

Arts Education Talking Points

- * Welcome ...
- * There's a wonderful, lively book which was written in 1934 by the writer and writing teacher, Brenda Ueland, in which she declares, "Everybody is talented, original and has something important to say." Wouldn't we all want to be taught by such a person? Isn't that attitude the cornerstone of a good education?
- * When we give children an education in the arts, we are telling them we believe they have a contribution to make and we are giving them the tools to express what it is they have to share with us. Ms. Ueland's medium was words but she let us know that her book about wanting to write was really about "art, independence and spirit" and that the word writing could be substituted for whatever creative endeavor her reader chose.
- * The painter Georgia O'Keeffe would have appreciated that for she said, "I found that I could say things with color and shapes that I had no words for." And Jules Combarie, _____, said that "music is the art of thinking with sounds."
- * How many children are out there who have something to tell us in ways that they may not even know themselves because they have not been given a broad range of expressive skills from which to draw?
- * The field of education and especially arts education owes a debt of gratitude to the work of Harvard's Project Zero which committed itself back in the 1960's to the work of determining the cognitive processes within the doing of the arts.
- * In 1983, the same year as the landmark education report "A Nation at Risk" was released, Howard Gardner, Professor of Education and Co-director of the Project, released his book "Frames of Mind" which challenged the world of education to broaden its understanding of intelligence to embrace it in 7 different forms. They included the more traditionally acknowledged logical/mathematical and verbal/linguistic and his newly suggested intelligences: bodily/kinesthetic; visual/spatial; musical; interpersonal and intrapersonal. All forms of intelligence lend themselves to artistic expression but some all but require it in order to be engaged.
- * Not surprisingly, "A Nation at Risk" which noted a "rising tide of mediocrity" in our nation's schools and which was largely responsible for jumpstarting so many of the cutting edge school improvement efforts we have seen since, simultaneously echoed Dr. Gardner's admonishment to be expansive as we looked at the responsibilities of education. It declared that "we need time to study the arts and the humanities that enrich all of life, help maintain civility, and develop a sense of community. Knowledge of the

arts and humanities must be harnessed to science and technology if the latter are to remain creative and humane.”

- * When we remember that the meaning of the term “to educate” means both to “lead forth” and to “draw out” we can at once recognize the power of the arts in education for they are both a body of knowledge to be led to and a means for drawing out every child. By mixing knowledge with reflection and practical experience, the arts help students transform information into wisdom.
- * To those of you here today who contributed to the development of the national standards in the arts - in other words, the body of knowledge and practice to be led to, much thanks for your leadership and your efforts.
- * When the standards came out, some reviewers declared them to be unrealistic and unattainable, and given where the arts in education are today, that sounds logical. But we can’t let today’s level of the arts in education be the end of the story. Indeed, Mary Bikouvaris, a former national teacher of the year said, “Of course they’re high -- as befits a great nation.”
- * And I say, why not dare to dream? Why not dare to imagine that by the time each of this nation’s students graduate from high school they will have a breadth of knowledge in various art forms and a depth of knowledge and skill in at least one? For those of us who lived through the sixties, we remember the line, “what’s your sign?” Why not make the new ice-breaker for the new millennium be the more substantive, “What’s your art form?” Don’t we all secretly, or not so secretly, wish we were proficient in one or more of the arts? Wouldn’t we love to answer that question with some degree of confidence?
- * We help children in so many ways when we give them training in the arts. Everytime a student commits a vision to paper or steps forward to perform a role, he or she is living the difference between passivity and activism. It is an act of empowerment and an experience that children should have over and over again until such strength and confidence becomes routine. Fortified with such leadership experience they will be prepared for and excited about participating in life’s great challenges because all students must, at least, become leaders of their own lives.
- * Researcher Frances Rauscher of the University of Wisconsin - Osh Kosh highlights in her work another reason to give children repeated instruction in the arts -- the development of their brain power. In increasingly controlled studies, she has been zeroing in on the causal relationship of learning on a musical keyboard to the development of spatial-temporal reasoning: the same skills used in math and engineering.
- * Professor of Education James Catterall of UCLA has worked with U.S. Department of Education statistics and finds provocative links between students who have a significant involvement in the arts and their academic success. The divergence in academic achievement between high-arts-involved students and low-arts-involved students was

consistent among low socio-economic students as well as the total school population. This put the high-arts-involved poorest students much closer to closing the achievement gap with their higher socio-economic peers than the low or non-arts-involved poorest students. And the arts involvement relationship spilled beyond academics to community service -- those students in both the total student population and the low socio-economic population who were highly involved in the arts valued community service more and contributed more frequently than their low-arts-involved peers. _____ new math results _____

- * The good news is that more and better research like that I've just mentioned is becoming available to the education community and I applaud the efforts of the Arts Education Partnership which detailed what more we need to know and I thank Harvard Project Zero for reviewing much of the research that's been done in the field. I'll look forward to your report. I dare say we should find ourselves well beyond the "ground zero" point at which your founder began thirty years ago.
- * But we can never forget to put down our sophisticated research instruments and just listen to the voices of children. I thank Professor Susan Stinson who collected the comments of students who participated in a pilot dance class at the high school level. One particular girl, who first shied away from taking the class, pronounced that, "I've learned that I can do a lot more things than I give myself credit for. I've learned I'm a lot more flexible than I thought I was. I've learned that I can take the lead in making things. I've learned that I can work well with people that I don't know very well. I've learned that sweat won't kill you."
- * She certainly learned a lot more than dance and she essentially outlined the skills that the business community tells us are needed for the information age workplace: leadership; analytical skills; teamwork; broad-mindedness; and discipline.
- * As Rich Gurin, member of the President's Committee on the Arts and Humanities and CEO of Binney and Smith, Inc. tells us, "If we don't encourage people to develop creative thinking, imagination and vision when they are young, why would we ever expect them to exhibit those qualities as adults in their pressure-packed careers?"
- * Speaking of pressure-packed careers, what does an arts-infused school culture do for administrators and teachers? Well, from what I know about education, administrators are happy when their teacher and student attendance levels go up and when disciplinary actions against students go down - which many newly arts-based schools report happening.
- * I heard a story from the A+ education program in North Carolina about the Principal of Bugg Elementary School. The A+ program is a school improvement design which puts the arts at the core of learning. As schools convert to the A+ program, all faculty, including administrators, are required to attend a training institute. This principal, a

fairly shy, retiring type, wasn't so sure he wanted to be there but by the end of the week, in preparation for his group's presentation on what they had learned, he was scripting, choreographing, and donning a tutu to make his point. He carried those lessons, though not the outfit, back to his school and his administration style became more open and accessible. The bad news is he's just retired from that position ... the good news is he's found another calling. He's starting a master's degree program in sculpture!

* You know, this year marks the 21st year since a broad panel of educators, artists, and advocates for both worked to produce the report *Coming to Our Senses* which called for America to support the arts as "basic education" because the arts "are basic to individual development since they more than any other subject awaken our senses -- the learning pores."

* 10 years ago, The National Endowment for the Arts produced a congressionally mandated report on the status of arts education called *Toward Civilization* which told us whether we had, indeed, come to our senses regarding the arts in education. It found the arts in schools to be in "triple jeopardy:" 1) the arts were not taken seriously as important subject matter; 2) arts education programs were focused almost exclusively on production and performance and rarely included history, critical judgment, or aesthetics; and 3) there was no common agreement as to what all students should know and be able to do in the arts.

