

These editorials, representative of hundreds published in newspapers throughout the United States, have been chosen for reproduction because their contents are adaptable for LAW DAY U. S. A. addresses.

To World Peace Through Law

Justice is spontaneous respect, mutually guaranteed, for human dignity, in whatever person it may be compromised and under whatever circumstances, and to whatever risk its defense may expose us.

—Proudhon

"Equal Justice Under Law" is chiseled in stone above the Supreme Court Building. It is a fitting motto, not only for the court, but for the whole American nation. For it is the Law which bred us, led us, and fed us.

Today is Law Day, the first in our history, so proclaimed by President Eisenhower. He did so at the urging of Charles Rhyne, the forty-five-year-old North Carolinian who is president of the American Bar Association. Ever since he took office last summer, in a London meeting where he dedicated the American bar's monument to Magna Carta on the historic field of Runnymede, Charles Rhyne has devoted his time to spreading a single concept: *world peace through world law.*

* * *

It is a noble concept. Man has groped, imperfectly, toward it from the beginning of time. It finds expression in the Decalogue of Moses. Leviticus tells us, "Ye shall have one manner of law, as well for the stranger as for one of your own country." Three centuries before Christ, Aristotle defined it in Athens: "The law is reason free from passion," Christ himself preached it in his Sermon on the Mount. Five centuries later the Romans spoke it in the Institutes of Justinian: "The precepts of the law are these: to live honorably, to injure no other man, to render to every man his due."

From this Judaic-Greco-Roman seed came the stirrings which expressed them-

selves at Runnymede when the English nobles forced King John to sign this pledge: "*No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed, nor will we go upon or send upon him, save by the lawful judgment of his peers or by the law of the land.*" Kings were tyrants long after that, but the flames of Runnymede spread; Sir Edward Coke could fling in the face of James I these words: "The king ought not to be under man, but under God and the law."

And when other lawyers came together in a New World, to proclaim a new nation conceived in liberty, they drew their propositions largely from Aristotle's "natural law" and from Blackstone's commentaries on the English common law. "I pray God these principles may be eternal," wrote Thomas Jefferson. And as the new nation emerged, a great Chief Justice, John Marshall, by the force of his decisions and his strength of mind, left a legacy of living law—of growing law, adaptable to vastly changed situations—which is still today our strength as it is our refuge.

* * *

Only as the whole world comes to accept a rule of law, and agree on its common principles, will there be hope for a lasting peace. The progress is slow; nevertheless it exists. The moral force of all humanity is a rising pressure for a rule of law.

Of course, the Soviet Union has a legal code of sorts, more honored in the breach than in the observance. Khrushchev in his famous speech against Stalin's crimes talked much about the "socialist legality" which he said Stalin violated by imprisoning and executing men without trial, by decrees which bypassed the

courts. No Communist has much respect for legal codes. And already Khrushchev is beginning to attack his political opponents in Stalinesque phrases; their lives or their freedom may soon be at hazard. All this flows from the two most glaring defects in Soviet law: 1) no provision for the election and legitimate succession of state rulers, which causes an inevitable and endless power struggle; and 2) no *habeas corpus* to provide universal protection against arrest and pun-

ishment without jury trial.

Our own law, and the Supreme Court itself, must fight off recurring attacks. Nevertheless, as in desegregation, we continue to move toward the ideal set by Solon long ago: "That city is the best to live in, in which those who are not wronged, no less than those who are wronged, exert themselves to punish the wrongdoers."

—*New York Herald-Tribune*

Law Day USA and Your Freedom

If there were no laws establishing individual liberty this editorial could not be written. The constitutional guarantee of freedom of speech and the press is not only the privilege of The Herald-Dispatch—it is your privilege under the law. Both you—and we—enjoy the right to express opinion, criticize in the public interest. And all because of the law.

The first major victory for freedom of the press came in 1735 when John Peter Zenger was ably defended by a Philadelphia lawyer named Alexander Hamilton. That victory had its basis in law.

The Cabell County Bar Association has called upon schools, churches, clubs and individuals to participate in the observance on May 1 of "Law Day USA." The day is being set aside to direct public attention to the role law has played in the development of America.

Although the observance will explore all facets of the law, Law Day USA is not so much concerned with the violation of a traffic ordinance or settlement of a damage suit in court, for example, as it is in the broad, basic concept of individual liberty under the law and the obligations and responsibilities to society that liberty carries.

