

The Family Next Door



SENTIMENTALISM IS DEFEATING JUSTICE

JUDGE BRUCE TELLS HOW

Noted Jurist In Address Analyzes Modern Conditions and Points Out Dangers of Emotionalism

Sentimentalism and emotionalism in American courts and on behalf of criminals are playing hob with proper and adequate performance of justice in the United States and it is time, while not ignoring Christ's teachings, to use them rationally and give the murderer his due. Judge Andrew A. Bruce, professor of law at Northwestern university, before the Fathers and Sons club of the Onarga Military academy at Onarga, Ill., did not mince words in championing a doctrine of swift and sure punishment to fit the crime.

Utilizing various Old and New Testament texts to illuminate his discourse, Judge Bruce hit hard against flabby emotionalism which is so apt to free a murdered and permit the murderer's victims to suffer unjustly. He said in part:

Mistaken Emphasis
"There has been often a mistaken emphasis placed upon the story of the woman taken in adultery and of the thief on the Cross which has militated against the enforcement of the criminal law.

"It has been repeatedly asserted that America is a Christian nation, and though the name of Christ nowhere appears in the Constitution of the nation or of any state, and there can be no question that in no other nation of the earth has the philosophy of Christ been so universally understood and so universally controlling. 'Christianity, general Christianity,' says the Supreme court of Pennsylvania, in the case of Updegraph vs. Commonwealth, 11 Serg. & R. 394, 400, 'is, and always has been, a part of the common law of Pennsylvania. . . not Christianity with an established church and titles, and spiritual courts, but Christianity with liberty of conscience to all men.'

Cause of Lawlessness
"Paradoxical thought it may seem, it has been the influence of this very Christianity which has been the cause of much of our seeming lawlessness and of much of our lack of enforcement of the criminal law. It has been this Christianity which has been the cause of much of the so-called sentimentalism which has occasioned juries to acquit, judges to put upon probation, board and governors to pardon and parole, and which has been the impelling influence in the creation and preservation of the many rules of evidence and procedure which have sought to safeguard the interest of the prisoner in our criminal trial.

"It has been the cause of much of the inefficiency of our democracy and in a large measure it has been the cause of our very democracy itself. It has been at the foundation of our unrestricted immigration, and of our universal suffrage. We have adopted its promise of the divinity and worthwhileness of every individual, and we have made it possible not only for the meek but for the ignorant and the incapable to inherit the earth.

Government of the Ignorant

"Too often we have had a government of the ignorant and of the incapable. We have been anxious to give every man a chance, and we have elected ignorant boys as states' attorneys and as prosecuting officers because we have desired to give them employment. Our juries have failed to convict not because they have been over-humane, and because the appeal which has been made to them by the sufferings of the prisoner and of the prisoner's family, who have been before them in the court room, has been more potent than the justice of vengeance and even of the need of the protection of society itself.

"America, indeed, is a land of the New Testament and not of the Old. It is a land where even the Scotchman has forgotten the doctrine of election and of foreordination, and where even the churches of authority and of precedent, whose ministers and priests assume to themselves the right to interpret the Scriptures, and to determine what portions of them their parishioners shall read, have not only not been able to control the investigations and literary and social and intellectual contacts of their followers, but have themselves been compelled to lay stress on the humanity of the newer dispensation.

Old Hebrew Idea
"The ancient Hebrew regarded the man who had sinned, and under a theocracy every one who has broken the law has sinned, as one who had cut himself off from Israel, and such being the case, no effort was made for his reformation, and there was nothing to prevent his being put out of the way. The primitive Calvinist looked upon such a one as a person who in the first place, and from all time, had been predestined to destruction, and who, even though once numbered among the elect of the congregation had been wrongly classified. In South Africa, even today, the primitive 17th century Old Testament Boer thinks of himself as a member of a chosen people which may go into the promised land and possess it, and which may slaughter and dispossess the natives as the Israelites slaughtered and dispossessed the Canaanites. Israelites, Boers, and Calvinists alike, have adhered to the doctrine of the super-man. All others have encumbered the earth. But the doctrine of the super-man is not the doctrine of America. It was not the doctrine of Christ. It was the doctrine of the old, and not of the new dispensation, and it is in this fact that we find the origin of much of our democracy, and much of our leniency toward the criminal.

