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Cardoza award, 1949.

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ADDRESS

of

ISADORE BOOKSTEIN
Justice of
The Supreme Court
of
The State of New York

delivered at

Plaza Hotel

New York City

Thursday Evening
December 29, 1949

upon the presentation of
1949 Cardozo Memorial Award

to

Dr. Abba Hillel Silver

By

Tau Epsilon Rho Law Fraternity



Tau Epsilon Rho is an international legal fraternity, whose membership consists of lawyers and law students of the Jewish faith. It has active chapters for students of the law at many of the law schools in the United States and Canada. For the lawyers, it has graduate chapters in many cities.

Its purposes, among others, are to inculcate among its votaries, both as students of the law and as members of a noble profession, deep reverence and veneration for the highest traditions of the legal profession; to advance actual practice of, and not mere lip service adherence to, the highest code of ethics, which should be the standard of conduct of every lawyer, worthy of the name.

It is certainly but natural, as well as pardonable, that such a group should take special pride in the memory of the late Benjamin N. Cardozo.

His place in history is assured. There is nothing that we can add to, nor is there anything that we would or could detract from, the lustre of his outstanding career.

The greatness of this man was due not alone to his remarkable and seldom matched knowledge of law and equity; more than that alone went into the compound that made him such a shining light. Into that compound went also the elements of the sage, the philosopher, the logician and the humanitarian.

To those of us whose privilege it was to practice in the State of New York, and who accordingly came into more frequent contact with his work and particularly with the opinions written

by him both as an Associate Judge and later as Chief Judge of our court of last resort, the Court of Appeals, there was conspicuous the additional element of outstanding English prose composition.

His opinions were not only models of logic and law; they were also models of clarity and conciseness.

Here was a man, capable not only of drawing on a fertile mind and great learning but also on a choice of language and its composition, with which to give expression to his opinions, that has been equalled by few jurists in world history.

Like all men of true greatness, he was modest and retiring; indeed, he was actually timid and shy; beyond that he was kind, considerate and sympathetic.

No man sought more assiduously to attain a result that was just, insofar as the rigidity of legal principles would permit.

None had a greater and holier regard than did he for the dignity of the individual, strong or weak; high or low.

In natural consequence, no one viewed with greater sacrosance than did he those inalienable human rights, embraced within the Bill of Rights, as embodied in our constitution.

The Bill of Rights is the cornerstone and foundation of the American way of life; indeed, the principles therein espoused as being inalienable, are the features which distinguish the American way of life from the ways of other nations and peoples.

True, America can claim greatness in the world by reason of its higher living standards; its great industrial machine; its inventions; its great advances in the arts and in the sciences.

Its true greatness comes from, and indeed its main-spring is, the Bill of Rights, which preserves and protects for all, equality of opportunity, freedom of thought and action, as more commonly expressed in the phrases, freedom of speech, freedom of the press and freedom of religious worship.

Is it any wonder then, that, when this fraternity of lawyers and law students decided to make an annual award to one who has made a signal contribution to the American way of life, it decided to name the award in honor of Benjamin N. Cardozo? I think you will agree with me that in honoring him we honor ourselves and add something of inestimable value to the award in the hands of its recipient.

It was my privilege in February, 1941, in our nation's capital, to make the award to the then Attorney General and now Associate Justice of the Supreme Court Robert E. Jackson.

There was for me a peculiar personal pleasure in making that presentation, because "Bob" Jackson, as it has been my privilege to know and call him, happened to be a classmate of mine at the Albany Law School.

The awards to Mr. Bernard M. Baruch and Mr. Bartley Crum were made by my predecessor in office.

It was again my privilege to present the award at Detroit, Michigan in 1946 to Associate Justice of the Supreme Court, the late Frank Murphy; and to the Honorable Fred M. Vinson, Chief Justice of the Supreme Court of the United States, at Chicago, Illinois, last year. And this year, the fraternity has done me the honor of appointing me to present the award to this year's recipient Dr. Abba Hillel Silver, a great leader of our people.

Despite the fact that several of the recipients of our award have been members of the highest court in this land - a not unnatural situation in the case of a law fraternity - judicial distinction is not the criterion upon which our award is based. Above and beyond that there must be some act or deed or series of acts which promote and advance the ideals to whose advancement Judge Cardozo so zealously dedicated himself and his labors.

Not the least of these was his devotion to the democratic form of government and his interpretation of the practice of democracy to the end that the rights of man should be fully recognized and that all persons should be permitted to their full extent, life, liberty and the pursuit of happiness.

A nation or a people is but a collection of persons and of individuals. The privilege and the rights granted to the individual belong and appertain to the nation that constitutes the combination of the individuals.

The extension of the practice of the democratic way
 of life, the creation of new areas within
 xxxxxx wherein these practices

can be exemplified, the establishment of a homeland wherein a people can devote itself to the ideals of liberty, of fair dealing, and of equality, is truly a furtherance of the ideals of Justice Cardozo.

On November 29, 1947, an old, new nation was reborn. On that historic date the United Nations Assembly adopted the resolution providing for the partition of what was then Palestine, and further providing for the creation of the Jewish State. On May 15, 1948, the political entity named Israel came into being as the direct result of the historic act of the preceding November.

To freedom-loving people the world over, and to Americans devoted to the ideal of liberty in particular, the establishment of Israel signifies an extension of the principles of democracy, and a furtherance into another portion of the world of the American way of life. To establish this homeland and to gain international sanction for the Jewish State has ever been the task of political Zionism. To an extent scarcely realized as yet, the completion of that task has been the historic achievement of our honored guest, Dr. Abba Hillel Silver.

