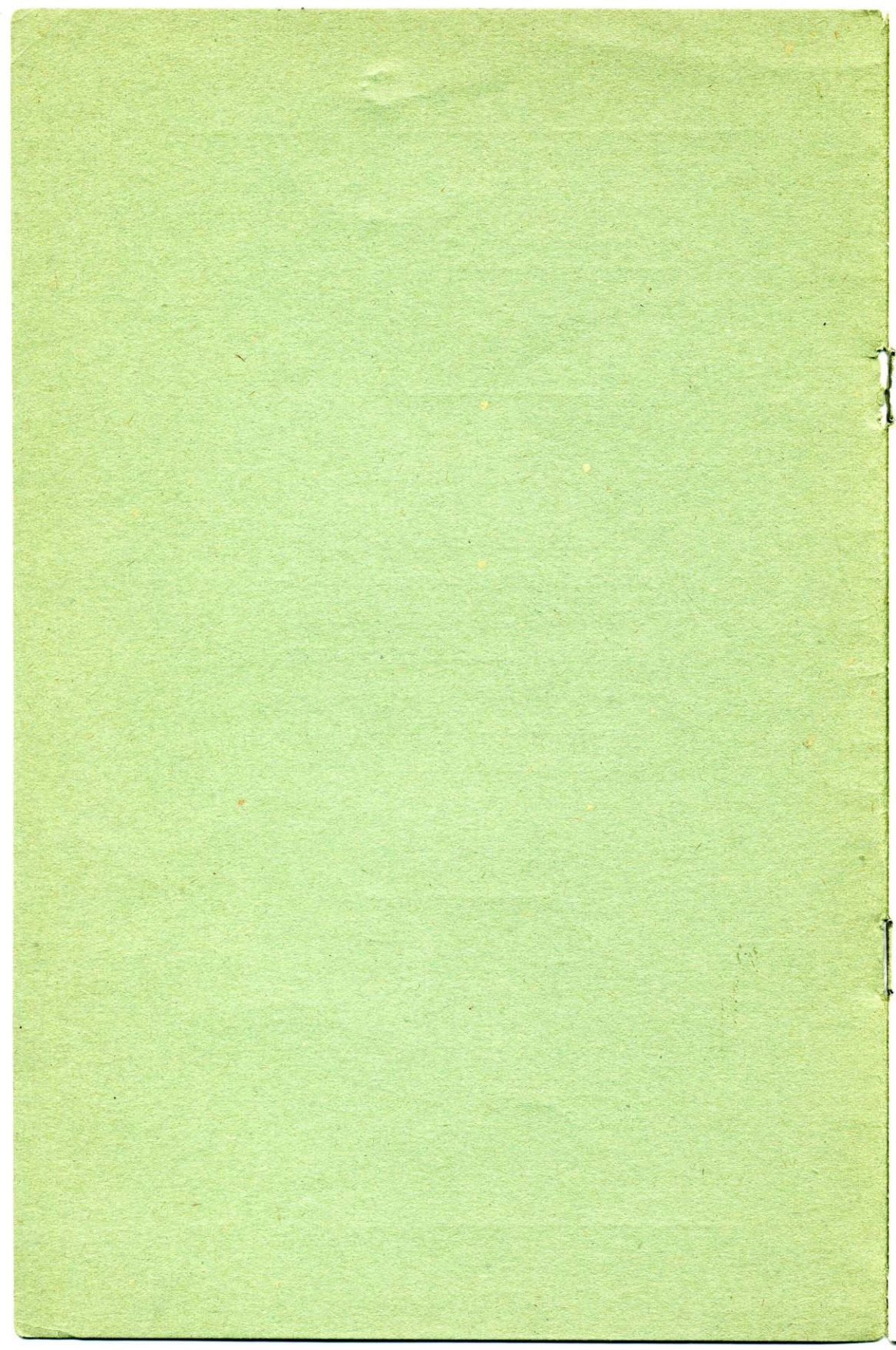


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Law and Order

SPEECH OF E. T. ENGLAND,
ATTORNEY GENERAL, AT A CON-
FERENCE OF UNITED STATES
DISTRICT ATTORNEYS AND
PROSECUTING ATTORNEYS AT
CHARLESTON, W. VA., MARCH
30TH AND 31ST, 1922.





