

LAW DAY U.S.A.

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SPEAKERS' MANUAL

For participants
in ceremonies and programs to
commemorate Law Day, May 1.

Published by the
AMERICAN BAR ASSOCIATION

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ORDERS FOR THE SPEAKERS' MANUAL

Single copies of the Speakers' Manual are being provided without charge to bar associations, and to individual Law Day speakers, upon request. Additional copies will be furnished to bar associations at actual cost, 20 cents per copy, while the supply lasts. Address orders to: American Bar Association, Law Day U.S.A. Observance, 1155 East 60th St., Chicago 37, Illinois.

INTRODUCTION

THIS MANUAL has been prepared to assist members of the legal profession and other speakers participating in programs and ceremonies in observance of LAW DAY U. S. A. on May 1.

Reproduced here are substantial portions of addresses on LAW DAY themes, as well as documentary materials and factual data adaptable for talks before various types of audiences. The manual is intended to be a source of information and ideas which individual speakers may draw upon as they choose. Any of the addresses and other materials in the manual may be utilized in whole or in part, or quoted, as the individual LAW DAY speaker elects.

An effort has been made to provide speech material suitable for public meetings, programs before civic and service clubs, school assemblies, court ceremonies and naturalization proceedings.

The Speakers' Manual is being made available to state and local bar associations as a further contribution by the American Bar Association to the furtherance of the LAW DAY U. S. A. observance. Upon request, single copies will be supplied to individual speakers. Larger numbers of copies will be supplied at actual cost.

Requests for copies of the Speakers' Manual should be addressed to:

AMERICAN BAR ASSOCIATION
Law Day U. S. A. Observance
1155 East 60th St.
Chicago 37, Illinois

Proclamation

By the President of the United States of America

WHEREAS, a free people can assure the blessings of liberty for themselves only if they recognize the necessity that the rule of law shall be supreme, and that all men shall be equal before the law; and

WHEREAS, this nation was conceived by our forefathers as a nation of free men enjoying ordered liberty under law and the supremacy of the law is essential to the existence of the nation; and

WHEREAS, appreciation of the importance of law in the daily lives of our citizens is a source of national strength which contributes to public understanding of the necessity for the rule of law and the protection of the rights of the individual citizen; and

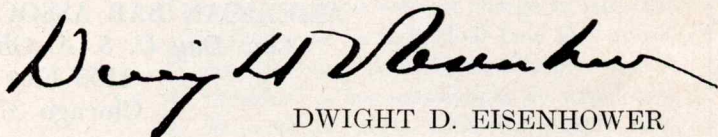
WHEREAS, by directing the attention of the world to the liberty under law which we enjoy and the accomplishments of our system of free enterprise we emphasize the contrast between our freedom and the tyranny which enslaves the people of one-third of the world today; and

WHEREAS, in paying tribute to the rule of law between men, we contribute to the elevation of the rule of law and its application to the solution of controversies between nations;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Friday, May 1, 1959, as Law Day in the United States of America. I urge the people of the United States to observe Law Day with appropriate public ceremonies and by the reaffirmance of their dedication to our form of government and the supremacy of law in our lives. I especially urge the legal profession, the schools and educational institutions, and all media of public information to take the lead in sponsoring and participating in appropriate observances throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of December in the Year of our Lord Nineteen Hundred and Fifty-eight, and of the Independence of the United States of America the One Hundred and Eighty-second.



DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State

The White House

FACTS IN BRIEF

About Law Day U. S. A.

ORIGIN—By proclamation of the President of the United States, **LAW DAY U. S. A.** will be observed throughout the nation on May 1, 1959. (See Presidential proclamation, Page 2.)