From boyhood and throughout his life, Dr. Silver has fought the battle of the Jewish people for the Jewish homeland. His entire life has been devoted to the proposition that Israel must have a home and that the peoples of the world were obligated to give that home its color of right. As one of the original incorporators of the Zionist Organization of America, and through its entire existence, Dr. Silver has taken as his task the

creation and development of all those forces and factors that would tend to aid the pioneers who carved their homes out of the desert, and to help them grow and multiply until truly a nation was living within Palestine's borders. Thus, he aided in the founding of the United Palestine Appeal and the Palestine Foundation Fund. Thus, he built his people's ~~movement~~^{movement} into a great organization, and thus he spread the gospel of freedom for his people, and brought the world to recognize the justice of their claim. For it was in the arena of world politics that the results of his labors bore their fruit.

The second world war had been fought. From the Jewish people had been wrung the greatest price that any nation had been called upon to pay for this holocaust, but the victory had been won and the civilized peoples were making no amends.

Only those who are naive and dreamers ever believe that nations recognize the true course of justice of their own volition. Practical men know that the vision of those in power must be sharpened, and that the path of righteousness and equity must be pointed out to those in authority.

At war's end the Zionist leaders were pursuing a certain philosophy and course of conduct. They reasoned that the Jews were a small people; that the Jews had little or no strength; they reasoned that the Jewish people could achieve statehood only through the generosity of their friends and neighbors, and they followed a program that was consistent with that line of reasoning.

But in the arena of power politics the making of friends is measured in terms of the purported strength of the seeker of friendship.

Progress was at a snail's pace. The eyes of justice remained covered by the blindfold. The rights of the Jewish people continued to be the objects of sympathy but not of action. The philosophy of our leaders was not succeeding.

The first to recognize this fact was Dr. Silver. The cause of the Jewish people was a just cause, and the requests that they were making for a homeland of their own was a just request. He did not subscribe to the philosophy that we were a weak people. Rather did he see the Jews as a strong people, a people who had strength as upstanding citizens within the United States, and within the other countries wherein they dwell. Rather did he see our people as one which, through its contributions to the building of America, and to the practice of exemplary citizenship, was entitled to support by our government. And he conceived the philosophy that the Jews of America had the right to demand that their government should exert its every influence to the end that justice be done.

This new philosophy was startling even unto his colleagues. There was opposition to be overcome even among his associates, but the spirit and the will and the vision of Dr. Silver carried the day. A strong American Jewry emerged from his efforts. A powerful non-Jewish understanding was brought about in America. The path was pointed out and beacon lights were lighted. American public support began to demand that the Jewish State be established.

To Dr. Silver came the honor of being the first of his people to stand before the United Nations and plead their cause.

His very plea itself will forever remain a classic in the world's literature and in international law. Almost singlehandedly he won the support of nation after nation and country after country, and specifically vote after vote. The November 29th resolution is in itself a tribute to his faith, to his leadership, and to his great effort. In the words of Dr. Emanuel Neumann "Time will not dim the lustre of that achievement, but will crown his work with the aura of immortality."

Today, Israel stands forth as a bastion of democracy in an area where democracy is needed most. It is the one island of friendship for our country in the entire morass that is the Near East.

For your contribution to our people, and to the American people, and to the lovers of democracy the world over, it is my distinct honor and privilege on behalf of the Tau Epsilon Rho Law Fraternity, to present to you, Dr. Silver, in two parts, the Cardozo Memorial Award for the year 1949.

The first part is this plaque which we trust will adorn the walls either of your home or of your study, whichever you may see fit.

The second part consists of a specially bound and inscribed volume of the "Selected Writings" of Benjamin N. Cardozo, which are revered by lawyers everywhere, and from which pearls of wisdom are extracted on each occasion when they are read and reread. They should be a pleasing addition to what is doubtless already a crowded library.

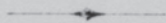
Tau Epsilon Rho Law Fraternity salutes you Dr. Abba Hillel Silver, as the recipient of this year's Cardozo Memorial Award.

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THE PLAZA

CARDOZA MEMORIAL AWARD BANQUET



TAU EPSILON RHO LAW FRATERNITY



THIRTIETH ANNIVERSARY CONVENTION

THE PLAZA
New York, N. Y.

December 29, 1949

PROGRAM

Toastmaster Edmund A. Koblenz, *Convention Chairman*

Invocation Rabbi David H. Panitz, *Congregation B'nai Jeshurun*

Remarks Ralph B. Brody, *Supreme Executive Chancellor*

Presentation of Award .. Hon. Isadore Bookstein, *Supreme Chancellor*

Acceptance Address Dr. Abba Hillel Silver

Benediction



Henri Nollette *and his Society Orchestra*

CONVENTION and DINNER COMMITTEE

Edmund A. Koblenz, *Chairman*—Albany, N. Y.

Ralph B. Brody—Chicago, Illinois

Benjamin H. Lasdon—Albany, N. Y.

Ralph M. Schwartzberg—Chicago, Illinois

Percy G. Smith—New York, N. Y.

Paul Yermish—Philadelphia, Pennsylvania

M E N U

Cocktails

Hors d'Oeuvres



Supreme of Fruit, Southern Style



Hearts of Celery

Queen and Ripe Olives



Cream of Fresh Mushrooms

WRHS



Roast Prime Ribs of Beef, Natural Gravy

Bouquet of Fresh Vegetables

Stuffed Baked Potato



Mixed Green Salad



Plaza Ice Cream Cake, Melba Sauce

Petits Fours



Demi Tasse