

File - [May 29, 1977]

peace efforts. He has called for direct negotiations to achieve a settlement. He is insistent on the need for recognized, secure and defensible borders. In all these stands, he has the backing of the great majority of the people of Israel—and the runner-up Labor Party.

Suggestions that Mr. Begin's election may "stall" the peace process are made with ignorance or with malice. In fact, the absence of a settlement has never been due to any imagined Israeli "intransigence." For 29 years, the Arab States have refused to sit down and negotiate with Israel. They have refused to meet face to face. For 10 years, the Arab state—the instigators of the 1967 Six-Day War—have demanded that Israel retreat from territories which the Arabs used as bases of attack. Since Israel's birth the Arab states have refused to talk of reconciliation or to normalize relations. How then by any rational standard can Israel be considered intransigent?

What is needed now is not pressure on Israel to want peace. What is needed now is a forceful American policy which insists that face to face negotiations finally begin. Ambiguity in American policy only encourages the Arab belief that our Nation will acquiesce in the isolation of Israel, or will pressure Israel into a precipitous retreat. Such an action would be a formula for war, not peace. It would be a disaster for our country if we were to act in such a fashion. This country must make that crystal clear to the Arab States, who even today plan on an American squeeze on Israel, and thus justify their refusal to meet and compromise.

As for Mr. Begin's stand on the future of the West Bank, I would observe that his policy has been shown to be flexible. Moreover, he has asked a question which needs to be asked: Why should Jews not be allowed to live in their ancient homeland? Whatever future is negotiated for the West Bank, it should not once again be off-limits to Jewish citizens. Such was the case from 1948 through 1967. Israel today is home to nearly 500,000 Arab citizens. Simple equity demands that Jews, like any other people, be allowed to live freely where they choose.

THEODORE M. HESBURGH'S COMMENCEMENT ADDRESS AT GEORGETOWN UNIVERSITY LAW CENTER

Mr. KENNEDY. Mr. President, on May 29, 1977, the Reverend Theodore M. Hesburgh, President of Notre Dame University, delivered an address at the commencement exercises at Georgetown University Law Center here in Washington.

In addressing the law center graduates, Father Hesburgh spoke eloquently of three of the most essential qualities for young lawyers entering their profession—compassion, competence, and conscience.

As an example of a person who achieved excellence in the law by combining these qualities, Father Hesburgh spoke at length of the life of St. Thomas

More, the "man for all seasons." Urging the graduates to incorporate these qualities in their professional lives, he asked them to spend their lives as lawyers hungering for justice.

Mr. President, I believe that Father Hesburgh's inspiring address will be of interest to all of us, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY LAW CENTER COMMENCEMENT ADDRESS TO THE GRADUATES BY THE REVEREND THEODORE M. HESBURGH, C.S.C., MAY 29, 1977

Father President. Dean McCarthy, members of the faculty, fellow honorees, dear members of the graduating class of 1977 in the Law School, and families, and friends:

First, on behalf of all my fellow honorees, I would like to say how pleased we are to join your class today and to receive this wonderful honor from the nation's oldest Catholic university. We are indeed honored. And, from a smaller institution in the West, I also bring you greetings.

What does one say to young lawyers just about to be graduated that they might remember tomorrow—maybe even next year? To simplify the task, I give you only three words: compassion, competence and integrity. Or, if you find it easier to remember three words all beginning with a "c", for integrity, you can read, conscience. I would like to speak, briefly, on the first two, compassion and competence, and then at greater length on the third, conscience or integrity, especially as exemplified in the life of a great and good lawyer.