* And where are we today? I'm pleased to say that on the national front, with the arts listed as a core subject in the Goals 2000: Educate America Act we can say they have been recognized as important subject matter. You know, my husband tried to get the arts included in the National Education Goals the first time around and I'm so glad that he, as President, with the support of Secretary of Education Riley, was able to ensure them their rightful place in education policy.

* I'm pleased to announce that soon we will have the results of the 1997 National Assessment of Educational Progress, the "Nation's Report Card," in the arts. The arts were tested for the first time since the 1970's and, as we all know, for better or worse, what's tested in education is often what gets taught. It is my sincere hope that the testing of American children's proficiency in the arts will help us see where we can do better and give all of us the will to do so. The 1997 test results will contribute again as a benchmark for the results that are released when the arts are tested again in 2007.

* As to the second and third points of *Toward Civilization*, we can thank the Getty Education Institute for the Arts, among others, for raising our awareness about the many facets of learning in the arts and take pride in the fact that that broadened approach is reflected in the National Standards for Arts Education ... which leads me to the point that we do now have a statement of consensus for what students should know and be able to do in the arts.

- * Your leadership has not gone unnoticed. 47 states have adopted new standards for what students should know and be able to do in dance, music, theater, and the visual arts. And many states, are considering the national example of developing assessments keyed to their arts standards.
- * We are off to a good start, but the job will not be done until every child in America has a square shot at becoming proficient in an understanding and practice of the arts. The job is not for national organizations alone. The federal Department of Education provides only 7% of total K-12 education funding in our nation. Education is a local function and a state responsibility.
- * I call on students, parents, teachers, principals, superintendents, mayors, businesses, faith communities, foundations and service organizations to make the arts part of your education improvement plans. I am pleased to announce that the President's Committee on the Arts and Humanities in partnership with the Arts Education Partnership and other supporting sponsors will soon release a report that will help local school communities do just that. By researching and visiting school districts that are providing their students with an education in the arts, we hope to offer a glimpse of best practices from the field as a help to other interested districts.
- * There is now an Arts Education Partnership team in every state to help coordinate state policy and support for local communities who wish to prepare their students for the 21st century with an education in the arts.
- * I am pleased today to be able to announce new commitments and new partners to the effort and to welcome several others to speak specifically about some of their commitments.

Recent History of Arts Education

- 1967 Harvard Philosopher Nelson Goodman founds Project Zero to engage in basic research of human cognition with a special focus on the arts in order to study and improve education in the arts. Because so little was known about the cognitive activity involved in arts learning, Goodman felt he was starting at “ground zero” and thus the project got its name. His studies included logic, epistemology, and aesthetics.
- 1973 The John F. Kennedy Center for the Performing Arts establishes the Alliance for Arts Education Network of state organizations devoted to “the support of policies, practices and partnerships that ensure the arts are woven into the very fabric of American education.”
- 1977 The report, “Coming to Our Senses” is published. The work of 25 panelists from diverse fields (including one Nobel Prize winner in Chemistry) with support from the U.S. Office of Education and the National Endowment for the Arts (referred to as “an unusual collaboration”), the report made 96 recommendations in 15 categories. In general, it called for America to support the arts as “basic education” because the arts “are basic to individual development since they more than any other subject awaken our senses -- the learning pores.” It called for learning in, about and through the arts, observing that while “in the 50s, with a nudge from Sputnik, America recognized the central importance of science education,” and in the 60s, “the nation reaffirmed that physical education was essential,” in the 70s, “it is time to acknowledge the power and urgency of arts education.”
- 1983 Landmark education report, “A Nation at Risk” is issued and notes a “rising tide of mediocrity” in America’s schools. It claims that, “we need time to study the arts and the humanities that enrich all of life, help maintain civility, and develop a sense of community. Knowledge of the arts and humanities must be harnessed to science and technology if the latter are to remain creative and humane.”
- 1983 Harvard Project Zero co-director and Professor of Education, Howard Gardner, writes the book *Frames of Mind* introducing the theory of multiple intelligences which broadens the definition of intelligence to include the traditional verbal/linguistic and logical/mathematical forms and adds visual/spatial, bodily/kinesthetic, musical, interpersonal and intrapersonal. The theory of multiple intelligences has involved Dr. Gardner in much education reform activity much of which was spurred by *A Nation at Risk*.
- 1988 The National Endowment for the Arts publishes *Toward Civilization*, a congressionally mandated report on the status of arts education. It determined that *Coming to Our Senses* had not been heeded. It found the arts in schools to be in “triple jeopardy:” 1) the arts were not taken seriously as important subject matter; 2) arts education programs were focused almost exclusively on production and performance and rarely included history, critical judgment, or aesthetics; and 3) there was no common agreement as to what all students should know and be able to do in the arts.

- 1989 President Bush and the nation's governors write National Education Goals (Governor Clinton served as Democratic co-chair). Despite then-Governor Clinton's efforts, the arts were not included in the list of "core subjects such as math, science, history, geography and English" found in Goal #3.
- 1991 The National Education Goals Panel, established to help achieve the goals, holds regional hearings and arts education advocates worked together to make the case that the goals could not be adequately achieved without the arts.
- 1992 The independent Arts Education Partnership Working Group, co-chaired by leaders of the Kennedy Center and the J.Paul Getty Trust produced the report *The Power of the Arts to Transform Education*.
- 1993 U.S. Secretary of Education Richard W. Riley notes that, "the arts, in all their distinct forms define, in many ways, those qualities that are at the heart of education reform in the 1990's -- creativity, perseverance, a sense of standards, and, above all, a striving for excellence."
- 1994 The Goals 2000: Educate America Act is passed with "the arts" added to the list of core academic subjects by the Clinton Administration. President Clinton signs the bill at an arts magnet school in San Diego.
- 1994 The findings from *The Power of the Arts to Transform Education* are successfully incorporated into The Improving America's Schools Act (IASA, the reauthorization of the Elementary and Secondary Education Act). The Eisenhower Professional Development Fund within IASA is broadened by the Clinton Administration to include teacher training in subjects beyond math and science, including the arts. Arts Education Leadership funds are requested for the Secretary but not appropriated by Congress.
- 1994 National Standards for Arts Education, developed by the Consortium of National Arts Education Associations with funding received earlier from the U.S. Department of Education, the National Endowment for the Arts and the National Endowment for the Humanities, are completed. It reflects a national consensus of what students should know and be able to do in the arts. Funding began during Bush Administration.
- 1994 The first phase of the 1997 National Assessment of Educational Progress (NAEP) in the arts is completed -- that of determining what and how to test. Fortuitously, the national standards for arts education and the NAEP consensus framework were developed simultaneously and a common vision for arts education on the national level was created.
- 1995 The Goals 2000 Arts Education Partnership, now called the Arts Education Partnership, is established through a cooperative agreement between the National Endowment for the Arts and the U.S. Department of Education. The Council of Chief State School Officers

(CCSSO) and the National Assembly of State Arts Agencies co-manage the Partnership which is housed at CCSSO, meets quarterly and is composed of more than 140 education, arts, business, philanthropic and government organizations. It demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work.

- 1995- Administration activity has largely taken place through the Arts Education Partnership
1999 which has produced reports on needs for research and early childhood learning through the arts. It has produced an advocacy video featuring actress Meryl Streep. A partnership team including representatives from state departments of education, state arts councils, and state alliances for arts education works in every state promoting arts education.

