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BY WAY OF REMINDER

AUSTIN L. WYMAN

IF THE title of this writing is non-descriptive, it must soon be apparent that it is not addressed to those who admit being of the "older generation"; if there be anything of value in it, it must be for the younger members of the bar and those who shortly expect to become such. The theme is not new, but its importance seems to merit an occasional repetition.

It has been axiomatic in our profession that we are leaders; De Toqueville, in his *Democracy in America*, expressed doubt that, over a century ago, ". . . a republic could exist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people." One may view this today, as a general statement, with a jaundiced eye; nevertheless it is still true that proportionate to his numbers, in public and quasi-public service, the role of the lawyer is predominant. In legislative bodies, he may represent as much as forty percent of the entire membership. In elective and appointive office he will be found far more frequently than, relatively speaking, men in any other walk of life. In the smaller communities, notably, the lawyer of integrity and ability is often *the* outstanding person; the judge who may have served for decades, oblivious to and unaffected by changes in the local political complexion, is respected and honored by all.

Doubt is raised here as to whether the young lawyer of today is developing, or even keeping pace with, the axiomatic tradition. There may be much reason, or at least excuse, for this. The tempo of modern life is undoubtedly faster; the demands on the time of all, young and old, are greater. Young men and women marry at an earlier age. Baby sitters are costly, even when available; the young father, responsive to parental obligations, has more of family chores to perform than did his counterpart of three decades or so earlier, when

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willing household help (as well as capable legal stenographers) were available for the asking at fifteen dollars per week. What is euphoniously, though however loosely, described as "social obligation," may take much of the time of a young married man today, greatly as he may yearn to spend it in more worthwhile endeavor.

"Public business," as De Toqueville used the term, or "public service," as used here, is of broad scope. No one can question that serving the Community Chest, the Red Cross, the Boy Scouts, or a dozen and one other worthwhile and very necessary efforts, should be accepted as duty by all citizens, even though, unfortunately, only a small proportion give substantially of their time even in that work. But these are not controversial fields; there is no record of anyone being shot by a hostile solicitee in a fund drive. The need today is for more, and yet more, who will take the time needed (and risk the brickbat throwing which may follow) for the pursuit of causes which do not have universal popular acceptance.

The latter type of public service offers a wide variety of choice. Politics, with direct participation (more of this later) is the obvious one; many other opportunities, crying to be grasped, more often than not touch upon the local political structure. Few of our communities have an ideal system of law enforcement. Many villages, towns, and cities have local government which, casting politics as such aside, leave much to be desired. So long as we have a two-party system we will have as its backbone the patronage system; and so long as we have the patronage system we will suffer the inefficiencies and corruption which it inevitably breeds. Do you have interests in your community which, for personal gain, are willing to create slums out of decent residential areas? Do you have a just and equitable system of local taxation, and are your tax dollars being wisely and honestly spent? Do you have strong views on the adequacy of your local schools, and are you willing to fight for them, even though you find yourself opposed to the majority of both schools of thought—those who are callous toward a gross lack of physical and professional facilities, and at the other extreme those who believe that economy and sound business principles in the public schools belong to the ancient past? One taking publicly a firm position with respect to such subjects, or any of many kindred ones, will make more enemies, perhaps, than friends, but he will become a leader, if his cause is just. The late Havelock Ellis was not entirely cynical when he wrote that "To be a

leader, one must turn one's back on men." Few indeed would do this by preference; it is never pleasant, nor is it often easy; but, subject only to acting on conviction, carefully developed after seeking and acquiring all available facts, such a course may provide its own reward, and this need not be public acclaim—"A leader is best when people barely know that he exists."

The field of politics (i.e., direct participation in political activity), for one of principle and courage, is a broad one. The young lawyer who has a desire for public service can do much in it, if he is tenacious in purpose, consistent in principle, and not easily rebuffed or hurt. He may, if he holds to high standards, find it literally necessary to force his way into the political party organization of his choice, or, in the alternative, to stand and fight as an independent, and be branded as a "mugwump" publicly, perhaps, and probably with a less printable term in private conclaves. Refreshing as it is to see, across the country, greater participation by younger men in public affairs, and their more frequent election to high office, it is still all too common for the political "professional" to regard a man of, say, thirty-five or so as not yet quite dry behind the ears. Too many of those who are described as political leaders are concerned primarily with their own individual power, and the retention of their own political positions; seldom it is that one surrenders his power and position voluntarily, stepping down in favor of a younger and more active man who might just be less of a politician and more of a leader.

The old-fashioned political organization often means, to the uninformed, a well-entrenched group which cannot be defeated in anything it undertakes. In certain districts, at a given time, this is often so. But to a surprising extent the "organization" in other areas has large gaps. Many precincts, where that political subdivision exists, are not only often not manned, but even lack a captain or committeeman. In localities in which the precinct committeeman is elected, and, though with greater difficulties where he is appointed, the young lawyer can get his start. The emphasis sought to be placed here, however, is in this note of warning: If the young lawyer of the type suggested enters the field of politics he will be "just another politician," if his purpose is a self-serving one. The community needs no more such; it needs and wants men who seek neither power for power's sake nor financial gain. The young lawyer, described by name and address in a recent national periodical in a "success" story,

who entered politics upon leaving law school, "because politics offered the best chance of developing a clientele quickly," is not the type of which we need more; one might almost as well advocate church membership as a means of "getting business."

