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They Shoot Both Barrels

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THEY SHOOT BOTH BARRELS

A favorite sport of the political spell binder is that of word-picturing the Supreme Court as a bludgeoning bully who continually interferes with the efforts of well-meaning legislators by declaring laws unconstitutional.

Just a few weeks ago, however, we saw several editorials in newspapers denouncing the Supreme Court of Minnesota for upholding the constitutionality of the so-called "gag-law."

In other words, the members of the Judiciary are going to be damned, whether they do or whether they don't.

And it all comes about by reason of the lack of understanding concerning the functions of the Judiciary; and right here we very humbly suggest that the high standing, official and private, of some of the critics makes one wonder if some of this lack of understanding isn't wilfull.

Assuming that it is really a case of honest intellectual insolvency in most instances, we desire to point out (and how frequently it has been done before!) that it is not the province of the courts to determine the wisdom or expediency of legislation. It is their province, only, to decide whether the legislature (or Congress) had authority, under the Constitution, to pass it.

It is true, of course, that questions of wisdom and expediency may be interwoven, and rather closely, with the question of authority, but that doesn't change the situation. So be fair, Mr. Editor and Mr. Spellbinder, when you make your criticisms.