The Administration also supports, through the Department of Education and the National Endowment for the Arts, ArtsEdge, an electronic network and storehouse of information. It is housed at the Kennedy Center's Education Department.

- 1997 The U.S. Department of Education releases a "Guide to Arts Education and School Improvement Resources for Local and State Leaders" which outlines how various general education funding programs can be used to support arts education. The publication can be found at www.ed.gov/pubs/ArtsEd (the U.S. Department of Education's web site) or from 1-877-4ED-PUBS.

- 1997-
1999 The Kennedy Center's Alliance for Arts Education Network promotes the "Creative Ticket for Student Success" campaign to raise awareness about the benefits of arts education.

- 1998 First Lady, Hillary Rodham Clinton, hosts an event at the White House to recognize the power of the arts to transform education and to make a call to action to support the arts in schools. Members of the Arts Education Partnership make up the audience. Speech can be found at http://www.whitehouse.gov/WH/EOP/First_Lady/html/generalspeeches/1998/19980917.html

- 1998 In November, Secretary of Education Riley releases the results from the National Assessment of Educational Progress (NAEP -- see 1994). The NAEP is an ongoing program of the U.S. Department of Education/National Center for Education Statistics which measures only academic subjects. Including the arts was another nod to their academic integrity. It was the first time the arts had been tested in almost 20 years. The arts are scheduled to be included again in NAEP in the 2007 tests (results out in 2008) so the 1998 results will be an important baseline against which to measure our progress.

8th grade students across America were evaluated regarding their abilities to respond to, perform and create within the art forms of music, visual art (random sample for scientific objectivity) and theater (targeted to students who had had some instruction). There were too few students who are taught dance in schools to have a valid random sample, but some insights into students and their dance ability was learned from the field test done a year earlier.

Student scores were not impressive (especially on creativity: being able to express own viewpoint) but students who had received more instruction did better, showing that the arts are not the purview of a gifted few but that they can be taught (instruction helped in all areas including creativity).

The format of the test was groundbreaking because, in addition to paper/pencil type testing, it used “authentic” assessment techniques such as having the students create phrases of music or respond to the acting in a film clip via CD Rom.

This report also provided a snapshot of how many students had had actual instruction in the arts in school and how many schools are required to follow curricula in the various art forms.

- 1999 In March, First Lady Hillary Rodham Clinton releases the report “Gaining the Arts Advantage: Lessons Learned from School Districts Which Value Arts Education.” The report is the first national study to examine arts education on the school district level. It is the culmination of a two year process and examines how various school districts have made sustained attempts to reach all students in all schools with arts education. The report, is a valuable resource for educators in other districts who are interested in strategies for providing arts education developed by their peers in similar situations.

The study represents ninety-one districts in forty-two states from Anchorage to Miami, from Westbrook, Maine to Redondo Beach, California and from Missoula County, Montana to Spring Branch, Texas. The districts spend anywhere from \$3,800 to \$15,000 per student. They may have from three to 300 school buildings, and from 1,800 to 340,000 students. Of the ninety-one districts, eighty-three are briefly profiled and the other eight are profiled in longer case studies because they received a site visit by one of the research teams. The teams were made up of superintendents from other districts. The report was produced by the Arts Education Partnership and the President’s Committee on the Arts and Humanities along with some corporate and foundation sponsors, the National Endowment for the Arts, the U.S. Department of Education and the White House Millennium Council. It is available at www.pcah.gov.

tr. Peter Motteux and John Ozell.

14. We do not get good laws to restrain bad people. We get good people to restrain bad laws. C. K. CHESTERTON, "Thoughts Around Koepenick," *All Things Considered* (1908).

15. The science of legislation is like that of medicine in one respect: that it is far more easy to point out what will do harm than what will do good. CHARLES CALEB COLTON, *Lacon* (1825), 1.529.

16. Lawyers and painters can soon change white to black. DANISH PROVERB.

17. If there were no bad people there would be no good lawyers. CHARLES DICKENS, *The Old Curiosity Shop* (1840), 56.

18. Anyone who takes it upon himself, on his private authority, to break a bad law, thereby authorizes everyone else to break the good ones. DENIS DIDEROT, *Supplement to Bougainville's "Voyage"* (1796).

19. No matter whether th' constitution follows th' flag or not, th' supreme court follows th' illiction returns. FINLEY PETER DUNNE, "The Supreme Court's Decisions," *Mr. Dooley's Opinions* (1901).

20. People say law but they mean wealth. EMERSON, *Journals*, 1841.

21. Our statute is a currency which we stamp with our own portrait. EMERSON, "Politics," *Essays: Second Series* (1844).

22. A just cause needs no interpreting. / It carries its own case. But the unjust argument / since it is sick, needs clever medicine. EURIPIDES, *The Phoenician Women* (c. 411-409 B.C.), tr. Elizabeth Wyckoff.

23. Give a wise man an honest brief to plead / and his eloquence is no remarkable achievement. EURIPIDES, *The Bacchae* (c. 405 B.C.), tr. William Arrowsmith.

24. If there isn't a law, there will be. HAROLD FABER, *The New York Times Magazine*, March 17, 1968.

25. Fragile as reason is and limited as law is as the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, undisciplined feeling. FELIX FRANKFURTER, *Felix Frankfurter Reminiscences* (1960), 19.

26. God works wonders now and then: / Behold! a lawyer, an honest man! BENJAMIN FRANKLIN, *Poor Richard's Almanack* (1732-57).

27. Laws too gentle are seldom obeyed;

too severe, seldom executed. BENJAMIN FRANKLIN, *Poor Richard's Almanack* (1732-57).

28. Law cannot persuade where it cannot punish. THOMAS FULLER, M.D., *Gnomologia* (1732), 3148.

29. The more laws, the more offenders. THOMAS FULLER, M.D., *Gnomologia* (1732), 4663.

30. The law is what it is—a majestic edifice, sheltering all of us, each stone of which rests on another. JOHN GALS-WORTHY, *Justice* (1910), 2.

31. An unjust law is itself a species of violence. Arrest for its breach is more so. MOHANDAS K. GANDHI, *Non-Violence in Peace and War* (1948), 2.150.

32. The more laws, the less justice. GERMAN PROVERB.

33. There's no better way of exercising the imagination than the study of law. No poet ever interpreted nature as freely as a lawyer interprets truth. JEAN GIRAUDOUX, *Tiger at the Gates* (1935), 2, tr. Christopher Fry.

34. You're an attorney. It's your duty to lie, conceal and distort everything, and slander everybody. JEAN GIRAUDOUX, *The Madwoman of Chaillot* (1945), 2, adapted by Maurice Valency.

35. Laws grind the poor, and rich men rule the law. OLIVER GOLDSMITH, *The Traveller* (1765), 386.

36. Every new time will give its law. MAXIM GORKY, *The Lower Depths* (1903), 4, tr. Alexander Bakshy.

37. Laws are to govern all alike—those opposed as well as those who favor them. I know of no method to repeal of bad or obnoxious laws so effective as their stringent execution. ULYSSES S. GRANT, first Inaugural Address, March 4, 1869.

38. There is something monstrous in commands couched in invented and unfamiliar language; an alien master is the worst of all. The language of the law must not be foreign to the ears of those who are to obey it. LEARNED HAND, speech, Washington, D.C., May 11, 1929.