LAW AND ORDER

(By E. T. England, Attorney General)

Gentlemen, it is my pleasure to extend to each member of this conference a most hearty welcome, with the hope that our labors here will be fruitful for good.

This meeting is carrying out a suggestion of the Attorney General of the United States in his desire to bring about closer co-operation between the State and Federal authorities in law enforcement. We have accepted this invitation, and by the generous way in which you have responded to this call, we feel assured that we are now reaching the twilight zone for the destruction of those elements that threaten the perpetuity of our government and the peace, happiness and welfare of our people.

The officers of our State and Government charged with the duty of law enforcement have a most difficult task to perform. It should be much easier—less burdensome—when the State and Federal authorities work in perfect unison. Our legislative bodies, both State and National, enact all kinds of laws against crime and vice. It is not more laws that we need, but the crying need of the hour is for a stronger enforcement of the laws that we now have written upon our statute books. We are now passing through one of the most critical periods in the history of this country. Crime is everywhere. This is a condition that invariably follows in the wake of every great war. It will require courage, an iron will, to successfully cope with these conditions, but it can and will be done. This recent World War that shocked the very foundation of the entire civilized world left things in a chaotic condition. There is unrest everywhere. This unrest, unsettled economic conditions, industrial depression, the offspring of this recent war, breeds trouble and crime. These are some of the reasons why law enforcement at the present time is much more difficult than in former days. It is therefore necessary for the law enforcing officials to redouble their efforts in order that they may obtain the desired results.

A government or a State can be no stronger than what the people make it. Every good citizen is interested in a stable government, a law-abiding citizenship, a one hundred per cent Americanism.

In order to possess that Simon-pure Americanism we must keep inviolate the laws of our country—hold sacred the traditions of our forefathers who gave their life-blood that this nation might be established upon the principles of democracy—that her people might enjoy freedom and happiness through all the succeeding generations. Law and order are linked with the destiny, duration, progress and happiness of all nations of the earth.

From the birth of this glorious Nation we have had marvelous progress along all lines of human endeavor—art, literature and science have been contributed freely—higher ideals and nobler aspirations fostered.

Our glorious flag today floats o'er the brightest star amid the constellations of nations.

A country's strength is measured by its citizenship. A strong nation must be strong in citizenship. If her citizenship weakens, her national power weakens. Through this process of weakening, eventually decay will begin to eat away the very vitals of our Nation. The maintenance of law and order, the inculcation of higher ideals, a strong and pure citizenship insures a stable government, both National and State.

In the course of human events empires have risen, spread their minions of power, then tottered, decayed and fallen. Civilization has come and gone, Christianity has spread, then disappeared, the meek and lowly Christ was condemned and crucified on the cross at Golgotha. Why have all these things transpired through past generations. The answer is evident. Civilization had failed. The peoples of these ages and these countries retrograded. The inevitable occurred.

Progression strengthens—retrogression weakens. Chaos and disorder destroy. Progress,—respect for the laws, Christianity, and advancement build up, stabilize and insure the duration of the Republic as strongly as the immutable laws of Nature.

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triumph. Our people in the main, to their undying credit, remained loyal and courageous until German militarism was suppressed. During these days of depression when discontent is spread everywhere, we need a stronger patriotism—a stronger Americanism than during any other epoch in the history of our country. We must and will have less Bolshevism, less syndicalism, less communism, less disloyalty and less disrespect for the laws, and the country in which we live. Let our slogan be "America for Americans." Law enforcement should be carried on without fear or favor. It should be just as vigorously enforced against one class as another. There should be no favoritism. We are all equal under the law, and amenable to prosecution when we violate it.