First, compassion. What does this word, which means, to suffer with, have to do with lawyers as one of their highest qualities to be desired? Lawyers more than any other professional group in our society are committed to justice. And, justice and right and law are practically the same word in most romance languages. But despite the widespread development of law, despite the new consciousness worldwide concerning human rights, and despite constant appeals to justice here and there about the world, the world today is full of people who suffer injustice. In some countries, this means torture and summary execution. In other countries, it means imprisonment without charge or without the right of habeas corpus. In some countries, it means restriction of movement. Restriction of expression, personal or publication expression. And, in many countries of the world, in fact worldwide, it means a whole variety of deprivations. In our own country, where most of you—practically all of you—will practice the law, we have a whole variety of deprivation. And, I think it fair to say that the right to life and liberty and the pursuit of happiness, our national goals, is abridged in many ways today often depending upon one's color or nationality, one's age if one happens to be very young or still unborn, one's sex if one happens to be a woman, one's economic status if one happens to be poor. And, of course, it is abridged by many other human conditions. When I say that all lawyers should first and foremost be compassionate, I mean that no one person anywhere in this country or in the world should suffer injustice without each one of you, as lawyers, suffering, without your automatic concern for the injustices being committed and, wherever possible, it shouldn't happen without your effort to do what you can to relieve the injustice. That is your real calling your real omnipresent task—to defend and establish justice whatever the cost. That is the meaning of being compassionate as a lawyer. You cannot be a good lawyer without being

compassionate. You may make a lot of money. You may become famous in the process. But, if you are not compassionate in the matter of justice and injustice, here and there about the world, then you will be a failure as a lawyer, at least as a good lawyer.

Secondly, a word about competence. The worst that anyone could say of you today is that today this ceremony marks the end of your study of the law. The law is a jealous mistress. She demands constant attention. You can learn, and you will learn from experience in practicing the law, but real competence in the law is the fruit of constant reading in the law. I was once dining in Justice Frankfurter's Supreme Court chambers with a brilliant young lawyer friend of mine. In the course of our discussion during lunch, Justice Frankfurter was constantly jumping up and down picking off a well-marked book from his shelves and using it to underline a point of law with some apposite quotation from the book. And, each time as he sat down he would query my friend, have you read that book, John? And, as John had to say for the twelfth time that he had not read the book, Justice Frankfurter said, "My friend, on graduation day you gave promise of becoming a brilliant and a great lawyer. If you aren't reading books like these, just forget it." And, I think as people entrust the welfare of their souls to me and my fellow priests and ministers, and they entrust their health to a physician, people will entrust to you the vindication of that which is very precious to them—their human rights. And, in the face of such a trust, it would be a devastating betrayal to fail to vindicate their rights because of incompetence.

One more word about compassion and competence. Compassion itself, good though it be, is a cruel hoax unless it is joined in your life with competence. And, competence alone is sterile in a lawyer's life without compassion. You need: and the world needs, both competence and compassion in your life. We need them together and never alone.

And now to integrity of conscience, of you will. As the history of the early seventies in Washington enlarged upon for all of us, here was a story of competence without integrity. I hope all of you will make a point of reading John Dean's book entitled *Blind Ambition*, and see the undoing of a bright young lawyer who admittedly compromised his integrity, thus proving the truth of Marlowe's words in *Child Herald*, "Oh, what a tangled web we weave when first we practice to deceive."

The result of this lack of integrity or this abusing of conscience was, as you well know, disaster, both personal in the lives of many people, and national in the life of our nation. The real test of integrity is not just what we are personally willing to live for, but more importantly, what we are willing to die for.

I give you now the life of a man who was willing to live and to die for integrity. Not just as a man, a good man, but, professionally, as a lawyer. In doing so, he became the prototype of what a great lawyer should be and he became as well a great man, indeed a saint who can become your patron if you wish. While he lived some 400 years ago, there is a contemporaneity about his life and his legal career that makes it highly relevant to each one of you today. His name, of course, is Thomas More, and Robert Bolt has aptly called him "a man for all seasons."

In thinking of Thomas More on this warm day in Washington, D.C. in the year nineteen hundred and seventy-seven, one can easily make the necessary transposition of time and circumstance, and picture Thomas More when he was your age, starving his way through Oxford and his early legal education at the Inns of Court. One can imagine the penury of his first years of practice. His enthusiasm at those first triumphs of justice.

And, the growing maturity of the man, and the lawyer, as he rose in importance from post to post until he had been named by the king to be chancellor of the whole realm, the highest legal position in England.

