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## THE CHIEF JUSTICE SPEAKS

EXCERPTS FROM AN ADDRESS OF CHARLES ALVIN JONES \*

Delivered at Commencement, Dickinson  
School of Law, May 31, 1958

**T**OO often the pursuit of one's vocation becomes merely a habit, and we sometimes fail to perceive the full import of the attendant responsibilities of the role we occupy in life. And that is as true of the lawyer as it is of anyone else. The public obligations of the practitioner of the law are indeed great, and the standards of ethical conduct required for their proper discharge are high. The lawyer should, therefore, subject himself, upon frequent occasions, to introspection for an honest self-appraisal of how he is measuring up to the requirements of his office. An admission to the bar is restricted to persons capable of meeting specified requirements of both general and legal learning and moral character, the lawyer enjoys a privilege for which much is to be expected of him.

At the risk of seeming trite, I would point out that the practice of law is a profession and not a business. Several of the more obvious distinctions will readily come to mind. The lawyer may not ethically solicit clients, whereas the businessman may and, of course, does seek trade. The lawyer may not advertise his skill and services, as does the businessman his goods and wares. In England the barrister who takes a position with a corporation is automatically dropped from the rolls. In fact, he is what there is termed "disbarred"—a description that, with us, carries a stigmatizing connotation. To his client, the lawyer stands in a highly confidential relation and is held accountable accordingly. No defense of "caveat cliens," to coin a convenient Latin phrase, is available to him. Mr. Justice Brandeis with characteristic clarity and pungency defined the practice of law as "An occupation for which the necessary preliminary training is intellectual in character, involving knowledge and to some extent learning as distinguished from mere skill, an occupation which is pursued largely for others and not merely for one's self, an occupation in which the amount of financial return is not the accepted measure of success." Without seeming cynical must we not, in the present day's materialism, substitute the adjective "true" for the word "accepted" in the learned Jurist's definition?

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\* LL.B., Dickinson School of Law; Chief Justice of the Supreme Court of Pennsylvania.

What I wish particularly to stress today is the lawyer's bounden duty to be ever the alert and willing, yea, anxious defender of the civil liberties of the individual. It was the recognized paramountcy of such rights that contributed largely in the past to the greatness of our Country, and which, if faithfully respected and freely accorded, will help carry us successfully through any political or social stresses we may encounter. . . .

Unfortunately, there are those today, even in high places, who either do not know or are unwilling to recognize that the Constitution of the United States is for the protection of the minority, even if that be a minority of one. This is necessarily so, for, if the will of the majority were to be deemed always right, there would be no need of a Constitution. Yet, the monumental work of the Supreme Court of the United States, notably in the past few years, in expounding and enforcing the constitutional rights of the individual, has met a barrage of adverse and even hostile criticism the like of which we have not known in our generation and which has led to congressional action looking to a delimiting of the judicial powers exercised by the Supreme Court. Fortunately, the organized bar of the country is on record as opposed to the proposed Acts of Congress. The Attorney General and many outstanding and leading lawyers of the country have stoutly voiced their opposition to the illy conceived congressional threat to the constitutional rights of the individual.

Severe and bitter criticism of Supreme Court decisions, indeed of the Court itself, is by no means a thing exclusively of recent occurrence. The repercussions to the decision in *Ex parte Milligan*,<sup>1</sup> which is a veritable landmark in the Supreme Court's protection of the civil rights of a weak and unpopular individual charged with serious criminal offenses against the United States in time of sanguinary internal strife, furnish but one notable example. Happily, the Supreme Court has survived all onslaught upon it to date with its judicial powers unimpaired, and it is fervently to be hoped that it will do so again.

It is the special obligation of the lawyer by virtue of his oath of office, apart from his duty as a citizen, to support and defend the Constitution of the United States. That he can do only by sustaining and upholding the power of the ultimate tribunal whose duty it is to construe the fundamental law. Under our system of government, as designed and ordained by our forefathers, it is absolutely essential, without any qualification whatsoever, that the power to interpret and declare the meaning of the Constitution, with final authority, be lodged in the Supreme Judicial Tribunal of the Nation.

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<sup>1</sup> 71 U.S. 2 (1866).

Any congressional limitations upon the exercise of such power by the Supreme Court, if acceded to, will not do otherwise than deprive us of our greatest American heritage.

The rights of the individual must never be made subject to popular whim, passion, emotion or, worse yet, demagoguery of the self-seeking politician. But, it is not alone the responsibility of the lawyer to see that that never happens. The public must be alerted to the seriousness of the threat to their liberties. To the task of arousing the public conscience, every student of the law should dedicate himself. . . .