The officials charged with the enforcement of the law have, in this critical period in the country's history, a herculean duty resting upon them. It is the duty of every good citizen to aid these officials to their utmost in the discharge of these important duties.

If you fail, you have failed in the highest functions of good citizenship. So many refuse to aid the officials in the prosecution of crime, and then at every opportunity spew out all kind of criticism upon such officials.

Do not understand me as being opposed to criticizing officials when they are derelict in the performance of their duties.

If well directed and properly used, criticism is a powerful weapon for good. If improperly used the reverse is true.

Just criticism is constructive—unjust criticism is destructive.

There is a vast difference in criticizing the official acts and conduct of public officials and criticizing our government—the former properly used is always permissible—the latter is inexcusable.

Officials who abuse their power are to be condemned just as strongly as the man who violates the laws. Free speech is guaranteed by our Constitution, but that does not embrace disloyal utterances against our government.

There are also certain rights, privileges and immunities granted to every citizen under our Constitution. Our attempt to abridge these rights is an attempt to pry loose the bedrock upon which the foundation of this government rests—a tendency

to disrupt and destroy our constitutional form of government. This is just about as reprehensible as giving disloyal utterances about our government. Both are fostering conditions with a destructive tendency which, if practiced in a large measure, would bring ruin, disaster, disruption and the downfall of our republic.

This shall never be. It is contrary to the American spirit. This country will live. The disturbing elements will be blown into shreds. Law and order will be established on a firmer basis.

The people will rally to the support of their officials in the execution of the law as never before. This is necessary before these officials can accomplish what ought to be accomplished. If the people withdraw their support from the officials then they have no right to complain about the non-enforcement of the law. The officers can not do it all by themselves. Strong co-operation, a pulling together in harmony—united team work is necessary to reach the desired goal. The prosecutors and courts, unaided by the people can not successfully wage a war against crime.

We all have a part to perform. If we loaf on the job, then we have no right to heap abuse and criticism upon our officers. If we fail, don't complain about our officers failing, if they do not get the results we would like to see. Generally it is our failure more than theirs.

Let me say to the prosecuting attorneys of this State, that it will be my pleasure to aid you in every way within my power to bring about the suppression of crime.

There is also a wonderful work that remains to be done in removing the causes which produce crime.

If one class feels that they are aggrieved by being denied certain rights guaranteed unto them by the supreme law of our land, this generally produces a knock-back, and adds fuel to the flames.

Let us possess a little more self-denial, and remember that every living creature abiding under the Stars and Stripes has equal rights under the law, is entitled to equal protection.

There is not a proper understanding and working together of

capital and labor. Both have rights, and rights that ought to be protected under the laws.

I am constrained to believe that both classes, eliminating the radicals of each class, desire to work together in harmony. This should be as their interests are so interwoven and interlinked—their interests are mutual—one could not exist without the other. Their differences often give rise to disturbing conditions, and often result in the destruction of lives and property. This ought not to be. Let us use our power and influence to annihilate these conditions as much as possible.

If we could all live our lives in recognition of the facts that others likewise have rights in this life, this old world would be a more fit place in which to live.

If we would apply the Golden Rule, and in our business life practice the principles of justice, equity and equality, then we would be living up to the spirit of our laws and constitution.

No one should object to a policy in the affairs of life that would give a square deal to all and special privilege to none.

May we all contribute to this great fountain of justice until it becomes so huge that it will send crystal streams through the arteries and veins of this Republic so the people may generally drink therefrom and thereby receive new aspirations, new hope and fonder expectations for a universal reign of justice and fair dealings among men.

The main thing, however, at this hour that we are to especially consider, is the means to be employed for a better method, if possible, for law enforcement and to bring about closer co-operation between the Federal and State authorities in the accomplishment of this work by our law-enforcing agencies.

Possibly the most violated laws at the present are our prohibition statutes.