He faced political tensions at home, the pressure of international crises abroad, the long conferences to settle high policy, the hurried trips and the successive triumphs, the friendship of kings and emperors, and with it all, the inner hunger for a few moments at home with his wife and children whom he loved. Yes, here in Thomas More is a lawyer's lawyer. A judge's judge. A politician's politician. A diplomat's diplomat. And, with it all, a saint whose sanctity was part and parcel of all these activities for all the years of his life. If his sanctity was, in the providence of God, crowned by martyrdom, that martyrdom merely confirmed the achievement of his life, for St. Thomas More spoke these last words from the scaffold, "I die the good servant of the king, but God's first."

The words sanctity and martyrdom may scare you at first. But, he was no less a man of the world. A good lawyer, for being as well a saint and a martyr. There must always be men and women of the world, good lawyers. As all of you are to be men and women of the world; to face the same crying need for justice in the affairs of men; for the rearing of good families; for order in the legislative process; for the maintenance of true liberty for all those who would unjustly hinder it; and, for the promotion of peace on earth both here and abroad.

All of these tasks call for you, as they called for Thomas More to be a man of the world, a good lawyer. Thomas More did all of these things superlatively as a lawyer. And, his memory remains today highly cherished in his native England and throughout the English-speaking world because he did all these things also as only a saint might do them, as only a good lawyer who is also a saint, might do them. And, he did them all with a passion for justice.

Now, Thomas More was born to greatness as the sparks fly upward. I must say a word to you about his family life because it is in that that he seems most human and then I'll say a word about his professional life.

At first, as a young man, Thomas More thought of becoming a monk. And, after much reflection and prayer he decided that his strongest yearning was for marriage and for a family and for a public, professional life. There is a homely tale of More taking his young wife back to her home in the country to try to cure her homesickness and to seek her fathers' advice on how he might stop her crying and to make her a good London housewife. Use your rights and give her a good beating, said her father. I know what my rights are, said More, but I'd much rather have you use your paternal influence. More's young wife died after their four children were born. And, to provide them with a mother and himself a wife, he married a widow. And, in due time with the marriage of all his children, the household numbered 21 children and grandchildren. And, here in that house was his real delight. We are told that like a loving father today, whenever he was abroad he always brought back a gift for each one of the children. He tried to get his youngsters to write him every day when he was gone and under his influence that house became both holy and happy. More himself used to rise at two each morning to pray and to study until seven and each day for him began in the family chapel with mass and holy communion. And, we're told that even an urgent call from the king would not budge him out until that early morning family offering was offered.

Visiting European scholars like Erasmus and Holbein would spend months at a time in his household. Fortunately from Holbein, we have a fine portrait of Thomas More. And, of course, Erasmus has left us a verbal portrait about More later. More's children were the best educated in the land because he took a hand in their education, especially that of his three girls who otherwise would not have been educated in that age. Only his favorite daughter, Margaret, knew that under his velvet gown, Thomas More always wore a hair-shirt to curb his unruly flesh. She knew it because he entrusted it to her for washing from time-to-time, thank God. The hair-shirt did nothing to curb his infectious laughter which always rang, we are told, throughout his house like music. And, his family was naturally proud of his success and his prosperity. But, like a good father, he always warned them against the evil days ahead, and, I quote, "If you live the time that no man will give you good counsel, nor no man will give you good example, when you will see virtue punished and vice rewarded, if then you will standfast and firmly stick to God, upon pain of my life, though you be only half-good, God will allow you for a whole-good. We may not look to our pleasure and go to heaven in our feather beds for the Good Lord Himself went thither with great pain and many tribulations."

One would hope that his family remembered these words when his property was confiscated and he, himself, locked up in the Tower of London while men rigged a phony trial to condemn him to death. There is a wonderful poetess, a dear friend of mine, named Phyllis McGinley, and I think she has said what I have been trying to say of the humanity of Thomas More better than I could say it because she said it in poetry. It's a small thing of four verses, but let me quote it to you today:

"Of all the saints who have won their charter
Holy man, hero, hermit, martyr
Mystic, missionary, sage or wit
Thomas More is my favorite.
For he lived these bounties with might and
mane
God in his house and his little wife, Jane
And the four fair children his heart threw on
Margaret, Elizabeth, Cicily and John.

