

Address at the Annual Convention of the American Bar Association, Philadelphia,
August 24, 1955
Dwight D. Eisenhower

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We stand in the shadow of the hall in which was written the Constitution of the United States. Implicit in that document is the conviction, the belief, the faith, that Americans would perform by voluntary cooperation those deeds which in other governments, up to that time, had to be performed by direction, by regimentation, by order of Government. Some of those group problems that they thought would be thus solved are those great humanitarian problems that occur when one section of our country suffers the kind of catastrophe that has just been visited upon portions of our eastern coast. Woodrow Wilson said the highest form of democracy is the spontaneous cooperation of a free people. It seems to me now we have one of those most unusual opportunities to exhibit that spontaneous cooperation.

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This is the first in a series of meetings celebrating the John Marshall bicentennial. John Marshall was a soldier in the War for Independence, a Congressman, a diplomat of outstanding ability, a Secretary of State.

But his reputation for greatness most firmly rests on his service as Chief Justice of the United States.

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In his day, the truth about the nature of the Union and the purposes that joined widely separated states into one Republic—about the constitution and the application of its principles to the problems of the times—was obscured by the fog of sectionalism, selfish interests, and narrow loyalties. Through a generation, he expounded these matters and formulated decisions of such clarity and vigor that we now recognize him as a foremost leader in developing and maintaining the liberties of the people of the United States.

He made of the Constitution a vital, dynamic, deathless charter for free and orderly living in the United States.

Thus his influence has been felt far beyond the confines of the legal fraternity. One result of his work was to create among Americans a deep feeling of trust and respect for the Judiciary.

Rarely indeed has that respect been damaged or that trust betrayed by a member of the Judicial branch of our three-sided government.

Americans realize that the independence and integrity and capacity of the Judiciary are vital to our nations continued existence. For myself, this realization is understandably with me most sharply when it becomes my duty to make a nomination to the Federal Bench.

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On the one side, our nation is ranged with those who seek attainment of human goals through a government of laws administered by men. Those laws are rooted in moral law reflecting a religious faith that man is created in the image of God and that the energy of the free individual is the most dynamic force in human affairs.

On the other side are those who believe—and many of them with evident sincerity—that human goals can most surely be reached by a government of men who rule by decree. Their decrees are rooted in an ideology which ignores the faith that man is a spiritual being; which establishes the all-powerful state as the principal source of advancement and progress.