

TRAFFIC LAWS - TRAFFIC ENFORCEMENT TRAFFIC LAW OBSERVANCE

By Albert Coates, Director of the Institute of Government

Following is another of a series of articles written for the information of motorists by Albert Coates, Director of the Institute of Government at Chapel Hill.

Traffic Law Enforcement

Laws on the books will never cut down accidents on the streets and highways until they move out of printed pages into the heads of law enforcing officers and automobile drivers and go into action on the streets and highways. "Execution is the life of the law," and execution of the motor vehicle laws depends on: (1) the officer who catches the violator of the law; (2) the solicitor who prosecutes him; (3) the jury which tries him; (4) the judge who sentences him; (5) the hearing officer with the power to restore a license suspended or revoked, and (6) the agencies of probation, pardon, and parole.

Investigating Officers

Five hundred State Highway patrolmen are continuously patrolling twenty-three thousand miles of hard-surfaced highways, and giving a lick and a promise to thirty-seven thousand miles of dirt roads; supplemented by sheriffs and rural police giving such time to traffic law enforcement in rural areas as their general law enforcing duties and limited equipment permit; supplemented by two thousand policemen, patrolling eight thousand miles of streets, in three hundred town and city islands dotting this statewide traffic sea.

Solicitors, Jurors, and Judges

Every year three thousand law enforcing officers bring two hundred people into: (1) justice of the peace courts in hundreds of scattered townships, (2) city courts in around three hundred cities and towns, (3) county courts in most of the one hundred counties, and superior courts in the twenty-one judicial districts of the state; charged with traffic violations ranging from illegal parking to drunken driving, manslaughter, and murder.

These violators of the traffic laws are prosecuted by solicitors with differing policies in throwing out cases, changing warrants, and accepting pleas of guilty to lesser offenses. They are tried by juries exercising ancient prerogatives to dispense with the law in order to administer justice—according to jury if not according to law. They are sentenced by judges with differing interpretations of "negligent" driving, "reckless" driving, "drunken" driving, with differing policies of punishment even when they agree upon the same interpretation of the law: with the net result that differences in punishment are as likely to be based on differences in courts as on differences in criminals.

To illustrate: one officer may give a caution where another gives a ticket and another makes arrest. One solicitor may nolle prosequere a case where another changes the warrant and another pushes prosecution to the limit of the law. One judge or one jury may convict of driving under the influence of intoxicating liquor on proof of alcoholic odor on the breath, another may require added proof of slurring speech and staggering walk and inability to stand alone, and another on the same evidence may

change the warrant to speeding or reckless driving in order to avoid the revocation of a driver's license. And if the first case on the docket brings a jury conviction in a reckless or drunken driving case, followed by a five hundred dollar fine and twelve months on the road, it is easy to see how similar cases fade off the docket in the hope of lenient juries and lighter judges in later terms of court.

Chain of Law Enforcing Machinery

The chain of law enforcing machinery is no stronger than its weakest link. No law is stronger than the police desk, the prosecutor's office, the jury box, the judge's bench, the hearing officer's room, or the governor's chair. To illustrate: A year or two ago a judge of Recorder's Court announced that after thirty days he would revoke the license of every person convicted of drunken driving in his court and send him to the roads; everyone applauded the announcement. As fate would have it a young man of local prominence was arrested for drunken driving while returning from a party on New Year's eve. The young man had been fined before—without visible dampening of his spirits—and he didn't mind another fine. He had driven over the roads, but didn't like the idea of working on the roads; it carried a social stigma not included in the fine and he didn't want to lose his driver's license. He put pressure on the officer to change the warrant to speeding, even to reckless driving, or to any charge that would let him off with a fine—even a big fine.

When the officer stood by the facts and wrote them in the warrant as he found them, the pressure shifted to



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the solicitor who was requested to nolle prosequere the case or accept a plea of guilty to a lesser offense, or any offense that would not involve the loss of liberty or license.