Undue Emphasis
"An undue emphasis on the thief upon the cross, the story of the woman taken in adultery, and the precept 'Judge not, that ye be not judged' has promoted an undue leniency on the part of the prosecutor, the judge and the jury alike. The story of Christ and the children in the market place, and the command 'Whom God hath cleansed, call thou not common' and the world's great Marseillaise of democracy, the universal prayer, of 'Our Father' have not only destroyed the doctrine of the super-man, but have created a universal sympathy which knows no race, or class, and which even includes the criminal and the fallen.

"Under the old Hebrew law, a father could take his disobedient son before the elders to be stoned. Under the Roman law, a father could him-

self take the life of his child. In Germany, in Scotland, and in England, the rod was mercilessly used in the home and in the school. Here, in America the cries of a punished child bring the protests of the neighbors and perhaps even an arrest. Brave indeed is the teacher who dares to use the rod in the public schools. Christ, indeed, abolished the super-man, and race and class and formalistic superiority of all kinds. He credited every human being with a divine parentage and with an immortal soul. He preached a solicitude for the weakest among us. As long, therefore, as the Bible is read, and the Lord's Prayer is spoken, juries and courts will sympathize, and will condone. It is useless to tell them that they should sympathize for society as a whole and for the family of the victim. That family is not before them and in the presence of the suffering culprit and his family, society is merely an abstraction.

Promotes Social Life

"Christianity indeed promotes a social life and a social attitude of mind which is contrary to the inexorable laws of nature and being contrary brings with it its peculiar problems. The law of nature is the law of the survival of the fittest and under the principles of Christianity, or Christianity as most of us understand it, we are constantly attempting to make it possible for the unfittest to

survive. We are not willing to thrust the unfit out of society or to destroy them, and being unfit and being retained in society they are constantly liable to err and must be constantly cared for. There can be no question that a large number of our criminals though keen and alert in certain lines, as is almost every insane person, are seriously defective in others. Their minds, their wills, their moral impulses are weakened or distorted by inherited or acquired disease and they are unable, as it were, to put on the brakes and to control their primitive impulses. Nature would throw them out; the old testament Hebrew would declare them unclean and banish them from society, but we retain them among us. Left alone, as is the case with the beer runners of Chicago, they would destroy themselves, they would shoot each other or would die of disease, but we keep them from murdering one another and we allow them to propagate.

"We must face these facts and these undue empsases. We must interpret Christianity and the sayings of Christ in a rational manner. We must sympathize for the weak and the fallen, but we should at the same time protect society and the innocent victims of criminals."

The North Shore Line receives countless letters commending its Lost and Found Department. Recently this department received the following editorial recognition in the Waukegan Daily Sun: "We have a good word to say for the efficient work of the North Shore Line 'lost and found' department. We left a pocketbook on a city line car. As a matter of course we notified the road, and received the pocketbook a few hours later. More recently we left an article of clothing on a limited train. That, too, was returned as soon as we notified the 'lost and found'. These cases, but two of hundreds handled each month, speak well for the honesty of the conductors and motormen."

Memorial Day

2 1/2 Day Holiday WHERE TO GO AND HOW TO GET THERE



1. Elkhart Lake, Cedar Lake, Crystal Lake, Sheboygan, Port Washington: Take North Shore Line to Milwaukee; connections at door of our Milwaukee terminal with Milwaukee Northern trains for these points. Through tickets.
2. Michigan points—Ludington, Manistee, Hamlin Lake, Portage Lake, Onekema: Take North Shore Line to Milwaukee; Pere Marquette night steamer from there; arrive Michigan next morning. Through tickets.
3. Oconomowoc, Nashotah Lakes, Nehalem Lakes, Silver Lake, Delafield, Waukesha Beach, Nagawicka Lake, Pewaukee Lake: Take North Shore Line to Milwaukee—step into T. M. E. R. & L. trains at door of our Milwaukee terminal, for these points. Through tickets.
4. Lake Geneva, Twin Lakes, Powers Lake: Take North Shore Line trains to Kenosha; comfortable North Shore Line Motor Coaches operate from there, on regular schedule, to these points. Through tickets.
5. Antioch, Channel Lake, Loon Lake, Lake Villa, Grays Lake, Volo, Fox Lake Resorts, McHenry: Take North Shore Line trains to Waukegan; North Shore Line Motor Coaches from there on regular schedule to these points. Through tickets.
6. Libertyville, Mundelein: North Shore Line to Lake Bluff where connections are made with trains on our Libertyville-Mundelein division. Through tickets.

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