

The Catholic Lawyer

Volume 16
Number 4 *Volume 16, Autumn 1970, Number 4*

Article 8

February 2017

Integrity: The Shield of Justice

John Tracy Ellis

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

INTEGRITY THE SHIELD OF JUSTICE†

JOHN TRACY ELLIS*

I ANNOUNCED YOUR JUSTICE in the vast assembly; I did not restrain my lips, as you, O Lord, know. Your justice I kept not hid within my heart. [PSALM XXXIX].

. . . This venerable building, its triple steeples towering above its historic neighbors—the Cabildo and the Presbytère—looks down benignly on the green of the Square and General Andrew Jackson on his bronze horse and on the block-long Pontalba Buildings with their lacy ironwork galleries. Truly, this is the heart of old New Orleans.¹

It was with these words of love and pride that Leonard V. Huber and Samuel Wilson, Jr., opened their attractive story of this stately edifice which stands on a site where for just a little less than two and a half centuries the inhabitants of this unique American city have come to worship, and where for 175 years they and their families have communed with God within the walls that now enclose us. For nations as old as that over which the saintly patron of this cathedral once ruled, two and a half centuries are not a particularly impressive span of time; but for the relatively young American Republic it is a very long time, indeed. And since the founding of New Orleans by the French in 1718 few settlements in the new world have known a more colorful past or experienced a more varied history in the realm of law.

† This article is reprinted from issue number three of volume 30 of *The Jurist*.

* Professor of Church History at the University of San Francisco. In its original form the paper was the sermon delivered at the Red Mass in the Cathedral of Saint Louis of France, New Orleans, on October 6, 1969. The author wishes to thank his friend, the Reverend Raymond G. Decker of the Graduate Theological Union, Berkeley, for his critical reading of the manuscript at a moment when time was at a premium for him.

¹ Leonard V. Huber and Samuel Wilson, Jr., *The Basilica on Jackson Square. The History of the St. Louis Cathedral and its Predecessors, 1727-1965*. New Orleans: Saint Louis Cathedral. 1965, p. 5.

It has ordered its life by the principles of Roman jurisprudence as interpreted by France and Spain, the special regulations of the *Code Noir*, and the prescriptions of the *Code Napoléon*, on which there was modeled the civil code of this state—all long before England's common law had become the fixed pattern for Louisiana's neighbors in the years after 1803. Yours, then, is a long and rich tradition in the law.

It has become a commonplace to describe this, our hour in time, as an age of revolution, and it requires no exercise of the imagination to envision what this revolution has meant to you, ladies and gentlemen of the law. Especially is this so when the nature of the revolution through which we are passing is so complex as seemingly to defy analysis and remedy, for even so wise and experienced an observer of world affairs as Walter Lippmann has declared, "I know of nobody, and I've heard of nobody, who has come anywhere near to understanding fully and practically this revolutionary condition."² But what you men and women of the law do understand is that this condition has infinitely complicated your lives and rendered far more difficult the execution of justice, which must remain the supreme goal that gives meaning and ultimate value to your professional decisions as well as to your existence as

² "The Revolution No One Understands," San Francisco *Sunday Examiner and Chronicle*, June 9, 1968, p. 3 [Chronicle Sunday Punch]. Henry Brandon, associate editor of the *Sunday Times* of London, has called Walter Lippmann, "The most influential columnist of our time . . ." San Francisco *Chronicle*, September 15, 1969, p. 8.

persons who wish to conform your time in this world to a high and noble purpose.

In an editorial of two months ago *The Times* of London stated:

The volume of litigation, extension of legal aid provision, inadequate court accommodation, and unreformed procedures combine to defeat the object of expeditious justice.³

It would be less than honest to deny that conditions of a similar nature have brought a discernible restiveness in the United States, a fact that is better known to you than it is to most other Americans. Recently James Reston quoted the new Chief Justice of the United States as saying that the people of this country were "nearing the end of their patience with the American machinery of justice," a judgment with which Mr. Reston agreed. He thereupon listed four celebrated cases that involved respectively a member of the national House of Representatives, the murderer of an accused assassin, an Ohio doctor, and a senator of the United States. While he acknowledged that these cases were all different, Mr. Reston nonetheless stated:

each in its own way—and many others like them in recent years—have all contributed to the public suspicion that the technicalities of the law are often used not to bring about justice but to evade it. And beyond this, to the widespread feeling that there is one law for the rich who have money, influence and clever lawyers; and another