This nation was founded upon the ideals of individual freedom, equal justice and opportunity for all. Laws are rules of civilized living which make possible an orderly society. Without law there would be only chaos and terror. There would be a reversion to barbarism.

The basic law in the United States

rests in our Constitution which has as its core the blessings of liberty.

The Constitution declares:

"Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

These are precious words. They establish ideals and freedoms denied to most of the world's peoples.

The Law Day USA observance is 10 days away. But its implications require earnest thought today. Many of society's ills may be traced to a breakdown in the law or utter disrespect for the law. The juvenile delinquent causes concern. Be his offense minor or grave it stems from his not learning to adjust his conduct to the standards of society under the law.

Now is the time for the school child to review the Constitution and the Bill of Rights. Now is the time for the clergyman and his parishioners to review the blessings of religious freedom. Now is the time for all to give pause to the meaning of the law.

We have a wonderful heritage. And we have it under the law.

The law gives us freedom. Freedom gives us obligation. We can't take the one without taking the other. Law Day USA gives us the opportunity to think most seriously on protecting both.

—*Huntington, W. Va. Herald-Dispatch*

Law Above Man

Democratic government is government by law. Communist government is government by men. That, reduced to its

essentials, is the difference between our way of life and that of Russia. It is, therefore, singularly appropriate that

May Day, the traditional day of Red celebration, has been set aside in this country as Law Day.

It's a lot harder to glamorize a law than it is to glamorize a man. Laws are by nature impersonal things. They are created by bodies of men who have been chosen by vote to represent all the citizens. They are by design expressions of the wishes of all these citizens as to how their affairs shall be regulated. They represent as nearly as possible what the majority of us feel and have felt in the past is the most just, wise and honorable way to regulate our society.

Law can't be personalized. Legislators on any level from the national Congress to the Court of Common Council may achieve popularity or abuse through campaigns to get certain measures on the books. But once a bill becomes law, it's bigger than and beyond the people who wrote it or voted for it. It's bigger than those in the executive arm of government, be it the President or the dog warden, who administer it. It's bigger than the enforcement officer, J. Edgar Hoover or

the town constable. It's bigger than the courts, from the Chief Justice in Washington to the part-time country justice of the peace.

Under communism a man—one man—is bigger than the law. His aims, his whims, his self-imposed need to stay in power are the final factors. He operates the system and changes it at will to suit his purposes; he does not operate under the system. He is above and beyond the law which works, in the last analysis, only to achieve his will. There is no law beyond the will of the dictator.

The guarantees of law, the assurance that all men are equal under the law, are the prime sources of the strength of the individual in a free society. In these days of contest with the Reds on many fronts this strength is being called upon as never before. Our celebration of Law Day is a reminder and a reinforcement of those strengths, upon which rest the hope and the confidence of the free world.

—*Meriden Journal, Meriden, Conn.*

A Day to Remember . . .

The insistence of the captured British commander that the letter of the law governing prisoners of war be respected in the Japanese construction camp is the absorbing theme that makes "The Bridge on the River Kwai" the remarkable story it is in both book and movie.

Despite the deplorable condition of his person and raiment, and his humiliation as an occupant of "the oven," his shining devotion to the Geneva mandates becomes the insignia by which he outranks his Japanese jailer in stature as a soldier and in prestige as a human being.

Respect for the law can command the same homage, however hidden, as faith in God. Either can evoke surface ridicule but nestled behind that facade of public derision there is bound to be a degree of silent admiration that borders on reverence. The law, properly administered, gives us some of our most precious possessions—freedom, protection, survival, a serene way of life, equality, justice. To keep the law is a minimum requirement. To honor it is an instinctive compulsion.

A Million Offenders This Year?

President Eisenhower has proclaimed May 1 as "Law Day U.S.A." and never

before have we seemed in more pressing need of renewing the vows of obedience to regulation and of recognizing those tenets by which men could dwell together in peace.

A Senate subcommittee reported that 1,300,000 juveniles came to the attention of police in 1956, the last year for which complete figures were then available. Juvenile courts heard 520,000 cases, an increase of 21% over 1955. The senators predicted that a million children would appear before the courts in 1965, assuming that the present trend continues.

The juvenile delinquent is a boy or girl with no respect for the law. They did not know it in their homes. They delighted in breaking it in school. They became heroes to their companions by their scorn for it in the streets. Of seven boys tried for the killing in a New York park of a teen-ager crippled by polio, six came from homes where the marriage law was unrecognized.