PURPOSES—To foster respect for law; to increase public understanding of the place of law in American life; to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

PARTICIPATION—As requested by the President, bar associations are cooperating with organizations of all kinds, and with the schools and churches, in arranging special programs and observances. The American Heritage Foundation has joined with the American Bar Association in furthering the objectives of Law Day, and heads of many national organizations have endorsed the observance. They include the National Education Association, the National Congress of Parents and Teachers, the American Federation of Women's Clubs, the National Conference of Bar Presidents, the Association of American Law Schools, the Governors' Conference and the United States Conference of Mayors.

SCOPE—When the first nationwide **LAW DAY U. S. A.** was observed May 1, 1958, more than 20,000 programs were held in communities in every state. An even broader participation is expected in 1959. The press, radio and television industries are extensively supporting the observance.

MATERIALS—In addition to the Speakers' Manual, the American Bar Association has published an "Information and Program Manual" for **LAW DAY U. S. A.**, for the guidance of participating organizations. Informational materials also will be supplied to the media of public information.

Invocation

Although it was not prepared specifically for a LAW DAY occasion, this invocation is reproduced here because it is adaptable for such programs. It was delivered on the occasion of the groundbreaking for the University of Chicago law school building by Dean Walter L. Harrelson of the U. of C. Divinity School.

ALMIGHTY GOD, creator and sustainer of all life, without whose blessing and sufferance no human work can long prosper, we praise Thee for that which we have begun in this place and time.

We thank Thee for the sense of justice which Thou hast implanted within mankind and for the readiness of men and communities to uphold and preserve a just order.

We thank Thee for the dedication and vision of leaders in this community which have led to this new undertaking, for teachers and students committed to justice and human dignity, and for the noble heritage upon which this new venture is built.

We pray, O God, for Thy guidance and direction in all our labors. May freedom under the law continue to flourish among us. May the men and women who go forth from this place to their responsibilities be continually aware that Thou art a God of justice who dost see to the right, maintaining Thy Rule and overthrowing all powers in opposition to it.

Help us, O God, to be faithful to the whole legal tradition which lies behind our understanding of law and justice in our day; to be ready to deal with this tradition with critical insight and boldness; and to be courageous in the battle for that proper balance between freedom and order, apart from which we can not live and flourish in accordance with Thy Will.

Unless the Lord builds the house, those who build
it labor in vain.

Unless the Lord watches over the city, the watch-
man stays awake in vain.

Amen.

Addresses reproduced on this and following pages have been chosen both for content and suitability for types of audiences indicated. For the most part they were prepared for the first nationwide Law Day U. S. A. on May 1, 1958. Authors or sources are given, where known.

REPRESENTATIVE ADDRESSES FOR LAW DAY U. S. A.

Public Meetings or Service Clubs

THE ORIGINS AND ENDS OF THE LAW

*An address by Justice George Rossman of the Oregon
Supreme Court*

LAW IS SO MUCH A PART OF LIFE that most of us never inquire as to its origin or what would happen if all law suddenly vanished. Although we are wont to fret at times over some law, such as the statutes which impose taxes or regulate the operation of our autos, yet we view the great body of law as benign in character and recognize it as the protector of our rights.

Man has always sought law, or, better stated, he has yearned for justice and sought law as the means of securing justice. An illustration or two will be helpful. After the Hebrew people had escaped from bondage in Egypt they entered the wilderness of Sinai where they wandered about with no law except the primitive rules which early man employed. After three years Jehovah summoned Moses to the slopes of Mt. Sinai and there delivered to him the tablets upon which there were inscribed the laws for the gov-

