

REMOVAL OF FEDERAL JUDGES

HEARINGS

BEFORE THE

U.S.

COMMITTEE ON THE JUDICIARY

(SUBCOMMITTEE D)

HOUSE OF REPRESENTATIVES

SIXTY-SECOND CONGRESS

SECOND SESSION

STATEMENT OF

HON. EDWARD T. TAYLOR

A REPRESENTATIVE FROM THE
STATE OF COLORADO

IN RE

H. R. 22771

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REMOVAL OF FEDERAL JUDGES.

SUBCOMMITTEE I,
COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
April 19, 1912—11 o'clock a. m.

The subcommittee this day met, Hon. William W. Rucker (chairman) presiding.

The CHAIRMAN. The subcommittee has under consideration H. R. 22771, which is as follows:

[H. R. 22771. Sixty-second Congress, second session.]

A BILL Providing for the removal of Federal judges on account of lack of good behavior in office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at any general election at which a President of the United States is voted for the electors may also vote to relieve and remove any one or more men of the Federal judiciary on account of his or their lack of good behavior in office. A majority of votes on the question of such removal cast at such election against the incumbent or incumbents named shall operate as a removal of such incumbent or incumbents from their respective offices. The voter may at the same time recommend to the appointing power any person qualified by law to fill the vacancy or vacancies caused by such removal or removals. If the President or other appointing power shall not see proper to appoint any of the persons so recommended by the people, he shall lay before the Senate at the time of his submission to it of his appointment or appointments the recommendations in full that have come to him, orally or otherwise, in reference to such appointment or appointments. Where the jurisdiction of such judge, justice, or judicial officer so to be removed is confined to a part of a State, or a State, or a district, or a circuit, or otherwise, the vote in relation to such office or officer shall likewise be confined to the votes of such territory.

SEC. 2. That no specification as to bad behavior shall be required or allowed to be made against the incumbent of the office, but only the refutation of good behavior shall be stated which the Constitution fixes as the limit of the tenure of the office. The voter may vote for a successor proposed by any political party, or vote his individual preference without regard to party. All State laws, wherein any such vote or a part

of such vote shall take place, shall be followed as far as they may be applicable in the taking, counting, and certification of such vote or votes as are herein described, and, where there may not be any such State laws applicable, no further authority than this act for the casting, counting, and certification of such vote by proper election officials of the several States and the United States shall be necessary.

SEC. 3. That all acts or parts of acts, in so far as this act may be in conflict with them, are hereby repealed.

**STATEMENT OF HON. EDWARD T. TAYLOR, A REPRESENTATIVE
FROM THE STATE OF COLORADO.**

Mr. TAYLOR. Mr. Chairman and members of the committee, I have introduced H. R. 22771 at the suggestion of some eminent lawyers of Colorado, and I ask leave to submit a statement on behalf of Judge T. B. Stewart, of our State, a former member of the district bench and an eminent constitutional lawyer and scholar. He makes an argument in favor of it.

I may say that personally I do not claim to be, and have never posed, as a radical advocate of the proposition of the recall of judges. I have hoped that that principle would be adopted with regard to the other officials in this country first, at least, so that if it would prove satisfactory that that might be sufficient, as it would be a salutary warning to all officials, including judges, both Federal and State, until we might never be driven to what most of you look upon as a high-handed proceeding of recalling judges, especially our Federal judges, because as lawyers we must recognize that there must be some stability and that a man must not be harassed in the performance of his duty.