That More was a good man, everybody knows
He sang good verses and he wrote good prose
He enjoyed a good caper and liked a good
meal

He made a good master of the privy seal
A friend to Erasmus, Lily's friend
He lived a good life and he had a good end
And, he left good counsel for them to con
Margaret, Elizabeth, Cicily and John.

Some saints are alien, hard to love
Wild as an eagle and strange as a dove
To near to heaven for the mind to scan
But Thomas More was a family man
A husband, a courtier, a doer and a hoper
Admired in his son-in-law, Mr. Roper
Who punned in latin like a Cambridge don
With Marget, Elizabeth, Cicily and John.

It was less old Henry than Anne Boleyn
Who halled him to the Tower and locked him
in

But even in the Tower he saw things brightly
And spoke to his jailer most politely
And while the sorrowers turned their backs
He rallied the headsman who held the ax
Then blessed them with a blessing of Thomas
More

God in his garden and his children, four
And I fear they missed him when he was gone
Margaret, Elizabeth, Cicily and John."

Now, a word about More's professional life as a lawyer. His extraordinary success was due, I think, mainly to a very pleasing personality, intellectual talent, which you need, absolute integrity, but especially hard work. The latter

quality is best illustrated to this gathering by mentioning that when he became chancellor, he inherited a neglected backlog of untried cases, some which had been pending for twenty long years. And, within a year of being appointed he cleaned up the whole docket to the last case.

We get the best glimpse of More's personality and intellectual talents from Erasmus, that wondering scholar who was the forerunner of humanism and classical culture in Europe. Erasmus calls More one of the two most educated men in England. Needless to say, Erasmus was the other. England recognized this by making More the High Steward of the universities of Cambridge and Oxford. Erasmus tells us that More dresses simply, avoids wearing the ponderous chain of his office, loves equality and freedom for everyone and shuns the high society of the royal court whenever possible.

Especially Erasmus stresses that talent of More's that he, himself, Erasmus, has experienced so often. More has a gift for friendship. He will take over his friends' affairs, though careless of his own. His gentle and merry talk cheers the low spirited and distressed. He loves to jest with women, especially his own wife. And, quarrels are practically unknown in that household of More where Erasmus spent so many months.

There was another great contemporary scholar-friend of More's, a Spaniard, Vives, who gives this thumbnail sketch of the Saint's virtues: More is characterized by keenness of intellect, by the breadth of his learning, by his foresight, his moderation, his integrity. While other words are at times used in describing him by his contemporaries, there is no doubt about his commitment to those three virtues that I appeal to in you today: compassion and competence and conscience.

There are many other highlights of his career that might be noted, strange highlights in a way. For example, he wrote a book called Utopia, which added a new word to the English language, and was startling prophetic in regard to new concepts in political theory. He wrote a history of Richard III which influenced greatly Shakespeare's play of the same title. I could speak of his career as the king's ambassador abroad and the very important central role he played in negotiating peace between the emperor Charles of Spain and King Francis of France. One could speak of his offices as under-treasurer of the realm, as speaker of the House of Commons, his knighthood, and finally, his succeeding Cardinal Wolsey as Lord Chancellor of England, the second highest rank in the realm, beside the king.

In all of this, from the day he began his legal work to the day he resigned as chancellor, the striking virtue we find most throughout his professional life is his personal integrity, his deep consciousness of the sacredness of his own conscience. In his early legal practice, he urged litigants to avoid expense by making up their quarrels. If they did not, he showed them how to keep down costs—and that is really something for a lawyer. As a judge and a public official, he never accepted gifts. Once, at New Year's, however, he did take a pair of gloves to avoid hurting a lady's feelings, but only after he had emptied into her hands all the gold coins she had stuffed inside the gloves. And, after a long career of public office on the highest level, he was characterized as a worthy and incorrupt magistrate, a holy and a righteous judge.

