

## Remarks by Douglas S. Eakeley, Partner, Lowenstein Sandler PC, Recipient of the American Jewish Committee Judge Learned Hand Award

These remarks were made by Mr. Eakeley at an awards dinner held April 21, 2010 at the Short Hills Hilton in New Jersey.

Thank you for attending this dinner. Your support and friendship are greatly appreciated. I also want to commend the Hilton at Short Hills for donating to People Helping People in Newark all of the food from the original snowed-out dinner in February.

I especially want to thank the American Jewish Committee for selecting me to receive this tremendous honor. The selection seems to have caused some confusion, however. After the "save the date" cards went out electronically, with my picture on them, I received an e-mail from a colleague, inquiring whether it was my Bar Mitzvah picture. At a dinner meeting, another colleague who had received the notice leaned over and inquired, "Are you Jewish?"

Well, you don't need to be Jewish to defend the democratic state of Israel, to oppose anti-Semitism and all other forms of bigotry, or to believe in the basic principles of democracy and pluralism. The AJC, its mission and its accomplishments are eminently worthy of support.

I had the opportunity recently to read Gerald Gunther's definitive biography of Learned Hand, one of this country's greatest jurists, who was frequently



Douglas S. Eakeley

referred to as the "Tenth Justice." Incidentally, Gunther is not only a former law clerk to Judge Hand but the author of the constitutional law treatise that many of us studied in law school. Judge Hand served as a federal judge for more than 50 years, authored more than 2,000 decisions, and was eloquent in his support for civil liberties, human rights, and the rule of law. I will forever be grateful for AJC's decision to link my name with that of Learned Hand.

We are living in an extraordinary

time. The United States is at war in Afghanistan and Iraq – and, some might say, in Pakistan. Rogue states like North Korea and Iran, and unstable states like Yemen, Somalia and the Sudan, threaten the stability and safety of the civilized world. Israel remains surrounded by neighbors opposed to its very existence. China is not only our biggest creditor, but our fiercest competitor – and there is a genuine fear that we might be losing the competition. Europe remains in financial crisis, with Greece, Spain and Portugal on the brink of bankruptcy. International terrorism fanned by Islamic fundamentalism is expanding its bases and honing its tactics.

And that's just abroad. In February, my friend and classmate Dennis Blair, the Director of National Intelligence, testified before Congress that it was a certainty that there would be an attempted attack on the U.S. homeland within the next three to six months. We are hopefully beginning to recover from the greatest economic contraction since the Great Depression. But I doubt there is a person in this room who has not had a family member or a friend lose his or her job.

Meanwhile, as always, it is the poor who suffer the most. Here in New Jersey, the second wealthiest state in the country, we have in Camden the most impoverished small city in the country and in Newark the most impoverished large city in the country. We treat our urban residents with benign neglect. Infant mortality, malnutrition and disease are rife, and our public schools in the Abbott districts far too often fail to prepare their students for productive, fulfilling lives.

Where is our commitment to "liberty and justice for all"? I don't think participants at the recent Tea Party conventions even mentioned the word "justice," much less addressed the concept in any meaningful way.

This country has confronted crises before. And I am confident we can overcome the current crisis. Look at the wonderful outpouring of relief that occurred in the wake of the earthquake in Haiti. But we need to continue to focus and build upon our sense of community, our commitment to serving that community and sacrificing so that even the least among us may benefit and prosper. We need to remind our government officials that their responsibility is to serve the public and advance our national interests. And we need to put aside partisan bickering and self-indulgence, replacing them with a collective search for solutions to our national and global problems.

How can we accomplish this? I don't have any magic bullets. But we can start by contributing more time, energy and money to fine organizations such as the AJC and others represented here tonight. In all our dealings at home and when we travel, we can look for opportunities to serve, however modestly, as emissaries and put a human face on what America stands for. A year ago, my wife Priscilla and I were in Zambia and visited a little village with not much other than some mud huts and a well. But they had a school and the pride of the school was a

library that had been created through donations by foreigners, primarily Americans. Those donations, and the learning they enable, are the seeds of peace for tomorrow – capable of overcoming the influence of such organizations as Al Qaeda, Hezbollah and Hamas.

Finally, we must engage as citizens in the democratic process; making our voices heard over the cries of those who assert that government is the source of, not the solution to, our problems.

This may sound daunting indeed, but this is a great country still capable of great achievements.


In 1955, during the peak of the Cold War and the close of the McCarthy era, the American Jewish Committee presented Judge Learned Hand with its American Liberties Medallion. He titled his remarks on that occasion "A Fanfare for Prometheus," and addressed the question of whether a society can succeed based on civil liberties and human rights in the midst of tyranny and oppression. Prometheus, you will recall, was the Titan in Greek mythology who gave mankind fire, speech, science and medicine and then was punished for his actions by Jupiter, who bound him to a rock and caused a great eagle to eat away at his liver in perpetuity.


Judge Hand concluded his remarks with the epilogue from the poet Shelley's lyrical drama *Prometheus Unbound*, which upends the myth by dethroning Jupiter and liberating Prometheus as the symbol of free will, goodness, hope and idealism in the face of oppression. Shelley's epilogue reads:

To suffer woes which Hope thinks infinite;  
To forgive wrongs darker than death or night;  
To defy Power, which seems omnipotent;  
To love, and bear; to hope till Hope creates  
From its own wreck the thing it contemplates;  
Neither to change, nor falter, nor repent;  
This, like thy glory, Titan, is to be Good, great and joyous, beautiful and free;  
This is alone Life, Joy and Victory.

"To suffer woes which Hope thinks infinite." I can't think of better words to express these times, when our collective miseries seem endless, and, too often, there seems to be no hope in sight. But those words are soon followed by the lines: "To love, and bear; to hope till hope creates from its own wreck the thing it contemplates." How beautiful this language is, but more importantly, how beautiful is the concept it articulates. Today, as in any trying time, we have an urgent and collective responsibility to believe, and to act, as if we can ourselves affect that better world, as if we can create that which we dare to contemplate. After all, bad times are as old as history itself; but so too is that most human of qualities – hope.

Please email the speaker at [deakeley@lowenstein.com](mailto:deakeley@lowenstein.com) with questions about this article.





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