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# Wyoming State Bar Association

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## Proceedings of the Ninth Annual Meeting Held at Laramie, Wyoming June 14-15, 1922

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Compiled by  
CLYDE M. WATTS, Secretary  
Cheyenne, Wyoming

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## TABLE OF CONTENTS

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Officers and Committees . . . . .	3
Proceedings of Annual Meeting . . . . .	5
Address by Vice-President Winter . . . . .	17
Address by Professor C. F. Albertsworth . . . . .	28
Address by Justice F. H. Blume . . . . .	40
Address by Governor Frank O. Lowden . . . . .	57
Reports—	
Report of Secretary . . . . .	68
Report of Treasurer . . . . .	69
Report of Committee on Grievances . . . . .	71
Constitution and By-Laws . . . . .	73
List of Members . . . . .	78

# The Problem of Permanency

By HON. CHARLES E. WINTER

My theme is large. In fact, it is so great that I feel my utter inadequacy to present it. I can hope to give you but a fleeting glimpse of its vast circle. It is drawn from the depths of antiquity, it stretches into the unknown future, and yet it is of vital present interest to every American. It is the problem of the permanency of our national life and civilization.

From the far reaches of history, I desire to draw, if possible, a few truths that, coupled with present science and philosophy, may well concern us in contemplating our present and future national life, and which are applicable to our individual lives.

No reader of history has failed to be profoundly impressed with the number of great nations, peoples and civilizations which have appeared and disappeared — risen to supreme power and fallen into oblivion. Babylon, Assyria, Egypt, Greece, Rome, these and many more, forming a procession of colossals, have moved majestically from out the darkness of ignorance and barbarism into the light of civilization, power, pre-eminence, and then have passed tragically off the theatre of the world's activities. Today we excavate their cities from the sifting sands of the deserts, or new cities have reared their growth over the old, or the old still exist, but in a living death, devoid of spirit or power or hope.

We ask — why? Is there no such thing as permanency? Does the law of nature which demands motion, require inevitable endings, constant beginnings? Can there be no great world growth of humanity in the large continuing sense, except through new and successive peoples and waves or epochs? Must there always be displacement and replacement? In human history this law has been invariable. Every civilization in the past, with the exception of those nations or cities whose extinction may have been due to great climatic or seismic changes, has seen its period of over-balance, ultra-refinement, wealth and commercial greed, luxury, weakness and decay; then — subjugation or super session by a fresh race, physically strong, with a will to conquer.

## THE WHITE AND RED CORPUSCLES

There are underlying laws and principles that we must consider if we go to the bottom of the question. I may now say some startling things, but I ask that you suspend judgment until

the entire theme is presented. In the human physical organization there are in the blood two kinds of corpuscles, the red and the white; the red, representing the iron, the strength-giving element; the white, the refining element. The savage represents the abnormal preponderance of the red; the highly cultured, the preponderance of the white; the one is under-civilized, the other over-refined.

#### ANTERIOR AND POSTERIOR BRAIN

In the first you will find excessive posterior development of the head or brain; in the second you will find an excessive frontal development. The frontal is the guiding influence, presiding over the mental attributes, the posterior is the motive power, presiding over the physical. Note that development runs from the posterior head to the frontal; that means the ascendancy of the intellectual, in the individual; in peoples, the advancement of civilization; in both, culture, education, gentleness, wealth. So far, so good. Then we come to the excess of these things — excess at the cost of their complements — their complete-ments, the balance of qualities.

Carried to excess, meaning great disproportion, we find that culture results in insincerity and insincerity in falseness; education in the impractical, the impractical in the visionary; gentleness in effeminacy and effeminacy in weakness; wealth is followed by idleness and idleness by corruption. The end of all these is failure and death.

In the posterior brain development we find in the first alignment strength, courage, humanness (meaning social instinct, impulsiveness, passion, emotion), freedom; all beneficial and necessary but which carried to excess, to the exclusion of their balancing qualities, their complements, develop as follows: Strength, to brutality, to violence; courage, to recklessness, to bravado; humanness, to dissipation, to degradation; freedom, to lawlessness, to savagery. And the end of all these is failure and death.

