

Public Opinion and the Courts

Editorial Board

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PUBLIC OPINION AND THE COURTS

While the eyes of the whole world turn towards Paris and the Peace Conference, and men in all walks and stations in life are discussing the possibility of a League of Nations, it is amazing to note the power that is wielded by the opinion of the public. Have you observed the actions of the leaders of the "big four," and how their very acts are controlled by the public opinion at home?

Public opinion is the mighty, unseen force which guides the public officer and forces upon him many acts. It is that factor in government which some philosophers of government are prone to call the human factor. It must be heeded, for where the human factor is not taken into account by the one ruling, a day of reckoning is sure to follow, which carries with it bloodshed, destruction and despair. A clear illustration of this can be seen in Europe today, where the people have shaken off the shackles of monarchy, but have taken license instead of democracy.

Our forefathers, who drew up the Constitution which has guided us over the stormy seas of internal and external strife, saw the need of considering the popular feeling. But they also saw the fallacy of permitting the popular, or human factor to gain the upper hand. They embodied with the theory, common sense, and it is for this very reason that today we find political orators shouting that "our government was formed in fear and distrust of the people by those who placed a higher value on the vested property rights than upon the lives and happiness of their fellow beings."

Our government has been the most popular and successful of all democracies the world has ever known, and one could not justly say that the human element and public opinion has not played an important part in its success.

When we delve into history it appears clearly that man loves liberty and freedom. Nevertheless, he must adopt some rule of conduct, which we term the law. The age of kings is past and men the world over have come to realize their own.

At the present time we are passing through a crisis the equal of any in the history of this United States. Public opinion embodied in liberty is the very foundation of sound economic development. But if the people, through whom public opinion is

voiced, are subjected to unscrupulous leadership, or are misdirected, it at once becomes a power of evil; for there is always an attempt on the part of some to abuse power.

The laboring class within the last four years has realized its potential power the world over, but it is lamentable to note that its leaders have in many instances acted unscrupulously. In a free government such as ours it is absolutely essential that justice reign supreme.

Can there be justice where the public opinion interferes with the judiciary, and forces it to reverse its decision? Would not this tend to throw into hopeless confusion the very structure upon which we stand, namely, our rules of conduct embodied in the law? From the law flows order; order insures safety to life and property; safety insures economic development, business prosperity and progress. Can we afford to permit passion and prejudice to predominate over the judiciary in an orderly government such as ours? The judiciary which has been established to prevent these very evils provides justice and equality toward all.

It is true that the members of the judiciary are susceptible to error, for they are but human, and where is there a person infallible? Does it not seem logical to say that the personnel of the judiciary are less infallible than public opinion that is directed or misdirected by one or more whose animosity is apt to have overwhelmed their better judgment?

Improvements in government are essential to meet the needs of existing exigencies. True and sound laws are the requisites of justice. Peculiarly within the grasp of the lawyer is the opportunity to mold public opinion along constructive lines. The world has adopted a new order of things, and shall not go back to the old, but shall rise to a new level, a new plane of fairness toward all. Public opinion will play a great part in this transition, but it should not interfere directly with the rules laid down by the judiciary. Shall we have our courts coerced by public opinion, or shall the judiciary continue to mete out justice from an unbiased and disinterested viewpoint?