At the same time, conditions which prevailed many years ago have changed so markedly in the past few years, and the "big interests," if I may use such an expression, of this country have obtained such powers in the political parties and in the matter of nomination being made to the Federal bench, and human nature is so constituted that it can not entirely divest itself of its surroundings, even if it is clothed with the ermine and the black robe, so that it has been made painfully apparent to the people of the various sections of this country that there must be some restriction and some limitation upon the power, not only of the State judges, but also of the Federal judges. There is a provision of the Constitution which says that they are appointed not for life, but during good behavior, and that provision should be given some meaning, and when their behavior is clearly not good there ought to be some reasonably expeditious way of reaching them. Not that I believe it would be resorted to at all frequently, but it would be very much like the referendum and the initiative is in the State laws—those two provisions do have a salutary effect upon the legislature. They do compel the legislature to respond to the will of the people, and they do restrain the various influences from forcing bills through the legislature, because if they do force a measure through that the people do not want it can be referred to the people and be repealed. I believe it would have a very beneficial effect in that direction.

Now, as to this measure. I do not mean to say to you gentlemen that it is constitutional. On the first blush, I do not see any reason why it is not so, and at the same time I do not pose here as a profound constitutional lawyer, and I am frank to say that I have not

given it very much study. I offer it as a suggestion, believing it is something for the Judiciary Committee to consider as in the light of public sentiment of this country and in the light possibly of other public measures, as I understand Senator Owen has a measure pending before the Senate, and as Mr. Miller has a provision here for the constitutional amendment providing for the election of judges practically every tenth year or eighth year, and there is now, and there is going to be, a good deal of demand for something of this kind in the very near future; in fact, it is the demand out over the country, although it has not reached Congress very much, or reached any place where it can be made effective.

I can say to you, gentlemen, that I believe if this Judiciary Committee of Congress would pass a bill providing for some rational recall, some rational provision that would give the people an opportunity to act, not hastily, as I do not believe in grabbing a judge the minute he renders a decision, and tear him off the bench, but as provided in here, once in four years, or in some orderly and systematic way, when there would be a large expression of the will of the people, and not when you would have a vote, when only a few people would decide it, but in an election wherein the question can be presented in a way in which all of the people are going to have an opportunity to express themselves, and I believe a constitutional amendment, making such provision, would be adopted by the people of this country to-day.

Mr. LITTLETON. Not wishing to set up the constitutional question; because I would much prefer to meet the issue on the merits, but simply to set that up as an inquiry; the Constitution now provides a method by which judges may be impeached, and that is by an impeachment in the Senate, a trial in the Senate such as Judge Swayne had in Florida. He was the last Federal judge, I think, who was impeached and tried in the Senate. Now, this bill provides that every four years there may be a removal had of any Federal judge, as a result of the election which indicates that the desire of the people is that he shall be removed?

Mr. TAYLOR. Yes, sir; of his district.

Mr. LITTLETON. Do you think an act of Congress, providing for an expression of public opinion, and giving it the effect of removing him would stand against the constitutional provision which is exclusive in itself, requiring that the impeachment shall be by the Senate?

Mr. TAYLOR. That is what Judge Stewart says. That is what his brief argues before us. I do not desire to give my opinion. I do not know. I say this, that I am hardly prepared to admit that Article IV, section 2, of the Constitution is necessarily exclusive, but even if it is exclusive, my thought has been that possibly we might provide some expeditious manner of impeachment or some way of reaching it. This bill of mine, you understand, I have introduced simply as an idea, as a suggestion.

Mr. LITTLETON. I am not at all adverse to legislation which will make impeachment more speedy, and more effective, and more easily accomplished.

Mr. TAYLOR. President Taft even suggests that.

Mr. LITTLETON. I think that is where the remedy has got to be. I think that the methods of impeachment have got to be made more effective, more easy of application, but the point that I was getting at is this: Can any bill be drawn providing for the removal of Federal

judges in any other way than that which is now prescribed by the Constitution, except by an amendment to the Constitution of those provisions which lay out the course which must be pursued? That is the query in my mind, and it seems to be a very important one, constitutionally.