When the juvenile delinquent becomes an adult delinquent his cost to the community of lawful citizens becomes even greater and a huge bite of taxes goes to policing him, determining his punishment and providing board and keep for him in an institution. All this

could have been avoided by a greater effort to instill by example in the young citizen a simple respect for the law.

Lawlessness is responsible for a staggering percentage of American traffic slaughter, so costly in life and equipment. Drive a car within the legal limit on a 60-m.p.h. highway and nearly every other car on the road will pass you. Too numerous to total are those fatal accidents caused by impatient drivers ignoring no-passing zones. You have heard of parents cautioning children in the rear seat of a car to watch for traffic police while the parents break all the rules of the road. Then they wonder why the children break other laws, not nearly as important as those of the highway.

Safety of Old Laws Untenable

The international conference table is a place where quoting from the law has been drowned out by the rattling of sabers. The Russian evolves a new foreign policy from his new fire power that will hurl a satellite into space. Those who must live with him must match it or perish. Why? Because the law has

lost its prerogatives in guiding the affairs of men.

Ours is the era of the loophole, the relaxing and even the repeal of those legal guideposts that made this nation great and strong in its younger years. The moral law has been tailored to looser specifications, the civil law has been downgraded and international law replaced by the threat of nuclear horror. Most of our collective anxieties today stem from a fear that laws that once made us feel secure are no longer in effect or have been watered down to the level of impotence.

One recollection that may prove of value in the observance of Law Day next Thursday was the answer given long ago to the attorney when he asked the great dispenser of the basic laws what he must do to possess eternal life.

The reply, unmistakable in its meaning, thundering in its simplicity, and uncompromising in its intent, was:

What is written in the law?

—*Cleveland (O.) Plain Dealer*
(J. F. Saunders)

U. S. Law vs. Communism

For 171 years our government has served as an inspiration and a beacon light for oppressed peoples of the world who seek freedom, justice and equality.

The heart and sinew of this system is Law. It distinguishes our governmental form from those operated by the rule of force. The freedom and justice grounded in a just system of laws, protected by the courts are the keystones of America's strength and her principal claim to moral leadership in the world community.

This concept of government under law, the antithesis of communism, is proclaimed today as the nation celebrates "Law Day—U.S.A."

It comes at an hour in our history when world order is in peril, when even within our own boundaries a wave of rebellion against law and order seems rising, especially among our youth.

Whether it be a traffic violation, a scuffle at the bar, cheating a customer, or trying to steal a whole country, the end result of disrespect for human rights and law is chaos and trouble. Certainly not the foundation upon which to build a safe, progressive existence.

Laws are made not alone to curb the evil-doer, but to give reasonable regulation to the lives of all people. It is through this dual function of law that Americans enjoy liberty and the opportunities inherent in a free society.

The Passaic County Bar Association has taken a leading role in calling attention to "Law Day—U.S.A." and deserves special commendation for reminding the community that where law ceases to be, tyranny takes over.

In our county courts, in our schools, the day is being marked today with appropriate ceremonies.

No citizen is relegated to the sidelines in the fight to preserve law and order as our way of life. Each day we can strengthen our system in some way. By respecting and obeying all laws; by aiding public officials in the prevention of crime; by bearing witness against crime, and by serving on juries when we are called.

"Law Day—U.S.A." is not an experiment. It is the root of our very existence.

—*Paterson (N.J.) News*

Law in a Treehouse World

Last week, some small boys stood in a bunch on a sunny street corner of Cascade street. They surveyed a treehouse overhead, its platform snug in the tree's main crotch, some slats nailed haphazardly to the trunk providing access from the ground where they stood.

"All right, you guys," spoke one of the taller of the bunch, "now we gotta make some rules about who uses it, and stuff like that."

The boy has never heard of Hammurabi. In the 12th century, that Babylonian prince stood with his advisors and surveyed a vast metropolis, teeming with Semitic tribesmen who had built the great city on the Sumerian plain.

And he had said, in effect: "All right, you guys, now we gotta make some rules about who uses this place and stuff like that."

Hammurabi's code, carved in ancient characters on a Babylonian obelisk, was not a great deal more advanced than the laws the neighborhood boys have since set up for regulating the use of their treehouse.

But the code has grown, as the boys will grow. Their possessions will increase as will their relationships with their fellows in society. Somewhere along that line they'll discover, as the Romans did, the value of citizenship and that privileges must be protected by authority.

