JUDGES FIND WAY

R. R. Clark in Comment Upholds Judge Shaw and Other Jurists Who Clear Court Rooms Of Spectators.

Mrs. Johnson, state welfare commissioner, expressed regret recently that private hearings of the violations of women could not be made mandatory by statute. She had been told by the attorney general that such enactment would be unconstitutional. But the desired result has been attained without passing a law and probably without doing violence to the constitution. In two of these cases tried in Asheville last week Judge Stack excluded spectators from the court room while the prosecuting witness testified; and about the same time Judge Shaw ordered the exclusion of spectators under similar circumstances at Shelby. It is unnecessary to argue that the victims of these assaults should not be requireed to undergo a reproduction of the herror by being compelled to relate the details before a gaping, curious vulgar-minded crowd of spectators that jam the court room. It is bad enough to have to tell the story before a jury and court officers, but that is necessary.

A law requiring private hearings would no doubt be unconstitutional, as section 35 of the Declaration of Rights of the state constitution declares that "All courts shall be open." But except in the technical sense it may be doubted if the temporary exclusion of spectators from the court room, sending out for the time all persons who have no real business there, infringes upon the constitutional requirement that "All courts shall be open." There need be no closing or locking of doors. An order of the judge that all except the court officers and those connected with the case get outside and stay until notified, is su:ffcient

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