Mr. TAYLOR. That is a query in my mind, too. I can not say, I can not answer your question, but do say this, That I feel the Judiciary Committee of the House ought to very seriously consider the proposition of devising some means whereby the end which I think the majority of the American people want might be accomplished. I think it is up to you gentlemen to determine upon something of that kind, and when the most reactionary people of this country who have the Government of this country at heart and some of the high-class lawyers of this country and ex-President of the United States I may say that the impeachment proceeding is not ample, sufficient, satisfactory, and not adequate, and yet they do not designate or offer any suggestions, it would seem to me that it is up to the Judiciary Committee of the House, in view of the public demand, in view of the known defect, to devise some means, and I do not mean to say that this is solving the problem at all, but it is a thought presented by men who are of high standing and who are worthy of consideration, and I give it to the committee for what it is worth. I only urge personally that the committee do something along this line. If a provision can be made, making the impeachment proceeding effective, well and good. I do not think a constitutional amendment feasible. I think that is out of the question. I do not believe there is any use in waiting for that kind of provision, and I do not think it is advisable to wait for that kind of a provision if we can provide a method by a constitutional act.

Mr. LITTLETON. Isn't it a little surprising that there is such a general widespread criticism of the Federal judiciary and such utter freedom in Congress, in the House, to criticize? I am not at all ready to take the defense in the cases in which the criticism has been made, because I do not know. Isn't it a little surprising that nobody presents to the House any charges, formulates any charges, the House being the impeaching body, to be presented to the Senate against any of the judges whose usurpations are sought to be attacked and whose wrongs are sought to be redressed? This country is full of public opinion now.

Mr. TAYLOR. There were some charges presented by our Missouri friends here a year or so ago, some serious complaints. I do not know whether that is what the President refers to when he says it seems to be patched up between the Congresses and the judges in some way.

The CHAIRMAN. I do not think the President could have referred to that. There was no direct effort at impeachment, and there were simply some charges of misconduct made against one of our Federal judges in Missouri, Judge Phillips, and they were of such a grave nature that Judge Phillips concluded to retire from the bench. I am frank to say that if he had not retired I think proceedings would have been begun against him.

Mr. HIGGINS. Did that have any relation to the recent rate decisions?

The CHAIRMAN. No; he has been off the bench for several years.

Mr. HIGGINS. I have heard something with reference to the decision in regard to the Missouri rate law.

The CHAIRMAN. That was after he left the bench, I believe. No; he was on the bench when that rate law was decided.

Mr. HIGGINS. Was any action taken as a result of the disclosures in that case?

The CHAIRMAN. Nothing, except the matter was aired on the floor of Congress by some of the Members.

Mr. FLOYD. Didn't Ellis make some charges against the judge?

The CHAIRMAN. No; I think it was Pat Murphy. I think he made the principal accusations.

Mr. FLOYD. I think Pat Murphy and Ellis did do that.

Mr. TAYLOR. Did not some one make a complaint against a Nebraska judge on the operation of their laws there?

Mr. HIGGINS. I want to say, Mr. Taylor, as a matter of information, that the criticism that I have heard made of the United States judges, and others, does not apply to my part of the country, and we are as patient and long-suffering as any other section of the country. I have been amazed at some of the things which I have heard concerning our Federal judges. Now, in Connecticut, and the same is true of New England, and I think in the same degree to New York, although I will not undertake to speak for New York, that those things do not occur. In Connecticut we have a term of six years. The appointment is made by the governor, but the houses of the legislature must elect and take the man whom the governor nominates, but the majority of the houses must then elect, and in practice, Democratic governors reappoint Republican judges, and Republican governors reappoint Democratic judges, at the end of the six years. In fact, the present governor of Connecticut, a Democrat, was appointed chief justice of our supreme court by a Republican governor, and after the term of six years both branches of the legislature have an opportunity to say whether the man shall be reelected or whether the appointee of the governor for a vacancy of some other kind shall be accepted.

Mr. TAYLOR. Don't you think that is a very salutary provision?

Mr. HIGGINS. I think—I am talking about the State judiciary—we do not have and never have heard of the criticism of the judiciary that seems to apply to the other sections of the country.

