

## Class of 1934 Reunion

Paul M. Hebert

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Mr. Toastmaster, Dean Tullis, Members of the Faculty, Members of the Law Class of 1934 - and Mr. Landry:

Tonight I am here in the capacity of a substitute because of the inability of your distinguished young classmate, the Mayor of the City of New Orleans, to be with you. A couple of weeks ago I saw Mayor Morrison's picture in the Times-Picayune. He was shoveling garbage. This week he is in Washington where the Republicans would like to start doing the same thing. We democrats hope that he is not up there to teach trade secrets of that kind to the Republicans. They will have a hard time shoveling Truman out despite the fact that Senator Fulbright, and ex-law professor, has joined their chorus and is singing "I'm just mild about Harry" and would like to put a little Oxford in the constitution.

But I was in Washington long enough to appreciate Truman. One of the White House spooks told me all the inside information. He said Truman hadn't been in office very long when he was looking very disconsolate one day. One of his secretaries asked "Mr. President. What's the matter?" "Well" said the President "I was just feeling sad because this job has me so tied down I never get a chance to do the things I like to do. I haven't seen mama in so long and I can't take time off to go out." So another spook

walks up to the President and whispers in his ear "Mr. President there's a plane that goes with this job". So they got out the sacred cow, the White House physician and so forth, and went on to Missouri and brought the grand old lady to Washington for the holidays. They had a wonderful vacation together—he played the Missouri waltz not once but many times.

Those were the days when his calling list read something like this:

10 A.M. - Senator Connally	10:45 A.M. - Banker from Missouri
10:15 A.M. - Friend from Missouri	11:00 A.M. - Secretary Wallace
10:30 A.M. - Senator Vandenburg	11:15 A.M. - Friends from Missouri

The trip was a little bumpy and Mrs. Truman decided that she would not like to go back by plane. So the President was in his study moping and looking very blue. When asked what the trouble was he said—"Oh, I'm in a terrible fix now. I got ~~mama~~ here all the way from Missouri and I don't know what to do. She wants to go back by train. You know how hard it is to get train reservations—I just can't see how ~~mama~~ can make her trip back." So another spook walks up to him and whispers in his ear, "Mr. President, there's a special train that goes with this job"—So the train got Mother Truman home after all. Not long after that the new President was again quite dejected. He complained: "I never get any exercise any more. I was accustomed to walking to the Senate Office Building every day. The secret service will

not allow me out of the White House grounds. I don't know how to get my exercise any more"--Whereupon, the ever-ready spook walked up to whisper "Mr. President--there's a swimming pool that goes with this job." And so it was with the yacht and all the other adjuncts of high office. Then one day near the first of the month Mr. Truman called in one of his aides, and said "By the way--Who pays the bills around here? What does this job pay?" The ever-ready spook said "You pay the grocery bill and the salary is \$75,000.00, Mr. President"--and he fainted. When revived he rolled his eyes and asked "How much will I have left after taxes" "about \$18,000"--the President again fainted. Then he came to and said "Gee its expensive around here. We'll have to economize". He was talking almost like a Republican. So he called in the housekeeper, fired 1/3 of the White House help and gave strict orders to watch the grocery bill. This threw the State Department into a real tailspin--as one high official complained--he said-- "Last week we had Winston Churchill over at the While House for lunch. The President is running that place like other American homes--it happened to be Wednesday--economy day and what do you suppose they served the Prime Minister?--A balogna sandwich! If Winnie had not had 14 highballs think

what this would have done to our international relations." But President Truman has pulled us through that crisis and others and it is most inconsiderate of Fulbright and the Chicago Sun to suggest that he abdicate. We'd have the same trouble all over with Vandenburg and educational statistics prove that Republicans are much dumber than Democrats. But I didn't come here to discuss such high policy matters.

