

Courts Interested in Errors, Not Truth

(The following address of Justice Walter J. Fourt of the California District Court of Appeals was made to the North Area Police Association. It contains a studied diagnosis of the current crime problems. It is a subject of concern for many police officers, and is considered by them worthy of wide public dissemination — The Editor.)

By JUDGE W. J. FORT

We are today, in my opinion, in a complete state of confusion as to what the law is with reference to investigating and prosecuting criminal cases.

Until the present class of appellate justices graduated and took over, there was, in the legal world, a doctrine or rule known as "stare decisis." Those words translated mean to adhere to precedent, and not to untangle things which have been satisfactorily settled for many, many years. In other words, it is a rule of common sense that rules of conduct should be settled to the end that society, the people of the community, including police officers, would know what to do in the future in a given type of case.

No one argues that any rule which is absurd, ridicu-

lous or unjust on its face ought to be continued in effect — yet, we should give due consideration to the judgments of those persons who have gone before us and successfully conducted the affairs of this country for 150 years. One of the reasons we have grown great, and have the country we have, is because of what those people of substance did and said.

And in speaking of the founders, they did not provide any statement, inference, or otherwise, to the effect that an appellate court shall be a super-legislature and entitled to enact into law that which the people do not want, or to legislate judicially into the law that which the people, sooner or later will not accept.

As one Justice of the Supreme Court of the United States stated some years ago, with reference to this matter, "The viewpoint in question indicates an intolerance for what those who have composed this court in the past conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom resides in us which was denied to our predecessors."

Law to be obeyed or enforced must necessarily be

known by all who have to do with it — the members of a community, the law enforcement agencies and the judges and others engaged in the administration of justice. Law to be known, must be fixed and substantially or reasonably constant.

In other words, the rule "stare decisis" gave balance, stability and symmetry to our law and to society. It took out the capricious element in the administering of justice. It kept the scales of justice even and steady and not liable to wavering with every new judge's opinion — that matter would be disposed of, not in accord with whim or caprice of any individual judge, but according to established, known laws and customs of the country. In other words, judges ought to expound the law as it is and not take upon themselves the responsibility of pronouncing new law.

We have witnessed, literally, in the last few years a veritable tearing up by the roots of the fundamentals, the old cornerstones of the administration of justice — and, strange as it may seem, in many, if not in most, of the cases of recent date where this has been done, the courts have stated in

part and given as one reason for their opinions, that the police must be taught a lesson.

All of this, in my opinion, has led to a breakdown in law and order — respect for the courts in many areas has diminished — vicious and violent criminals run rampant and many are turned loose to prey again on innocent victims.

I am certain that the American people want a written constitution as we had for the first 150 years of this country's existence — they want no part of a constitution which is made up, altered, modified and changed from case to case, term to term, or year to year to suit the personal or ideological whims of an ever-changing majority of any Supreme Court. I am confident that the thinking of the great majority of decent people in this country is that they do not want the constitution amended by judicial fiat from day to day and they are not favorably impressed with much of the judicial legislation.

In other words, it is my opinion that the power of the appellate court to interpret is not synonymous with the power to amend. The power to interpret the constitution is the power to as-

certain its meaning. The power to amend the constitution is the power to change its meaning.

Defiance of the law receives encouragement from many publicly paid employees. Disrespect for law and order has for intents and purposes taken on an aura of respectability in many areas. Civil disobedience seemingly now travels under the guise of academic freedom in many of our public institutions. Many segments of our society are thoroughly imbued with the belief that it is wholly fitting and proper to violate any law which it disagrees.

Citizens must ultimately choose between lawlessness and regulated order. I know that presently there is the widespread attitude, "Oh, well I don't want to get involved" — and, as a consequence, many crimes go unpunished — but that attitude will ultimately lead to destruction. Crimes are increasing at least five to six times faster than our population.

In fact, no one can legitimately argue that a trial in California is a genuine search for the truth — the whole truth and nothing but the truth. Seemingly a trial becomes a game between the state on the one hand

and the defendant on the other.

The judge is for practical purposes an umpire, there to see to it that each side observes the rules of the game (the latter which are handed down to him from above day to day).

The founding fathers of the Constitution — George Washington, Benjamin Franklin, James Madison — and others were not visionaries and theories, but were practical men, dealing with the facts of political life.

They wanted a written Constitution — all to the end that there would be "equal justice under law," and not justice according to the personal notions of the temporary occupants of the appellate courts.

It would seem that the court puts a "police line-up" in the same category as a "third degree" which has long since, and properly so, been outlawed. I predict that in the distant future the court will declare "line-ups" out of bounds, and then the drain will go another very important investigative tool of law enforcement.

If a simple police line-up is in the mind of a court comparable to and in the same category with the "third degree," I suggest

that perhaps the day is not too far distant when someone may do more than hint that the taking of fingerprints is degrading, and brings the suspect by his own act into disrepute and tends to discredit him of a crime — and, therefore, the fingerprints should not be used against a suspect.

