The Cassell Case

CONTEMPT
IN
LIBERIA

INTERNATIONAL COMMISSION OF JURISTS
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INTERNATIONAL COMMISSION OF JURISTS
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GENEVA, SWITZERLAND

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Foreword to Cassell Case

The International Commission of Jurists in *Newsletter* No. 12 of June 1961 has already commented on the case of Counsellor Christian A. Cassell of Monrovia who was disbarred by the Supreme Court of the Republic of Liberia on grounds of gross constructive contempt. The Court held that this contempt was committed by Mr. Cassell because of his presentation to the African Conference on the Rule of Law, held in Lagos in January 1961, of a report containing some critical observations on the administration of justice in his country.

The Commission is gravely concerned over the fact that a member of the Bar of Liberia should have been found guilty of contempt for statements made moderately and in good faith at a conference of the Commission held in a neighbouring African State.

The Commission recognizes the principle at stake as one of paramount importance and has instituted a study of the law on contempt of court in relation to the Cassell case. The results of this inquiry follow.

Leslie K. Munro
Secretary-General

August 1961.

ON May 19, 1961, the Supreme Court of Liberia found Mr. CHRISTIAN ABAYOMI CASSELL, a Liberian attorney of eminence, guilty of contempt, disbarred him and forbade his further practice of law before any of the courts of the country.

This severe sentence arose out of a paper prepared by Mr. CASSELL at the request of this Commission for circulation at the first African Conference on the Rule of Law, held at Lagos, Nigeria, on January 3-7, 1961. Some 194 judges and lawyers, the great majority from Africa but with several important participants from other parts of the world, attended the Conference. Mr. CASSELL's paper was entitled :

> " The Responsibility of the Judiciary and of the Bar for the Protection of the Rights of the Individual in Liberian Society."

This paper (which may be conveniently called the CASSELL paper) can be summarized thus :

Mr. CASSELL first referred to the Constitution of the Liberian Republic and its statutory laws affording, he said, ample protection for the rights of the individual. He considered, however, that certain statutory penal laws for the prevention and prosecution of political offences imposed certain restraints on constructive criticism of Government officials and restricted the growth of a strong Opposition. He admitted that there had been no great abuse of these laws and that the Judiciary, particularly at the highest level, more often than not had prevented their unrestricted abuse.

He referred to the existence in Liberia of two legal systems, namely, the ordinary civil law and the native customary law. With the Bar playing little part in the administration of customary law he thought that it was possible for injustices to be committed in that field.

Mr. CASSELL praised the Liberian Bar for its defence of individual rights but considered the Judiciary to be the weakest link in the chain. He thought there were no great injustices but that the sum total of many little things might be considered a menace to the rights of the individual in any society. He said that it could not be honestly stated that either the Judiciary or the Bar was or is doing its utmost to change these conditions. He regretted that nothing had been done to secure the tenure of judges and to ensure their fitness for office. He had not heard of any investigation into the character or ability of nominees for the Judiciary. But he mentioned that judges are removable only by a joint resolution of both Houses of the Legislature. Mr. CASSELL said that the Bar Association had not appreciated its true role by ensuring that only properly qualified persons were appointed to the Judiciary.

He referred to such " problems " as the collection of illegal bond fees and costs, harassment of " the illettered population " by petty judicial and administrative officers, delays in trials largely in civil cases but even to a limited extent in criminal ones. However he said that both the Supreme Court and Government Departments had made efforts to speed up the hearing and disposition of causes and to reduce the crowded dockets. He thought that a great deal would have to be done to modernize the Liberian trial system.

Mr. CASSELL stated " unequivocally " that although the laws of Liberia amply provide for the enjoyment of the rights of the individual these rights will not be fully realized until an absolutely fearless Judiciary and Bar see to it that the basic rights of the humblest individual are safeguarded, especially as Liberia is confronted with a problem of mass illiteracy. He emphasized the necessity for mass education, especially for those living in a semi-primitive state. In referring to the urgency of the problem he stated that he feared the introduction of communism into the African continent unless the imperfections he mentioned were speedily

removed. Thus the Rule of Law might be supplanted by its antithesis.

In conclusion he made some brief observations on Bench and Bar. (In parenthesis, these last observations did not attract the specific attention of the Court.)

The CASSELL paper was copied and mimeographed at the Commission's Secretariat at Geneva to be circulated, as was done, as one of the several reports submitted from various countries for the consideration of the Third Committee of the Conference.