Seriously, I relish the idea of becoming a substitute, not only for its flattering football connotation, since football is important, (President Hutchins to the contrary and notwithstanding), but also by virtue of the very happy coincidence that my first association with the members of this class was in a similar capacity. You will recall that back in 1931-32, when you began your first feeble quest of the jealous mistress, Dean Tullis had been bold or rash enough to employ me in the capacity of a substitute faculty member. I engaged in a certain amount of practice teaching at your expense at that time. It was your loss and my gain, I am sure. I well recall our Socratic sessions in the subject of Contracts. How we poured over the Restatement and good old Corbin's Casebook.

At Harvard they tell the story of how Professor Chafee, at one of his lectures, to emphasize a particularly challenging point, leaped upon the

table before his astonished class and with great waving of arms loudly proclaimed the intricacies of the subject matter then under consideration.

It is hard to believe that such a thing could have happened in the cloistered halls of Harvard, that venerable institution noted for its closed door policy toward women, nay, not even an exception for a Harriet Daggett or a Francis Landry. But I have this incident from an eye-witness who relates that every-time he meets a classmate, they discuss the matter and while no one ever remembers the exact point which Professor Chafee was trying to emphasize, everyone always remembers the fact that he did jump upon the table suddenly in such astounding manner. So, if neither you, nor certainly I remember much of that common law of Contracts, which we considered so thoroughly together some fifteen years ago, we can at least testify to the fact that we spent many an hour in the old Law building in that noisy corner room just off the plaza and so near to the quarter-hour chimes from the Campanille. In my minds eye, I remember well your learned expositions and vividly recall that our discussions were unimpaired by the hustle and bustle of the 11 to 12 hour and our attention was not even diverted by the casual courtships of the plaza associated with the system of coeducation and that particular section of the University campus.

Despite such physical handicaps, in the same manner that has been characteristic of law classes which both preceded and succeeded you, your legal education "took", so to speak, and you have respectively gone on to a generous measure of accomplishment in your chosen profession, in the public life of Louisiana, or the activities of your selection.

Whenever a Law School Dean speaks to an alumni group his choice of subjects is somewhat narrow. First, he may talk about the class and its accomplishments; second, he may talk about the Law School and current problems in legal education; or third, he may render a discourse on the legal profession and its importance to society.

You may congratulate yourselves on being spared these evils tonight, though you are to be delivered to other evils that you know not of. The individual accomplishments of this class and its distinguished members are known to each of you. There is, therefore, no need to dwell on such details. Similarly, you have been apprised of the standard news items of the Law School--of how the enrollment of some 265 is twice the normal prewar enrollment; of the return of the full-time faculty to prewar strength; of the publication again of four issues of the Louisiana Law Review; of the

Moot Court work; of the new curriculum; and of the looming problem of how such large numbers of law students now in school in the three law schools in Louisiana will eventually find their place in the profession. In 1948 it is estimated, for example, that there will be some 300 law graduates-- as the accumulation of the war years reflects itself in the number of students completing the course. Can these graduates and those to follow find their useful places in the profession along with approximately 2500 other practitioners in Louisiana? I will have to leave that question with you. Neither will I expound the greatness of our profession of the law--we know that already-- that's why we are lawyers. We do not subscribe to the critical view of the layman who commented upon President Hoover's appointment of a Law Enforcement Commission composed of ten lawyers and a woman educator by saying:

"Had President Hoover studied the history of legal reform in this and other countries he would have avoided the well nigh inexcusable error of selecting lawyers on a commission whose object was the promotion of judicial reform. He would have known that in this country, in England--indeed in every country--lawyers without exception have presented a united front against every effective reform proposal.

For fifty years and more the people of England fought for reform against the united opposition of the legal profession. Lawyers opposed the Field Code in New York in 1848, and they are arrayed against every effective reform proposal today.