#### INDIVIDUAL EXAMPLES OF EXTREMES

Thus it is apparent that extremes kill. Let us take two individual examples. Here is a man who is an example of the utmost extremes of culture, gentleness, education and wealth. His stock has run its course through seven or eight generations of wealth and idleness and is dying of decay. Vice finds him an easy prey; he has no powers of resistance, no constitution to withstand, no will; his moral, mental and physical fibres are loosed. There is little hope for him, his inevitable end, in the natural course, is decadence and — death. It is not entirely his

fault. The generations that have gone before him are in a great measure responsible; though to every man is given conscience, the Divine Spark, and if he wills he may save himself against all odds. But the process has gone far, accelerated by his own deliberate acts. He will perish.

On the other hand, here is a man whose blood is red. Heredity gave him that. Contact with nature has accentuated it. He comes from a fresh, virile, strong stock. His frontal development has been deficient; his posterior brain qualities are abnormally intense. He has the good qualities that belong to this type; strength, courage, humanness, love of freedom; but these have gone to their natural excess in him, for lack of influence of the white corpuscle, the anterior brain qualities; and he has therefore been violent, brutal, lawless, savage. He is therefore subject to the penalty of these extremes, which is destruction. His career, carried out to its unhindered, logical conclusion, would end in a violent death.

But, he is not necessarily doomed, as is the case with our other example, his antithesis, for the reason that in him there is the raw force that survives, and capacity for development, the beginnings of the frontal qualities, white corpuscles, which though they have been undeveloped, nevertheless are there and may at any time begin to assert themselves. If education, refinement, culture, moral principles, ambition for higher things and finer, be developed in him, if those qualities are not substituted for, but added to his super-abundant physical power, his wonderful vitality, his fighting spirit, his love of freedom, his daring optimism, then indeed will there be a Man to whom all things are possible. and if he then *retains*, as his education and refinement continue, the qualities of strength, and courage, humanness and independence, he may rise in stable equilibrium to incalculable heights.

#### SAME LAW AS TO NATIONS

I have spoken of individuals. It is through the individuals multiplied that these things work out in the larger organizations. All that I have said is therefore applicable to races, peoples, governments, civilizations. *The nations of the past lost their vitality!* Hence the tragic procession of the great peoples of antiquity; hence Egyptian civilization went down; effeminate Greek was conquered by the hardy Roman, and in turn the corrupt Roman by the fresh hordes of the Goths and Huns and Vandals under Attila, the Scourge. I include in this list all nations which have sunk far from former grandeur. Spain was once Mistress of the World. China endures because it has not lived. Such nations exist, but do not live. But China, Japan,

Russia, are from barbarian stocks which are yet to live, and this brings us directly to the question:

#### THE AMERICAN REPUBLIC

What of the American people? What of the destiny of this Republic? Shall it be thus with us? Will history repeat itself? Will progress demand in time our displacement? Will we be subject to that invariable process, or will we be an exception to the hitherto insatiable law of racial and national rise, deterioration and death? Shall we perish at the hands of a raw race which will destroy or overrun, or absorb, and itself begin a new era of development to a higher civilization? Or will this process of the ages terminate with and for us?

#### THE EAST

Tendencies that lead to deterioration can be observed in this country today. The East, especially as its life is found in our great cities, represents the white corpuscle, the frontal development. There we find education, culture, refinement, industry, high civilization, wealth; there, too, we find the settled, centralizing, conservative, consolidating influences. Like the sun the East draws everything to itself; it has the habit of increase, increment. Customs, manners, habits, views, there converge, contract, set, crystalize. We can already note there exclusion, seclusion, attenuation, over-breeding, inter-breeding, the gradual diminution of physical power and motive force. Excessive and long continued wealth, handed down from generation to generation in one family or relationship, is beginning to show its effects. The process of dissipation and idleness shows on the surface in moral disintegration, broken domestic relations, subnormal birth rate, dishonest business practices, domination of wealth, vice. Unhindered, carried to its natural end, all these mean ultimate destruction.