Mr. CASSELL held for twelve years the position of Attorney-General of Liberia, returned thereafter to private practice and in that capacity was invited to and participated in the Lagos Conference.

Present when the paper was circulated, along with some Liberian lawyers, was the Chief Justice of Liberia, the Honourable A. DASH WILSON, Jr. The Chief Justice took part in the work of the Third Committee, which considered documents such as the CASSELL paper.

Upon his return to Liberia, the Chief Justice brought copies of the CASSELL paper to Monrovia. Charges were prepared there against Mr. CASSELL and a citation issued against him on grounds of gross constructive contempt.

The Court found the gravamen of the action for contempt in three major points :

1. Mr. CASSELL in his paper had written : " There are, however, certain statutory penal laws (in Liberia) for the prevention and prosecution of political offences, such, as treason, sedition, conspiracy, false publication, for the protection of the head of the state, etc., which, in my opinion, lay certain restraint on the free exercise of what might properly be considered as constructive criticism of government, of certain officials who may be subject to just criticism; and mainly, restrict the flowering of a strong and continuing opposition party, so essential to a democracy, at least to the proper working of a democracy."

The citation omitted the word " however ", which linked the text quoted above with a laudatory statement in the first paragraph of the paper referring to the " full protection of all the basic and essential rights known to, accepted and practiced by

human civilized societies " afforded under the Constitution and most of the statutory laws of Liberia.

The Court held the cited passage to be contemptuous " because as Attorney-General for more than twelve years, (Cassell) indicted, prosecuted and convicted citizens under these statutes and prayed the courts to render judgments against the citizens so charged and convicted, and these judgments were rendered upon his insistance."

2. Mr. CASSELL said in his paper : " In the past the Bar of Liberia enjoyed an excellent reputation for the fearless defence of the rights of the individual in Liberian society. Today, although strides and advances are being made on some fronts in Liberia, the Judiciary appears to me to be the weakest link in the chain."

The citation omitted the following sentence which concluded the foregoing quotation from the paper : " This does not mean to say or is intended to give the impression that great injustices exist or are practiced in Liberia but the sum total of many little things does add up to something which may be considered a menace to the rights of the individual in any society."

The Court held the cited passage to be contemptuous because according to the judgment, " the weakness of the Liberian Judiciary was not a subject relevant to the discussions scheduled for the Conference " and, therefore, " the only reason the Counsellor could have had for irrelevantly volunteering discussion on the weakness of the Liberian Judiciary was for the purpose of holding it up to international ridicule ". This " can only be viewed as a deliberate and intentional attempt to deride the courts of the Country, and thereby question internationally their efficiency and judicial usefulness ". Furthermore, according to the citation, CASSELL " preferred to conceal from Liberians, from the Bar and from the courts, what he regards to be weaknesses in the Liberian Judiciary, and to point them out at an international conference which was without jurisdiction or authority to pass upon them ".

3. The act of " circulating such document (the Cassell paper), or allowing it to be circulated; which document so falsely and discreditably reflected upon the Judiciary of which the Chief Justice is head; in his presence and at an international conference " was charged to be " disrespectful, embarrassing and humiliating to him and his office, and therefore constituted contempt ".

In answer to the citation Mr. CASSELL filed Returns in which he quoted the following comments in his paper contained in the

paragraph immediately following the first quotation under (1) above :

> " It must, however, be admitted that there has never been any great or extreme abuse in the application of these particular laws, and more often than not the Judiciary, particularly at the highest level, has struck down any attempt at the unrestricted use or abuse of them."

He invoked his constitutional right of free speech and contended that as the citation failed to charge him with having made " a false, libellous or malicious comment ", he should not be held to answer further. He explained his attitude during his tenure as Attorney-General and pointed out that he studied and instituted during that period a number of judicial reforms. He denied that the submission of his paper held up the Judiciary Branch of the Government to ridicule, or in any manner defamed or degraded it, or that the Court had been hindered, embarrassed or belittled, or that justice had been obstructed in any manner. Mr. CASSELL then defined the purpose of the African Conference on the Rule of Law as follows :

> " 14. And also because it is respectfully submitted that the whole idea or purpose of the International Commission of Jurists in holding this conference of African Jurists was to be helpful to them in the reformation of existing systems and the formation of new systems of jurisprudence. It is further respectfully submitted that in its effort to bring the Rule of Law to the peoples of the earth, and in particular to Africa, its purpose was " *to weave new threads of thought and fresh ideals into the old fabric in such a way as to retain its beauty and continuity without undermining its inner strength* ". With this objective clearly in view a careful reading and consideration of the conclusions reached by the conference should convince one that, if carried into effect, they would be of unlimited and immeasurable benefit to the peoples and states of Africa."