Mr. TAYLOR. I want to say to the committee that I have no personal grievance in this matter, and that the supreme judges of my State have been friends of mine for years, without exception, but there has been a good deal of criticism of the supreme judges.

Mr. Littleton's suggestion a few minutes ago, that this House was just recently considering what might be called irregularities of the Federal judges in refusing to discharge the clerks in their courts who were shown on the floor of the House to be crooked. We have had to pass a law to permit the President to do the very thing that the judges themselves ought to have done if they had the welfare of the public enough at heart.

Mr. HIGGINS. Of course, the responsibility on such a state of facts as that rests with the man who had knowledge of the facts. If a judge of the United States court declined to dismiss a clerk who absconds or embezzles, I think that judge ought to be dealt with by Congress in a very summary way.

Mr. TAYLOR. Was there not some 15 of them involved here the other day?

Mr. HIGGINS. I will say that I have no knowledge of that.

The CHAIRMAN. I think we had a bill of that sort before the House.

Mr. TAYLOR. Yes.

The CHAIRMAN. And my recollection is that it was 17 in the United States.

Mr. LITTLETON. Of course, what I had in mind, and I want to state it once and for all, I have observed for the last six years, the notable cases involving the prejudices and passions of the country, as every lawyer has. In the case of the dissolution of the tobacco companies, which came up before the New York Federal judges, they wrote through Judge LaCombe the most drastic opinion that has ever been written in regard to the dissolution of that concern, and carried the Sherman law the furthest it ever was carried, and that in the midst of a city where they would have pulled down the temples, if they could, because the opinion was written. The same is true with reference to the prosecution and trial of the large bankers, the powerful men in the Street, in the Federal courts. The same happened with reference to the fining of the Standard Oil Co. in Chicago by Judge Landis. The same happened in the case of the opinion rendered by Judge Sanborn and Judge Thayer; and my reading and observation is that the Federal judges in these great cases, which affect the deep and abiding questions of this country, have been that the judges have written themselves in the teeth of the opposition more courageously, as a rule, in those big cases, than any other class of judges we have got in this country.

I know that the Federal judges in New York have been immensely unpopular in the business section of the city for what they have done, and they have been called everything on the face of the earth for their conduct. It seems to me, as in the case of these packers, which is a notable case, there was a case where the jury had an opportunity to convict the packers, no evidence was offered in their defense, but the jury returned a verdict of "not guilty."

What I am getting at is this, that in the big cases where you expect the most influence, and expect men to be swept off their feet, the records do not establish the fact that the Federal judges have been inclined to render decisions in favor of the interests, but rather have gone the other way.

I believe that if it could be done, that a provision might be made, by which the Senate, after so many years, could withdraw its sanction of the appointment of a Federal judge, in which event the President would be required to send in the nomination of another. I do not know of any other way by which you could change the exclusive method of impeachment. I realize the archaic phase of it, and then I do not think any man ought ever to be tried in front of a political body for anything. I know I do not want to be tried in that way, and I think, in behalf of the judge, as well as on behalf of the country, that no trial ought to take place before a political body where political influences come into it, as from the impeachment of Johnson down to the present time.

It might be hoped, as Mr. Higgins suggested, quoting his own State as a parallel to the way it could be constitutionally done, that the Senate may be empowered to withdraw its approval of an appointment after a stated period of time, upon a hearing, and that the President be then required to send in another nomination. But I do not much believe that you could do it by a popular vote in this way.

Mr. TAYLOR. Have you given the matter sufficient thought to determine where there is anything of that kind that could be accomplished by an act of Congress?

Mr. LITTLETON. I am simply thinking out loud about it now.