There is much in the present political atmosphere to encourage a courageous and determined newcomer. The sharp cleavages between political parties in former days have become less noticeable. In many areas the "regular" organization has not been able to keep as tight a grip as in the past. A larger number of independent voters has come of age. The candidate as an individual has assumed, in many recent elections, in many parts of the country, with respect to offices from the highest to the low, a stature which has been given recognition by the electorate. Whether it be good or bad, the two party system of the past has been greatly weakened, and in the process it has become possible for a candidate of courage to succeed without the strong organization support which is usually desirable. This is not to be deemed a suggestion that the young lawyer should strike out on his own in political life—rather that, even as he joins the party of his choice, he need not feel so compellingly the temptation to be "regular" when doing so involves violating his own principles. As more young men of moral and intellectual stature become influential in the political parties there is reason to hope that we will see fewer of the professional hacks slated for nomination by the parties than is frequently the case, less tendency to treat political office as a reward for party service and regularity, and more concern for the public interest.

But the greatest opportunity for public service will not lie, for most, in the active political arena. In the various other fields earlier suggested one will come into conflict with, as often as he will find he can work with, organized political groups. Conflict or cooperative effort, so long as strict adherence to principle continues, are each of value when chosen at the proper time. The best political leader is not infallible; the worst is not always wrong. When the best is wrong, he may be more justifiably censured than one of lesser intellect, judgment and ethics. When one of the worst acts in the interests of the community, he is as much entitled to praise as his betters, and, because he is as human as all of us, frequently responds to such recognition by being a better public servant in other respects. The young lawyer of whom we are thinking, then, willing to suffer at times under the label of "Reformer," may render the highest of public service if he

is willing to recognize this in his community work. He will command respect even from the elements he often opposes, since there is always something of admiration for the "square-shooter."

Another word of both caution and encouragement: Few of us, not proudly pugnacious by disposition and habit, seek out controversy as a matter of preference. There is still much fear that there may be truth in the old adage that "You can't fight City Hall." In a surprising number of people of intelligence and at least average fortitude, there has been observed, over the years, the belief that open opposition to that which one believes wrong in the community is certain to produce reprisals, extending, in some instances, to genuine fear of bodily harm. An example of this comes to mind: Some years ago a group of young suburbanites, many of them war heroes, became aroused at a lack of local law enforcement in their village with respect to "syndicate" operations then flourishing. They developed an elaborate and effective means of combatting this, and after they were under way, sought advice and help as they encountered obstacles in their efforts. In the midst of this, there occurred the shockingly cruel beating, in another community, of a citizen who, alone, crusaded in his village against the same sort of vice. The eager young fathers in the village first referred to were never heard from again; their efforts in the cause of justice were dropped at once. This is understandable, undoubtedly, and yet it seems ironic that those who had the courage which modern war requires should shrink, even "for the sake of our families," to carry on with the work they had launched on their own initiative. On this question there are two points to be made:

1. One may run as much risk of being killed by a motor vehicle while crossing the street as he will by fighting evil in his community.

2. For effectiveness, one seeking to serve his community should not act alone; the conventional strength in numbers is never more clearly demonstrated than in civic reform. Single-handed effort, however firmly pursued, succeeds more often on TV film than in real life.

Why the particular stress on the *young* lawyers' participation in affairs such as we are discussing? Of the countless good citizens in this country who do their share, and more, there must be few who do not wish they had more time; that they had started earlier in life. For sound results from efforts in this sort of public service are disappointingly slow; "Civic reform is not a sport for the short-winded." If one enters the fray at an early age, when physical strength is great-

est, when disillusionment does not come as easily, when ideals are high, he will find his goals more likely of attainment in his lifetime, and, much more naturally than if he waits till a later time, will selfless service become part of his being, with little sense of effort or conscious self-sacrifice.

If he waits until he is "settled," the chances are strong he will never start. If in his twenties he says he is just getting under way in his profession, and can't "spare the time," he will, in his thirties, say that the "children need more of their father's time"; in his forties he will find that his practice "demands" all his time; in his fifties he will feel he is "too old; let the young people do it," and may quiet his conscience with a twenty-five-dollar check to an organization which needed his personal effort much more than his modest financial contribution.

Whether or not De Toqueville's earlier quoted statement is accurate today, the lawyer should be readier and better able to assume leadership in his community than most others. The bar *should* be proud to maintain such a tradition. Upon the young lawyer it is urged that at least some small part of his life be planned in community service; that the planning be done at a very early stage of adult life, and that, however tentatively at first, but without procrastination or faltering, he enter determinedly upon the course he has chosen.

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