At a public hearing held on March 22, 23 and 27, 1961, Mr. CASSELL appeared in his own defence before the Supreme Court. The Chief Justice did not sit. The decision of the Court was rendered on May 19, 1961, and delivered by Mr. Justice JAMES A. A. PIERRE in the presence of the full Court. Mr. CASSELL was found guilty of contempt of the Supreme Court and, " because of the gravity which (the Court) attach to his contemptuous act ", incurred the severe penalties already mentioned.

In its decision, the Supreme Court gave judicial consideration only to the first and third points of the citation and refused to rule on the second — Mr. CASSELL's views on the weakness of the Liberian Judiciary : " That of course, is Counsellor Cassell's personal opinion; his saying so does not weaken the Judiciary, nor could his failure to have said so in any way added to its strength."

This finding leads the Commission to the conclusion that the Court accepts in principle reasonable criticism. Indeed in the opinion of the Commission this finding removes any reason for contempt proceedings against Mr. CASSELL.

The judgment, of 42 pages, consists mainly of a political and philosophical argument against Mr. CASSELL's concept of democracy and freedom. The Commission fails to see how Mr. CASSELL's concept of these matters is relevant to a charge of contempt. The judgment further contains a discussion on the appointment and removal of judges, on the independence of the Judiciary, on the ability of judges in Liberian society, on the Bar Association and on free legal service. For the most part this discussion equally appears to be irrelevant to the charge of contempt.

Taking issue with the respondent's Returns, the Court took the following position on the question of freedom of expression :

> " The Supreme Court of Liberia has during all of the years of its history, welcomed criticisms from Liberian lawyers, of and concerning our judicial practices; but those criticisms have in the majority of cases, been patriotic and constructive, and advanced for the purpose of bettering our judicial machines. It is expected that lawyers, in keeping with the traditions of the profession, will revolt against any practices which infringe the constitutional safe-guards of Liberian citizens, or of litigants in Liberian courts. But the Supreme Court of Liberia has not in the past, and will not now, allow improper behaviour against the courts by members of the profession, and defiant and disrespectful behaviour to judges, whether at international conferences or anywhere else; no matter what might be the opinion of some who claim new-fangled ideas under the supposed Rule of Law. Unless the lawyers of our Country can enjoy the right to constructively criticise flagrant violations of law, and wilful infringements of the rights of the people; we would have fallen short of what is expected of the profession in our political society, and of the dreams our fathers dreamt on coming to these shores out of slavery. On the other hand, the Court will not condone license to be insubordinate or subversive; we deprecate and denounce the improper habit of concealing our alleged faults from ourselves, where a proper reference to them might do the Country the greatest good; and we question the patriotism and the professional good intentions of any Liberian lawyer, who prefers to take our alleged faults into foreign countries and before international forums, and there paint the Country and its institutions in the blackest hues, and attempt to drag her good name and honour through the filthiest slime of prejudiced and stilted half-truths. That, the Supreme Court will not tolerate from any member of the Bar, because such behaviour is unworthy of the profession in Liberia; is repulsive to decency in any political society; and in the last analysis, is conduct of which any citizen should be ashamed."

The Commission trusts that on reflection the Supreme Court of Liberia will recede from the extravagance and brutality of this language.

The judgment proceeds :

> " Reporting our alleged misdeeds to an international conference, or to a sister state, is like bringing the behaviour of a truant child to the attention of persons other than its own parents; they can do nothing but wish in vain that the child had been theirs to discipline. It is hard to understand the purpose of over-magnifying ones own faults, before a forum which is without jurisdiction to enforce corrections, and to states which have their own closets with their own skeletons."

