Foreword: Assisting the Inevitable

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HENRY J. FRIENDLY*

"God's mill grinds slow, but sure," wrote George Herbert the year the Long Parliament met. Up to this time the movement for a systematic approach to law revision in the United States has quite notably fulfilled the first half of Herbert's sentence. These drafts are an effort to help the second along; sometimes the inevitable requires assistance.

Three years ago I wrote a piece on this subject, "The Gap in Lawmaking — Judges Who Can't and Legislators Who Won't," in which I noted the almost complete paralysis of law revision in the federal area, with which I was most familiar. The paralysis has endured. This is in no way to say that Congress has been neglecting its legislative function; on the contrary, we have had most important new federal statutes on civil rights, social security, immigration, and aid to education and the poor. Yet, during this Lyndonian age of legislative efflorescence, little heed has been paid to the hundreds of statutes which, whether through initial inadvertence or because of changed conditions, no longer serve their intended purpose. The contrast is by no means paradoxical. The necessary concentration of Congress on great new measures and its continuing responsibility for appropriations, foreign affairs and the national defense account or at least serve as reasonable excuses for inattention to "the petty tinkering of the legal system which is necessary to keep it in running order" — a subject of small interest to most Congressmen and of still less to their constituents. Yet the subject presses. A great nation must not be shackled with outdated and ill worded laws which hardly anyone would defend if only the deficiencies were exposed.

The beginning of a remedy, as has been recognized since the early nineteenth century, is to place someone in charge of the store, as the following drafts suggest for the federal govern-

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