Had President Hoover been conversant with the question he would have known that, in the very nature of the case, lawyers can not and will not bring forward effective reform proposals. Their super-conservative bent of mind and the casuistic process of reasoning which the system inculcates forbids it. Economic considerations, the taking of business from the courts in the face of an increasingly over-crowded bar, mouths to be fed, backs to be clothed, heads to be covered forbid it. And finally, just plain selfish Human Nature, which is the overwhelming motive behind most human actions, forbids it. \* \* \*

After years of intensive study of the judicial system from the standpoint of the layman, I have reached these definite conclusions. Four major defects are apparent: 1. The Lawyer. 2. The Courts. 3. The Process. 4. The Law."

It would take your time needlessly to refute such heresies. As countless lawyers before us we merely consider the source--some poor benighted laymen and we pursue our majestic way in the law. There is no need to talk to you about our profession for even those who criticize it recognize its greatness and its influence. For example, Professor Rodell of Yale University that alert young whippersnapper who took the profession to task in his book, *Woe Unto You, Lawyers!*, admits:

"It is the lawyers who run our civilization for us--our governments, our business, our private lives. Most legislators are lawyers; they make our laws. Most presidents, governors, commissioners, along with their advisers and brain-trusters are lawyers; they administer our laws. All the judges are lawyers; they interpret and enforce our laws. There is no separation of powers where the lawyers are concerned. There is only a concentration of all government power--in the lawyers. As the schoolboy put it, ours is "a government of lawyers, not of men."

I will not get off into such professional by-paths, however intriguing.

1946 minus 1934 equals 12, so I have rather chosen as the subject for my remarks this evening "Twelve Years Are Not So Long". Just twelve short

years ago you were launched upon your legal careers. Twelve years are not so long--yet how they can make for movement in the affairs of men. Let us trace a few events through the calendar.

It is the year 1934, the month of May, this class receives law diplomas from L.S.U.--Two weeks later Germany suspended payment on her foreign debt. Two weeks after that a plot to overthrow the regime of Hitler was discovered resulting in arrests, executions, suicides--the blood purge. One may ponder how the course of recent years might have been changed if the plot had been successful. Barely a month after the blood purge Von Hindenburg died. Hitler became chancellor, leader. In December of your graduation year the Ethiopian war began. You had not been alumni for a year when the Saar Territory in January of 1935 voted to return to German ownership.

At the start of those twelve short years we were not too much concerned with such matters. Domestically we were in the throes of the social and economic problems of the New Deal--we were more interested, for example, in January of 1935, in pondering the five to four decision of the United States Supreme Court sustaining the power of Congress to abrogate the gold clause in private contracts and in the passage by Congress of the five

billion dollar Work Relief Bill than we were in the action of Hitler in breaking the Versailles Treaty, ordering conscription and beginning the expansion of his army. A great movement was being evidenced in American law--in August of 1935 the President signed the Social Security Bill and a month later the Jews in Germany lost their citizenship and political rights and their very last vestiges of security as human beings. Congress was enacting such legislation as the wage and hour law, <sup>and other labor legislation</sup> the public utility act and the natural gas act, legislation creating housing and loan agencies, the civil aeronautics act, creating the agricultural adjustment agency, the Federal Communications Act, the Securities and Exchange Commission, passing the Public Utility Holding Co. Act, amending and re-writing the bankruptcy statutes and a host of other measures of great social and economic significance too numerous to mention. We were busy indeed.

We therefore did not take great notice when the League of Nations weakly invoked economic sanctions against Italy as the aggressor in the Ethiopian war ending these sanctions only after Mussolini had completed the annexation and declared an end to the war. The year is 1936. In January the Supreme Court of the United States in a six to three decision with Stone, Brandeis and Cardozo dissenting upset the Agricultural Adjustment Act as a violation of State rights and beyond the power of Congress, adding another straw to the camel's back which later broke into the Roosevelt Supreme Court fight. In March Hitler broke the Locarno Pact and reoccupied the Rhineland. Toward the close of 1936 the Rome-Berlin Axis was formed and the Anti-Comintern Pact was signed by Germany and Japan.