³ "The Law Year," *The Times* (London), August 1, 1969, p. 7.

law for the poor who have neither money nor influence.⁴

The implications of this statement by the respected columnist of the *New York Times* cannot be other than deeply disturbing. They may fittingly serve as a subject for prayerful reflection on an occasion such as this, and that not only for you whose prime duty it is to maintain justice, but likewise for us, your fellow citizens of the same society that has produced conditions that have placed the hope for justice in jeopardy, for should justice succumb one can scarcely expect that the Republic will endure.

If the causes that lie at the root of society's present malaise seem to elude the most penetrating minds of our time, there is one place where the bewildered human family can find, so to speak, a lamp with which at least to some degree to light its way through the darkness. It is the lamp of history. Two of the greatest historians of the common law, Frederick Pollock and Frederic William Maitland, once declared, "Such is the unity of all history that any one who endeavours to tell a phase of it must feel that his first sentence tears a seamless web."⁵ That is undeniably true; yet one cannot engage the entire story of mankind in order to profit from its lessons. He must break in somewhere, and in the present context he may well begin with the

observation that although no age in history has ever attained a condition even remotely suggesting human perfection, there is solid evidence to support the belief that those ages that witnessed civilization's highest achievements were periods inspired by a spiritual or supernatural ideal. That ideal may have been Christian, it may have been Judaic, it may even have been inspired in part by pagan deities; but the point is that a span of time was thus informed so that the restraining influence of a moral concept or moral law kept man's evil impulses in check.

In a time of universal crisis such as ours one turns almost instinctively to those whom the judgment of thoughtful men has invested in the role of prophet. John Henry Newman was such a man, a man who in the words of Pope Paul VI

guided solely by love of truth and fidelity to Christ, traced an itinerary the most toilsome but also the greatest, the most meaningful, the most conclusive that human thought ever travelled during the last century.⁶

It was the same Cardinal Newman whose prophetic vision was realized in so many particulars in Vatican Council II, who remarked of Christianity that it had "never yet had experience of a world simply irreligious. . . ." It had been born into the pagan Roman Empire, but the Romans, superstitious as they were, had their gods,

⁴ "The Snarls in the Legal Machine," *San Francisco Sunday Examiner and Chronicle*, September 7, 1969, p. 3. [Chronicle Sunday Punch].

⁵ *The History of English Law before the Time of Edward I*. 2nd ed. Cambridge: At the University Press. 1923, I, 1.

⁶ *L'Osservatore Romano*, October 28-29, 1963, p. 1. The occasion was the beatification of Dominic Barberi, C. P., who had received Newman into the Church.

and so, too, had the barbarians who descended from the north in the twilight of that empire, even if the deities of the latter never rose above the moral stature of Woden and Thor. But it was the utter denial of all religious values, it was a world that seemingly believed in nothing beyond itself that constituted for Newman the gravest threat which he expressed in words of deep foreboding when he said:

The special peril of the time before us is the spread of that plague of infidelity, that the Apostles and our Lord Himself have predicted as the worst calamity of the last times of the Church. And at least a shadow, a typical image of the last times is coming over the world. I do not mean to presume to say that this is the last time, but that it has had the evil prerogative of being like that more terrible season, when it is said that the elect themselves will be in danger of falling away.⁷

Surely it is no flight of fancy to suggest that our own age has even more in common with what Newman called 'that more terrible season' than the time in which he spoke. And while like the cardinal we would not presume to say that 'this is the last time,' there have been enough even of the elect who have fallen away to make a believing Christian or Jew in this closing year of the 1960's feel uncomfortable by the parallel.