39. The people should fight for their law as for their city wall. HERACLITUS, *Fragment* (c. 500 B.C.), 82, tr. Philip Wheelwright.

40. Those who are too lazy and comfortable to think for themselves and be their

own judges obey the laws. Others sense their own laws within them. HERMANN HESSE, *Demian* (1919), 3, tr. Michael Roloff and Michael Lebeck.

41. The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race. OLIVER WENDELL HOLMES, JR., speech, Boston, Jan. 8, 1897.

42. Great cases like hard cases make bad law. OLIVER WENDELL HOLMES, JR., opinion, *Northern Securities Company v. United States* (1904).

43. There are not enough jails, not enough policemen, not enough courts to enforce a law not supported by the people. HUBERT H. HUMPHREY, speech, Williamsburg, Va., May 1, 1965.

44. Laws and institutions must go hand in hand with the progress of the human mind. THOMAS JEFFERSON, letter to Samuel Kercheval, July 12, 1816.

45. The law is the last result of human wisdom acting upon human experience for the benefit of the public. SAMUEL JOHNSON, quoted in Hester Lynch Piozzi's *Anecdotes of Samuel Johnson* (1786).

46. Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny. JOHN F. KENNEDY, television address appealing for peaceful compliance with Federal court order admitting James Meredith to University of Mississippi, Sept. 30, 1962.

47. Morality cannot be legislated, but behavior can be regulated. Judicial decree may not change the heart, but they can restrain the heartless. MARTIN LUTHER KING JR., *Strength to Love* (1963), 3.3.

48. Many laws as certainly make bad men, as bad men make many laws. WALTEI SAVAGE LANDOR, "Diogenes and Plato," *Imaginary Conversations* (1824-53).

49. Ignore what a man desires and you ignore the very source of his power; run against the grain of a nation's genius and see where you get with your laws. WALTEI LIPPMANN, "The Making of Creeds," *Preface to Politics* (1914).

50. No law is quite appropriate for all. LIVY, *Ab Urbe Condita* (c. 29 B.C.), 34.3.

51. Wherever law ends, tyranny begins. JOHN LOCKE, *Two Treatises on Government* (1690), 2.

134. LAW

42 The best public measures are seldom adopted from previous wisdom, but forc'd by the occasion.

BENJAMIN FRANKLIN, in his *Autobiography*, 1798.

43 The law of society is, each for all, as well as all for each.

HENRY GEORGE, *Progress and Poverty*, 1879.

44 I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution.

ULYSSES S. GRANT, in his inaugural address, March 4, 1869.

45 I am the law.

FRANK HAGUE, mayor of Jersey City, New Jersey, quoted in the *New York Times*, November 11, 1937.

46 When any people are ruled by laws in framing which they have no part, that are to bind them to all intents and purposes, without, in the same manner, binding the legislators themselves, they are, in the strictest sense, slaves; and the government, with respect to them, is despotic.

ALEXANDER HAMILTON, *The Farmer Refuted*, 1775.

47 It is essential to the idea of a law that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience.

ALEXANDER HAMILTON, *The Federalist*, 1787-1788.

48 Laws are a dead letter without courts to expound and define their true meaning and operation.

Ibid.

49 It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

ALEXANDER HAMILTON OR JAMES MADISON, *The Federalist*, 1787-1788.

328

50 It is of course true that any kind of judicial legislation is objectionable on the score of the limited interests which a Court can represent, yet there are wrongs which in fact legislatures cannot be brought to take an interest in, at least not until the Courts have acted.

LEARNED HAND, in a letter to Louis D. Brandeis, January 22, 1919.

51 If the prosecution of crime is to be conducted with so little regard for that protection which centuries of English law have given to the individual, we are indeed at the dawn of a new era; and much that we have deemed vital to our liberties, is a delusion.

LEARNED HAND, in an opinion reversing a lower court decision in *United States v. Di Re*, in which arrest and evidence were illegally obtained, 1947.

52 There is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.

JOHN MARSHALL HARLAN, in a dissenting Supreme Court opinion, *Plessy v. Ferguson*, 1896.

53 It is only rogues who feel the restraint of law.

JOSIAH GILBERT HOLLAND, "Perfect Liberty," *Gold-Foil*, 1859.

54 Come, you of the law, who can talk, if you please,
Till the man in the moon will allow it's a cheese.

OLIVER WENDELL HOLMES, SR., "Lines Recited at the Berkshire Jubilee," August 23, 1844.

55 The life of the law has not been logic; it has been experience.

OLIVER WENDELL HOLMES, JR., *The Common Law*, 1881.

56 Great cases like hard cases make bad law. For great cases are called great not by reason of their real importance in shaping the law of the future but because of some accident of immediate overwhelming interest which appeals to the feelings and dis-

329

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torts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well-settled principles of law will bend.

OLIVER WENDELL HOLMES, JR., in a dissenting Supreme Court opinion in *Northern Securities Company v. United States*, 1904.

57 The case is decided upon an economic theory. . . . I strongly believe that my agreement or disagreement [with that theory] has nothing to do with the right of a majority to embody their opinions in law.

OLIVER WENDELL HOLMES, JR., dissenting Supreme Court opinion, *Lochner v. New York*, 1905.

58 General propositions do not decide concrete cases.

Ibid.

59 Every opinion tends to become a law.

Ibid.

60 May God twist my tripe, if I string out the obvious for the delectation of fools!

OLIVER WENDELL HOLMES, JR., on being requested to deliver longer opinions, c.1911, quoted in Catherine Drinker Bowen, *Yankee from Olympus*, 1944.

61 While there still is doubt, while opposite convictions still keep a battlefield against each other, the time for law has not come.

OLIVER WENDELL HOLMES, JR., in a speech in New York City, February 15, 1913.

62 It is our duty to declare lynch law as little valid when practiced by a regularly drawn jury as when administered by one elected by a mob intent on death.

OLIVER WENDELL HOLMES, JR., in a dissenting Supreme Court opinion, *Frank v. Mangum*, 1914. (This was the appeal of the conviction of Leo Frank for murder.)

63 Pretty much all law consists in forbidding men to do some things that they want to do.

OLIVER WENDELL HOLMES, JR., in a dissenting Supreme Court opinion, *Adkins v. Children's Hospital*, 1922.

64 If the law is upheld only by government officials, then all law is at an end.

HERBERT HOOVER, in a message to Congress, 1929.

65 Nearly every lawsuit is an insult to the intelligence of both plaintiff and defendant.

EDGAR WATSON HOWE, *Sinner Sermons*, 1926.

66 Laws that do not embody public opinion can never be enforced.

ELBERT HUBBARD, *The Roycroft Dictionary and Book of Epigrams*, 1923.

67 Law: 1. A scheme for protecting the parasite and prolonging the life of the rogue, averting the natural consequences which would otherwise come to them. 2. The crystallization of public opinion.

Ibid.

68 Lawyer: 1. A person who takes this from that, with the result that That hath not where to lay his head. 2. An unnecessary evil. 3. The only man in whom ignorance of the law is not punished.

Ibid.

69 Law is what a judge dispenses. The judge, however, is no representative of the average man's common sense. A certain remoteness from the experiences of everyday life and a certain rigidity of viewpoint are essential to his role as judge.

GERHART HUSSERL, legal scholar, writing in the *Journal of Social Philosophy*, July, 1940.