But, amid all of these high plaudits of success, More awaited the day when he would have to pay the price for conscience and integrity. And, he was not unduly impressed with the favor of princes or his own personal importance. And, after King Henry visited his home one evening and walked arm-in-arm with him in the garden, Thomas remarked to his family, "If my head could

win him a castle in France, it would not fall to go."

It was not the castle in France which caused the break, but Henry's great matter, the disillusion of his marriage to Katherine so that he might marry Anne Boleyn. At first the king counselled with Thomas More about the great matter. He almost had to because Thomas was the highest legal officer in the land. After much study and advisement from the best authorities in the land, More decided that there was a great matter that he had to decide one of two ways—either for the king or for his own conscience. He could not satisfy both the king and his conscience: for the answer that the king wanted was not the answer that More's conscience gave him.

The king asked him pointedly where he stood soon after he became chancellor and More tells us that he fell on his knees that he would gladly give up one of his limbs if he could serve the king in that great matter with a safe conscience, but he could not. The king promised to respect his freedom of conscience; yet, as the months passed, the pressure increased. When the Pope gave a negative answer to Henry's request for divorce, Henry decided that he could ease the matter by declaring himself the supreme head of the church and the clergy in England.

And, then all of the yes-men began to fall into line. First, the universities bowed their heads disgracefully; the Parliament approved Henry's action; the final blow came when the official defenders of orthodoxy, the clergy and all the bishops save one, John Fischer of Rochester who died for his act, took the oath of allegiance and the oath for the divorce.

The following day, Thomas More resigned his office as chancellor and gave up the great seal. There was an interval during which his successor, the new chancellor, tried to convict him of treason, but so loyally and so discreetly had he conducted himself that the case failed for want of any convincing evidence. More made no public demonstration as was popular then and now, but neither would he compromise his position in any way. When the bishops presented him with a magnificent collection of \$350,000 to repay him for his services to the church, he politely refused to take the money even though at that time his family was burning ferns from the garden in the fireplace because they had no money for firewood. And, when three of Henry's bishops invited him to be their guest at the coronation of Anne Boleyn, again, he politely declined.

Finally, Henry lost patience with this one layman who was a living though silent rebuke to the action of the king. He was asked to take the oath or take the consequences. Who was he to hold out against the universities, the bishops, the Parliament, and especially his dear friend and benefactor, the king? Who was he to forfeit his position, to jeopardize his family and his property, to incur the wrath of the king to the point of being hanged, drawn and quartered? All for a point of conscience. All in the name of personal integrity. Who did he think he was?

More's response to the judges was a summary of his lifelong integrity. You must understand, sir, that in things touching conscience, every true and good subject is more bound to have respect for his said conscience and to his soul than to any other thing in all the world besides. I do nobody any harm. I say no harm. I think no harm, but wish everyone well. And, if this be not enough to keep a man alive in good faith, then I long not to live.

The trial wore on. There was no question about the ultimate sentence, but somehow it had to be justified before the public, and when in desperation a key witness, one Richard Rich, perjured himself to fabricate a suspicious conversation with More, the

accused replied: "My lord, if I were a man who did not regard an oath, I needed not, as it is well known in this place, at this time or in this case, to stand here as an accused person. And, if this oath of your's, Master Rich, be true then I pray that I never see God in the face which I would not say were it otherwise to win the whole world." Strong words from a strong and honest man.

During his long months of imprisonment in the Tower of London, More meditated on the passion of Christ and prayed that he would be granted the strength to bear his own passion. Henry commuted the sentence of disembowelment to beheading. More joked that he hoped such kindly kindness would not be extended to many of his other friends. It is said that as a man lives, so does he die. More died cheerfully, bravely, and with all the urbane courtesy that had characterized his life. He leaned on the lieutenant of the guard as he climbed the scaffold. "I pray you, see me safe up," he said, "as for my coming down, let me shift for myself." He embraced the embarrassed executioner, gave him a gold coin. And, he asked the ax man to spare his beard, which he put outside the block, saying that certainly his beard had committed no treason. And, his last words from the scaffold were few as the king had requested, but they rang throughout Europe and they must have thundered in Henry's ears. He asked the bystanders to pray for him in this world and he would pray for them elsewhere. He then begged them to pray earnestly for the king, that it might please God to give the king good counsel, protesting that he died the king's good servant, but God's first.

