

Remarks of Chief Judge Frank M. Coffin
of the United States Court of Appeals for the First Circuit

Brookline District Court Centennial Celebration
Brookline, Mass., May 23, 1982

Address to the People
What the Oracle told Brookline

Let me tell you a modern Greek myth.

It seems that some public spirited citizens of Brookline, a pleasant town on the outskirts of Boston, desired to have a celebration. Following an ancient custom, they journeyed to Delphi to consult the Oracle for guidance.

The Oracle asked: "Why do you want to celebrate?"

"Because everything seems to be going wrong", replied the leader. "Unemployment, inflation, crimes, nuclear weapons, strife in Poland, Northern Ireland, the Middle East, war in the South Atlantic. We want to find something to lift our spirits."

"Excellent", said the Oracle. "Is there anything worth cheering about?"

One of the Brookliners timorously stepped forward. He was a tall, thin, bespectacled young man, who looked as if he had been in school a long time. Obviously an economist. "Our standard of living", he intoned.

"Come, come", said the Oracle. "There are at least ten other countries ahead of you now - not even including the oil producers. Any other suggestions?"*

The young economist bridled and said, "That isn't the whole story. We in the United States have managed to eliminate the great disparities between the rich and the poor."

"Yes", said the Oracle, "you've done a pretty good job. Only ten countries have done better."

A social worker came forward and said, quite belligerently, "I think we can celebrate our social welfare programs. Take our unemployment compensation, workmen's compensation, aid to dependent children, our programs for health care, old age and disability; we need take second place to none."

"Guess again", replied the Oracle. "Second place to at least half a dozen countries that spend more on these, some even two and three times more, than your country does. And there are fourteen countries with a higher life expectancy for males than you have, seven with a higher expectation for females, and 17 with lower infant mortality rates."

Silence. A long silence. Finally, the Oracle, accustomed to speak in riddles, said, "Even though bread and health are important, man does not live by bread alone. Guess again."

More silence. Finally a voice in the back piped up, "Justice?"

"Yes", said the Oracle. That is what you can celebrate. Not that you always give it or get it but, compared to all the other countries, you have tried the hardest. Yes, you could honestly celebrate justice."

The leader of the Brookliners then asked, "Justice it will be. Do you have any suggestions?"

* The relative ranking of the United States among the countries of the world in the key criteria are taken from Ira Magaziner and Robert Reich, Minding America's Business (Harcourt Brace Jovanovitch: N.Y. 1982), ch. 1, pp. 12-25.

"Just this", said the Oracle, reverting to the language of riddles again. "The first, last, and most, holding the key to the future on your doorstep."

The Brookliners caucused, chatting vigorously.

"We've got it", said the leader after some minutes. "The Supreme Court of the United States is clearly of first importance, the court of last resort, and of most interest to the country."

Oracle: "Good, but try again. It may be last, but by definition it can't be first. It may hold a key to the future but it is nowhere near your doorstep."

Leader: "Now we know. The Supreme Judicial Court of Massachusetts It is close to our doorstep. And it is of first importance in this Commonwealth and our court of last resort. Obviously, it is most important, too."

Oracle: "Not bad. But when you say 'most important' and 'of first importance', you're repeating yourself. And you haven't handled the 'key to the future' business."

Leader: "How about our Superior Courts? They're the first place where you can have jury trials. They're the last decision unless you appeal. I don't quite see, though, how to fit 'most' in -- or 'the key to the future'."

Oracle: "No. You sense it doesn't quite fit. You're getting closer -- just because you're eliminating everything else."

At this point a young law student rushes forward. He shouts, exultantly: "I know, Oracle. It's the federal courts. The federal district court is first and the circuit court of appeals is last for most cases. And they too are on our doorstep."

Oracle: "But, my dear young man, what about 'most' and 'key to the future'? They are 'most', all right, most energetic, most annoying, most verbose. That's not the sense I meant."

Finally, someone whispered -- "Could you mean our own court right here in town?"

Oracle: "Exactly. Your own district court is first because this is the first threshold that people cross when they encounter the law. This court is last because most cases either are not appealed or, if they are, their fate is largely settled here. And your local court is 'most' because, simply, this is the court for most of the people. Of all the people in your state, four times as many wind up in this court as in the superior courts and 1700 times as many as ever get to the Supreme Judicial Court."

Leader: "I see. But what about 'key to the future'?"

Oracle: "Your court is a key to the future because you Americans are justice-oriented. You cut your eyeteeth on the law when you broke off from England. You resented George III sending in his favored judges. You set up your own court system. You gave people the freest access to it that any country has known. Your people are the hungriest for justice of any in the world. The years ahead will be loaded with justice questions. As society and technology grow more complicated, each person is bound to cherish more and more his privacy, property, vocation, speech, participation, and equality with others. The quickest and most accessible tribunal is your own court. The so-called higher courts will spin their doctrines and decisions, but your citizens' confidence in their great democracy will depend to a large extent on the healthy functioning of the people's courts. Here 'on your doorstep' is one of your closest, and noblest institutions -- your own Brookline District Court. So celebrate!"

And so they decided.

And so we celebrate;

And, by the wonderful and unique way you as a community have involved yourselves in trying to get clearer ideas of what this court should be and do, not as a remote temple of abstract justice but as a vital center of fairness, sensitivity and decency in the marketplace, you have

made the act of celebration an act of rededication to Justice for our time.