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John C. Young

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## Traffic Safety and the Bar of Colorado

BY HON. JOHN C. YOUNG\*

That there is a problem of traffic safety and an imperative demand for its solution cannot be denied. Its solution has been adopted as a major activity of the Junior Bar Conference of the American Bar Association. The movement has been approved as a matter of proper concern for the bar of Colorado by the state bar association. I feel, therefore, that in writing on the subject I am making an excursion into a field that should not be barren of interest to the lawyers of Colorado.

About a year ago I became interested in and began to give some consideration to the problem. I had known it was a problem but had not theretofore sensed its magnitude and importance. My interest arose out of attendance successively on two state-wide conferences sponsored by a committee of the Colorado Bar Association, participated in by representatives of the Colorado Motor Vehicle Department and the Colorado Highway Patrol. These conferences appeared to me to be more worthwhile than many others I had attended in that they were devoted to a problem of immediate and urgent importance which did not require deferment to the postwar period, international agreement, or Senate approval before beginning work on its solution. Since that time I have participated with a representative of the Attorney General's office, one from the Motor Vehicle Department, and one from the Colorado Highway Patrol in thirteen similar regional conferences, in as many different parts of the state.

My reaction to these conferences is that they definitely were worthwhile in laying the foundation of a sound public opinion that will result in added traffic safety through a stricter observance of traffic laws by those inclined to be law-abiding, and a stricter enforcement of the laws against those who are inclined to be lawless. I use the term "lawless" advisedly because in the light of present day conditions patent to all of average intelligence and ordinary information, one who consciously violates traffic regulations designed to promote safety deserves to be so classified, no less than one who consciously fails to distinguish between his own and others' property.

Courts, when asked to do so, may take judicial notice of certain generally known facts. Where the facts are so generally known as are those relating to the killing and maiming of people and the destruction of property by the careless operation of motor vehicles on the highways, I might assume that the members of the bar who read this would take

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\*Chief Justice, Colorado Supreme Court.

judicial notice of the facts—but to have something in the record—to make at least a *prima facie* case, I submit a few facts.

In the year 1943, with gasoline rationed at three gallons per week to the average citizen, with reduced speed limits, effected by legal restrictions and the enforced use of poor tires, we killed off our citizens on the highways of the nation to the number of 23,400. The national ratio for injured to those killed is reported by the National Safety Council to be approximately 33 to 1. That we may properly judge our efficiency in killing under the difficulties mentioned, this was at the rate of 64 per day, or one each 22½ minutes. In pre-Pearl Harbor days, with not so many handicaps, we killed more and at a faster rate; in 1941 the total killed was 39,969 and the rate was 109 per day, or one for each 13 minutes. To this imposing total on the death roll during 1941, Colorado contributed the lives of 312 of her citizens. We shall be able to kill and maim more and do it faster in the postwar period if we elect to pursue our former negligent policy.

If our military fatalities from Pearl Harbor down to the present date had been built up at our 1941 rate of killing on the highways, of 109 per day, they would be, as of July 27 this year, 104,967. The number reported by the War Department (Associated Press dispatches of the last mentioned date) as known fatalities was 58,670; 48,966 were reported missing. Assuming *all* of the missing as dead, the war fatalities have exceeded but by very few the death toll we would have piled up on our highways for a similar period at the immediate pre-war rate of killing. These facts demonstrate the magnitude and the urgency of the problem. The war is a national calamity. We are all excited about its awful toll of dead and wounded men. Why should we not be equally excited about the greater toll of dead and wounded men, women and children that lie along the streets and highways of the nation in time of normal peacetime use of our automobiles and trucks?

That strict observance of the traffic laws relating to the safe operation of motor vehicles on the highway would cut the death toll and correspondingly the number that are injured, is self-evident. That strict enforcement of traffic laws with adequate and certain penalties would promote observance of these laws is true unless our whole system of penalizing the offender for law violation is of no effect. An intensive local temporary safety drive always results temporarily in better observance and this verifies the foregoing statements.

The first requisite to secure safety on the highways is a popular sentiment resulting in general law observance. This will make the enforcement problem easier. One per cent of the people who observe the laws cannot efficiently enforce them against 99 per cent who violate them, but reverse the percentages and efficient enforcement will be easy.

The bar of Colorado, perhaps not in speaking as an association, but speaking through its individual members, is potentially one of the greatest propaganda agencies and one of the most effectual educational forces in the state. Lawyers are constantly before the public in professional, political, civic and social matters, and as individuals their opinions are sought and their advice largely followed. If the weight of this influence is thrown into the balances on the side of traffic law observance and enforcement, it will be an effective, patriotic action worthy of the best traditions of the bar in civic and social service. The situation is a challenge that in my opinion the bar collectively and individually should accept. If it does not do so, no small part of the discredit of permitting in the postwar period the transfer of the bloody shambles of our various battle fronts to the highways of the state and nation will and should rest upon it.

