

Chapel, February 19, 1927

President Wright

Yesterday morning I talked to you about our responsibility in a government like ours, and I went through the legislative side of our government. We also have a responsibility to the judicial side. As I told you yesterday, these people are elected by the folk in the state who have the privilege of voting. That is, we elect the superior court judges and the supreme court judges. The judges are the people who try the cases after the law has been enacted and the person who has violated the law is brought into the court and then tried. We will assume that he is found guilty, though they are not always found guilty, and he doesn't like the decision of the court, so he makes an appeal and carries his case before the Supreme Court. The Supreme Court holds its sessions in the state capitol, and the decision of the Supreme Court is final. O, there are a few cases in which a person may appeal to the United States Court, but they are exceptions and we will not go into that. If you are brought into the court, it is very important that the court be so conducted as to measure out justice. If justice is not measured out, then the citizenship is in a precarious position. If you feel that you can't get justice when you have a case in court, then there is something very wrong either with you or with the court. You perhaps do not realize the importance of this because you have never been in court, but it is a most important thing to see that the courts are so conducted that the laws are properly carried out after they have been enacted, and that the laws are properly judged, and that the sentences are in keeping with the provisions in the law. It is most important that justice be given. If you have a land case, it is exceedingly important that you get justice in it. You may lose your property if you do not get justice in the court. If it is a case that deals with things like prohibition and the guilty is allowed to go unpunished, then we will never break up the moonshine still. If we do not have as judges the highest type of our citizenship then the nation is in a bad fix, so far as its laws are concerned. There is no need to pass a good law, and then have it misjudged, set aside by the decisions of the courts, and it can be done, the decisions of the courts.

can determine whether or not a given statute is to be a binding law. The real trouble in this country today with the question of prohibition is that the courts are not enforcing the laws. We had just as well face the truth, there is where the trouble is. The very best people possible ought to be made the judges of our courts. After a decision has been passed through the courts, then the chief executive has the right to pardon or commute the sentence, to change the sentence. He can't make it any more severe, but a person ^{we will say} ~~probably~~ has been found guilty of murder, and has been sentenced to be electrocuted, and it has gone through all the courts, and the sentence still stands, then the Governor of the state can change that, and have him put in prison. In that particular, the chief executive has the power of setting aside the decision of the courts, modifying it, I will put it that way.

The other function of government is the executive section. The chief executive in a state is called the Governor, and the Governors in the various states have varying amounts of power. In some states the Governor of the state has the right to veto a law that has been passed by the General Assembly. They pass a certain law, and it goes to the Governor for his signature (that is also true of the federal government, the President has the right to veto). If the Governor vetoes a law, it goes back to the legislative body, and there they may pass it over his veto by a two-thirds majority. If that is done, it is a law in spite of the Governor's veto, and if it is federal, it is a law in spite of the President's veto. In a number of states the Governor has been given considerable power with reference to appropriations, and I am taking this question of appropriations, because you and I are interested in that right now, and it is only intended as an illustration. The Governor of North Carolina has the power to cut all appropriations made by the General Assembly, and to cut them sufficiently to bring the amount that is to be used by the various spending agencies in the state down sufficiently low to meet the revenue, the income. That power is given quite a number of Governors throughout the United States. I am not going to say whether the Governor should have that power or not, because it is a mooted question. What I want to get before you is the power that the Governor has. Whether he is going to have that power

after the legislature adjourns is also a question. It depends upon what this legislature does. The bill, as it stands, does give him that power. At the end of every two years if there is a surplus left it goes back to the General Treasury and is added to the amount of money that is to be collected during the next biennium. There is a tendency throughout this nation, in the states and in the federal government, to centralize the power in the hands of the executive. There is a marked tendency in that direction. In a number of the states the chief executive has the power to appoint boards that control the various institutions in the state, and he has the power to dismiss those boards without any explanation at all as to why they have been dismissed and to appoint new boards. That is true in North Carolina for about sixteen or seventeen institutions. It is true in a number of states with practically all of the institutions. In two states in the Union, at least, the Governor has had a personal or political animosity toward the head of one or more institutions within the bounds of the state and has, in the state of Washington for instance, appointed a new board of trustees and has had the President of the University of Washington dismissed from office. A man who stands out in America as one of America's greatest educators, Dr. Suzzalo, was head of the University of Washington and was dismissed for political reasons by the Governor of that state.. I am not going to say whether the Governor should have this power or not, but it is a dangerous situation in a republic when the people of a republic give power, unlimited power, to the chief executive. A republic is founded upon the assumption that the citizenship in the republic is composed of rightminded men and women, and if we are rightminded, law abiding citizens, we do not need to have an executive with power as great as the Czar of Russia has, and yet that tendency is nationwide today in this republic of ours. I think there is one of the places that we need to study government and to study it rather carefully.

Now, where do you and I come in on this? It is in the selection of the people who are to make the laws, judge the laws, and execute them. And that means that the time for us to do our work is not after they are elected, but before.

In North Carolina we have what we call the primary system. A man goes down the streets, and says, well, I believe I will run for the legislature, or I believe I will run for judge, or I believe I will be a candidate for governor. He goes down to the newspaper office and puts in a notice something like this: Having been solicited by a number of my friends, I hereby announce myself a candidate for so and so. There hasn't a soul said a word to him about it. He made up his mind he would like to be that, and so he goes down and puts that notice in, (At least Tom Dixon says that is the way he got it, and I suppose he told the truth about it) and some one else puts in a similar notice, and another and another, and we have only those who have decided within themselves that they want to be elected from which to choose, we have only those to vote for. That is one of the objections to the primary system. People may get together and ask the right kind of people to run, and that is the thing they used to do. The party leaders of the various towns, and voting districts, ~~and precincts~~ would meet in what they called the ~~conference~~ ^{Convention}, and at that ~~conference~~ ^{Convention} they would nominate the kind of persons that they wanted to run for ~~the~~ ^{the} offices, and they ~~would go~~ ^{went} out and select the kind of people that they wanted, ~~and the individuals that they wanted~~ ^{this system} developed ~~a ring~~ ^{into} that was spoken of all over America as the ^{of} Court House Ring. It was the question of that clique or ring that ~~caused~~ the people to abolish that system and substitute the primary. In the primary system there is no way of getting the right kind of people to run for office. The time for us to do our work is before the people are elected.