

OUR LIBERTY WANING DEAN SOMMER FINDS

N. Y. U. Law School Head Tells
City Bar Association Bill of
Rights Is Being Neglected.

FOUNDERS' IDEAS DISCARDED

He Emphasizes Importance of the
Distinction Between Natural
and Remedial Prerogatives.

Frank H. Sommer, Dean of the School of Law of New York University, speaking before the Association of the Bar of the City of New York on "The Fading Bill of Rights," said last night that free government in the United States was waning because the ideas of the country's founders no longer dominated to protect the rights of individuals.

He began by quoting the question of François Guizot, the French statesman, to Lowell: "How long do you think the American Republic will endure?" and Lowell's answer: "So long as the

ideas of its founders continue to dominate."

Dean Sommer then reviewed the Bill of Rights, referring to each of the first ten amendments to the Constitution in its application nationally and individually and to the "encroachments and trespasses" made upon the powers delegated to the Federal and State Governments.

He quoted a Supreme Court opinion on the need to distinguish between natural rights, such as freedom of worship, freedom of speech and equal protection under the law, and remedial rights, such as citizenship and suffrage, "methods of procedure pointed out in the Constitution which are peculiar to Anglo-Saxon jurisprudence and some of which have been already held by the States to be unnecessary to the proper protection of individuals."

"The line of demarkation between national rights and artificial or remedial rights is important," he said. "The natural rights seemingly comprehend those which have their sources in the 'principles of natural justice inherent in the Anglo-Saxon character' and which have, with us, come to be commonly regarded as 'indispensable to a free government.'"

"Let me answer the question which I proposed at the outset of this talk. The hold of fundamental individual rights upon the imagination of the people has waned. To the extent that such hold has lessened the 'ideas of the founders' do not 'continue to dominate.'"