70 Laws spring from the instinct of self-preservation.

ROBERT G. INGERSOLL, "Some Mistakes of Moses," 1879.

71 Young lawyers attend the courts, not because they have business there but because they have no business anywhere else.

WASHINGTON IRVING, *Salmagundi*, 1807-1808.

72 I did believe, and ever will believe, that just laws can make no distinction of privilege between the rich and poor, and that when men of high standing attempt to trample upon the rights of the weak, they are the fittest objects for example and

punishment. In general, the great can protect themselves, but the poor and humble require the arm and shield of the law.

ANDREW JACKSON, in a letter to John Quincy Adams, August 26, 1821.

73 Were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last; and that the sheep are happier of themselves, than under the care of wolves.

THOMAS JEFFERSON, *Notes on the State of Virginia*, 1784.

74 Ignorance of the law is no excuse, in any country. If it were, the laws would lose their effect, because it can be always pretended.

THOMAS JEFFERSON, in a letter to André Limozin, December 22, 1787.

75 The execution of the laws is more important than the making them.

THOMAS JEFFERSON, in a letter to the Abbé Arnoud, July 19, 1789.

76 The study of the law is useful in a variety of points of view. It qualifies a man to be useful to himself, to his neighbors and to the public. It is the most certain stepping-stone to preferment in the political line.

THOMAS JEFFERSON, in a letter to Thomas Mann Randolph, May 30, 1790.

77 I consider all the encroachments made on the Constitution heretofore as nothing, as mere retail stuff, compared with the wholesale doctrine that there is a Common Law in force in the United States, of which, and of all the cases within its provisions, their courts have cognizance.

THOMAS JEFFERSON, in a letter to Charles Pinckney, October, 1799.

78 A strict observance of the written laws is doubtless one of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation.

THOMAS JEFFERSON, in a letter to John B. Colvin, September 20, 1810.

79 This corporeal globe, and everything upon it, belong to its present corporeal inhabitants, during their generation. They alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction.

THOMAS JEFFERSON, in a letter to Samuel Kercheval, July 12, 1816.

80 Laws are made for men of ordinary understanding, and should therefore be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties, which may make anything mean everything or nothing, at pleasure.

THOMAS JEFFERSON, in a letter to William Johnson, June 12, 1823.

81 Every form of bigotry can be found in ample supply in the legal system of our country. It would seem that Justice (usually depicted as a woman) is indeed blind to racism, sexism, war, and poverty.

FLORYNCE R. KENNEDY, quoted in Robin Morgan, *Sisterhood Is Powerful*, 1970.

82 Laws are felt only when the individual comes into conflict with them.

SUZANNE LAFOLLETTE, "The Beginnings of Emancipation," *Concerning Women*, 1926.

83 Never, never, never, on cross-examination ask a witness a question you don't already know the answer to, was a tenet I absorbed with my baby-food. Do it, and you'll often get an answer you don't want, an answer that might wreck your case.

HARPER LEE, *To Kill a Mockingbird*, 1960.

84 Let me not be understood as saying that there are no bad laws, or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example they should be religiously observed.

ABRAHAM LINCOLN, in the address "The Perpetuation of Our Political Institutions," Springfield, Illinois, January 27, 1837.

34 Lord, help my poor soul.

EDGAR ALLAN POE, died October 7, 1849.

35 What is the answer? In that case, what is the question?

GERTRUDE STEIN, responding to the question "What is the answer?" put to her by Alice B. Toklas, July 27, 1946.

36 Folks are better than angels.

Attributed to Edward Thompson Taylor, a Boston clergyman, responding to assurances from friends that he would soon be with the angels, April 5, 1871.

37 I did not know we had ever quarreled, Aunt.

HENRY DAVID THOREAU, responding to his Aunt Louisa, when asked whether he had made his peace with God, May 6, 1862. (A few days before, when a visitor said to Thoreau that he seemed "so near the brink of the dark river, that [I] almost wonder how the opposite shore may appear to you," Thoreau answered, "One world at a time." Edward Wagenknecht, in *Henry David Thoreau: What Manner of Man?* 1981, reported that Thoreau's final words, to his sister Sophie, were "Now comes good sailing.")

38 Death, the only immortal who treats us all alike, whose pity and whose peace and whose refuge are for all—the soiled and the pure, the rich and the poor, the loved and the unloved.

MARK TWAIN, in a memorandum written before his death, April 21, 1910.

39 'Tis well.

GEORGE WASHINGTON, after being told his secretary understood Washington's burial instructions, December 14, 1799. (Washington then said to his doctor, "I die hard, but I am not afraid to go.")

40 I have made many mistakes, but I love my country, and have labored for the youth of my country, and I trust no precept of mine has taught any dear youth to sin.

NOAH WEBSTER, died May 28, 1843.

41 If I should have any property at the time of my death, which I most seriously doubt will be the case, I bequeath and devise it to my beloved wife.

JOSEPH WILSON, quoted in Sam J. Ervin, Jr., *Humor of a Country Lawyer*, 1983.

134. LAW

See also CIVIL RIGHTS; CRIME; EQUALITY; JUSTICE; PUNISHMENT

1 Three Philadelphia lawyers are a match for the Devil.

Popular saying, early nineteenth century.

2 I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land.

American Bar Association, model oath for candidates seeking admission to the bar, c.1925.

3 Law is merely the expression of the will of the strongest for the time being, and therefore laws have no fixity, but shift from generation to generation.

BROOKS ADAMS, *The Law of Civilization and Decay*, 1895.

4 The law, in all vicissitudes of government, fluctuations of the passions or flights of enthusiasm, will preserve a steady, undeviating course; it will not bend to the uncertain wishes, imaginations and wanton tempers of men. . . . On the one hand it is inexorable to the cries and lamentations of the prisoners. On the other it is deaf, deaf as an adder to the clamors of the populace.

JOHN ADAMS, defending the British soldiers in the Boston Massacre trials, December 4, 1770.

5 The sober second thought of the people shall be law.

FISHER AMES, in a speech in Congress, 1788.

6 One thing I supplicate your majesty: that you will give orders, under a great penalty, that no bachelors of law should be allowed to come here [to the New World]; for not only are they bad themselves, but they also make and contrive a thousand iniquities.

VASCO NUÑEZ DE BALBOA, to King Ferdinand V of Spain, 1513.

7 We bury men when they are dead, but we try to embalm the dead body of laws. . . . It usually takes a hundred years to make a law; and then, after it has done its work, it usually takes a hundred years to get rid of it.

HENRY WARD BEECHER, *Life Thoughts*, 1858.

8 Laws and institutions are constantly tending to gravitate. Like clocks, they must be occasionally cleansed, and wound up, and set to true time.

Ibid.

9 Laws are not masters but servants, and he rules them who obeys them.

HENRY WARD BEECHER, *Proverbs from Plymouth Pulpit*, 1870.

10 Court Fool, *n.* The plaintiff.

AMBROSE BIERCE, *The Devil's Dictionary*, 1906.

11 Lawful, *adj.* Compatible with the will of a judge having jurisdiction.

Ibid.

12 Lawyer, *n.* One skilled in circumvention of the law.

Ibid.

13 Litigant, *n.* A person about to give up his skin for the hope of retaining his bones.

Ibid.

14 Litigation, *n.* A machine which you go into as a pig and come out of as a sausage.

Ibid.