#### THE WEST

The West of this country has represented and now largely represents the red corpuscle, the posterior brain development and its particular attributes. The accompanying tendencies have in the past rather been in the ascendancy and whereas we have seen and admired the characteristics of strength, courage, humanness, freedom, we know they have many times run to excess and become, in their intermediate form, brutality, recklessness, dissipation, lawlessness; and in their last stages, violence, bravado, degradation, savagery. All of which unhindered by the influence of the white corpuscle, the anterior balance, spell ultimate destruction.

In the natural course of events the East would die of disease,

which is general and complete — annihilative decadence. The West, if left to its tendencies alone would be swept by violence, which is individual — destructive savagery. The West would not die; its more forceful element would endure and supersede.

#### POSTERIOR HEAD QUALITIES SURVIVE

Then, of the two excesses or extremes, the posterior brain force, the red corpuscle, the element of the stronger stock, will survive. The simple reason is that there is no hope where there is decay; dissolution has set in. It is the end — the stock has lived its life. The violence of the other extreme is significant of force, power, life, growth. It is the beginning — the stock has yet to run its course.

#### REASONS FOR PERPETUITY OF AMERICA

Now, it is indeed a bold man who would deliberately say that with our own people and nation the inexorable processes of the ages will be turned aside. But I believe that there are reasons which justify us in entertaining the hope that our nation, our civilization, Americanism, will endure indefinitely.

I preface my reasons with the obvious proposition, that *it being the extremes that kill, the solution of the problem of permanency of continuous efficient life, is — the normal, the golden mean.*

#### ILLUSTRATIONS

This is true in everything. All work deadens; all idleness atrophies. Neither the Arctic Zone nor the Torrid Zone produces as does the Temperate Zone. Neither mountain peaks nor the swampy lowlands, but the great intermediate plains and valleys feed the world. All study without experiment, or all experiment without study, all theory or all practice do not produce the desired results. An architect's dream is of no value unless reduced to blue print and produced in wood or stone or steel; on the other hand, we do not build a house without plans. Ultra-conservatism kills by inaction, ultra-radicalism by overaction; progress lies between. Non-resistance and non-preparedness insure dishonor and defeat; ultra-militarism seeks aggression and will not be borne by a free people; honor and safety lie between. Science tells us that we are all either abnormal or subnormal in some respect in some degree. The normal is the perfect type. The true course then is that of balance, harmony, a proper combination.

#### PROPER COMBINATION

The first series of qualities of both the frontal and posterior head development, are all good and all necessary to civilization and progress. The problem is not then how to retard or shackle

either but how, along with the growth of each, to keep them properly proportioned. So that as long as each of these tendencies has its proper place and influence in our country's people they will each prevent the other from going to the extremes characteristic of each; thus the balance may be maintained permanently; and, though each develop indefinitely, the second and third harmful stages may be avoided. Note, if you mingle properly or combine reasonably education and freedom you need not fear that they will ever become the impractical and visionary on the one hand or lawlessness or savagery on the other. Likewise combine in the same race culture and courage, then insincerity and falseness, recklessness and bravado are eliminated. Again, join gentleness and humanness and you eradicate effeminacy and weakness, dissipation and degradation. Given a people who have both wealth and strength and you will have no idleness and corruption, brutality and violence. The rule is that these qualities act as a check upon each other and prevent the extremes.

So the question is shall we be able in this country to maintain the right development of the frontal and posterior brain, the guiding and the propelling forces, the conservative and the radical the white corpuscle and the red, avoid the extremes, maintain the mean, and thus endure? There are reasons to encourage a belief that we will.

#### FRESH STOCK

We are as a people a fresh, practically a new stock. The hardy, the vigorous, the daring, the bold, the courageous, the strong, joined together in our Revolution to establish the new nation. They were explorers, builders, fighters, men of red blood, freedom lovers; they excelled in the hardier virtues; their posterior brain development, presiding over the physical, was strong, dominant. So, as a fresh stock we have our national life yet to live.

#### VITAL FORCES MAINTAINED BY OCCUPATION OF NEW TERRITORY

We find an added argument for our perpetuity in that all through our national life so far the greater proportion of our people have been engaged in toil in the soil, in the subduing of the wilderness. They are yet exploring, prospecting, discovering, fighting, settling, conquering. This not only requires the motive power of the dominant physical and its attendant qualities of daring, enterprise, initiative, bravery, skill, self-dependence, but it also maintains and develops these qualities and renews in the blood of our people from the East to the West, as they settle each area, the iron of health, endurance and longevity. Thus the blood will be kept red and strong.