Nor is this virtually universal phenome-

⁷ "The Infidelity of the Future," a sermon preached at the dedication of Saint Bernard's Seminary, Birmingham, October 2, 1873, *Faith and Prejudice and Other Unpublished Sermons of Cardinal Newman*. Edited by the Birmingham Oratory. New York: Sheed and Ward. 1956. p. 117.

non of loss of faith a matter that concerns solely the individual conscience of man, for we do not need to be told that as individuals go so go nations, and therein lies the peril that could engulf us all. The achievements of the United States in this age of science and technology are awesome in their reach and promise, a remark that is an understatement in a year when two of our countrymen walked upon the moon. Yet the point that presses insistently upon us at this moment, a point that is understood by no one more poignantly than by thoughtful scientists themselves, is that the forces of technology, mighty as they are, will bring no surcease to the ills that beset society without the saving presence of a spiritual ideal. In fact, there is every reason to believe that if they are left to drift without purpose and direction they will in the end destroy us. It is precisely here that the moral dimension, and that alone, can save us, for as the distinguished historian of culture, Christopher Dawson, has declared:

In the past our civilization—and indeed every civilization that is known to us in history—has recognized the existence of a moral order which is derived not from conflicting individual interests or from the collective will of the state but from a higher spiritual order. This great and ancient truth, as Edmund Burke wrote, is the ultimate foundation of human society, and no society which denies it or loses sight of it, can endure.⁸

The ancient author put it succinctly in the

⁸ *America and the Secularization of Modern Culture*. Houston: University of Saint Thomas. 1960. p. 31.

Book of Proverbs when he wrote, "Where there is no vision, the people perish. . . ."9 And the burden of attempting to realize the ideal, allowing that it will never be entirely attainable, lies upon every member of society according to his and her lights, for in the words of the Talmud. "It is not for you to complete the task, but neither have you the right to desist from it."¹⁰

But how, one may ask, are the members of the legal profession and those of us in other walks of life, to fulfill the obligation that is owed to the nation and to our personal conscience in these matters? For it is easy enough to enunciate theoretical principles; it is quite another thing to translate those principles into a program of practical action in our lives. Of the multiple approaches from which one might choose, permit me to confine myself to three points which, I believe, may have particular relevance for you, the ladies and gentlemen of the law, the honored company of this day, points which have also a message for those of us outside your professional ranks as well. First, there is one's attitude toward the law itself as a major factor in human conduct that contains, to be sure, certain constants, but yet should be viewed with sufficient flexibility to allow of adaptation and change; secondly, there is the cultivation of a personal integrity that will not quiet the demands of one's conscience, but that will render his or her code of conduct authentic and real in the eyes of others; thirdly, there is the peculiar need of this moment in time for you and for me to keep an open and sympathetic mind toward the

young, even when their apparent follies may offer strong provocation to exercise the authority of law or office.

Two months ago in Paris while walking one afternoon with a friend along the left bank I glanced up at the Palais de Justice where on a cornice high above the River Seine were inscribed the words, "Hora fugit, stat jus" [Time flies, the law remains]. True, the law does remain, and must always remain, as one of the foundation stones of any civilized society; yet if it is to accomplish its purpose it must adapt to changing circumstances, for as Yale University's noted historian of medieval law, Stephan Kuttner, remarked in an address commemorating the golden jubilee of the Code of Canon Law:

even this Code . . . remains a contingent historical phenomenon. In the last analysis, it was but another step leading towards that ultimate harmony and perfection of the Church's life to which all positive legislation, judicial action, and legal doctrine—past, present, or future—can always give only transitory form and expression.¹¹

The necessity for the law's makers and interpreters to retain a mind open to change in order to fit new circumstances in human

⁹ *Proverbs*, XXIX, 18.

¹⁰ *Aboth*, II, 16.