15 Oath, *n.* In law, a solemn appeal to the Deity, made binding upon the conscience by a penalty for perjury.

Ibid.

16 The term Rule of Law, like the phrases: "Love of God" and "Brotherhood of Man," is a short and simple expression of one of the few most sublime concepts that the mind and spirit of man has yet achieved.

GEORGE H. BOLDT, in a speech on Law Day USA, Tacoma, Washington, May 1, 1958.

17 The law is not an end in itself, nor does it provide ends. It is preeminently a means to serve what we think is right.

WILLIAM J. BRENNAN, in a Supreme Court opinion, *Roth v. United States*, 1957.

18 Law cannot stand aside from the social changes around it.

Ibid.

19 No people is shrewder than the American in perceiving when a law works ill, nor prompter in repealing it.

JAMES BRYCE, *The American Commonwealth*, 1888.

20 Law is whatever is boldly asserted and plausibly maintained.

AARON BURR, quoted in James Parton, *The Life and Times of Aaron Burr*, 1857.

21 No written law has ever been more binding than unwritten custom supported by popular opinion.

CARRIE CHAPMAN CATT, in a speech on women's suffrage before the U.S. Senate, February 13, 1900.

22 Law is the expression and the perfection of common sense.

Attributed to Joseph Hodges Choate.

23 No man has ever yet been hanged for breaking the spirit of a law.

GROVER CLEVELAND, quoted in James Ford Rhodes, *History of the United States*, 1893-1906.

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25 I do
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28 Tho
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256 Judges

- ¹ I think this is the most extraordinary collection of human talent, of human knowledge, that has ever been gathered at the White House—with the possible exception of when Thomas Jefferson dined alone.

—JOHN F. KENNEDY, speech, dinner honoring 49 Nobel Prize winners, in *The New York Times*, April 30, 1962

JUDGES

See also LAW

- ² The acme of judicial distinction means the ability to look a lawyer straight in the eye for two hours and not hear a damned word he says.

—JOHN MARSHALL, quoted in Albert J. Beveridge, *The Life of John Marshall* [1916–1919]

- ³ The perfect judge fears nothing—he could go front to front before God, Before the perfect judge all shall stand back—life and death shall stand back—heaven and hell shall stand back.

—WALT WHITMAN, *Great Are the Myths*, in *Leaves of Grass*, 1860

- ⁴ Even judges sometimes progress.

—EMMA GOLDMAN, *The Social Aspects of Birth Control*, in *Mother Earth* magazine, April 1916

- ⁵ I don't want to know what the law is, I want to know who the judge is.

—ROY M. COHN, saying [Cohn, a feared New York defense attorney, first gained notoriety as a young counsel to Red-hunting Sen. Joseph McCarthy.]

- ⁶ Judges are the weakest link in our system of justice, and they are also the most protected.

—ALAN DERSHOWITZ, *Newsweek*, Feb. 20, 1978

- ⁷ Judicial restraint is but another form of judicial activism.

—LAURENCE H. TRIBE, *American Constitutional Law*, 1978

- ⁸ We must never forget that the only real source of power that we as judges can tap is the respect of the people.

—THURGOOD MARSHALL, in the *Chicago Tribune*, August 15, 1981

JULY FOURTH

See INDEPENDENCE DAY

JURIES

- ⁹ In controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

—VIRGINIA DECLARATION OF RIGHTS, 1776

- ¹⁰ Juries . . . have the effect . . . of placing the law in the hands of those who would be most apt to abuse it.

—JAMES FENIMORE COOPER, *The Redskins*, 1846

- ¹¹ A jury too frequently have at least one member more ready to hang the panel than hang the traitor.

—ABRAHAM LINCOLN, letter to Erastus Corning et al., June 12, 1863

We have a criminal
its efficiency is on
who don't know a

The jury system
upon ignorance, s

Jury, n. A number
venting law from

I never saw twelve
human case, were

[When not in the
exceptions; for ex
wealthy man on a
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that kind. Next to
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Trial by jury is a

[Hand was the mo
highest court, and

A court is only as
make it up.

Why should anyo
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capacity for decid

[Griswold was de
1899, Oliver Wen
or unusual judgm
a very large amo
But he also specu
the administratio
community," Lav

JUSTICE

Without justice, c

Justice is always

The laws of chan
Oppressor and op
And close as sin
We march to fate

[The occasion of
South Carolina, c

1 Since thou¹ and those who died with thee for right
Have died, the Present teaches, but in vain!

Robert Gould Shaw, st. 2

2 It's easy 'nough to titter w'en de stew is smokin'
hot,

But hit's mighty ha'd to giggle w'en dey's nuffin'
in de pot.

Philosophy

Learned Hand

1872–1961

3 This much I think I do know—that a society so
riven that the spirit of moderation is gone, no court
can save; that a society where that spirit flourishes,
no court need save; that in a society which evades its
responsibility by thrusting upon the courts the nur-
ture of that spirit, that spirit in the end will perish.

*The Contribution of an Independent Judiciary
to Civilization* [1942]

4 "I beseech ye in the bowels of Christ, think that
ye may be mistaken."² I should like to have that
written over the portals of every church, every
school, and every courthouse, and, may I say, of
every legislative body in the United States. I should
like to have every court begin, "I beseech ye in the
bowels of Christ, think that we may be mistaken."

Morals in Public Life [1951]

5 I had rather take my chance that some traitors
will escape detection than spread abroad a spirit of
general suspicion and distrust, which accepts rumor
and gossip in place of undismayed and unin-
timidated inquiry.

*Speech to the Board of Regents, University of
the State of New York* [October 24, 1952]

6 That community is already in the process of dis-
solution where each man begins to eye his neighbor
as a possible enemy, where nonconformity with the
accepted creed, political as well as religious, is a
mark of disaffection; where denunciation, without
specification or backing, takes the place of evidence;
where orthodoxy chokes freedom of dissent; where
faith in the eventual supremacy of reason has
become so timid that we dare not enter our convic-
tions in the open lists, to win or lose. *Ibid.*

John McCrae

1872–1918

7 In Flanders fields the poppies blow
Between the crosses, row on row.

In Flanders Fields [1915], st. 1

¹Colonel Robert Gould Shaw, white commander of the 54th
Massachusetts regiment (first enlisted black regiment in the
Civil War), died with many others of the regiment at Fort
Wagner [July 18, 1863].

See Charles W. Eliot, 522:13, and Robert Lowell, 743:10.

²See Croninwell, 247:1.

8 To you from failing hands we throw
The torch; be yours to hold it high.

Ibid. st. 3

Bertrand Russell, Earl Russell

1872–1970

9 Mathematics may be defined as the subject in
which we never know what we are talking about,
nor whether what we are saying is true.

Recent Work on the Principles of Mathematics
[1901]. In *International Monthly*, vol. 4, p. 84

10 Mathematics, rightly viewed, possesses not only
truth, but supreme beauty—a beauty cold and aus-
tere, like that of sculpture, without appeal to any
part of our weaker nature, without the gorgeous
trappings of painting or music, yet sublimely pure,
and capable of a stern perfection such as only the
greatest art can show.

The Study of Mathematics [1902]

11 Mathematics takes us still further from what is
human, into the region of absolute necessity, to
which not only the actual world, but every possible
world, must conform. *Ibid.*

12 It is undesirable to believe a proposition when
there is no ground whatever for supposing it to be
true.

Skeptical Essays [1928], ch. 1

13 The psychology of adultery has been falsified by
conventional morals, which assume, in monoga-
mous countries, that attraction to one person cannot
coexist with a serious affection for another. Every-
body knows that this is untrue.

