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Editorial Comments

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EDITORIAL COMMENTS

“BEAUTY”

A young man walked into a law office and told the senior member of the firm that he wished to study law. The lawyer replied, “I’ll teach you the law and I’ll be your preceptor, but when ever you find a proposition that you can’t understand and I don’t know, then you just say that it comes under police power and we will both abide by it and above all probability be correct.” Lawyers have been startled by the application of this invisible wand the past few years, but now are beginning to take it as a matter of fact. The practicing lawyer today knows that whenever a statute is floundering and things look dark there is always a cover that may give it protection, the police power.

What police power really is no one knows. No court would define police power unequivocally. It is a beautiful creature that changes its color to match any background. It makes the rainbow a drab phenomemom in comparison to it. It can change itself to meet any expediency, and after all that is all police power is, expediency.

In 1789 the Constitutional Convention assembled to draw a document which was called the Constitution of the United States. Amendments were added to the immortal document as years progressed. Great judges were giving the Constitution strength by fearless decisions. Then came the Twentieth Century and the courts put an indorsement which flourished over the whole document which read “Subject to the police power”. Before this, police power was a mere loophole, now it is a gateway.

The examples of police power are legion and time and space do not permit a survey of them. The example which we will consider is one that effects about sixty per cent of the urban population in the United States and on its face does not seem vicious. It is the latest widespread exercise of the police power to make America beautiful.

Since the World War there has been a movement in this country to make America beautiful. A renaissance if you will,

a movement to take hideous commercialization out our lives. First it was signboards and the courts held that ordinances which abolished signs were constitutional because the signs were protection for criminals addicted to rapine and sexual crimes. Did the defenders of these ordinances prove that crimes of that nature were prevalent because of the marvelous protection that signs along the main thoroughfares afforded? No, that was not necessary because police power was in the horizon with all the colors of the rainbow. No one doubts the fact that these ordinances were passed for beauty and not for protection of the morals of the general public.

With the passing of the Nineteenth Amendment came all varieties of legislation that stretched the application of the police power to the limit. Women have been successful legislators and votes held by an organized voting element must be answered; and most of the answers have been for the extension of beauty. Property rights have been tossed about as if they belonged only to this organized minority that has made other famous lobbying movements look like pikers. Zoning Ordinances have been passed that have as their purpose the attainment of civic beauty. They followed in the wake of the signboard ordinances and they have been held constitutional. This was a signal victory of the crusaders of beauty.

What of the future? What kind of legislation will be passed under the harboring eye of the police power? Will there be a reaction to all these infringements on inalienable rights? It is inevitable that there will be a reaction. The advocates of ultra-beauty have been given too much rope by the police power and it is a safe prediction that the movement will hang itself. Police power is different from a statute. It is different than a principle handed down by a court of last resort. Police power is a regulation of the public health, morals and welfare. What may be good for the public health, morals and welfare today may be detrimental tomorrow and vice versa. It is a dangerous weapon and should be used with caution. Surely it should be looked upon with strict interpretation when it is advocating beauty and trampling on inalienable rights. But, it isn't.

T. V. H.