The Court made these final observations :

> " Before concluding this opinion, we would like to make it plain, that although a lot of emphasis was placed on Counsellor Cassell's right to freely write on the subject he chose for the Conference, no one has as yet questioned his right to have done so; that is a right he enjoyed under the Constitution as a citizen, and as a lawyer. The impression that the citation for contempt sought to curb his freedom to write what he liked was first broached from abroad, and we have not been able to understand why the simple wording of the citation should have been so misinterpreted. On this question of freedom of the press, we would like to say, that this freedom should not be interpreted as license to exceed the constitutional liberties a citizen should enjoy. It was in the case *People v. Groswell* (N.Y.) heard in 1804, that the constitutional privilege of freedom of the press was explained in these words :
>
> > ' The liberty of the press is the right to publish with impunity, truth, with good motives, for justifiable ends though reflecting on government, magistracy, or individuals.'
>
> Too often some of us are wont to use this constitutional privilege from motives other than could be called good, and for ends far removed from justifiable; therefore the Constitution has made the use of the privilege subject to personal responsibility for its abuse. For reliance see 6 R.C.L. pp. 510/511 under Liberty of the Press; 12 Am. Jur. pp. 413/414 under Liberty of Press.
>
> " Other lawyers might have written what Counsellor Cassell wrote, provided it is true, and made a different impression on the Court; since they might not have prosecuted under the statutes referred to as restraints of the right of the citizens. All we ask of lawyers who would write of and concerning the Judiciary and/or courts, is that their reports be the truth, conscientiously and constructively presented. The Court will punish for contempt, any false, or deceptive practice which might have the tendency to reflect discreditably upon the Judiciary Branch of the Government; or which might tend to belittle it or its decisions; or which might embarrass it in the performance of its duties; or which might show disrespect to it or its judges; or which might defy its authority."

In arriving at its judgment, the Supreme Court of Liberia took into consideration an incident in which it perceived no difference from the present case. It referred to a document condemning the Liberian Government and submitted by a Liberian lawyer to the League of Nations at the time when that body was seized with charges against Liberia on grounds of dealing in slavery. The then

Chief Justice JOHNSON was quoted as having said in his opening address of the November Term of 1930 :

> " It is among members of the Supreme Court Bar that we first look for loyalty to the Country, and whenever a Counsellor of this Court resorts to indicting Liberia before an international forum, he is a traitor and unworthy of the silk of the profession."

The Commission draws the conclusion that the Supreme Court of Liberia attaches particular significance to the fact that Mr. CASSELL expressed some criticism of the Liberian administration of justice in a paper circulated at an international conference held outside the borders of Liberia. This in the Commission's opinion has no relevance to a charge of contempt. It is indeed a novel and monstrous proposition that such criticism makes the critic a traitor.

Finally, the judgment of the Liberian Supreme Court cites the case of Counsellor JAMES A. GITTENS (7. L.L.R.) who was " held to answer in contempt for disrespect shown to the Chief Justice out of Court, as in this case. The difference between that case and this is that Counsellor GITTENS recognized the error of his conduct and filed Returns in which he asked for the Court's forgiveness. There is a great difference in attitude between the Returns filed in that case, and what has been filed in this." GITTENS approached the then Chief Justice in a private medical clinic and discussed pending litigation. The resemblance between the GITTENS case and Mr. CASSELL's appears tenuous. But surely if Mr. CASSELL was not guilty of contempt and so believed, he had no occasion to ask for forgiveness.

The Commission after the most careful examination of the Cassell paper and the judgment of the Supreme Court of Liberia finds itself unable to agree with that judgment and regards it as a most regrettable and unwarranted challenge to the right of a lawyer to criticize in good faith the courts of his country whether in that country or elsewhere. For Mr. CASSELL in his paper is balanced in his observations on the Supreme Court of Liberia. He refers with approval to the Court's striking down of attempts to abuse certain statutory penal laws. Then he offers criticism.

His fault in the eyes of the Court is twofold. First that he criticizes defects which he countenanced allegedly as Attorney-General. If this were so, it is no ground for contempt because he later proceeded, after ceasing to be Attorney-General, to criticize the statutes under which he prosecuted when he held that office. It is only fair to Mr. CASSELL to say that he is far from admitting that he himself initiated prosecutions unfairly under the statutes he later criticized in a private capacity. He claims that while he

held office as Attorney-General he endeavoured to have these statutes amended.

Secondly, Mr. CASSELL is held to be in contempt because through " prejudiced and stilted half-truths " he criticized Liberia and its institutions in the " blackest hues " outside his own country.