ernment of the Jewish people. We call the law that thus originated the Mosaic Law. Something of the same character, but upon a smaller scale, occurred here in Oregon in 1851. At that time in the vast area which was called Oregon there lived only 250 white settlers. The area was composed of all the domain which is today Washington, Idaho, Oregon and parts of Montana. In February of 1841 one of the settlers, Ewing Young, died. He was deemed the wealthiest of all the settlers. He had taken possession of a choice body of land and had a sawmill. In addition, he had a large herd of livestock, and at that time livestock was deemed a very desirable possession. When Ewing Young had passed on, the remaining settlers were confronted with the difficult problem as to the disposition which should be made of the departed settler's possessions. There was no law south of the Columbia. In that area there were no governmental officials nor any means of inaugurating a law. And, obviously, there was no state to which Ewing Young's possessions could escheat. If everyone could help himself to Young's possessions, an era of lawlessness would be inaugurated which would endanger the property of all the other settlers. February 17, 1841, the final obsequies were conducted over Young's remains and then the settlers lingered for a few minutes discussing the problem which confronted them. The next day, February 18, 1841, they met again and this time elected one of their members, Dr. Ira L. Babcock, to the position which they termed Supreme Judge with Probate Powers. By resolution the settlers authorized Dr. Babcock to administer upon the estate of Ewing Young. He appointed the Reverend David Leslie administrator. In that way law and order were inaugurated. The estate was administered. The appointment of the Reverend David Leslie was the first judicial act that was performed in Oregon.

Relationship of Religion and Law

We see from the illustrations to which I have just resorted the close relationship which exists between religion and law. After people have looked up to a Supreme Being and have thereby been moved to higher endeavors, they seek justice and feel the need of law as the means of obtaining justice.

Early man did not believe that his rights came from his law, but regarded law as the protector of his rights.

Religion did not suffice to unite the people. Law is the mortar which unites men into a social order. Without law men could not become united for the maintenance of order, peace, security and

justice. Without law no one would be safe in his person or in the enjoyment of his property.

Before law was created justice was a matter of self-help and was the province of only the strongest. Since justice was a matter of self-help, vengeance was the universal remedy. If the victim could not inflict vengeance upon the purported wrongdoer, he struck down a member of the wrongdoer's family or tribe. As a result of the resulting lawlessness, feuds and tribal warfare often occurred.

With the coming of enlightenment, vengeance was swept away and law was looked to as the means of administering justice.

Law is not a set of rules unrelated to other phases of the social order. It is not a science separate and apart from all others. It is in truth a part of the great social sciences which enable people to live together without undue stress, friction and inconvenience. It is mankind's means of enabling all to enjoy, in the terms of the Declaration of Independence, life, liberty and the pursuit of happiness. Without that phase of the social compact, the Declaration of Independence would be meaningless.

Law Protects Individual Rights

If law were all that mankind would like it to be, a lawsuit would be a social phenomenon. People would live together in undisputed peace and harmony. But human beings being what they are, we must accept some lawsuits for they are the medium whereby law is fitted to the individual, like a tailor fits the garment to his customer.

Mark Twain once said, "He is a human being. That is the best and the worst that can be said of anyone." And it is with human beings and their conduct that the law and the courts are concerned.

Law, generally, does not create rights. Normally, its purpose is to protect the people in the enjoyment of their rights. You recall the words of the second paragraph of our Declaration of Independence, which says: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness; * * *." We should pause there and take note of the fact that the Declaration of Independence does not say that man is endowed by the Constitution, or Congress, or the President with the unalienable rights, but recognizes that they come from their Creator. And, as we have seen, that among

the rights with which we are endowed by our Creator are life, liberty and the pursuit of happiness.

Early Concept of Law's Origin

In the beginning no one believed that man could make law. All assumed that the origin of law was in the supernatural powers. We have already taken note of the fact that Jehovah summoned Moses to Mt. Sinai and there gave to him the law for the government of the Jewish people. In Mesopotamia a diorite pillar stands upon which was inscribed, five thousand years ago, Hammurabi's Code. Above the Code is a representation of Hammurabi receiving the Code from the seated sun god. Thus showing the origin of that oldest body of law of which we have knowledge from a divine source.

As long as man believed that God made our laws, he had no need for constitutional law. Constitutional law is not intended to protect man against God. The purpose of constitutional law is to protect the citizen against the excesses of the government and of the majorities.