## INFUSION OF NEW BLOOD

Though our main racial current is the dominant Anglo-Saxon, and we will have to that extent the benefits which inhere in a distinctive blood-strain, we are not a single race or nationality. Men of all nations, lands and peoples fought in our ranks, battled nature, and laid the foundation for a new country. We are a mixture of nationalities, an admixture of blood. Not only did we have this mingling of nationalities originally, thus giving us a broad foundation and obviating, or at least indefinitely removing, the danger of the attenuation and weakening to which a distinct and separate strain is subject, but by the vastness and fertility of our country and the desirableness of our citizenship this infusion of the fresh blood from the common, hardy, healthy stock of all nations, eliminating the diseased and criminal, is continuing and will continue for many years. So that, tower as high as the tree of national life may, it will be supported by adequate root and soil, for there will be this constant refreshment and re-invigoration from the bottom.

## PHYSICAL GEOGRAPHY

Once more, the physical geography of our country will have its effect in maintaining in our people a proper balance. That climate and soil and altitude have a decided influence upon the character of mankind is a well settled truth. By the vastness of our country we are afforded a variety of topography that is highly beneficial.

Generally speaking, the East is the ocean, sea-board, seafaring commercial portion of this country, and its people naturally develop, through social and business intercourse, industry and invention; and, through the intercourse of peoples and trades, wealth and culture. In the central part we have the great plains section where agriculture is predominant, where there is contact with the soil. Its peoples are developed most in healthful labor and strength. In the West we have the mountainous regions. Mountain dwellers have always, and history affords abundant proof, been devotees of freedom, patriotic, unconquerable. "*Montani semper liberi* — Mountaineers are always free men." Because of them the spirit of liberty will never die with us.

With this variety of configuration and employment the three qualities of culture, strength and liberty will be maintained; and as long as they exist the nation cannot die. These physical features of our country are unchangeable, hence their influence will be perpetual.

## CHARACTERISTICS IMPARTED TO EACH SECTION

Not only will these respective saving qualities continue to generate and emanate and be wrought into the characters of the respective peoples of those sections but the sections and peoples thereof being contiguous and being interlaced, despite our great area, by a thousand ties — by rail, mail, family, travel, contact, trade, inter-dependence — the preserving qualities of each are disseminated and absorbed throughout the whole. The leaven of each section will spread through and elevate the mass.

## THE TRUE TYPE

Most marked example of this fact today is our central, plains people, extending from the Rockies to the Alleghenies. From each side they absorb the best — culture from the East, freedom from the West, which, combined with their own quality of strength, makes them the most perfectly and harmoniously developed of our people. They represent the golden mean. Today, they are the heart, the core, of this Republic. Today they constitute the highest average of intelligence, character, and efficiency, the best combination of all qualities, to be found not only in the people of this nation but they are the highest product of mankind in mass the world has produced.

## BALANCED GOVERNMENT

We have a form of government that coincides and harmonizes with this theory of proper balance. Our constitution itself is a solution of this very same problem in governmental affairs. After chiefs came monarchs, despots, royal lines and the so-called divine right of kings. Then the people awoke to the fact that government was too much centralized in these heads and that their former individualism had left them, their liberties were gone. Denied liberty, they in time revolted against all authority and produced anarchy; and history ever since has been made up of the struggles between governing powers, for more power and the people, for more freedom. Out of all this it was seen that there must be both governing power, meaning law and central authority, and individual liberty.

When this nation was established it came nearer solving the problem of the proper balance of these factors than had any nation of earth. In fact, it solved it, although readjustments will go on for many years to come. We are now in a period of regulating too unrestricted liberty, to which we swung in our revolution in our fierce reaction against a tyrannical monarchy. Our Government is so formed that there is authority — the centralizing,

centripetal power, corresponding to the sun in the solar system, the white corpuscle in the human system; and there is liberty — the expanding centrifugal power, corresponding to the force of the earth's tangent-seeking momentum in the planetary system, the red corpuscle in the human system. Thus, like the earth, the government is kept in its proper orbit equally balanced between centralization and individualism. The result is orderly liberty, which should endure.