Marriage and Morals [1929], ch. 16

14 Fear is the main source of superstition, and one of
the main sources of cruelty. To conquer fear is the
beginning of wisdom.

An Outline of Intellectual Rubbish [1950]

15 Three passions, simple but overwhelmingly
strong, have governed my life: the longing for love,
the search for knowledge, and unbearable pity for
the suffering of mankind.

Autobiography [1967], prologue

Ellery Sedgwick

1872–1960

16 Autobiographies ought to begin with Chapter
Two. *The Happy Profession* [1946], ch. 1

17 In America, getting on in the world means getting
out of the world we have known before. *Ibid.*

Carl Lotus Becker

1873–1945

18 Economic distress will teach men, if anything
can, that realities are less dangerous than fancies,
that fact-finding is more effective than fault-finding.

Progress and Power [1935]

Attorneys and the Practice of Law

On seeking additional compensation for aged client *NY Times* 6 Jan 89

Reed Morgan attorney

3007 Gross negligence... unreasonably... defectively manufactured.
On winning an award of \$2.7 million for a woman scalded by McDonald's coffee. *NY Times* Mar 95

Lance Morrow essayist

3008 In Texas lore, there is a defense for murder goes like this: "He needed killing."
"A Moment for the Dead" essay on Persia. *Time* 1 Apr 91

John Mortimer attorney and playwright

3009 Given sufficient endurance you can judge into submission by going on until the danger of missing his train to Hayward's He ready to submit.
Murderers and Other Friends Viking 95

Michael B Mukasey Judge, NY Federal Court

3010 I am not going to order an open because you stomp your Buster Browns.
On Attorney John H Jacobs' desire to be seized overseas in explosion at the NY Times 15 Apr 95

Ralph Nader lobbyist

3011 [They are] unsafe at any speed.
Congressional testimony on the need for regulation of automobile design *Unsafe at the Speed of Life* Grossman 65

National Advisory Commission on Civil Disorders (Kerner Report)

3012 Our nation is moving toward two societies: one black, one white—separate and unequal.
On presidential inquiry on riots in US cities Mar 68

3013 Discrimination and segregation have meant much of American life; they now threaten the future of every American.
ib

National Rifle Association

3014 Tell them what rape is. Be graphic... obscene.
On laws seeking to limit sale and use of handguns. *NY Times* 4 Dec 94

On endangered elephants laws that prevented him exporting a piano to Britain *Episcopal News Report* 19 Aug 92

Thurgood Marshall Associate Justice, US Supreme Court

2997 The government they devised... required several amendments, a civil war and momentous social transformation to attain the system of constitutional government.

On the US Constitution *NY Times* 10 May 87

2998 I believe in the color-blind society—but it has been and remains an aspiration.

Life Fall 87

2999 If it's a dope case, I won't even read the petition... ain't giving no bread to no drug dealer... won't handle incest cases, either. Disgusting!
ib

3000 He did what he could with what he had.

On himself on retiring 28 Jun 91

3001 There's no difference between a white snake and a black snake. They both bite.

On being asked if his successor should be black *Newsweek* 8 Jul 91

Mark Masarsky Russian capitalist

3002 There is no higher law than private ownership of property... the same kind of brilliant human discovery as the wheel and fire.

On rejecting the Communist policy of collective ownership, *NY Times* 25 Feb 92

Robert Megarry Justice of the High Court of Britain

3003 Argued law is tough law.

Quoted by John Mortimer *Murders and Other Friends* Viking 95

Arthur Miller playwright

3004 The police station is where our liberties begin and end.

On forced confessions, quoted in *Superchief: The Life and Legacy of Earl Warren* PBS TV 2 Oct 89

Martha Minow Professor of Law, Harvard

3005 The country holds an ideal of the Court as a place where people sit down and reason together. It's really nine separate courts.

On US Supreme Court *NY Times* 28 Jul 89

Thomas A Moore counsel

3006 Pain and suffering is something that's inflicted on somebody; loss of enjoyment of life is something that's taken away.

ages for some 10,000 persons

Sh poet and statesman

of mankind./ Brown row on
yers bind/ Their records of
1/ The hate might spill and
ared/ With slime of human
/ Span on Philistine span, a
ies and cruelty, dried grime/
the beggar, Time.
recalled by Scott Donaldson
ughton Mifflin 92

Novelist

thing about a woman until

Chief Justice, Munich Palace

in his bureaucrat of death.
General Karl Wolff's conviction for
murder in at least 300,000
ir II *Time* 9 Oct 64

Columnist

his ilk have died out or
d out or sold out.
lical William Kunstler at 74 *NY Times*

Mr Fein's Seven Dwarfs.
Justice Antonin Scalia's relationship
mentator Bruce Fein

Sy chief

Americans... so invisible not
and our cries are not heard.
uit for civil rights *Life* Oct 92

Attorney

even a justice of the peace
pimp before the bar on such

the US Supreme Court to rule on
in the 1953 Rosenberg espionage
s Nizer *The Implosion Conspiracy*

Former Suffragan Bishop of

ity of... retrospective scrupu-

W

Marshall Harlan Associate Justice, US Supreme Court

process and liberty) stands... on its own
curring opinion in 7-2 ruling that prohibiting medical
counsel on abortion infringed on married couples' constitutionally protected right to privacy 7 Jun 65

H Jackson Associate Justice, US Supreme Court

petitioner's problem is to avoid Scylla with-
drawn into Charybdis.
rity opinion in 5-4 ruling that prohibited federal
diction over utility rates 7 May 51

are not final because we are infallible, but
allible only because we are final.

curring opinion in 6-3 ruling that upheld the
eme Court as the bench of last appeal 9 Feb 53

who must search a haystack for a needle is
end up with the attitude that the needle is
the search.

validity of a doctrine does not depend on
it gores.

enting opinion in 5-3 ruling that upheld state laws
ag status of limitations on cases of wrongful death
lay 53

S Kaufman US Court of Appeals, 2nd

doubt that even so eminent a composer as
ving Berlin should be permitted to claim a
nterest in iambic pentameter.

ng that *Mad* magazine was not guilty of plagiarism
arody of Irving Berlin's music *NY Times* 24 Mar 64

ny M Kennedy Associate Justice, Supreme Court

eralism was our nation's own discovery.
curring opinion in 5-4 ruling that despite advan-
s of limiting congressional terms, the change can
' be made by constitutional amendment 22 May 95

n L Kiser Judge, US District Court, ke VA

'MI marches to the beat of a drum, then,
dwin marches to the melody of a fife, and
march is over, both will have arrived at the
tination.

ng on equality of the dual education programs at
inia Military Institute and a neighboring women's
ege, established by the latter as an alternative to
itting women to VMI *NY Times* 2 May 94

Lord Lane of St Ippollitts [Geoffrey Dawson] Lord Chief Justice

3257 A rapist remains a rapist subject to the criminal
law, irrespective of his relationship with his victim.

Ruling that men can be found guilty of raping their
wives *London Times* 24 Oct 91

Thurgood Marshall Associate Justice, US Supreme Court

3258 If the 1st Amendment means anything, it means
that a State has no business telling a man, sitting
alone in his own house, what books he may read or
what films he may watch.

