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Free Legal Aid to Service Men

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"They not only kindled the flame of the Revolution but they translated the Revolution into institutions under the forms of law with a passionate devotion to liberty and a skill and statesmanlike grasp which has excited the wonder and admiration of the historian."

Perhaps the finest tribute ever paid the American bar is that contained in Edmund Burke's speech, "Conciliation with America." In explaining the extraordinary advance with the colonies had made during the eighteenth century, he said.

"Permit me, sir, to add another circumstance in our colonies, which contributes no mean part toward the growth and effect of this untractable spirit—I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science * * *. This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance. Here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and sniff the approach of tyranny in every tainted breeze."

It is today the destiny of the American people to fight for liberty and democracy not on a national, but on a world-wide scale. American lawyers will serve in many ways as this great enterprise unfolds, but none of the services they render will prove more important in the end than their historic function of maintaining the best in our tradition and translating the desire for freedom into positive programs consistent with national ideals.

*Reprinted by permission from *THE SHINGLE* for May, 1943.

†Attorney General of the United States.

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FREE LEGAL AID TO SERVICE MEN

Last fall President O. B. Herigstad appointed a committee on Coordination and Direction of War Effort and National Defense consisting of former Congressman O. B. Burtness of Grand Forks, chairman; Mack V. Traynor of Devils Lake, Nels Johnson, Towner; H. S. Halvorson, Minot; H. G. Nilles, Fargo; John Sad, Valley City and Wm. G. Owens, Williston. On March 16th of this year the War Department issued circular 74 in which O. B. Burtness was cited as chairman on war work for North Dakota and this circular 74 is being used by the various legal assistance offices set up by the army at the many places where our service men are stationed. Now because of the large amount of free legal assistance given our service men,

it was decided to have an attorney in each county of the state to give aid to residents of each county in the service of their county.

Under the able leadership of President O. B. Herigstad and Chairmen Burtness this organization has been completed. And while this will make a demand on the time of such attorneys, the high purpose of the work justifies the sacrifice of the required time and necessary work. Nor do I feel that the members of this committee are alone in their willingness to help but rather that every member of the bar in North Dakota stands ready to do a share of this work, and as many allready have done. And the assurance to our men in service that we stand ready to help them in their legal problems without charge can but make them better appreciate this willingness.

BOOKS FOR SALE

A member of our association has an extra set of Mason's U. S. Code with all supplements and phamplets issued to date. If interested write Sec'y.

OUR SUPREME COURT HOLDS

In State of North Dakota, Pltf. and Respt., vs. Walter Schmidt, also known as Waldemar Schmidt, Deft. and Applt.

That for reasons stated in the opinion it is held that the information filed in this case sets forth facts sufficient to constitute embezzlement under section 9930, C. L. 1913.

That it is incumbent upon one who assails the constitutionality of a statute to point out the specific provision of the constitution which is violated.

That the Fifth Amendment to the Constitution of the United States is a limitation only upon the power of the Federal Government; it does not apply to the states.

That a defendant in a criminal action who voluntarily takes the stand as a witness in his ofn behalf is subject to the same rules of cross-examination as any other witness, and he may be examined as to any matter or subject concerning which he testified on his direct examination, which affects his credibility as a witness.

That ordinarily, the admission on cross-examination of the defendant in a criminal action, over timely and appropriate objection on his part of irrelevant testimony tending to prejudice the defendant in the eyes of the jury constitutes prejudicial error.

That for reasons stated in the opinion, it is held that cross-examination of the defendant in this case was improper, and constituted prejudicial error.

That for reasons stated in the opinion it is held that certain instructions to the jury operated to eliminate from the jury's consideration the defense that the defendant in making certain disbursements as county treasurer acted in good faith belief that he was authorized to make such disbursements, that such disbursements constituted a proper use of such funds, and that the persons to whom the payments were made had a legal right to receive them; and that such instructions operated to the prejudice of the substantial rights of the defendant.