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## Sharing in Justice

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LAW DAY 1983  
SHARING IN JUSTICE

IT IS A PLEASURE FOR A JUDGE TO BE ABLE TO SPEAK WITHOUT INTERRUPTION BY LAWYERS. I AM REMINDED OF THE WITNESS WHO COMPLAINED TO THE JUDGE THAT EVERY TIME HE TRIED TO TELL THE TRUTH A LAWYER OBJECTED. I AM MOST HAPPY TO JOIN WITH CHIEF JUDGE MUNSON AND MY COLLEAGUES ON THE NORTHERN DISTRICT BENCH IN WELCOMING YOU ALL TO OUR CEREMONIES MARKING LAW DAY 1983 AND THE OPENING OF THE EXHIBITS HONORING THOSE REMARKABLE JUDGES, LEARNED AND AUGUSTUS HAND. WE ARE INDEED GRATEFUL TO THE SECOND CIRCUIT HISTORICAL COMMITTEE AND TO THE FEDERAL BAR COUNCIL FOR THE LOAN OF THIS FASCINATING AND SIGNIFICANT EXHIBIT. MANY PEOPLE VISITED AND ENJOYED THE DISPLAY WHEN IT WAS FIRST MOUNTED IN THE LOBBY OF THE UNITED STATES COURTHOUSE AT FOLEY SQUARE IN NEW YORK CITY. WE HOPE THAT MANY CAPITAL DISTRICT AREA RESIDENTS, ESPECIALLY SCHOOL CHILDREN, WILL TAKE THE OPPORTUNITY TO ATTEND WHILE IT IS HERE IN ALBANY. YOU WILL HEAR MORE ABOUT THE EXHIBIT AND THE JUDGES IT PORTRAYS LATER IN THE PROGRAM.

LAW DAY IS SET ASIDE ON MAY 1 OF EACH YEAR BY JOINT RESOLUTION OF CONGRESS AND PRESIDENTIAL PROCLAMATION AS AN OCCASION FOR HONORING THE PLACE OF LAW IN OUR LIVES. ITS PURPOSE IS TO CALL THE ATTENTION OF EVERY AMERICAN CITIZEN TO THE PRINCIPLES AND THE PRACTICES OF AMERICAN LAW AND JUSTICE. IT IS A DAY TO REFLECT ON OUR LEGAL HERITAGE, THE RULE OF LAW IN OUR SOCIETY AND THE RIGHTS WE ENJOY UNDER THE CONSTITUTION. THE 1983

LAW DAY THEME IS "SHARING IN JUSTICE." THIS THEME IS INTENDED TO CONVEY THE THOUGHT THAT THE ACHIEVEMENT OF JUSTICE IS NOT ONLY THE RESPONSIBILITY OF LAWYERS, JUDGES AND THOSE INVOLVED IN THE ADMINISTRATION OF GOVERNMENT BUT OF ALL CITIZENS AND THAT, WITHOUT THE FAITHFUL PERFORMANCE OF THE DUTIES OF CITIZENSHIP, THERE CAN BE NO JUSTICE.

THE SHARING OF JUSTICE MEANS THAT WE HAVE AN OBLIGATION TO EACH OTHER TO PRACTICE OUR FORM OF GOVERNMENT BY PARTICIPATING IN IT. IN ORDER TO DO SO, EACH CITIZEN MUST INFORM HIMSELF OR HERSELF ON THE VITAL ISSUES FACING GOVERNMENT; VOTE IN ELECTIONS; OBEY AND RESPECT THE LAW; SUPPORT THE INSTITUTIONS AND PERSONS CHARGED WITH LAW ENFORCEMENT; RESPECT THE RIGHTS OF OTHERS; RECOGNIZE THE NEEDS OF MINORITIES AND THE UNDERPRIVILEGED IN OUR SOCIETY; AND TEACH THE PRINCIPLES OF GOOD CITIZENSHIP, BY PRECEPT AND EXAMPLE, IN THE HOME. PARTICIPATION IMPLICATES COMMUNICATION WITH EACH OTHER AND WITH OUR ELECTED REPRESENTATIVES AS WELL, BECAUSE COMMUNICATION IS ESSENTIAL TO THE SHARING OF JUSTICE.

OUR JUDICIAL BRANCH OF GOVERNMENT PRESENTS A SPECIAL OPPORTUNITY FOR CITIZENS TO PARTICIPATE DIRECTLY IN A GOVERNMENT FUNCTION BY MEANS OF JURY SERVICE, ONE OF THE MOST IMPORTANT DUTIES OF CITIZENSHIP. MANY JURORS HAVE TOLD ME HOW MUCH THEY HAVE LEARNED THROUGH THEIR SERVICE AND HOW PROUD THEY HAVE BEEN TO PARTICIPATE IN DECISION MAKING IN THE COURTS. ANOTHER IMPORTANT DUTY INVOLVING DIRECT PARTICIPATION IN THE JUDICIAL BRANCH IS THE DUTY TO TESTIFY. WITH CERTAIN LIMITED EXCEPTIONS, EACH CITIZEN OWES HIS OR HER TESTIMONY, WHERE RELEVANT, TO AID IN

THE ADMINISTRATION OF JUSTICE IN OUR COURTS. RELUCTANCE TO TESTIFY MAY RESULT IN SERIOUS INJUSTICE AND ANY INJUSTICE SHAKES THE VERY FOUNDATION OF OUR JUDICIAL SYSTEM.

