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The Higher Law

THE HIGHER LAW

By J. W. KELLEY, of the Denver Bar

WHEN WILLIAM H. SEWARD, replying to the argument that Negro slave property should not be taken without lawful process, declared there was a "higher law," many doubted the accuracy of his statement. A few years later the guarantees regarding slave property contained in the constitution were swept away before the operation of the superior and overwhelming power which Mr. Seward had pointed out. The law which forbids irregular excesses in human affairs acted with unconquerable force to correct a specific wrong. It was no general moral reform, for other abuses were left untouched. It is claimed now that this "higher law" is the law of overwhelming necessity; or the universal law of supply and demand; or the all-embracing law of nature, superior to all others, and having a sovereign contempt for man-made statutes.

At least three times in the past century this inexorable but little understood law has operated, despite the guarantee of constitutions, to deprive owners of property of billions of dollars of its value. The same law, which has been almost entirely unstudied by lawyers, because not justiciable in courts, also quickly restores the values it has caused to disappear.

In 1893, and several years succeeding, this law brought about what was termed a panic but which now is described by the less terrifying name of depression. Prices plunged downward; wool sold for three cents a pound. In 1894 Coxey's Army marched on Washington; in 1895 the government issued bonds to raise \$62,000,000, which was considered a great sum in those days; in 1896 we made another bond issue of \$100,000,000; in 1897 the pendulum began to swing the other way; wheat went to \$1.00 a bushel and for the first time in our history our exports totaled over a billion dollars in one year. In 1898 the Spanish-American war broke out and a stamp tax was imposed which was virtually a sales tax. These stamps produced \$200,000,000 in revenue in a single year. A war loan of \$200,000,000, at 3

per cent, was offered and fourteen hundred millions was subscribed. The "higher law" had restored the vanished values and five years after the 1893 panic came its effects had entirely disappeared.

Efforts have been made to trace these sudden and remarkable changes in the country's condition to the influence of a large or small annual gold production. When in 1898 Bryan ran against McKinley for president the claim was asserted that unless large and immediate additions were made to our metallic money no revival of business could be expected. History seemed willing to verify the complaint. In 1850 our gold production had been \$50,000,000. The yearly addition to the supply of gold constantly grew less until in 1896 it had decreased to \$35,000,000. Upon the election of McKinley to the presidency the theory that was decisively repudiated at the polls by his election seemed vindicated by immense annual additions to our stock of gold which had for so many years been withheld. Benign nature unlocked great stores of gold in Alaska and Colorado, and its yearly output steadily increased until in 1915 the United States mined \$101,000,000. Then the supply which had grown so generous declined until in 1927 it was five million below what it was back in 1850. Some students of the higher law find in these figures the cause of the country's present condition.

Inflation, obnoxious to this higher law because sudden and irregular, has received blame. In 1917, when we entered the world war, there began the most stupendous money expenditure the world has ever known. We poured out a million dollars an hour for twenty-five months. When the armistice was signed our outlay for war purposes was forty-four million dollars daily. We loaned the Allies, first and last, over ten billion dollars which was nearly all returned by them in trade with us. Our exports quickly rose to eight billions a year. To say that there is no law that inflicts quick and decisive penalties as a result of such sudden and momentous changes would be to deny the common experience of mankind. With 8,500,000 men dead as a result of the war the readjustment following this vast and unprecedented expendi-

ture and its abrupt stop could only be what always occurs when overflowing abundance is followed by rigid abstinence. No statutes could correct the condition brought about by a violation of a law which, by whatever name it is called, condemns and punishes sudden excesses of every kind against the consequences of which no provision is made. A people trained to provide against the extremes of heat and cold, drouth and flood, might be expected to guard against the reaction certain to follow sudden inflation and overwhelming prosperity, but apparently no student of the higher law was on guard.

We are depending with childlike faith on congress to remonetize silver and enable us to capture the trade of silver standard countries; yet in 1920, obedient to the law that transcends all the artificial aids of legislation, the price of silver rose to \$1.34 an ounce and we acquired 16 per cent of the commerce of the 102 countries of the world. Then, on the decline of the price of silver, we quickly lost all but 8 per cent.

How this could happen without the aid and guidance of a Recovery Act or Reconstruction Corporation sorely puzzles the quid nuncs who view all phenomena in trade or government as the direct result of legislation.

By common consent the interpretation of this higher law has been given over to leaders of finance, heads of universities and persons who admit or claim to be statesmen. But the watchmen in the tower gave us no warning when the dread consequences of the violation of this higher law recently approached. They appeared to think the true study of world affairs was in observing tariffs, stock markets, crop reports and statistics relating to crime and its punishment.

A large responsibility has descended upon the legal profession. Whenever lawyers assemble to winnow the chaff of the reform of legal procedure from the wheat, and give ear to the public's complaints of the law's delay, some time should be devoted by them to a discussion of the state of the nation.

All other agencies trusted with the study of the higher law having lamentably failed only the lawyer remains on guard. The times call to the legal profession to examine life in its largest dimensions, not in its minor littlenesses. The

higher law has strewn the shores of time with the wrecks of vanished nations. Probably while Rome was hastening to its fall men's minds were trifling with analysis of the percentage of convictions in criminal cases, the need of reform in court procedure and the shocking increase of divorce. Nero's fiddling has its counterpart in every age.

DO I GET ANY MORE THAN I AM GOING TO GET?

The following letter, we are informed by a correspondent, is an exact copy of one received not long ago in the War Department:

Adjiten General of the Army,
Washington, D. C.

Dear Adjiten, General, Sir:—

My husband was induced into the surface eighteen months ago and I ain't received no pay since he was gone. Please send my elopment as I have a four months old baby and he is my only support and I kneed every day to buy food and keep us in clothes. I am a poor woman and all I have is gone. Both sides of my parents are very old and I can't expect anything from them as my mother has been in bed for thirteen years with one doctor and she won't take another. Do I get any more than I am going to get? Please send me a letter and tell me if my husband made application for a wife and child and please send me a wife's form to fill out. I have all ready written to the President and got me no answer and if I don't here from you I will write Uncal Sam about you and him.

Yours truly,

MRS. PETER RICKETTS.

P. S. I am told that my husband sets in the YMCA every night with a piano playing in his uniform. I think you will find him there.