When the solicitor yielded not to temptation, the pressure shifted to the judge who was begged to reconsider his policy, or postpone it, or at least to exercise his fact-finding power to find as a fact that he was not guilty of drunken driving beyond a reasonable doubt, thus achieving the double purpose of preserving the defendant's freedom and saving the judge's face.

When the judge followed through on his policy and the driver finished his road sentence, the pressure shifted to the hearing officers of the Motor Vehicles Department to restore his driver's license, mandatory revocation for a twelve month notwithstanding. Should old acquaintance be forgot and never brought to mind? And if so, judgment day may come with the next election.

All along the line went this finger-pointing of the joints in the effort to find a single weakness which would break the backbone of the law—efforts by the defendant himself, members of his family, friends of the family, and



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even acquaintances willing to sign petitions without knowledge of the facts. Officers, solicitors, judges, and hearing officers in and out of office can multiply this illustration with similar experiences with defendants working in mysterious ways their wondrous to perform. Sometimes their wondrous work.

In the latter 1920's town and city police, township constables, county sheriffs, state patrolmen, and federal officers came together in the Institute of Government to coordinate their interlocking, overlapping, and conflicting activities with results that have given a cooperative pattern to the nation. Solicitors and judges of

the cities, the counties, and the state of North Carolina are following this example, aided and abetted by systematic and continued research studies and investigations by the Institute of Government. A year ago guidebooks on the Laws of Arrest and Search and Seizure furnished a starting point for forty local schools throughout the state, attended by sixteen hundred law enforcing officers, taught by local solicitors, judges, and lawyers at the bar.

Seems So

It seems that the woman with the least principle gets the most interest.

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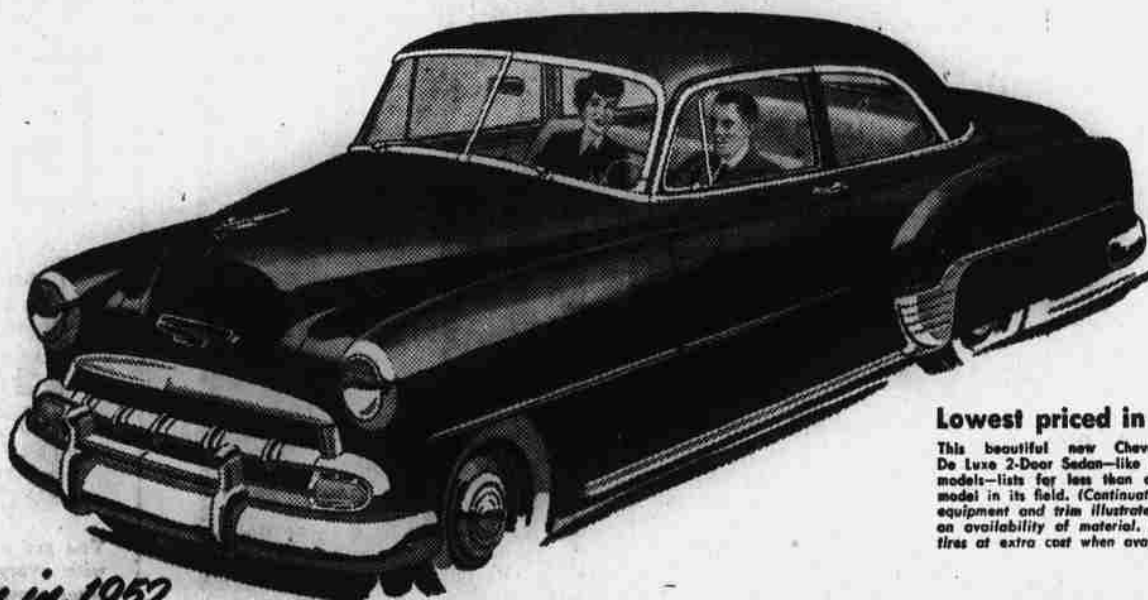
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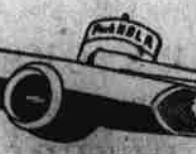
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