Mr. TAYLOR. If there is any method by which the matter can be reached, or partially reached, giving a fair trial to the matter in this country, without a constitutional amendment, I think it is the duty of Congress to try to devise some ways and means of that kind. If I was a member of this Judiciary Committee I would give the matter considerable thought. I have been acting chairman of the Public Lands Committee for two or three months and I have had my hands awfully full all the time, and I am on two other active committees, and I haven't been able to give these judiciary matters any attention at all.

Mr. LITTLETON. I wonder whether the Senate could give its sanction to an appointment for a certain length of time?

Mr. FLOYD. I believe it could be done. I believe the suggestion is worthy of consideration. They must be appointed by the approval of the Senate?

Mr. LITTLETON. Yes.

Mr. HIGGINS. By and with the advice and consent of the Senate?

Mr. FLOYD. By and with the advice and consent of the Senate; yes.

Mr. LITTLETON. Suppose they were authorized by Congress, by and with the consent of the Senate, and had authority to sanction the appointment for a definite period. In other words, could you chop up a life tenure?

Mr. HIGGINS. That would be a limitation.

Mr. LITTLETON. The Constitution has not attempted to say that there may not be a limitation on the approval.

Mr. HIGGINS. Of course, the Senate confirmation as well as the President's appointment is conditioned upon good behavior.

Mr. LITTLETON. That is true, but I am rather going now to the question of reappointment and continuance in office?

Mr. TAYLOR. Special appointment?

Mr. LITTLETON. I am not saying that this is sound at all, gentlemen. It has only come up in my thinking here. It is not any thought-out thing of mine. I am trying to think out some way by which you could have a shorter appointment.

Mr. TAYLOR. Yes.

Mr. LITTLETON. I am only thinking out aloud about it.

The CHAIRMAN. I am inclined to the belief that the only power the Senate has would simply be to approve or reject the appointment?

Mr. HIGGINS. I think anything less than that would be regarded—

Mr. LITTLETON. I do not see any other thing on earth except liberalizing the laws of impeachment.

Mr. HIGGINS. How would it be to limit the term to anything less than life?

Mr. TAYLOR. I don't know whether we can do that or not. I think in the case of a man who conducts himself in an honorable way, that we ought not to limit the term, exactly. The intent and the spirit of the Constitution is that they shall be appointed during good behavior. I think that ought to be carried out during the good behavior, but when he ceases to conduct himself in a way that is not consonant with good behavior, I feel there ought to be some power in the Congress, some way of reaching him.

Mr. LITTLETON. The trouble with that method is to ascertain the particular behavior. The way it is now, it is a very complicated piece of machinery and works out with great difficulty. On the other hand, I think the gentlemen who represent the idea of the recall and removal—I do not speak particularly of your bill—those who propose to go to the other extreme and throw it into a forum whose determinations will be governed not by the considerations of necessity, or the safeguards necessary, and while I do not distrust the people—it is not that. We know that in a democracy the minimum of the democracy is no better than any other government. When the masses of the democracy are at work, then it is the best government on earth, when the intelligence of the people are summoned to do things. In times of stagnation and lax opinion, when such a few people vote and take an interest, the minimum of the democracy, the government falls into the hands of a lot of people whose whole interest is simply that of politics.

Mr. TAYLOR. Don't you think it is wise for Congress to respond to this widely prevalent demand, when you can enact something that is rational and something that is conservative, you may say, and yet would give heed to what is a just complaint, rather than to delay it until we come constantly to some unreasonable extreme?

Mr. LITTLETON. I do; but I am trying to find some way which anyone at all will sanction as being constitutional.

Mr. HIGGINS. Mr. Taylor, do you think there is a widely spread demand now, with the conditions existing as they are now on account of something that has occurred in the past, for the recall of judges and for keeping it into the hands of the electorate to say who are to be the judges of the United States courts and who will not be, and whether, upon a certain state of facts, the people should decide whether they would be or not?