¹¹ "The Code of Canon Law in Historical Perspective," *The Jurist*, XXVIII (April, 1968), 131. Professor Kuttner's address was given at Rome in the presence of Pope Paul VI on March 27, 1967. Roscoe Pound made the same point when he said: "Law is governed by principles, starting points for reasoned decision found by the application of reason to experience and corrected by experience as the process of development of society goes on." *Law Finding Through Experience and Reason*. Athens: University of Georgia Press. 1960. p. 2.

affairs, is patent in both the sacred and the secular orders. In this respect Saint Paul furnished in the Church's infancy a prototype for numerous conflicts that ensued in succeeding centuries when he posed the antithesis between a deadly legalism and the viability of the law of Christ. "We know, of course, that the Law is good," he told his disciple, Saint Timothy

but only provided it is treated like any law, in the understanding that laws are not framed for people who are good. On the contrary, they are for criminals and revolutionaries . . . and for everything else that is contrary to the same teaching that goes with the Good News of the glory of the blessed God, the gospel that was entrusted to me.¹²

To be sure, one of the most trying tasks for any judge or lawyer is to determine what elements in or of the law are of a nature that must never be surrendered and what are of a transitory value that not only admits but at times may call for compromise or for repeal. Here canon lawyers have shared the same anguish of decision as their counterparts in civil jurisprudence, as the evolving patterns in the Church's teaching on slavery, on the freedom of a girl to marry, and on the law of usury clearly attest.¹³ In the judgment of the Catholic bishops of the United States, the radically altered nature of twentieth-century warfare, the mounting emphasis of contemporary man on the rights of the in-

dividual person as reflected in his conscience, as likewise the teaching of Vatican Council II, now constitute compelling reasons for a change in the country's laws in regard to military service. Having granted that the attitude of some toward military duty springs from unworthy motives, the bishops then declared in their pastoral letter of more than a year ago:

But a blanket charge of this kind would be unfair to young people who are clearly willing to suffer social ostracism and even prison terms because of their opposition to a particular war. One must conclude that for many of our youthful protesters, the motives spring honestly from a principled opposition to a given war as pointless or immoral.

Noting that the present laws provide solely for those whose reasons are based on a total rejection of the use of military force, a form of conscientious objection fully deserving of the legal protection it has received, the bishops then concluded, "but we consider that the time has come to urge that similar consideration be given those whose reasons of conscience are more personal and specific."¹⁴

It has been a grievous disappointment to many that in the months that have elapsed since the hierarchy's pastoral letter of November, 1968, no genuine and substantial action has been taken in the nation's laws in this regard. And this is only one particular where the altered circumstances of our age are demanding change. Other areas of

¹² *1 Timothy*, I, 8-11. On this subject, see Joseph A. Fitzmyer, S. J., "Saint Paul and the Law," *The Jurist*, XXVII (January, 1967), 18-36.

¹³ John T. Noonan, Jr., "Changing Morals," *Faith Now*, supplement to *The Monitor* (San Francisco), February 8, 1968, p. A.

¹⁴ *The New World* (Chicago), November 22, 1968, p. 10. See John Courtney Murray, S.J., *Selective Conscientious Objection*. Huntington: Our Sunday Visitor, Inc. 1968.

national life have as yet won less support from public opinion than is true in what pertains to the Selective Service Act. Yet opinion is gradually crystalizing about the need for change in laws that perpetuate the segregation of Americans on the score of color as well as for the implementation of those already on the statute books and, too, in certain legal measures that seek to regulate the citizens' sexual behavior, in the case of the latter, needless to say, without lending support to the proponents of a sexual revolution that would eliminate all moral and legal restraint in this delicate and sensitive area of human relationships. There must, then, be change, for to stand intransigently against change and adaptation, especially when such are in conformity with the moral law and in the ultimate public interest, is to suggest the rigidity of Dostoyevsky's grand inquisitor who caused the returned Christ to be imprisoned and who then went to Him in the darkness of the night to ask

'Is it Thou? Thou? but receiving no answer, he adds at once 'Don't answer, be silent. What canst Thou say, indeed? I know too well what Thou wouldst say. And Thou hast no right to add anything to what Thou hadst said of old. Why, then, art Thou come to hinder us?'¹⁵

The second point on which each of us can, I believe, reflect with profit on an occasion such as this, is the need to cultivate a deep personal integrity that will both meet the quiet but insistent call of conscience's voice within us, the while it lights

our way of life in a manner that appears authentic in the eyes of those around us. Here we approach more closely the *raison d'être* of our existence, since it looks toward the final judgment that will be rendered at the termination of our earthly pilgrimage; and what man or woman is there with so much as a feeble spark of faith who does not entertain the prayerful hope that their sojourn here will be accounted well by God and men? It is a universal law which allows of no exception that the time of every one of us in this world is relatively brief, a truth which the ancient psalmist expressed with striking beauty when he wrote:

For he knows how we are formed
he remember that we are dust.
Man's days are like those of grass;
like a flower of the field he blooms;
The wind sweeps over him and he is gone,
and his place knows him no more.
But the kindness of the Lord is from
eternity
to eternity toward those who fear him . . .¹⁶

In the final analysis, however, it is not a matter of prime importance how long a man or woman lives, but rather how well he or she has employed the days that were given to them; it is this that will ultimately count. Careers that in terms of the life-span of our late twentieth century would be thought brief, have in the flown centuries enshrined imperishable ideals in mankind's memory, careers that to a marked degree owed their peculiar radiance to personal integrity. Such were the lives of two men who, I would presume to say, for you hon-

¹⁵ *The Brothers Karamazov*. New York: Random House [Modern Library], n.d., p. 259.

¹⁶ Psalm CII.

ored guests of the Red Mass in New Orleans, have in the words of the Old Testament poet, been "set . . . like a seal on your heart . . ." ¹⁷ I refer to Saint Louis of France, the patron of your cathedral, one of the greatest exemplars of sovereign justice known to the western world, who died at fifty-six, and to Saint Thomas More who nearly three centuries later surrendered his life for his moral conviction at the age of fifty-eight, and who if he be thought a man for all classes and for all seasons, is the special glory of you whose profession is the law.

The lives of these two noblemen of God were rich in manifestations of manly virtue, but time will allow only an example or two by way of illustrating their high concept and practice of personal integrity, examples that may simultaneously offer to you and to me in some hour of doubt and depression the inspiration which we may need in the extraordinarily darkened age in which we live. On one occasion a Franciscan friar, preaching in the presence of King Louis IX, declared that he had never found either in Christian or infidel lands any kingdom that had been lost except, he maintained, "through some offense against justice." Let the king, then, take pains, said the preacher, "to give his people true and prompt justice, that Our Lord may allow him to hold his Kingdom in peace all the days of his life." After recounting this episode Louis' friend and biographer, Jean de Joinville, added, "The King never forgot this lesson . . ." ¹⁸ Most of you are prob-

ably familiar with the touching scene of King Louis sitting under a tree in the wood of Vincennes near Paris where the most lowly of his subjects was free to approach him for the settlement of a legal grievance. But since he could not be present in person at the adjudication of every disputed matter, he embodied in written form his determination that truthfulness and honesty, the hallmarks of integrity, should obtain in the conduct of his officials, as well as be fixed as an ideal in the mind of Prince Philip, his son and heir.

Thus in two documents that came from Louis IX's hand that was the note, perhaps, that was most strongly sounded, the one a lengthy and detailed ordinance issued for the guidance of officials of the courts, the other a final testament for the enlightenment of his son. A single excerpt from the royal ordinance will demonstrate the qualities that Louis wished especially to emphasize. He wrote:

We order that neither judge nor provost in our service shall oppress honest folk in his jurisdiction by excessive sentences, beyond what is right; and that no subjects of ours shall be imprisoned for debt, except the debt be owed to us.

We ordain that none of our judges shall impose any fine for a debt owed by our subjects, nor for any misdemeanour, except in open court, where the fine can be judged and assessed, and with the advice of honest men, even though it has already been paid to them.

At the end of the document there was ap-

¹⁷ *Song of Songs*, VIII, 6.

¹⁸ *The Life of St. Louis by John of Joinville*.