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### Ross Essay Contest Winner

Wayne D. Williams, member of the Denver and Colorado Bar Associations, is the winner of the Ross Essay Contest this year. He will receive the \$3,000 prize given by the American Bar Association under the terms of the will of the late Judge Erskine M. Ross at the meeting of the association in Chicago, September 13th. The subject of the contest was "What Instrumentality for the Administration of International Justice Will Most Effectively Promote the Establishment of Law and Order?" Wayne's essay was selected as the best of 72 essays submitted.

The winner is a First Lieutenant in the Judge Advocate General's Department of the U. S. Army, and is stationed in Washington, D. C. At the time of his entrance in the army, Wayne was Assistant City Attorney of Denver and an instructor at Westminster Law School. Upon entering the army, he was assigned to the Military Police, and was for many months stationed at the Military Police headquarters at 14th and Broadway. While there he read the books preparatory to writing his essay and wrote his essay. He was then sent to the Judge Advocate General school at Ann Arbor, Michigan, from which he graduated as First Lieutenant.

He was born in Denver, and attended Denver University. Upon graduation in 1938 from Columbia University Law School, he was admitted to practice by the Colorado Supreme Court, and has practiced in Denver since.

## Colorado Bar Association Meeting

Featuring addresses by Manley O. Hudson, internationally famed jurist and author, and by Judge John C. Knox, federal judge and author of two best sellers, the forty-sixth annual meeting of the Colorado Bar Association will have an outstanding program of interest to all lawyers. The convention will be held at Colorado Springs in the Broadmoor Hotel on October 13 and 14, 1944.

Judge Hudson, who will deliver the annual address on Friday evening, is a judge of the Permanent Court of International Justice at the Hague, and an outstanding authority on international law. The after-dinner speaker will be Judge Knox, whose delightful wit is familiar to most lawyers through his two books, "A Judge Becomes of Age" and "Order in the Court."

Judge Hudson was appointed as a judge of the Permanent Court of International Justice at the Hague in 1936. He is recognized as an outstanding authority on international law problems. He has served on the American delegation at the peace conference in 1918-1919. The following year he was a member of the secretariat of the International Labor Conference and served as its adviser for several years. Since 1918 he has been associated with most of the major developments in international law either as an adviser, consultant, or judge.

With his address before the Colorado Bar Association, Judge Hudson returns to scenes of his boyhood. He was born in Missouri in 1886, and journeyed to Colorado on several occasions before being graduated in law at Harvard University. After completion of his law course he returned to the University of Missouri to teach in the law school. He left the university to become special assistant in the District Attorney's office in New York in 1918, and thereafter became Bemis professor of International Law at Harvard.

He has been secretary of the National Conference of Bar Examiners, and active in the section on International Law of the American Bar Association. He has written many books, chief among them being "International Legislation" (7 vol.), "World Court Reports" (4 vol.), "Cases on International Law," "Permanent Court of International Justice and Question of American Cooperation," "Handbook of World Court," and "Treatise on Permanent Court of International Justice." He is the holder of many degrees from colleges here and abroad. At present Judge Hudson is actively engaged in work on international machinery to provide peaceful methods of settling disputes.

Judge Knox is the author of "Order in the Court" (1943) and "A Judge Comes of Age" (1940). He has been judge of the federal court since his appointment by President Wilson in 1918. He is a

graduate of the University of Pennsylvania and the Columbia University and served as an assistant District Attorney in New York for five years.

He is widely known in the East for a capable and entertaining speaker.

The convention will open Friday morning with the various section meetings. Following the luncheon Friday noon, John R. Clark will deliver the President's address. The remainder of the afternoon will be devoted to talks concerning matters of practice, chief of which will be the one given by Edwin J. Wittelshofer of Denver on the real estate standards.

The Saturday sessions will have as their theme some of the more important developments in law which are of interest to the lawyer. The entire program will emphasize practical aspects of the practice of law.

Rates at the Broadmoor Hotel will be the same as in previous years. Early reservations should be made.

Lawyers are requested to pool their cars for transportation facilities and to avoid use of trains if possible.

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## Denver Law School Alumni Meeting

The Denver Law School Alumni Association will hold its 50th Annual Banquet on Friday, September 15, 1944, at 6:30 o'clock P. M., at the Shirley-Savoy Hotel. William E. Hutton will give the principal address. Special recognition will be given the members of the Class of 1924. All former students and graduates of the Law School of Denver University are invited to attend. Tickets are \$1.75 and because of the food situation, persons expecting to attend should purchase their tickets well in advance. Tickets will be on sale at all downtown law office buildings. Gus Ornaer, 511 E. 93 C. Bldg., is in charge of ticket sales.