworkable, because anything simple and practical nowadays is considered fantastic and unworkable, merely because it is simple and practical.

So much emphasis and effort is put upon solving the unsolvable that there is no spirit left for supporting anything that is easy but effective.

I like your plan and I admire your spirit. I will certainly do what I can in my own local Bar

1958 ABA Annual Meeting

Association, among my friends and such other contacts I have to spread this idea of World Peace Through Law. If you find that I may do effective work for the plan in other ways, I will always be glad to do my part. So you may always feel free to call upon me.

Are there extra copies of your annual address available? If so, will you advise me where I might write for them. I would like to give copies to ministers, Wichita University professors, businessmen, etc., who are leaders in our community. It seems that lawyers throughout the Nation might spread your program by personal contact on the community level.

Nazir Ahmad Khan, President of the Pakistan Legal Centre and former Attorney General of Pakistan, wrote on November 2, 1958:

Thank you very much for sending me a copy of your brilliant address before the American Bar Association Convention (August 1958). I am particularly grateful to you for including an extract from one of my own addresses and am happy in the thought that, due to your untiring effort, the idea of an International Rule of Law is finding an echo in many Countries. It has to be a common effort of us all in order to be successful. I am quite certain that if each of us devotes himself to the great task, as you have done, the dream may still be realized one day.

Me Ernest Arendt, Avocat in Luxembourg, wrote on November 6, 1958:

I just have, before my eyes, your annual address at the Opening Session of the Assembly of the ABA in Los Angeles.

I am deeply impressed and I should like to tell you how much I agree with you.

You remember perhaps that we met shortly in Cologne at the IBA Meeting, just before your journey to U.S.S.R.

Autobiography by Charles S. Rhyne

That you have chosen, as topic of your address, this theme of "World Peace Through Law", after your return from Russia is symptomatic.

As Secretary General of the "Union Internationale des Avocats", I have the opportunity to have many contacts with lawyers of all Countries, especially of Europe. Therefore I confirm that your troubles as an American lawyer are the same in any place where there are people of good will and fond of liberty and dignity.

We lawyers have indeed a tremendous duty and responsibility. We should join our efforts and try to convince our political leaders that the way they follow leads to disaster.

I belong to one of the smallest Countries of the World, but within twenty-five years, we have known twice war and devastation. We can say: "The matter is known!"

Although I cannot be of great help to you, I should like to support with all my heart your generous idea.

That was what I had in mind to tell you in a few simple words.

Mr. James A. Farley of New York, on September 16, 1958, wrote:

Dear Charlie:

Thank you very much for your kind note of August 22nd, to which you attached a copy of your statement in support of World Peace Through Law.

I read it with much interest and do thank you very much for sending it to me.

Sincerely,

(Signed) Jim

President Harry S. Truman of Independence, Missouri, on September 16, 1958, wrote:

1958 ABA Annual Meeting

Dear Mr. Rhyne:

Thank you very much for sending me a copy of your address on the subject of World Peace and Law.

I hate to admit that I haven't had a chance yet to read it, but I'm carrying it with me on my campaign travels in the hope that I can find a few minutes en route to absorb your thoughts on the subject.

Sincerely yours,

(Signed) Harry Truman

Dr. N.J.C.M. Kappeyne van de Coppello in Amsterdam wrote, on October 27, 1958:

Dear Colleague,

I am indeed very thankful for your sending me your annual address, as President of the American Bar Association, entitled: "World Peace Through Law". I may congratulate you on the very decisive manner in which you brought forward such important ideas. I am very grateful that at least the Anglo-Saxon mind, and especially the American, still nowadays dares, without hesitation, to declare what has to be done.

Your object is one which I myself have tried to further, just before and especially after the War, and I appreciate very much the individual character of your remarks. I may especially refer to paragraph 9 and 10 concerning the jurisdiction of the new World Court system, which is much more than I ever dared suggest. But I am very glad that the juridical way of settling disputes is much more your aim than the diplomatical method. Particularly the enforcement of World Court judgments is a problem in itself. I have always very much objected to the fact that when one party refuses the enforcement, still the Security Council has to decide about the enforcement, that is to say that the refusing party may find ready one of the five Countries invested with veto power to practically annul World Court judgment.

I hope, dear Colleague, that when you might come

Autobiography by Charles S. Rhyne

to Europe you will grant me the opportunity to meet you, because I would be only too glad to have the occasion of orally discussing the above-mentioned problems with you.

There are many communications, similar to the above, from law and political leaders in the United States and from around the World. I use those quoted to demonstrate the worldwide support with which I undertook my new challenge, after the ABA Los Angeles Meeting, as Chairman of the ABA Committee on World Peace Through Law. The many media editorials and laudatory statements I do not quote here but they are collected in huge ABA press clipping Volumes to which I have referred herein.