

Review and Outlook

When is a Law Right?

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A bill has been introduced into Congress proposing the payment of \$30,000 to the wife and children of Henry Virkula who was killed by a customs patrolman on the highway near his home in Minnesota. The most elementary consideration of justice, or even of decency, demands that this bill should go through and the compensation be paid. In addition to doing justice, the bill might be a precedent for other similar cases, the net result of which might become highly instructive to the people of the United States.

While riding with his wife and children this man was fired upon and killed by the patrolman who mistakenly thought he was transporting liquor. As to whether or not the officer was justified in shooting is for the courts and not the newspapers to decide. But leaving that matter out of consideration the pitiful fact remains that an innocent man on the public highway was killed, a wife was made a widow and two children orphans. A corporation or individual responsible for a death or injury is legally liable. The government should not hesitate to make similar amends.

There should be no hair-splitting arguments as to whether or not the officer exceeded his instructions. The government, which is the people of the United States, cannot evade its moral responsibility for this, and for similar tragedies of the future. Through their representatives, the people raised the transportation of liquor to the status of a felony. The legal conception of a felony is a heinous crime, such as murder, burglary or other crimes of grave import. An officer might be justified in killing to prevent the commission of a felony, and the moral sentiment of the people as a whole would justify the act.

But moral sentiment would be outraged by a killing to prevent a misdemeanor which is lesser offense. In such cases we do not need to go to the law for an interpretation or explanation of the difference between a felony and a misdemeanor. There is something within us that tells us what is and what is not a heinous crime. In all the generations of our christian civilization transporting liquor has never been looked upon as an atrocious crime even by sober-minded thinking people who did not use it themselves. But now, without realizing its consequences, we have permitted our lawmakers to make a felony of that which, in its nature, is not a heinous crime.

The tragedy under consideration is not the first one resulting from this mistake. Neither is it liable to be the last one. Forbidding the use of sawed-off shotguns will not prevent the other tragedies. President Hoover may honestly deplore killings, but the law remains to be enforced. He may call on the people of the border towns to cooperate in preventing violation of the prohibition law, but that will not bring back to life the innocent people killed on suspicion of committing what we have by law raised to a felony. The root of the whole trouble is in the law itself - law at which a respectable portion of the people rebel.

Thirty thousand dollars a life is not much, but eventually it may bring the people to asking themselves if a law is right when a train of tragedies like this follow its administration?