#### PATRIOTIC SOLIDARITY

Another point of view. The patriotic solidarity of our people, considering our mass, notwithstanding the influx of heterogeneous millions, is the most wonderful of all time. The homogeneous patriotism of our people is not a subject, but an appreciating, participating citizen patriotism. It is not the forced support of a system or a name, it is not an ignorant, blind, mechanical attachment, but a broad, free, intelligent, voluntary, glorious patriotism. This is due largely to our form of government, each individual being a unit in the sum of the whole.

#### EXCEPTION TO ALL NATIONS

We stand today an exception to all nations of earth, past and present, in that while every nation may have some of the qualities that make for continuity, and some nations have many of the characteristics and reasons for longevity, no nation, save America, has all of these factors that go to insure perpetuity.

#### THE WORLD PREPARED FOR PERMANENT PROGRESS

Why should the present civilization as founded as it is and progressing ever be displaced and replaced? There is no answer which appeals to reason. I hold the abiding conviction that the world is prepared for the development of a permanent, constantly progressing civilization. Why is not this, our nation, our people, the fitting foundation for the perfect superstructure; the prepared root and stock for the perfect growth, foliage, flower and fruit? For thousands of years mankind has been struggling upward, for freedom, for justice, for liberty, for knowledge, for brotherhood, for love. Through our race, upon our soil, under our government, may the goal of the ages be attained, and may we uplift and draw all mankind with us.

#### OUR DUTY

But a nation so situated and provided is like a man with talents. Talents alone do not prevail. A nation may preserve itself in efficiency, or it may fail despite all advantages. With all

that has been given us, it would be the calamity of all world calamities — a crime against Humanity — were Americans to fail of their high destiny.

We must remember as a people, and as individuals, that faith in our destiny is not enough. "Faith without works is dead." We must remember that the problem of permanency is solved by harmonious development, by equilibrium.

We are not as a people over-refined — far from it; we cannot over-emphasize education; education must go on and on; it is absolutely essential to our great future. We can and do under-emphasize vitality. Vitality is necessary for existence — for life — and life is the *sine qua non* — the without which not. We must remember that highly tempered steel crystalizes, brittles and snaps under impact and strain unless the strength, the molecular cohesion, the inherent tenacity of the original iron is retained.

We must bear in mind that a nation steeped in commercialism, the pursuit of material wealth, if it be to the exclusion of high ideals — in action, of strength exercised, of right defended is treading the way of one extreme which kills; courting the loss of the spirit that battles for and preserves existence. We do not expect to be attacked. Nobody wants war. But war is a possibility. We must be able, ready and willing to defend our life, or join in the procession of the living dead.

The Greeks fell not because they became highly intellectual, beauty lovers, artists, but because they lost their stamina, their motive power, the will to live!

The Romans fell not because of the intellectual development that produced the Roman Law, not because of education, oratory, literature and wealth, but because of the idleness, weakness, vice, corruption, which became associated with these things and the loss of honor, courage, vital force, the will to live! Attila was called "The Scourge" not without reason. "The Scourge" — because he was the instrument for the overrunning of a nation because of her delinquency, her failure to retain vitality, which abides only with morality, cleanness, health, activity and redness of blood.

May America never cease refining. May America never be scourged. She is now full upon the stage of the world. Will she remain there? It is for us to decide for this and several generations whether she will lose her harmony of development, her self-preserving elements, and be forced off the stage of humanity's progress, either by a raw race or by a civilized power with a will to conquer; or whether she will hold fast to her vital forces, retain the iron in her blood, her moral and physical courage, her fighting

spirit, the will to live! And stand! Maintain her balance and rise in humanity's service, to heights of glory.

Right does not save, when pitted against might, but right and might will triumph over wrong and might. We must be a civilized, refined nation whose will will be developed instead of atrophied, whose vitality, dynamic powers and efficiency will be conserved and intensified simultaneously with advancement in culture and wealth.

Thus only may we endure, and our liberty, our ideals, Americanism be secured to humanity. Thus we will go upward, with mankind, to a civilization and grandeur infinitely greater and more exalted than has been conceived in the dreams and hopes of men.