Judge Wachtler Keynotes Centennial Dinner

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This law school, in addition to being blessed by its rich history, also has the rare distinction of having been born on the centennial of the birth of our nation. And now, as we celebrate your centennial, we also celebrate the bicentennial of our country's birth - the bicentennial of the United States Constitution." Thus did Chief Judge Sol Wachtler of the New York State Court of Appeals introduce his remarks at the Law School's 100th anniversary dinner.

Characterizing our country's Constitution as "nothing short of miraculous," each generation of Americans must give the Constitution a new interpretation, he said.

"One generation can never protect the rights of another, and although our greatest documents, the Declaration of Independence, the Constitution, and the Bill of Rights, are ideal reflections of our finest aspirations, they are not self-fulfilling chariots of justice.

"For all their beauty, they are only words, dependent on each generation to give them a meaning and content for its own time and place."

In defending the doctrine of "judicial activism," favored by many civil rights activists and opposed by many conservatives, Wachtler said the original Constitution was written "in 90 days by men with a quill pen." But it has survived into the age of computers, he said, because judges and lawyers took active roles in reinterpreting the words to meet new situations.

"I don't think for a moment that our founding fathers intended for us to interpret the Constitution according to their divined intent, divorced, somehow, from contemporary understanding. As Thomas Jefferson phrased it, in a free society 'nothing is unchangeable but the inherent and unchangeable rights of man.'"

Wachtler noted that the framers of the document believed that "all men are created equal" but they did not include women or blacks in that belief. He traced the series of landmark court decisions that helped to bring full equality under law for women and blacks, saying that Thomas Jefferson and others intended for judges to interpret the document over the years.

Describing the contributions of lawyers to our democracy, he said, "History suggests that members of our profession are largely responsible for our present state of affairs. This is brought home by remembering that 34 of the 55 representatives at the Constitutional Convention were lawyers. And that a similar proportion of lawyers have since been present in Congress, in each President's cabinet, and in many state legislatures.

"If we bear some responsibility for our past, then we must assume that we will have at least an equal responsibility for the future."