Translated by René Hague. New York: Sheed and Ward. 1955. p. 37.

pendent de Joinville's single comment, "The state of the Kingdom was greatly improved by this ordinance."¹⁹ So, too, was the reign of Philip III of France in the measure that it conformed to the royal father's counsel transmitted in Saint Louis' spiritual legacy to his heir in words such as these:

Be firm and honest in doing the right and justice to your people, turning neither to right nor left, but ever holding a straight course, and uphold the cause of the poor until the truth is manifest; if any man has an action against you, do not decide the matter until you know the truth of it, for in the light of the truth your Councillors will give a freer judgment, either for or against you.²⁰

Blessed, indeed, is the nation and fortunate its people where such an ideal of truth and honesty finds sincere acceptance at the highest level of authority and power! And the ideal of Saint Louis of France was likewise that of Saint Thomas More of whom Jonathan Swift, the famous Dean of the Protestant Saint Patrick's Cathedral, Dublin, once remarked, "he was the man of the greatest virtue that this kingdom ever produced."²¹ I shall not trespass upon your time to relate More's dramatic story, for the most of you know it well. Suffice it to say, that from the time he entered Parliament at the age of twenty-seven until his execution more than thirty years later on Tower Hill this extraordinary man's irre-

proachable integrity and unswerving rectitude caused him to rise steadily in the love and esteem of others, even to a certain reluctant admiration at the close from those who had sentenced him to his ignominious end. Let two words from his final hours tell the reason why. On the day that More was sentenced to death for treason the indictment was based in part on the perjured evidence of Richard Rich, Solicitor General of the Crown. Having heard the lying testimony of Rich, More first addressed the judges and then spoke directly to the solicitor general in words that must remain for thoughtful members of the legal profession, for churchmen, and for men and women in every walk of life an inspiration until the end of time. "If I were a man, my lords," said Thomas More

that did not regard an oath, I need not stand in this place at this time as an accused person. And if this oath of yours, Mr. Rich, be true, then I pray that I may never see the face of God, which I would not say were it otherwise to win the whole world. In good faith, Mr. Rich, I am sorrier for your perjury than for my own peril.²²

The second word was uttered five days later only a few moments before the fall of the executioner's axe, and in the opinion of one of More's most learned biographers constituted a word, "the most weighty and the most haughty ever spoken on the scaf-

¹⁹ *Ibid.*, p. 207.

²⁰ *Ibid.*, pp. 214-215.

²¹ Quoted by Richard O'Sullivan. "The Catholic Lawyer in England," *The Tablet*, CXCVI (October 7, 1950), 306.

²² Quoted by Richard O'Sullivan, "Sir Thomas More the Lawyer," *The Spirit of the Common Law. A Representative Collection of the Papers of Richard O'Sullivan*. Selected and edited by B. A. Wortley. Tenbury Wells: Fowler Wright Books Ltd. 1965. p. 36.

fold.”²³ It was a supremely important word, for it summarized everything for which the fallen chancellor had lived and was now to die. It was contained in a description written by a man of proven accuracy who embodied it in a news-letter sent to Paris at the time. He wrote:

He spoke little before his execution. Only he asked the bystanders to pray for him in this world, and he would pray for them elsewhere. He then begged them earnestly to pray for the King, that it might please God to give him good counsel, protesting that he died the King's good servant but God's first.²⁴

Comment on these last words of Saint Thomas More would but mar their lofty beauty, for with a single exception it is doubtful that the annals of human history have recorded, in circumstances such as his, a more enduring testimony to personal integrity, and that exception was the words heard from a Cross at Jerusalem's gate 1,500 years before.

My time has even now run out, but may I enter a final word in behalf of those who in a not very distant day will stand in your place and in mine? Among contemporary youth there are, to be sure, those who have been guilty of almost wanton extremes and who have by their heedless folly inflicted serious damage on the cause they have sought to serve. For these I hold no brief, but dare we, their elders, allow the admitted excesses of the few to color our judgment of all their peers? Dare we lock our

minds and hearts to a generation that during the decade now drawing to a close has witnessed the destruction of their heroes either by the guns of the assassins or by a public expose of private lives tainted with corruption and vice among those whom they once held in honor? Every generation feels the need on occasion to lift its head for inspiration and a renewal of courage from those whose position in society should radiate good example, and the present generation of the young is no exception. Yet these young of the 1960's can with a rather chilling plausibility echo Milton's line, "The hungry sheep look up, and are not fed."