One of the strongest reasons for this is a lack of sufficient co-operation on the part of the public. These laws will never be enforced like they ought to be until the people rise up in their vengeance and give the officers the aid they should.

It is impossible to enforce the law satisfactorily unless the public is in sympathy with such enforcement, and will aid, rather than hinder their officers.

We have men in nearly every walk of life saying that pro-

hibition does not prohibit; that such laws deprive the people of their personal liberties. Do you know what this means and the results such talk will bring?

They are sowing the seeds that will produce a crop of opposition, the power of which will be pitted against law enforcement. The Prohibition Laws prohibit just as much as the laws against murder, arson, rape or larceny.

They do not interfere with your personal liberties any more than the laws against following your usual trade or occupation on the Sabbath Day.

If personal liberty leads people to moral turpitude, then the strong arm of the law should restrain them.

Again it is not the functions of the law-enforcing officers to pass judgment upon the laws. Their duty is to see that they are enforced. The people, through their chosen representatives, make the laws. If the laws are not good, the legislative bodies have a right to repeal them. This is their duty. They get their mandate from the people. If they do not respond to the wishes of their constituents, in all probability they will be retired to private life, and some one will be elected who will. This is some of the fruit of a Republican form of government.

If the people generally would aid the enforcement agencies in their duties, there would be less mob violence—less because we would get a better law enforcement. Mob violence is inexcusable—inexcusable under any circumstances or condition. An aggregation of men banding themselves together to summarily administer punishment to any one is a misdemeanor under our law, and if this conspiracy is carried out by inflicting corporal punishment then it is a felony. Mob violence can not be condemned in too strong language.

Every person accused of the commission of a crime is entitled under our laws to a fair and impartial trial before a jury of his peers. A person may be accused of the commission of as heinous and black a crime as was ever written upon the pages of history, yet this does not afford any excuse for withdrawing from him his constitutional guaranties. The courts are the bulwarks of our liberties, therefore all law violators should be arraigned before them and dealt with according to the provisions of our constitution and statutes.

Mob violence breeds anarchy and disrespect for the law. A set of men arrogating to themselves the right to execute the law in this manner are law violators themselves of the worst type.

Down with mob violence, and let us have more law and order. There has been so much mob violence in different sections of this country, practiced on the colored race more than upon any one else, and especially in some of the southern states,—that Congress now has a bill under consideration the purpose of which is to cure this evil as much as is humanly possible. I refer to the Dyer Bill.

One evil can not be corrected by the commission of another, and possibly greater evil.

Crime in this State is increasing as is evidenced by the number of inmates in our penitentiary. We have reached the high water mark. More than fourteen hundred are now confined behind the prison walls in this State institution. It is high time that something be done to remedy these turbulent conditions.

There is no disposition, as I understand it, upon the part of either the State or Federal authorities to shirk any duty imposed upon them by law, but hope for a closer co-operation, so that a more rigid enforcement may be obtained.

Those citizens who so far forget their duties of citizenship and persist in violating our laws should be restrained. The closer co-operation of all the law enforcing agencies, the more efficient results will be secured for society.

Many of the crimes committed are violations against both our State and National laws, hence a working together is necessary to obtain the proper results. I will not at this time make any suggestions as to the best method of securing this co-operation, but may have something to say later in this conference.

I desire to hear the suggestions of you gentlemen along these lines, and before we adjourn, we ought to be able to embrace in concrete form a plan suitable to follow.

This being done, and then you prosecutors work along the lines of such plan as you may evolve, we will all leave here, and go to our respective homes with the abiding faith that by reason of this conference and the understandings reached, we will be able to get better law enforcement in this State.

Now, in conclusion let me express a hope that from this conference will flow much good; that hereafter law enforcement will grow less difficult; that a closer co-operation of all law-enforcing agencies will be secured for the future.

We will glory to see the dawn of the day when all the people will revere and obey the laws; when all people living under the Stars and Stripes will be loyal to God, home and country.