You will recall that there were two revolutions in the eventful year of 1936. The Spanish revolution and the English revolution caused by Wallis Warfield and culminating in the abdication of Edward the VIII after less than eleven months on the throne of England. But we were absorbed in our domestic problems including an increasingly aggressive labor movement supported by the government and ably led by John L. Lewis and his C.I.O. We had also the misery of great floods in the valleys of the Mississippi, the Allegheny and Ohio Rivers to contend with

early in 1937. Undeclared war between China and Japan was leading to "accidental" bombings of American ships and property. But we wanted peace so we accepted the Japanese at their word when they said "so sorry" to British and American protests. Meanwhile, early in 1937 Hitler had repudiated the Versailles Treaty and declared the complete sovereignty of Germany. Germans were forbidden to accept Nobel Prizes. Italy withdrew from the League of Nations.

In those early years of the "Twelve Short Years" you were rightly busy with your young law practices. Then came 1938 and the resignation of Anthony Eden who was reported to be at odds with Neville Chamberlain on how to seek settlements with Germany and Italy. Germany occupied Austria and not a month after Eden's resignation. Then came the "peace in our time" declaration of Munich and the occupation of Czechoslovakia under its terms. The world breathed again, though uneasily.

The early part of 1939 saw the end of the Spanish war as Britain began conscripting an army. This was the year of treaties and alliances. Treaties between Germany and Italy and to the consternation of both Britain and France an important trade agreement was signed between Russia and Germany. 1939 saw Germany's march into Poland and the stark reality of war. The Russian-Finnish

War also began in this year. The battle for and the surrender of France claimed our attention in 1940, the same year in which the American electorate cast aside precedent and elected Franklin Roosevelt for a third term. 1941 saw us drawn inevitably into the vortex. Lend-lease, the freezing of assets of the Axis powers and an increasingly stiff attitude by the United States toward the Axis. Germany's invasion of Russia in June was a world-shaking event offering some but not too much hope to the Allied powers. Then came Pearl Harbor.

The war years followed with their story of heroism, of gore, of work, of sacrifice, of sorrow, of destruction and eventual triumph. The atom bomb. Twelve years are not so long, yet these twelve short years we have scanned have nevertheless contributed more to history and to change than was ever written in such a short span. The world events in which we inevitably became involved have left in their wake problems of such magnitude as almost to stagger the mere finite mind. And we are inevitably part and parcel of each problem. There is no turning back. Indeed, there has been movement in the lives of men and in the affairs of nations during these twelve short years. Following a war which was fought essentially to maintain and establish a legal order in international affairs, we have emerged into a period in which there will be the greatest

need for the processes of law in the world's history. We have seen hope in the development of a new approach to law in terms of individual culpability for aggression established from the Nuremberg trials which may well become the starting point of a new international law made increasingly effective through application of sanctions by the United Nations Organization or even more important forms of world organization to follow. Survival of civilization may depend upon the ability of men to establish a regime of law capable of averting the ghastly happenings in the twelve short years we have just been through. In domestic affairs, whether the Republicans or Democrats are in power, there is similarly no road back from the way on which we have embarked. We may yearn for the good old days of that less complex period in American history when we were comparatively free from government regulation; when there was less of law and less of taxes in the daily lives of men and when the Supreme Court of the United States was spoken of with greater respect in the corridors of a Union League Club than the unflattering manner in which that august body is too often referred to today. But just as we are inextricably bound to a fate determined by the success which men may achieve in re-establishing a regime of law in international affairs, so the health, the prosperity, the general

welfare in the complexities of modern life and even the survival of our cherished institutions will depend upon the ability of government to achieve the greatest good for the greatest number through peaceful processes of the law. Law's two-fold difficult mission in the years that lie ahead will be to find <sup>a</sup> ~~the~~ right road both in world and local affairs and to traverse that road straight ahead. If the law succeeds in that mission perhaps future historians will relate that we have learned our lesson from the twelve years which were really not so long; and fine young men like your classmate and my friend, Bob Knox, will not have died in vain.