Mr. TAYLOR. I won't put it as strong—

Mr. HIGGINS. Let me go a little further. Don't you really think—I do not want to put it that way; but isn't it true that a large part of this agitation for the recall of judges and putting it into the hands of individuals to say who shall be judges, that that arises from conditions we have passed away from and from decisions and events which have occurred in the past?

Mr. TAYLOR. No, I do not think that.

Mr. HIGGINS. Now, what specific complaint is there to-day of our Federal judges, laying aside such a state of facts as occurred in Missouri, and in other sections of the country, in Florida, in the Swayne case, and others mentioned? Which I confess I am not familiar with, and I am glad I am not, because I do not have to meet that sort of thing.

Mr. TAYLOR. I am not prepared to give any specific cases or make any specific charges against any judges, either Federal or State. I am simply giving you what I think is an expression of the people of the country, and, of course, I come from way out in the mountains.

Mr. HIGGINS. You come from a growing State?

Mr. TAYLOR. From a people who are live wires, and they say the timid never started west, and the weak died on the way; and our people out there are thinkers.

Mr. HIGGINS. Are you not growing away every day from those conditions?

Mr. TAYLOR. No, sir; I think this——

Mr. HIGGINS. What is the basic principle on which this recall is founded?

Mr. TAYLOR. Let me answer. The very example that we have got in front of us, this matter of an ex-President of the United States going out with declarations that make Bryan look like a reactionary, and going out over the country and sweeping great big States before him on radical charges and on a radical platform.

Mr. HIGGINS. Allow me to say that I think that exhibition is pitiful.

Mr. LITTLETON. I concur with that.

Mr. TAYLOR. I think I join with you very heartily, but it is there. There is no use of our shutting our eyes to a sentiment on dissatisfaction at the reactionary conditions. Now, if you shut your eyes to those things they will increase.

Mr. LITTLETON. Do you imagine for a moment that the voters of Pennsylvania reflect in a single solitary sense dissatisfaction with the judiciary?

Mr. TAYLOR. It reflects an approval of progressiveism or what you would call radicalism, that you do not approve of.

Mr. HIGGINS. Let me say to you that one of the most distinguished governors in the Union is the governor of Connecticut, and he is a Democrat who has been chief justice of our supreme court. He is a man who by some people would be regarded as a reactionary. He says that the people to-day seem to abhor the "standstill" which he thought was better than "standpat" condition. Now, don't you think that we are dealing with a state of minds, Mr. Taylor, that a great deal of this agitation is not directed toward anything substantial, and I would make this application, not to the judiciary, not to our Government, but to everything. I would apply it to that terrible event in the Atlantic Ocean. We are living too fast and expecting too much of the Government. I would like to know something real. I do not mean specific charges, but some real substantial charge that can be made against the United States judges founded upon some basic principle. We all believe in the people and in democracy and in the rights of the people.

Mr. TAYLOR. You do not mean a man shall cease to hold office if he ceases to exercise good behavior?

Mr. HIGGINS. We are under a constitutional form of government. What is the real substantial thing complained of? The fact that a man is crooked, that some United States judge may be dishonest, does not affect the principle.

Mr. TAYLOR. I do not want to take all of the time of this subcommittee. I merely say, Mr. Higgins, that in my judgment there is a universal demand over this country for some rational provisions that will prevent the continued aggressions, as the people think, and assumption of power by the Federal judges, and especially in the line of interfering with the operation of State laws, and what the people believe are State rights.

Mr. HIGGINS. I think we can cure that interference with State law.

Mr. TAYLOR. And I feel that any suggestions that a person can make that will tend to satisfy the people in regulating any office within proper bounds ought to be worthy of consideration by the

committee. I am not offering any specific panacea. I am simply making a suggestion to the committee.

Mr. LITTLETON. We have a duty, however, which is not much thought of. Not speaking disrespectfully of our ex-President, because personally my relations with him are very cordial.

Mr. TAYLOR. I am not disparaging him; I am just calling attention to a public sentiment.