Their treehouse laws will no longer serve them when they deal with people who don't care about that house and don't even care about them, personally. They'll be deceived and disillusioned by older boys. They'll find, as the Romans did, that individual privilege is not enough.

They'll begin to build a body of rules, of generalizations about right and wrong, about fair and unfair advantage, about prudent behavior and careless activities.

And pretty soon they'll mature, just as the world's law matured under the countless ordinances, arguments and decisions of the English courts.

Now we stand on Law Day, 1958, protected, obligated to uphold, and generally ignorant of the common body of laws that regulate our society. From 12 BC to 1958 AD, mankind has amassed a system, admittedly imperfect, unfortunately complex and too often contradictory, that stands as the only real barrier between enlightenment and a treehouse civilization.

It is a credit to the legal profession, the Jewish priests, the Roman consuls, the Blackstones and the Darrows that they have managed to utilize their heritage of laws wisely on the one hand and add to its resources for the just redress of grievances for future generations, on the other hand.

Whether we will ever manage to extend law beyond its present national scope remains to be seen. Indeed, one of the milestones of the 1958 legal year was the decision of this nation to respect the legal maturity of a former enemy, Japan, in submitting the Girard case for Japanese trial.

Law, traditionally, rises from the society's need for new regulatory tools. In an atomic age, where nations now look up at the moon, like so many boys on a streetcorner eyeing their treehouse, the nations might well respond to the remark: "All right, you guys, now we gotta make some rules about who uses that place, and stuff like that."

The "stuff like that" might well turn out to be a whole new field of international law, the biggest step for world order since Moses brought the word down from the mountain's crest.

—*Hood River (Ore.) News*

Our American Heritage

a

Bill of Rights

PREAMBLE

The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

3. No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

5. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service, in time of War or public danger;

Provided in the Ten Original Amendments to
**THE CONSTITUTION OF THE
UNITED STATES**

Effective December 15, 1791

nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defense.

7. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common law.

8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

9. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

BIBLIOGRAPHY

- THE AMERICAN JURISPRUDENCE READER, *Thomas A. Cowan*, 1956, Oceana Publications, 80 Fourth Avenue, New York 3, N. Y.
- THE AMERICAN LEGAL SYSTEM, *Lewis Mayers*, 1955, Harper and Brothers, Publishers, 49 East 33rd Street, New York 16, N. Y.
- BILL OF RIGHTS, a speakers' manual containing addresses and articles, published by and available (free) from the Bill of Rights Commemoration Committee, 855 South Hill Street, Los Angeles 14, Calif.
- THE BRANDEIS READER, *Ervin Pollack, ed.*, 1956, Oceana Publications, 80 Fourth Avenue, New York 3, N. Y.
- EQUAL JUSTICE UNDER LAW, *Carroll C. Moreland*, 1957, Oceana Publications, 80 Fourth Avenue, New York 3, N. Y.
- GOVERNMENT UNDER LAW, *Arthur E. Sutherland, ed.*, 1956, Harvard University Press, 79 Garden Street, Cambridge 38, Mass.
- THE GROWTH OF AMERICAN LAW: THE LAW MAKERS, *James Willard Hurst*, 1950, Little, Brown and Company, 34 Beacon Street, Boston 6, Mass.
- THE HOLMES READER, *Julius J. Marke, ed.*, 1955, Oceana Publications, 80 Fourth Avenue, New York 3, N. Y.
- THE LAW AND THE FUTURE, *Earl Warren*, *Fortune*, November, 1955.
- THE LAW AND YOU, *Max Rodin*, 1948, New American Library, 501 Madison Avenue, New York 3, N. Y.
- THE LAWYER FROM ANTIQUITY TO MODERN TIMES, *Roscoe Pound*, 1953, West Publishing Company, 50 Kellogg Blvd., St. Paul 2, Minn.
- THE LAWYER'S TREASURY, *Eugene C. Gerhart, ed.*, 1956, Bobbs-Merrill Company, Inc., 730 North Meridian Street, Indianapolis 7, Ind.
- LEGAL EDUCATION IN THE UNITED STATES, *Albert J. Harno*, 1953, Bancroft-Whitney Company, 200-214 McAllister Street, San Francisco 1, Calif.
- THE MARSHALL READER, *Erwin C. Surrency, ed.*, 1955, Oceana Publications, 80 Fourth Avenue, New York 3, N. Y.
- SELECTED WRITINGS OF BENJAMIN NATHAN CARDOZO, 1947, Fallon Publications, 296 Broadway, New York, N. Y.