The courts however, I think unfortunately, seem to have lost sight of the fact that a criminal prosecution is brought for the purpose of convicting the guilty. Necessarily, that includes the protection of the innocent. But in no event should an appellate court procedure be turned into a search for error to the end that the obviously and many times self-confessed, guilty criminal be turned loose into society to murder or rob again.

I close with this observation we cannot and will not have unbridled individual liberties and at the same time have a safe and stable society. Individual liberties and rights cannot and do not exist in a vacuum. We have to have a decent and reasonably safe place in which to live and work — otherwise, there is no place within which to exercise our individual rights such as the right of privacy.

Ann Landers Says

These City Folks Aren't Stargazers



Dear Ann Landers: Last night my husband and I went to visit friends who just moved into a new high-rise building. When I noticed a telescope in the bedroom I said, "I didn't know you were interested in astronomy." The woman replied, "We aren't. We're interested in PEOPLE, and boy do we see plenty through this thing!"

I said, "You don't mean you actually look in people's windows?" She answered, "Where have you been? It's THE most popular urban pastime. Telescopes are selling like hot cakes. Besides, it isn't window peeping exactly. Psychiatrists say people who don't WANT to be seen, pull down their shades. So you see, they get their kicks out of it, too."

I was stunned and so was my husband. Are they sick or are we square? Your opinion would be appreciated. — UNSOPHISTICATED URBANITES

Dear Urbanites: People who get their jollies from looking into windows are pretty darned sick. If this is our city dwellers' most popular pastime, we're in real trouble.

Dear Ann Landers: I am planning to marry a widower of 32. He is the father of four children under six years of age. I am a registered nurse, age 30.

My intended is a school teacher who does TV repair work on the side to supplement his modest income. My mother is disappointed. She said, "After having been exposed to so many high income professional men, why did you settle for HIM?"

My father says the man is latching on to me because he needs a housekeeper, cook, baby tender — and what more could a widower with four motherless kids ask for than an RN?

I feel that at 30 I'd better not pass up this opportunity because there may not be many others. My decision to marry this man has alienated me from my entire family. Am I taking a bigger bite than I can swallow? — R. N. WITH A HIGH I.Q.

Dear R. N.: Nowhere in your letter do you mention your fondness for the man or your interest in his children. The only thing that comes through loud and

clear is that you are settling for this man because you fear it may be your last chance to marry. Unless you can generate more enthusiasm than your letter reflects, I say forget it.

Confidential to Sore Back, Aching Feet, Tight Husband: Since he seems to spend so much time in church and puts so much faith in the preacher, quote Billy Sunday. He said, "It is better to buy a wife a new washing machine than to put silver handles on her casket."

Confidential to Sick And Tired OF The Daily Grind: Your litany of petty complaints made ME sick and tired, Lady. Just think how happy you'd be if you lost everything you NOW have and then suddenly got it all back.

Confidential to Tongue-Tied: So untie your tongue and tell her. But DON'T say "Your neck is dirty." Say, "Your jewelry has left a mark on your neck. I'm sure when you see it you'll want to wash it off."

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Your Second Front Page

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HONORED FOR DRIVE . . . Torrance Police Sgt. Jim Popp (center) holds award plaque presented to the Torrance Police Department at the Harbor Area United Crusade awards banquet. The plaque honors the department for exceeding the goal set for all city employees in Torrance. With Popp are, from left, Lt. Philip Watson, Police Chief Walter R. Koenig, and Lt. Robert Hammond. Councilman H. Ted Olson (at right) served as chairman for the Torrance appeal in behalf of Red Cross and United Way.



ADMIRE TROPHIES . . . Donald Gardner, a 16-year-old junior at West High, admires a pair of trophies which he won as the sweepstakes winner in the Torrance Beautiful Commission's annual essay contest. Gardner will keep the smaller of the two trophies, while the perpetual trophy will be kept at West High for the coming year. (Press-Herald Photo)

City Has Chance To Choose Beauty

(Editor's Note: The following essay, "Torrance of Tomorrow — Beauty or Blight?" has been judged the sweepstakes winner in the annual essay contest sponsored by the Torrance Beautiful Commission. The author is a 16-year-old junior at West High School, Donald Gardner.)

By DONALD GARDNER
In a few fleeting years, Torrance has risen from a rural and an agricultural plot of land into one of the top-ranking cities in Los Angeles County. Only 20 years ago the greater part of Torrance was but farm lands and independent dairy districts surrounding a small town. Today Torrance has undergone a complete change of character and has become one of the area's industrial centers.

If Torrance is to continue to be a dynamic community and building techniques we know of today, while we must leave enough tradition to bond Torrance with past beauty.

drives and avenues of Torrance are stunted or have died due to improper planning or poor selection of variety.