The judgment on this count is incompatible with the right of a lawyer — certainly not diminished because he is participating in a meeting of his brethren from his own continent and other parts of the world—to discuss and criticize in good faith the administration of justice in his own country. To hold otherwise would be to put the courts beyond the limits of criticism.

It is proper to discuss the principles of the law of contempt as they are generally known in Great Britain and the United States, because the law of Liberia, traditionally based on Common Law and with its Constitution patterned on that of the United States, may reasonably be assumed to be influenced by the laws and practices of these two countries.

In the present case we are dealing with constructive contempt. Constructive contempt arises where the act is committed out of the presence of the court or judge whose administration of justice is said to be obstructed or brought into disrepute.

In the leading case of *Ambard* v. *Attorney-General for Trinidad and Tobago* (1936) A.C. 322 the Privy Council reversed a decision of the Supreme Court of Trinidad holding that an article criticising alleged inequality of sentences imposed for certain criminal offences, had been written with the direct object of bringing the administration of criminal law by the judges into disfavour with the public. The Supreme Court imputed to the editor untruth and malice. Lord ATKIN, delivering the opinion in rendering the advice of the Board to the Crown said :

> " But whether the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by a member of the public who exercises the ordinary right of criticising in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way : the wrong headed are permitted to err therein : provided the members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attemptiny to impair the administration of justice, they are immune. Justice is not a cloistered virtue : she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men."

Following these criteria, Mr. CASSELL's paper was clearly not contemptuous. Because he was endeavouring to improve the administration of justice in Liberia, he was obviously not attempting

to impair it. The Commission is unable to find evidence of malice on the part of Mr. CASSELL and indeed he was not specifically charged with malice.

We now come to a consideration of the law of contempt in the United States, which has, as we have earlier said, a bearing on the present case. In 1831 the Congress of the United States enacted a statutory limitation of the power of the Federal Courts to commit for contempt; the definition, written in the Act of March 2, 1831, was embodied in 18 U.S.C. (1952), par. 401 :

> " A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—
>
> (1) Misbehaviour of any person in its presence or so near thereto as to obstruct the administration of justice;
>
> (2) Misbehaviour of any of its officers in their official transactions;
>
> (3) Disobedience or resistance to its lawful writ, process, law, rule, decree, or command."

In spite of the words " none other ", constructive contempt can still be dealt with by the courts of the United States in their inherent jurisdiction. The Liberian Supreme Court equally claims an inherent jurisdiction in matters of constructive contempt. In such matters the Judiciary of the United States has been mainly preoccupied with cases arising out of the so-called " trials by newspaper ", i.e., improper and prejudicial reporting on pending cases.

The courts of the United States at first made varying interpretations of the Statute of March 2, 1831; one to the effect that the statute was applicable only to such misbehaviour as occurred " in or near the immediate vicinity of the court ". A subsequent decision approached the question as to whether a " reasonable tendency " to obstruct justice existed or not. " Near thereto " in the words of the 1831 statute thus acquired the connotation of a causal rather than geographical proximity.

Finally in the leading case of *Bridges* v. *California*, 314 U.S. 252 (1931), the United States Supreme Court rejected the " reasonable tendency " doctrine as an uncertain criterion and adopted instead a rule first proclaimed in an espionage case with regard to admissible limitations on the freedom of speech. These were contingent upon establishing " whether or not the words used are used in such circumstances and are of such nature as to create a clear and present danger that they will bring about the substantive evil sought to be prevented " [*Schenk* v. *U.S.*, 249 U.S.47

(1918)]. In any case, the Court found that the new rule could not be stretched to apply to circumstances of mere criticism, even if unjustified or tending to detract from the dignity of the court.

Bridges v. *California* is a compendious reference to two cases decided jointly by the United State Supreme Court. The first, *Bridges* v. *Superior Court*, 14 Cal. 2d 464, 94 P. 2d 983 (1939), involved the publication of a telegram by Mr. HARRY BRIDGES, the trade union leader, characterizing an order made by a Los Angeles judge as " outrageous " and threatening that an attempt to enforce the order would " tie up the whole Pacific coast " in a statewide strike.