When Parliament slowly emerged and gradually gained power, people began to believe that man could make laws. Thereupon they began to infer that the source of law is in reason. When reason was accepted as the fountainhead of the law, people manifested a desire for protection against the frailty of reason and the unbridled excesses of the majority. Constitutional law and bills of rights were the answer to the people's prayers for protection. Both constitutional law and the bill of rights assumed their finest form in America.

Meaning of Judicial Supremacy

Our courts in America are the only ones that have the power to declare a statute unconstitutional. The principle of jurisprudence under which that is done is known as the doctrine of judicial supremacy. That doctrine is the greatest device perfected by government whereby every lawmaker, sheriff, mayor and other official is held within the authority conferred upon him by law. It assures us of a government by law and not by man. It is a sure means of thwarting the ambitions of every would-be dictator.

Gladstone declared that the American Constitution is the most wonderful work that was ever struck off at a given time by the brain and purpose of man. As a matter of fact, the American Con-

stitution was not produced during the four months of 1787 while the Constitutional Convention was in session in Philadelphia. Magna Charta, the Petition of Rights, Montesquieu's Spirit of Law, Sir Edward Coke's Institutes, and Colonel John Lilburn's conflicts with the star chamber tribunal, as well as scores of other instances hammered out our constitutional provisions over the centuries on the anvil of history. The Constitutional Convention merely reduced those principles to writing. Our Constitution represents the wisdom of the centuries, yes of the ages.

Scope of Constitutional Freedom

The fact that our Constitution gives to each of us the greatest freedom to make the most of his talents that mankind has ever possessed accounts in large degree for the strength of America.

Our government guarantees to all of us freedom to speak and write without governmental censure. Freedom to discover the truth, freedom to engage in enterprise and freedom to go about our daily pursuits without governmental interference. In short, each of us possesses that invaluable right known as freedom of enterprise. By freedom of enterprise I do not mean merely freedom to build a factory or to engage in some other form of industrial enterprise. By freedom of enterprise I mean the right of the American to engage in any lawful pursuit which he wishes, whether it consists of founding a new religious cult, a new school of thought, the writing of a book or the creating of a new political party. We must always bear in mind that freedom to discover the truth and freedom of enterprise have made their great contributions to the progress of America.

America has become great, not on account of anything which our government has built or made, but in large part on account of the supreme productive capacity of the American citizen assured to him by our laws.

This, then, is a part of our heritage. Before we pass on our heritage to our sons we should enrich it. Bygone generations substituted law for vengeance as the means of administering justice in controversies between man and man. We of this generation should see to it that law and not vengeance becomes the means of settling issues between nations. That would be a gift of inestimable value to future generations. The gift would be worthy of us.

EVERY DAY SHOULD BE LAW DAY

(An address by David Sarnoff, New York, Chairman of the American Heritage Foundation and Chairman of the Board of the Radio Corporation of America.)

FROM THE EARLIEST TIMES, the first of May has marked the festival of spring, when the world awakens from its winter hibernation. Traditionally it has been a time of rejoicing in the bounty and the beauty that flow to us mortals through the wondrous laws of nature.

It is eminently appropriate therefore that this day has been chosen to mark our appreciation of the laws of man. For me it is a distinct privilege to join with the legal profession in reaffirming our faith in the American heritage of equality under law, as it has been preserved and fortified for us throughout the years of our Country's life.

I am confident that I express the sentiments of all laymen in our community on this occasion when I say, that in our hearts we are grateful for the safety, in our private and business lives, guaranteed by the American legal system. But it is well that we pause, at least once a year, to give public expression to these feelings.

On the portals of this building we can read the ringing inscription: "The true administration of justice is the firmest pillar of good government." These words were spoken by George Washington, and their wisdom has been confirmed by all the American generations since his time. They set a standard of conduct to which we are deeply committed by our dedication to freedom.

No True Freedom Without Law

For it is apparent to the least perceptive among us that there can be no true freedom without the safeguards of law. Chief Justice Earl Warren summed it up well when he wrote that "our legal system is woven around the freedom and the dignity of the individual."

The genius of our philosophy of law, indeed, is in its profound concern with the individual—his rights, his duties, his dignity, his equality. We tend to accept this fact as natural and to take it for granted. Yet it is the essence of our way of life. It stands in contrast with other systems, past and present, in which the main concern of law is the protection of a state or government or dynasty. It stands in contrast, especially, with the totalitarian view of the human being as expendable raw stuff for the building of a material order.

No one claims that law, in any society, is always and automatically synonymous with justice. Being a human institution, it is subject to the errors and confusions inherent in all mortal affairs. But we can say with assurance and with pride that in our country equal justice under law is the universally accepted ideal, and that this ideal has come closer to realization in our America than in all but a few other countries.

Fear Rules Where Law Ends

For nearly a billion people on this planet, those living under the yoke of communism, the sight of a courthouse stirs fear and hopelessness. It evokes dread visions of torture chambers and concentration camps. They are condemned to live by edicts or the whims of despots, and not by the rules of law.

But in America the courthouse is a symbol of a free judiciary. Here every litigant and lawyer may look any judge squarely in the eye, knowing that he can expect—and, if necessary, demand—fair treatment not as a favor but as an inalienable right. The man in the street, passing a courthouse, is confident that inside its doors his dignity as an individual will be respected and his equality of rights protected. Our form of government would not long survive if the people did not deep down have a basic trust in the law and its equitable administration.

The bedrock that supports this courthouse lies deep under the busy streets of our great metropolis. Within a few blocks it reaches into financial, industrial, commercial and residential districts. To realize their potentials of service, the judges and lawyers who work here must feel the currents that flow from these variegated worlds.

The problems of the pulsing life of skyscrapers, stores, factories, offices, homes and streets are the stuff of which litigation is made. The task of the legal profession is to resolve the tensions of con-

flicting interest, to protect those too small—and sometimes those too big—to protect themselves.

Law the Product of Centuries

Our law is not a haphazard or arbitrary thing. It is the result of organic growth through centuries, and that has meant a continuous adjustment to changing conditions. But the moral principles on which our system of justice is based are eternal. No man-made moon or death-dealing missile can affect the validity of the Ten Commandments, the Bill of Rights, the Magna Charta and other repositories of the ethical wisdom and moral insights embodied in law and legal processes.

Whatever faults there may be in its detail, the law is a magnificent edifice in the aggregate. It constitutes the very framework of our civilization. Today, that civilization faces the challenge of a powerful and dynamic ideology that has only contempt for justice, and that substitutes for law the shifting will of a handful of rulers.

Understanding and defense of our courts have, therefore, become the duty not alone of those professionally involved with them, but of every layman as well. Because a doctrine of lawlessness threatens the most precious values of mankind, our legal system can no longer be taken for granted. It must be recognized and reinforced as the symbol and substance of all that is at stake in the historic struggle between freedom and slavery on this planet.

There is a classic remark attributed to the ancient Greek lawgiver, Solon. Asked how justice could be made secure in Athens, Solon replied: "If those who are not injured feel as indignant as those who are." That truth is especially meaningful in a highly interdependent society like ours, where hardships and inequities visited upon anyone must in the long run hurt everyone.

Every American's Stake in Law

That every American has a stake in the law should be self-evident. It therefore behooves laymen, as well as professionals, to do what they can to improve the administration of justice. And the average citizen can do a great deal in that connection.

There is, for instance, a pressing need for more judges in many jurisdictions, in order to speed up the processes of jurisprudence. The familiar statement that "justice delayed is justice denied" has lost none of its pertinence. Certainly most judges should be pro-

vided with more adequate personnel and other types of assistance. Too many of them lack the kind of professional, clerical and mechanical support that would be supplied, as a matter of course, to a business executive having comparable responsibilities.

Much of the litigation reaching the courts in this scientific and technological age involves complex technical data. Why should not judges have access to a pool of specialists to help them through the mazes in some of these cases?

Urges Better Court Facilities

Also, the physical facilities of our courts must be enlarged and improved. The crowded courthouse, the antiquated courthouse, the musty atmosphere of some judicial chambers, accord neither with the dignity nor the efficiency of the administration of justice. Proper housing for the Goddess of Justice is important to judges, jurymen, litigants, witnesses and the public.

Every public-spirited layman should urge favorable and speedy action upon his law-makers on bills dealing with these clear-cut needs. We laymen are in a position to help create the climate of public opinion that will produce legislative action where such action is needed. Above all, our obligation and our opportunity is to promote a more conscious appreciation of the law as the primary bulwark of all other institutions of freedom.

On Red Square in Moscow today, and in cities throughout the Communist world, May Day is being celebrated in a quite different spirit. There, regimented millions are parading before small groups of self-appointed and self-perpetuating dictators whose words and whims are the law of the land. Our celebration here, and dozens like it in other American cities, admittedly are not as spectacular.

Despots have always been able to put on flamboyant shows in glorification of their own power. But when the tale is told, in the perspective of history, our unspectacular dedication to moral principles, to the rights of man, must and will prevail.

Let us, my fellow-citizens, make every day a Law Day.

*School Assemblies
or Youth Meetings*

RESPECT FOR LAW IS IMPERATIVE

Excerpts from an address by J. Edgar Hoover, Director, Federal Bureau of Investigation.

AT NO OTHER TIME IN HISTORY has it been more imperative to establish order and peace in the world than it is today. Man always has possessed the capacity to destroy the world. He has the responsibility to formulate, interpret, and enforce laws not only to shape the future of mankind, but also to insure his preservation.

The future of the human race was never more in jeopardy than it is today. A powerful, lawless conspiracy—world communism—remains a constant and serious menace to not only the international rules of law but to civilization itself. . . .

The Communist Party in the United States attempts to foster the myth that it is a legitimate political party operating completely independent of foreign control. Nothing could be further from the truth, despite the naive declarations and beliefs of some Americans. Statements and actions by leaders of the party within the past year leave no doubt that American communists are an integral part of the international communist conspiracy which was born in tyranny and which has been nurtured by tyranny.

* * *

Next to subversion itself, the greatest danger this country can face is an attitude by its people and officials that our way of life is so well established that nothing need be done to protect it. The doctrine of “unassailable” institutions induces a dangerous apathy. We cannot afford to accept it.

Are we prepared to meet the threat which the lawless force of world communism presents to the future of mankind? To be prepared, our Nation must be as representative of law and order as world communism is of lawlessness and disorder. But, at the very

time that it is most imperative for us to evidence a mounting respect for law and order, we are forced to concede an ever-growing national disregard for it. . . .

* * *

Despite remarkable progress in the science of crime detection and the best efforts of law enforcement, the crime problem in our country continues to grow at an alarming rate. In the postwar years, crime has grown steadily from 1,685,000 major offenses in 1946 to an all-time record of nearly 2,800,000 in 1957. Since 1950, crime has increased four times as fast as our spiraling population.

Each year, our Nation pays a shocking ransom to the underworld. The estimated annual cost of crime now totals a staggering 22 billions of dollars, or \$128 for every man, woman, and child in the United States. Even though there have been vast increases in our expenditures for education to meet our growing needs, the amounts spent are more than matched by the cost of crime. Crime costs \$1.11 each year for every \$1.00 spent on education. For every dollar we contribute to churches, crime costs us \$12.

Increase in Juvenile Crime

My concern over the increase in total crime and the toll in dollar costs is matched by my concern over the disturbing growth of juvenile crime. In 1957, persons under 18 years of age represented 53 per cent of all arrests reported for robbery, auto theft, burglary and larceny.

The greatest participation of youths under 18 was in connection with auto thefts, where they represented 67.6 per cent of all arrests. Auto theft has proved to be a training ground for more serious crimes. With rare exceptions, the most vicious hoodlums in America today began their careers as car thieves.

Figures from city police reports show that since 1952 the population group under 18 years of age has increased 22 per cent, while arrests of persons under 18 have increased 55 per cent. This is graphic evidence that this major problem is no longer one of youthful offenders, but rather one of young criminals. . . .

* * *

Tyranny and terror were not meant to be the governing factors in man's existence. Rule by these methods is sustained by fear and by a misunderstanding of the real meaning and purpose of law in a society. We can combat tyranny and terror by creating a deeper

understanding of, a greater willingness to abide by, and a firmer confidence in the law. A greater understanding of the law derives from the individual's full knowledge of both his rights and his obligations under the law as a member of an orderly society.

The right of individual freedom, as all other rights, imposes definite obligations, not only on the individual but also on society. The founders of our Nation recognized this dual responsibility and visualized law as performing a dual function. In establishing our Nation, they drew upon law to create the form of government under which our Nation has grown and prospered. At the same time, they looked to law as the guardian of the rights of the individual against infringement by the government which they established. Through the Bill of Rights, they insured the individual citizen against abuses by his government. This emphasis on the rights of the individual provides a dramatic contrast between our government and all totalitarian regimes.

Citizens' Duties in Enforcement

The rights which we all enjoy place numerous responsibilities on each of us. Above all, we must protect and defend the priceless heritage of freedom wrested from the subjugations of the past. We must exercise our individual rights as the most effective way of insuring that they will be preserved for future generations. We must respect the limitations placed by law on our individual liberties in order to guarantee the rights of all individuals and those of society. We must obey both the spirit and the letter of the law.

The citizen has the affirmative obligation to furnish information concerning violations of law and to be a willing witness. Often, officials must forego prosecution against the criminal offender because the citizen is unwilling to discharge this vital responsibility.

An equally vital responsibility for the citizen in the administration of justice involves the privilege of jury service. Reluctance to assume the obligations of citizenship often has thwarted the ends of justice. The layman is afforded an opportunity to directly participate in the law enforcement processes of government. Under our system of jurisprudence, the jury accepts the rules of law set forth in the instructions by the court and determines the questions of fact within this framework. This is both a serious responsibility and an opportunity to render valuable service. The

citizen who avoids jury service deprives himself of one of the most precious privileges of citizenship.

Freedom of speech and freedom of the press are basic liberties guaranteed by the Bill of Rights. Yet, these freedoms of expression are not unconditional. They must be exercised within the limits of common decency, with respect for the rights of others and with due regard for the general public safety. Failure to observe these conditions results in the perversion of our fundamental rights to freedom of expression. . . .

* * *

Nowhere is the problem of maintaining a balance between the the rights of society and those of the individual faced in a more practical fashion than in the field of day-to-day law enforcement. Society must be protected from the criminal. Yet, the rights of the accused must be observed. Police power must be exercised for the benefit of society. But it must not encroach on the rights of the individual. Moreover, the protection of the innocent is as fundamental a principle of our legal system as is the apprehension of the wrongdoer.

Dual Responsibility of Law Enforcement

Thus, law enforcement has a dual responsibility. It has a sacred trust to enforce the law impartially while meticulously observing the rights of citizens.

The division of responsibility among numerous law enforcement agencies through delegation of specific jurisdiction stems from a fundamental constitutional concept. Under our constitutional division of powers, approximately 90 per cent of crimes committed are within the investigative jurisdiction of local and state law enforcement. This constitutional concept has proved most effective in preventing the rise of any one agency into anything resembling a national police force. Moreover, it has focused individual responsibility where it belongs—at the local level.

The abdication of local community responsibility can lead only to disrespect for law and order. The local administration of justice accurately reflects the moral fibre of any community. Crime is essentially a local problem with local solutions.

* * *

Freedom under law cannot be maintained without the ultimate safeguards provided by the courts. It also cannot be maintained