WE IN THE THIRD BRANCH OF GOVERNMENT, LAWYERS AND JUDGES, ARE SERIOUSLY CONCERNED ABOUT A GREAT NUMBER OF PROBLEMS, AND WE MEET FREQUENTLY AMONG OURSELVES TO DISCUSS OUR CONCERNS. WE WRITE LETTERS AND MEMOS AND LEARNED LAW REVIEW ARTICLES ABOUT THESE MATTERS - ALL AMONG OURSELVES. I SUGGEST TODAY THAT IT IS THE DUTY AND OBLIGATION OF JUDGES, AND ESPECIALLY FEDERAL JUDGES, TO BRING THESE PROBLEMS AND CONCERNS TO THE ATTENTION OF THOSE OF OUR FELLOW CITIZENS WHO ARE NOT ENGAGED IN THE DAY-TO-DAY WORK OF THE COURTS. I SUGGEST THAT IT IS OUR DUTY AND OUR OBLIGATION TO DISCUSS THESE MATTERS AT MEETINGS OF SOCIAL, CIVIC AND RELIGIOUS ORGANIZATIONS, AT MEETINGS OF BUSINESSMEN AND LABOR ORGANIZATIONS, AT CLASSES IN SCHOOLS AND COLLEGES AND UNIVERSITIES, AT ASSEMBLIES OF OUR SISTER PROFESSIONS, AND WHEREVER ELSE OUR FELLOW CITIZENS CONGREGATE TO DISCUSS MATTERS OF IMPORTANCE TO THEM.

I DARE SAY THAT THE OPERATION OF OUR COURTS IS A MATTER OF MYSTERY TO MOST AMERICANS AND THAT, UNTIL SOME OF THIS MYSTERY IS DISPELLED, OUR FELLOW CITIZENS WILL BE UNABLE TO PLAY THEIR RIGHTFUL ROLE IN HELPING ADDRESS THE MYRIAD PROBLEMS WE FACE IN THE ADMINISTRATION OF JUSTICE IN THE COURTS. WE LAWYERS AND JUDGES ARE CONSTRAINED BY STRICT RULES OF ETHICAL CONDUCT AND WE MUST BE CAREFUL, IN IMPARTING INFORMATION TO OUR FELLOW CITIZENS, THAT WE DO NOT VIOLATE OR EVEN GIVE THE APPEARANCE OF VIOLATING

ANY SUCH RULE. HOWEVER, EVEN THE JUDICIAL CODE OF CONDUCT DOES PERMIT JUDGES, IN APPROPRIATE SITUATIONS, TO SPEAK, WRITE, LECTURE, TEACH AND PARTICIPATE IN PROPER ACTIVITIES CONCERNING THE LAW, THE LEGAL SYSTEM AND THE ADMINISTRATION OF JUSTICE. IN MY OPINION, THESE PERMISSIVE ACTIVITIES SHOULD BECOME POSITIVE DUTIES. INCLUDED IN THESE ACTIVITIES SHOULD BE AN ONGOING COLLOQUY BETWEEN THE JUDICIARY AND THE MEDIA; NOT, OF COURSE, ABOUT SPECIFIC CASES OR ISSUES THAT MAY COME BEFORE US FOR DECISION, BUT ABOUT OUR SYSTEM OF JUSTICE AND THE MEANS FOR ITS IMPROVEMENT.

FOR EXAMPLE, WE IN THE FEDERAL COURTS WANT OUR FELLOW CITIZENS TO KNOW ABOUT THE EVER GROWING CASELOADS WHICH RAISE A SPECTER OF SUCH DELAY AS WOULD EFFECTIVELY CAUSE A DENIAL OF ACCESS TO THE COURTS. WE WANT THEM TO THINK ABOUT ALTERNATE MEANS OF DISPUTE RESOLUTION AND ABOUT REMOVING SOME TYPES OF CASES, SUCH AS THOSE CASES BASED SOLELY ON DIVERSITY OF CITIZENSHIP, FROM OUR JURISDICTION. WE WANT OUR FELLOW CITIZENS TO KNOW ABOUT THE HUGE VOLUME OF CIVIL RIGHT AND HABEAS CORPUS CASES FILED BY PRISONERS IN STATE INSTITUTIONS, AND WE WANT THEM TO THINK ABOUT MEANS FOR REDUCING THE VOLUME OF SUCH CASES WITHOUT CURTAILING FUNDAMENTAL RIGHTS. WE WOULD LIKE OUR FELLOW CITIZENS TO KNOW AND THINK ABOUT THE CONDITIONS UNDER WHICH JUDGES WORK, ABOUT OUR PROBLEMS IN STAFFING AND ABOUT THE THREAT OF THE BUREAUCRATIZATION OF THE JUDICIARY. WE WANT OUR FELLOW CITIZENS TO KNOW AND THINK ABOUT VARIOUS BILLS PENDING IN CONGRESS RELATING TO THE FEDERAL JUDICIARY, SOME OF WHICH WOULD

EFFECT DRASTIC CHANGES IN THE FEDERAL COURTS. FINALLY, WE WANT TO BRING TO THE ATTENTION OF OUR FELLOW CITIZENS OUR OPINION THAT THE YOUNG PEOPLE IN OUR SOCIETY SHOULD BE EXPOSED, EARLY AND OFTEN, TO EDUCATION ABOUT OUR FORM OF GOVERNMENT AND THE ROLE THE JUDICIARY HAS PLAYED IN ITS DEVELOPMENT.

WE IN THE JUDICIARY ARE ANXIOUS TO DO ALL WE CAN TO ENCOURAGE THE SHARING OF JUSTICE. OUR SURVIVAL AS A FREE AND INDEPENDENT BRANCH OF GOVERNMENT DEPENDS UPON IT.

THANK YOU.