



1928

## The President's Page

John H. Lewis

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## THE PRESIDENT'S PAGE

The following excerpts are from the address of President John H. Lewis at Valley City, September 4th:

"We cannot have a reasonable degree of law enforcement in a democracy unless we have the spirit of the people behind the laws; we cannot have a reasonable degree of law enforcement unless we have a reasonable degree of voluntary law observance. And that we cannot have if we insist on having too many laws. Because in its nature law must be fixed and iron-clad, it should deal only with the main situations of life, leaving much to be regulated by public opinion. When this principle is violated, as it is universally in this country, disobedience and disrespect for law, and inability to enforce it, are the inevitable results. I am not speaking of that bone of contention, that leading subject of discussion and dispute, the eighteenth amendment; whatever be our views on that, and they are almost as many as there are men to discuss it, it deals with a large problem, probably with an extra-hazardous instrument, and may well justify a solution of its own. I am speaking of prohibitions in general. When a man cannot legally smoke in a public dining room or drive an automobile through town faster than ten miles an hour the result is a foregone conclusion. The sport of law-breaking will last as long as the sport of law-making. . . .

"If in some degree I criticise the courts, it is because every one has the right to criticise them; that is the privilege of a free citizen, and should go hand in hand with respect for the courts. They are, of course, no more perfect than the lawyers or the farmers. They are the product of our system, and it is surprising that, all in all, they should be so good. When Chief Justice Marshall made his famous statement that 'this is a government of laws and not of men,' he said something that is splendid for its psychological effect and as the statement of an ideal, but that as a statement of fact is arrant nonsense. No judge worthy of his salt would be consciously influenced by considerations of politics, friendship, or his personal economic or religious views; no judge whatever can help being unconsciously influenced by them all, just as none of the rest of us can help it. To protect him as far as possible from such influence, we owe it to him and to ourselves to give him a long tenure of office, a sufficient salary, and such method of appointment or election as shall reduce to a minimum the inevitable human influences. And, in the meantime, as well as when the millenium arrives, we owe him respect, cooperation, indulgence for the human weaknesses which he shares with the rest of us, and admiration for the way in which he does his duty under difficult circumstances. . . .

"Of the popular criticisms of the Bar, perhaps that which has the largest measure of truth is the charge of excessive conservatism. Many prominent lawyers are indeed thoroughly progressive, leaders of reform, but many cling to the idea that 'whatever is, is right'—in economic matters, probably largely through their association with property interests; in other matters, sometimes through the dislike of learning new ways. . . .

"Our original Constitution was a compromise document, and the more praiseworthy and successful for that very reason; but it was

not written by the finger of God, and from time to time has called, and will still call for amendment. Such amendments, made in a legal way, are always in order, whether they relate to the liquor traffic or to rules of property. Let us hope that we will not fall into the mistake that we have so thoroughly made with our state constitutions, and, as some think, we have done with the eighteenth amendment, of filling it with minor and shackling provisions, expressive only of temporary opinion. I am in thorough sympathy with the kind of conservatism that refuses to rush into unconsidered reforms, and insists on thinking problems out before making changes; but lawyers, who should be leaders of public opinion in this work, cannot escape the responsibility for studying abuses and suggesting solutions, and are not justified in merely sitting back and picking flaws in proposed laws, without doing constructive work to find a remedy. . . .

"In closing, may I thank you all, not only for the honor bestowed and for the year which I have been privileged to spend in trying to do a little for the advancement of the profession, and through it for the interests of the public, but for the hearty cooperation which has made the year so pleasant? It has been an experience never to be forgotten, and has strengthened my admiration for the profession to which we belong. May it always be a leader in working for the public good, and hold high the torch of progress through the generations to come!"

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### ANNUAL MEETING NOTES

L. T. Sproul was the very efficient "go-getter" for the Valley City local committee.

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The addresses presented were of a high order, and recognized as such by those present.

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Vice President Bagley couldn't explain what a "tittle" was or is. President Bagley will, doubtless, do so at the next meeting.

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President Lewis presided with the art of a diplomat, not the ax of a dictator, restoring, we believe, some of the lost prestige of Hawwad hereabouts.

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"Uncle" Jim Johnson, of Minot, the effervescing "inviter," failed to invite on this occasion, but he sparkled with all of his old-time vigor in other respects.

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Chief Justice Burke and President Lewis seem to be agreed that the long-distance toll service of the Bell Telephone Company needs regulation or supervision.

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The officers elected for 1929 are: Horace Bagley, Towner, President; A. M. Kvello, Lisbon, Vice President; R. E. Wenzel, Bismarck, Secretary-Treasurer.