In the second case, *Times-Mirror Co.* v. *Superior Court*, 15 Cal. 2d 99, 98 P. 2d 1029 (1940), the *Los Angeles Times* published an editorial headlined " Probation for Gorillas? " in which it denounced members of the local union who were convicted on charges of assaulting and beating a non-union truck driver and applied for probation. The article admonished the judge before whom the case was pending that he "will make a serious mistake if he grants probation to Shannon and Holmes. This community needs the example of their assignment to the jute mill." The editorial was cited as in contempt for an inherent and reasonable tendency to interfere with the orderly administration of justice in an action before a court for consideration.

In both cases, the contempt citations were affirmed by the California Supreme Court and reversed by the Supreme Court of the United States in a majority decision.

The *Bridges* decision provided a rationale on matters of constructive contempt which was thus expressed by Mr. Justice HUGO BLACK :

> " The assumption that respect for the judiciary can be won by shielding judges from published criticism wrongly appraises the character of American public opinion. For it is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion and contempt, much more than it would enhance respect."

The Commission is encouraged by the fact that the Supreme Court of Liberia holds Mr. Justice BLACK in great respect, for it says in its judgment on Mr. CASSELL (in the course of observations which do not appear to have any relevance to the charge of contempt against Mr. CASSELL) :

> "...today Mr. Justice BLACK is known to be among the finest legal minds, and shines as one of the brightest and ablest jurists of our time. His

opinions, whether in concurrence or dissent, have been acknowledged —and by some of his original opposers—as being exemplifications of expert legal knowledge, combined with a respect for the law and the rights of human beings."

The decisions of the courts in Great Britain and the United States make it abundantly clear that general criticism of the Judiciary made in good faith, whether by a lawyer or a layman, will not constitute contempt. Indeed by its judgment the Supreme Court of Liberia recognizes this principle when it says :

" Unless the lawyers of our Country can enjoy the right to constructively criticise flagrant violations of law, and wilful infringements of the rights of the people; we would have fallen short of what is expected of the profession in our political society, and of the dreams our fathers dreamt on coming to these shores out of slavery."

Then the Supreme Court bases its judgment in finding Mr. CASSELL guilty of contempt on the following reasoning (already cited on page 12 of this publication) :

" On the other hand, the Court will not condone license to be insubordinate or subversive; we deprecate and denounce the improper habit of concealing our alleged faults from ourselves, where a proper reference to them might do the Country the greatest good; and we question the patriotism and the professional good intentions of any Liberian lawyer, who prefers to take our alleged faults into foreign countries and before international forums, and there paint the Country and its institutions in the blackest hues, and attempt to drag her good name and honour through the filthiest slime of prejudiced and stilted half-truths. That, the Supreme Court will not tolerate from any member of the Bar, because such behaviour is unworthy of the profession in Liberia, is repulsive to decency in any political society and in the last analysis, is conduct of which any citizen should be ashamed."

This is amazing and extravagant language to be used in respect of Mr. CASSELL's paper.

The International Commission of Jurists is vitally concerned to see that criticism made by a lawyer in respect of the judicial system of his country and conveyed to his brethren at an international gathering reasonably, in good faith and in temperate language, should not be made the foundation of an action for contempt against him. Otherwise, there may be lawyers who will be discouraged from taking part in a conference devoted to the purposes of the Commission, namely the preservation and extension of the Rule of Law, which judges and lawyers from every part of the free world support.

Dr. T. O. ELIAS, the Minister of Justice and Attorney-General of Nigeria pointed out in a *Working Paper* for the Lagos Conference that " Law is a civilizing as well as a stabilizing influence in human

society, and the true jurists are some of the most unyielding defenders of its prerogatives." He emphasized that the judges' and lawyers' notes of protest can sometimes be heard above the din of hate and clash of values :

"As long as there are such courageous men and women of the law, so long will the reign of the Rule of Law tetain its firm hold on the greater portion of the human race. And towards that achievement the International Commission of Jurists will be holding this Conference in the capital city of the Nigerian Federation have contributed not a little in the worth-while effort to realize the ideal of social justice on the Continent of Africa."

The Commission on examination of Mr. CASSELL's paper, following a careful consideration of the various authorities and the judgment of the Supreme Court of Liberia, is of the clear opinion that Mr. CASSELL did not exceed the limits of reasonable criticism. It was his undoubted right before an international gathering of lawyers to discuss the courts of his country provided he acted reasonably and without malice. In his carefully reasoned paper there is, it is repeated, no evidence of malice. Accordingly the Commission profoundly regrets and is indeed astonished that under such circumstances Mr. CASSELL should have been found guilty of contempt.

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