Mr. LITTLETON. He has made a suggestion about the recall of opinions. Of course, there was a perfectly rational way in which that suggestion could have been made, consistent with the declaration of Thomas Jefferson, and of the earlier inclination of the Supreme Court of the United States, and that is the number and character of questions which the supreme court of the State should have the power to declare unconstitutional, could be limited, and the legislative sovereignty of State statutes considered permanently established, the same as in the case of the English Parliament. Instead of doing that, however, which is a thing which has plenty of classical tradition to support it, as I say it was long a debatable question, but instead of doing that, and instead of connecting it in some way with the people so that it would have a direct grip upon them, he proposes not a limitation upon the number of subjects on which the courts of the State may declare unconstitutional, but he proposes that if the court declare an act to be unconstitutional, the people may reverse the court. That makes it extremely dramatic. When a time like that comes, and when a tumult such as we are now in arises, and there is a clamor to try the judiciary before the country, should we not stand with our judiciary against these prejudices and these attacks that are being made upon our judges?

Mr. TAYLOR. I agree with you.

Mr. LITTLETON. For Congress has one thing at its own door. For 21 years it neglected to deal with the economic questions of this country, and for 21 years this particular Sherman law was unamended and untouched. Finally the whole economic policy of the Nation was thrust upon the Supreme Court of the United States, and they did take the 700 words which comprise the Sherman law and map out a great policy for this Nation. Now, if we continue to put the great questions in this country upon the Supreme Court, to thrust economic questions and questions of economic policy on our courts, and the practice continues to grow, and we finally all join in a general hue and cry against them, we will break down that particular branch of our Government and create a wide and popular sense of distrust, and I feel as much the responsibility of working against the prejudices of our country and the influences that are wrongfully organized and misdirected as I feel the responsibility of correcting the known evils that exist. I think if ever there was a Congress or a time when Congress ought to stand boldly in favor of protecting the judiciary against unjust attack it is when that attack has reached the stage it now has in the language of the ex-President.

Mr. TAYLOR. Do you believe we ought to stand still and not go along at all?

Mr. LITTLETON. No; I do not.

The CHAIRMAN. Do you wish to incorporate that paper in your statement?

Mr. TAYLOR. I will put the statement in when I revise my remarks.

STATEMENT OF J. H. ADRIAANS, ATTORNEY AT LAW, WASHINGTON, D. C.

Mr. ADRIAANS. Mr. Chairman and gentlemen, I must beg the pardon of the committee for being without data that I should have brought, because I came to the House Building on another matter, and was handed this letter by a messenger in the hall, and I was totally unprepared for this hearing this morning. The consequence is that I am totally without the data that would enable me to make an intelligent presentation to the committee of my argument in favor of H. R. 23226.

The CHAIRMAN. You can make your statement now, and insert any data that you procure later in the hearing.

Mr. ADRIAANS. What I wish to find out from the committee is whether the committee would care to hear certain other gentlemen, for instance the president of our bar association and two or three ex-presidents of our bar association, who are willing to address this committee in favor of this bill, and quite a number of practicing lawyers who would be in favor of this bill, and would, if opportunity was presented by the committee, be glad to come here and state to you the reason why this bill, in their opinion, is proper to be enacted. I wish to inquire if it will be in line with the committee's desire—

The CHAIRMAN. It is now 12 o'clock.

Mr. ADRIAANS. I wouldn't be able to do justice to the subject in a short time.

The CHAIRMAN. What is the pleasure of the committee? Shall we hear the gentleman or assign him another day?

Mr. FLOYD. I think we ought to give him another day. He says he is unprepared.

Mr. ADRIAANS. I am totally unprepared. I desire also to say that Judge Raker desires to be heard in support of this same bill.

The CHAIRMAN. The committee will meet to-morrow at 10.30 o'clock a. m. with the full committee.

Whereupon the committee adjourned to 10.30 o'clock a. m., April 20, 1912.