The moral corruption that is taking a mounting toll in both public and private affairs is found in virtually every aspect of national life. The young have felt its pervading presence and it has served to harden them in their cynicism. It has appeared in a hundred different ways, and in no particular has youth experienced more poignantly its relevance for them than in the pursuit of the hideous war that has for far too long a time engulfed the United States in Vietnam. And while one may rightly reason that there are two sides to this very complicated question, one can scarcely maintain with any hope of winning the honest assent of the young that it is permissible to lie about American involvement in that distant battleground. Yet that is what certain officials of the Department of State did last June when they were interrogated by members of a Study Team on Political and Religious Freedom in South Vietnam. Let a member of that team, Father Robert Drinan, Dean of the School of Law of Boston College, summarize his impressions,

²³ R. W. Chambers, *Thomas More*, New York: Harcourt Brace & Company, Inc. 1935. p. 350.

²⁴ *Ibid.*, p. 249.

and then let you and I ask if we can expect American youth to listen to our generation as otherwise they might. Referring to the meetings that took place in Washington, the dean declared:

I shall never forget those encounters. They have probably done more than any other event in my life to galvanize my determination to work for a government which will be honest in its communication with its citizens. Those encounters left me with the conviction that our students and our young people are profoundly disturbed because they see in their government a policy of telling lies or at least a policy of trying to deceive people. However benignly one may describe or view such a policy, I knew on June 11 that it is the ultimate form of corruption.²⁵

These are grave charges made by a highly responsible voice in the academic domain of the law. It is situations such as these, and their number could easily be multiplied, which have prompted young Americans to believe and to feel with the same intensity as the youth of Soviet Russia, the message conveyed in the lines of the poet Yevtushenko when he wrote:

Telling lies to the young is wrong.
 Proving to them that lies are true is wrong.
 Telling them that God's in his heaven
 And all's well with the world is wrong.
 The young know that you mean. The
 Young are people.
 Tell them the difficulties can't be counted,
 and let them see not only what will be
 but see with clarity these present times . . .²⁶

That, it seems to me, is where you and I must exercise supreme discretion in our relations with the young, and offer to them every open and honest witness that our talents can supply. For no thinking person needs to be reminded that this age of revolution is a highly dangerous one. The late John Courtney Murray, prefacing the remark by a strong repudiation of the concept of a fascist elite, stated, nonetheless, in one of his final essays:

Society is rescued from chaos only by a few who understand the disciplines of civility and are able to sustain them in being and thus hold in check the forces of barbarism that are always threatening to force the gates of the City.²⁷

It is hardly an exaggeration to suggest that in the minds of many respected citizens the barbarians are already at the gates and the Republic stands even now in a certain jeopardy. In this age when national paranoia runs so fiercely through the body politic, it is your duty and it is mine, to be patient and understanding with the young and to offer direction at every turn to those who must tomorrow assume the posts of responsibility that now are ours. And if we are ourselves at times daunted and shaken by the tumult all about us, let us steady our nerves with the remembrance that men and women of faith have in the ages that are gone survived greater storms and perils than our own, because they belived in Him of Whom the psalmist wrote, "He hushed

²⁵ Robert F. Drinan, S.J., "Vietnam Justice—and the Pursuit of Truth in Washington," *Washington Post*, June 28, 1969, p. A 14.

²⁶ Yevgeny Yevtushenko, *Selected Poems*.

Translated by Robin Milner and Peter Levi, S.J. New York; E. P. Dutton & Company, Inc. 1962. p. 52.

²⁷ "Second Edition/The Case for Consensus," *Center Magazine*, II (September, 1969), 76.

the storm to a gentle breeze, and the billows of the sea were stilled.”²⁸ It was the same divine Lawgiver and Captain Who on that day long ago when the storm swept over the Lake of Galilee was heard to say to the wind and the sea by the terrified apostles tossed to and fro in the little ship,

²⁸ *Psalm CVI.*

“Quiet now. Be calm.” And the sacred writer then added:

And the wind dropped and all was calm again. Then he said to them, “Why are you so frightened? How is it that you have no faith?” They were filled with awe and said to one another. “Who can this be? Even the wind and the sea obey him.”²⁹

²⁹ *Mark, IV, 37-41.*