Unanimous opinion that the 1st Amendment guaran-
tees the right to possess material that might be
regarded as obscene in public 7 Apr 69

3259 Power, not reason, is the new currency of this
court's decision making... [and] cast aside today are
those condemned to face society's ultimate penalty.

Dissenting opinion in 6-3 ruling, reversing an opinion
handed down in 1987, that held that prosecutors in
death-penalty cases could introduce evidence about a
victim's character and suffering caused by the crime 27
Jun 91

Sandra Day O'Connor Associate Justice, US Supreme Court

3260 The court today surveys the battle scene of fed-
eralism and sounds a retreat... but will in time again
assume its constitutional responsibility.

Dissenting opinion in 5-4 ruling that removed virtually
all federally-based constitutional limitations on Con-
gressional power 19 Feb 85

3261 Multi-million dollar losses are inflicted on a whim.

Dissenting opinion in 7-1 ruling in which her fellow
justices held that a million-dollar punitive-damage set-
tlement did not violate the 14th Amendment's due-pro-
cess clause 4 Mar 91, also see *Time* 18 Mar 91

Lewis F Powell Jr Associate Justice, US Supreme Court

3262 Because of the singular importance of the Presi-
dent's duties, diversion of his energies by concern
with private lawsuits would raise unique risks to the
effective functioning of government.

Majority opinion of 5-4 ruling that gave President
Nixon absolute immunity from damage suits growing
out of Watergate 24 Jun 82

William H Rehnquist Chief Justice, US Supreme Court

3263 A father's interest in having a child—perhaps his
only child—may be unmatched by any other interest
in his life.

Opinion concurring in part
6-3 ruling that prohibited sta-
to obtain their husbands' con

3264 Pregnancy is of course cc
it is in other ways significantly
cal covered disease or disability
Majority opinion in 6-3 ru
employees to refuse to
absences due to pregnancy 7

3265 This result... will daily
sword of Damocles over every
and his advisers.

Dissenting opinion in 7-2 ru
sional seizure of President N
28 Jun 77

3266 The Constitution require
similarly situated persons simili
in gestures of superficial equali
Majority opinion in 6-3 ruling
for males only 25 Jun 81

3267 [The majority has created
the government appears as tl
Pacifica as Little Red Riding Ho
ate analogy (would be) Faust an
Dissenting opinion in 5-4 rul
torializing by public broadcas
3 Jul 84

3268 Allowing the presentation
ding the expenditure of more
them is much like allowing a sj
to express his views while den
amplifying system.

Majority opinion in 7-2 ruli
limit independent spending b
tees in presidential campaign:

3269 The considered profession:
Force is that the traditional out
standardized uniforms encoura
of personal preferences and id
overall group mission.

Majority opinion in 5-4 ruling
to prohibit an Orthodox Jewi
yarmulke indoors while in un

3270 [Jury selection] is best ba
pants instincts, which are undoi
typical and may in many case
taken.

Dissenting opinion in 7-2 ruli
ficulty of excluding African A
try African-American defendar

3271 Lincoln's tall, gangling
sevelt's glasses and teeth, and I
jutting jaw and cigarette holder
ized by political cartoons... o
would have been considerably
Unanimous ruling that overtu
the Reverend Jerry Falwell for

Thurgood Marshall

1908-1993

American Supreme Court Justice

We can always stick together when we are losing, but tend to find means of breaking up when we're winning.

- In Hastie, Grace Under Pressure, 1984

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Thurgood Marshall

1908-1993

American Supreme Court Justice

Why, of all the multitudinous groups of people in this country, do you have to single out the Negroes and give them this separate treatment? It can't be because of slavery in the past, because there are very few groups in this country that haven't had slavery some place back in the history of their group. It can't be color, because there are Negroes as white as drifted snow, with blue eyes, and they are just as segregated as the colored man. The only thing it can be is an inherent determination that the people who were formerly in slavery, regardless of anything else, shall be kept as near that state as possible.

- Brown v. Board of Education, 1953

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Thurgood Marshall
1908-1993
American Supreme Court Justice

While the Union survived the Civil War, the Constitution did not. In its place arose a new, more promising basis for justice and equality, the 14th Amendment, ensuring protection of the life, liberty, and property of all persons against deprivations without due process, and guaranteeing equal protection of the laws. And yet another century would pass before ... black Americans obtained the right to share equally ... and have their votes counted, and counted equally.

- In "The Real Meaning of the Constitutional Bicentennial," Ebony, September 1987

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Thurgood Marshall
1908-1993
American. Supreme Court Justice

When you put a white child in a school with a whole lot of colored children, the child would fall apart or something. Everybody knows that is not true. Those same kids in Virginia and South Carolina-and I have seen them do it-they play in the streets together, they play on the farms together, they separate to go to school, they come out of school and play ball together ... They have to be separated in school.... Why, of all the multitudinous groups of people in this country, do you have to single out the Negroes and give them this separate treatment?

- Brown v. Board of Education, 1953

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Thurgood Marshall

1908-1993

American Supreme Court Justice

We may be losing the battle for equality because racism is broader and stronger than ever before.

- 1989

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Thurgood Marshall

1908-1993

American Supreme Court Justice

When people ask why a separate Black law organization is needed at this late date, the answer is simple. It's not that late.

- In Jet, August 29, 1988

Background of Author/Speaker:

Born: July 2, 1908 in Baltimore, MD. Died: January 25, 1993 in Bethesda, MD.

Career Highlights: Civil rights activist; first black appointed to Supreme Court, 1967-91.

Learned (Billings Learned) Hand

1872-1961

American Judge

Liberty is so much latitude as the powerful choose to accord to the weak.

- Speech, University of Pennsylvania Law School, May 21, 1944

Background of Author/Speaker:

Born: January 27, 1872 in Albany, NY. Died: August 18, 1961 in New York, NY.

Career Highlights: Considered one of greatest jurists in US history; wrote opinion in Alcoa antitrust case, 1945.

1957 - A self made man may prefer a self
made name.
- Bosley Lion's Share 1957
J. Crowther

Learned (Billings Learned) Hand

1872-1961

American. Judge

That community is already in the process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose.

- Speech to the Board of Regents, University of the State of New York (October 24, 1952)

Background of Author/Speaker:

Born: January 27, 1872 in Albany, NY. Died: August 18, 1961 in New York, NY.

Career Highlights: Considered one of greatest jurists in US history; wrote opinion in Alcoa antitrust case, 1945.

Learned (Billings Learned) Hand

1872-1961

American. Judge

I had rather take my chance that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust, which accepts rumor and gossip in place of undismayed and unintimidated inquiry.

- Speech to the Board of Regents, University of the State of New York (October 24, 1952)

Background of Author/Speaker:

Born: January 27, 1872 in Albany, NY. Died: August 18, 1961 in New York, NY.

Career Highlights: Considered one of greatest jurists in US history; wrote opinion in Alcoa antitrust case, 1945.

Learned (Billings Learned) Hand

1872-1961

American. Judge

This much I think I do know-that a society so riven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish.

- The Contribution of an Independent Judiciary to Civilization 1942

Background of Author/Speaker:

Born: January 27, 1872 in Albany, NY. Died: August 18, 1961 in New York, NY.

Career Highlights: Considered one of greatest jurists in US history; wrote opinion in Alcoa antitrust case, 1945.