Torrance is now at the crossroads of her future career. With proper planning and long range projects, Torrance can become a cultural center as well as an industrial leader. If co-operation from large industry is possible, huge areas of present weeds and rubbish can be cleared up and planted in grass or some other beautiful ingredients, thus Torrance can become a more prosperous looking community. The civic center is one of the highlights of the Torrance community, but let us not stop here. We must refurbish the old, ramshackle buildings and bring them up-to-date with the technology and building techniques we know of today, while we must leave enough tradition to bond Torrance with past beauty.

To become a city of beauty, we must all strive to improve community effort and support to make Torrance a beautiful city rather than one of blight. With long range planning and foresight, the activities of Torrance can make her one of the outstanding cities of Los Angeles County. It is not just for the city officials alone, nor is it just for the members of the community, but civic beauty is the responsibility of each one of us. We must each strive to make Torrance a place of beauty instead of a place of blight.

COUNT MARCO

You Snare Him, Then Complain

My, how you do needle me to write something about the American male. Only you trip over your traps by saying, "Why don't you write about what's wrong with American males?"

Your attitudes are negative, and consequently when you look for wrongs you're bound to find them. If there is anything wrong with the American male, how is it that so many foreign women try to get their names on his marriage certificate?

Let an American woman tell you what she thinks about your nonsense. She writes: "Can it be that there are women who do not know that the main trouble with men is women. Are these complainers not the same women who could hardly wait to snare the guy? Should marriage put an end to all of the things she dreamed of doing for him before the vows were taken?"

"A man needs much the same after marriage as he did before. He needs the feeling of being loved and cared for instead of being a money tree that is in the way except when she wishes to pluck the fruit."

know that she is proud of him, then she is giving him reason for taking pride in the way he looks.

"If he is careless about his hair she might try offering to give him an oil treatment or scalp massage, or she might offer him her spray after he combs his hair so it will stay looking nice all day. Even a little praise when he looks nice doesn't hurt the cause."

"Let these complaining women take note from some of us gals who find their leftovers at our banquets. I happen to be mighty happy with a man who spent 27 years trying to make another woman happy."

"Yes, 27 years of trying, while raising a family and providing them with the best of everything — and getting nothing but abuse for his efforts."

"Behind the doors of a nice house in a nice neighborhood this man came home to a cluttered, messy house; a fat, complaining and frequently drunken woman who went so far as to throw her fists at him, more than once breaking his glasses. Yet he stuck to his family, doing his best, until she filed for divorce."

"She never found time to

cook the things he liked to eat, that took too much time from TV. She hadn't time for conversation; that interrupted TV. She never went to bed at a decent hour and never fixed breakfast because, of course, she had to sleep in."

"She spent many hours telling anyone who would listen, even me, all her husband's faults."

"All of the qualities that I love so much in him were there for her if she could only have appreciated him a little bit."

—K.W.
That's the way of it for too many of you. He may seem like a rock in the road to going your own way, but some other woman sees him as a diamond in the rough. She knows that with a bit of polishing she'll have a jewel worth possessing."

Any man, whether he is on the loose or tied to some other woman, looks good to one who doesn't have one of her own.

When you look at your husband tonight think: "Would I really find another one if I let this one get away?" You can figure that answer out all by yourself. Will he find someone else? Usually he has before he dumps you.

Registration Deadline Set for June Election

Voters wishing to vote in the June 7 primary elections must register on or before April 14, according to Benjamin S. Hite, Los Angeles County Registrar of Voters.

Hites also announced the final date to register in order to vote in the November general election is Sept. 15.

Six classes of persons must register in order to vote in the elections, he said. They include:

- Persons who have changed their addresses since they last registered.

- Persons who have changed their names since they last registered.

- Persons who desire to change their political affiliation. (Only registered Democrats will be able to vote in the Democratic primary June 7; registered Republicans in the Republican primary. Independent voters may not cast their ballots for partisan offices in the primary election, Hite explained.)

- Persons whose registration was cancelled because they failed to vote in the general election in November, 1964.

- Persons who have reached the age of 21 since the last election and have not registered.

- New residents of Los Angeles County who can meet the residence qualifications.

Qualifications for voters include at least one year's residence in the state and 90 days residence in the county. All voters must be at least 21 years old, be able to read the English language, and sign his own name, Hite explained.

Naturalized citizens seeking to register must have been naturalized at least 90 days prior to the date of the election and must show naturalization papers to the registrar when registering for the first time.

Hite urged voters to register as soon as possible in order to avoid a last-minute rush.

Excellence List Cites 569 Saxons

Names of 569 North High students were included on the fall semester Excellence List, according to Mrs. Melvina Kovicnik, assistant principal at the school.

The list, issued twice each year, honors students who maintain excellent citizenship grades in all their classes, she explained.