I do not pray this day that all of you will have as distinguished a career as a lawyer as did Thomas More. But, who knows? There are still laurels to be won in the world of law and diplomacy and letters and government. I do pray that each one of you may share in your personal and professional lives the deep integrity and compassion and competence that characterized the life of Thomas More. To settle for anything less would be unworthy of your calling which each one of you shares today with Thomas More. And, as you begin today your professional careers with the degrees you are now about to receive, may I give you my deepest prayer that all of you will spend your lives as lawyers hungering for justice. God bless and keep you.

THE BELGRADE CONFERENCE ON HELSINKI ACCORDS

Mr. CASE. Mr. President, even as the time approaches for the convening in Belgrade on Wednesday of the signatories to the 1975 Helsinki Accord, there have been a series of disturbing reports about violations of human rights in the Soviet Union.

The Belgrade meeting of the 35 signatory nations is a preliminary to the main session later this year. In the June meeting, the signatories to the 1975 Final Act on Security and Cooperation in Europe will work out the agenda and procedures for the followup meeting. As laid out in the Helsinki Accord, the followup meeting is to include a thorough exchange of views on the implementation of the Final Act signed in Helsinki in August 1975.

I mention this because there have been numerous indications in press reports, testimony, and statements that the Soviet Union and some of the other signatories have not fully complied with the provisions of the accords, especially

those pertaining to the pledges on unification of families and other aspects of human rights.

It is, therefore, particularly important that before the conference takes up new proposals, it discusses fully the implementation to date. Already there is a growing concern about the Soviets' willingness to abide by their past agreements.

Surely, it would be a mark of minimal respect for those promises if the U.S.S.R. were to release those people who were arrested merely for monitoring Soviet compliance. The list includes: Yuri Orlov, Aleksandr Ginzburg, Anatoll Shcharnsky—Moscow—Mykola Rudenko, Oleksa Tykhy, Miroslav Marinovich, Mykola Ma usevich—the Ukraine—Zviad Gamskhurda, Merab Kostava.

I cite these specific cases because the arrest of these people—and especially the treason charges against Shcharnsky—can be taken as another sign that the Soviet Union does not want people even to try to keep track of whether it lives up to the Helsinki Accords.

The report President Carter submitted last week to the Commission Security and Cooperation in Europe, commonly known as the Helsinki Commission, noted in discussing the human rights provisions of the Basket Three of the Helsinki Accord:

While accepting the Third Basket at the Helsinki Summit, the Soviet Union and its allies have since tried to diminish the full extent of its obligation upon them. They have advanced arguments and interpretations which seek to blunt the purpose of Basket Three through token and selective implementation of its provisions.

This can only raise serious doubts about the Soviet's intentions and attitudes in general, not only toward their own people, but toward other nations.

Therefore I am pleased that the administration is considering withholding export licenses for sophisticated computers to the Soviet Union. I hope the U.S. Government, and our allies, hold up export licenses for advanced computers and other technologies until discussions in Belgrade and other forums give us a clearer idea of Moscow's intentions.

In the specific context of the Belgrade meeting, I also urge the U.S. delegation and the delegations of the other nations to stand firm in insisting that the agenda to be worked out this month deal with the implementation of the 1975 Helsinki Accords.

The Warsaw Pact nations are expected to try to put the focus on new proposals dealing with East-West relations. They must not be allowed to sweep under the rug the matter of violations and cases affecting the lives of thousands of persons. If the Warsaw Pact nations try to do so, the West must not allow diplomatic niceties to keep them from dealing with the matter as frankly and bluntly as necessary.

Only thus can we hope to build a realistic basis for confidence and cooperation between the East and the West.

In a statement released this weekend, on the forthcoming review sessions at Belgrade, the 15 member U.S. Commission on Security and Cooperation in Europe, of which I am a member, said: