



1939

Law - On Order

North Dakota State Bar Association

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BAR BRIEFS

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—BY—

STATE BAR ASSOCIATION OF NORTH DAKOTA

M. L. McBride, Editor

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LAW — ON ORDER

The Walter-Logan bill may come up for a vote again in the U. S. Senate — and why again? Because it passed unanimously last year, then Barkley and Minton asked for a reconsideration of the vote and the bill was dead for that session.

The administration doesn't want this measure passed or Barkley and Minton wouldn't be against it. They are the "Yes" men of the administration in the Senate.

This bill allows a citizen who is not satisfied with a rule or order or finding of an administrative officer or board, because it is without legal authority, to have a judicial review. He would then have the courts between him and the administrators—who have been, and likely will be again—arbitrary.

That's an old principle of law against which there has never been much honest argument. It has always been deemed the inalienable right of any citizen in such a dispute to appeal to the courts.

But the new bureaucracy doesn't like it and announces a doctrine that is natural to dictatorship—that litigation ties their hands and delays action. Whether a bureaucracy—a headstrong one—is right or wrong; it is always in a hurry and has no time to listen to arguments on legal rights of citizens, when it issues orders. This country has never been in such a hurry that

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a citizen didn't have the right to take his appeal to a Court of Justice.

Many illustrations of the need for such a law are found in the administration of the Wagner-Labor Act,—undoubtedly the President hopes to improve that by his new appointment to the Board, but that simply accentuates the fact that the question is still one of men and not of law. The passage of this act would protect the citizen—men may change, but the guaranty of justice does not. Its defeat means a surrender of principles upon which this country was founded. Every Man is entitled to his day in Court—before a regular judicial tribunal.

Sec.

CUSTOMS AND COMMERCE COMMITTEES

Chicago, Illinois — Membership of the Committee on Commerce and the Committee of Customs Law of the American Bar Association was announced today by Jacob M. Lashly, of St. Louis, Missouri, President of the Association.

The Committee on Commerce is headed by Oscar C. Hull, Chairman, of Detroit, Michigan, and the other members are Thurlow M. Gordon and George S. Leisure, of New York; Nathan William MacChesney of Chicago; and Jesse R. Smith of Washington, D. C.

The Customs Committee is: Albert MacC. Barnes of New York City, Chairman; Frederick W. Dallinger and Thomas M. Lane of New York City; Joseph R. Jackson of Washington; and George R. Tuttle of San Francisco.

The Committee on Commerce studies existing and proposed Federal and State laws pertaining to or affecting interstate or foreign commerce. The second committee has in its charge consideration of legislation affecting customs.

NOTICE TO MEMBERS

Individual nominations for a member of Bar Board to be elected in December can be filed with your secretary not later than December 10th. Petitions must be signed by not less than ten members.

LAW BOOKS

Have an inquiry from a member who wants to purchase Volumes 134 to 200 inclusive of the Pacific Reporter. Advise the Editor.

CONSTITUTIONAL LAW

Constitutional Law — Presumption and Construction in Favor of Constitutionality — Distribution of Governmental Powers