

Comment on the following document	EAE 0422 A	
<p>"The Future of the Supreme Court", <i>Chicago Tribune</i>, February 7, 1937. <i>A Century of Tribune Editorials, 1847-1947</i>. Chicago: Tribune Company, 1947, pp. 117-119.</p>	Code Sujet	
	Sujet Jury	
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For many years it has been the *Tribune's* custom to defer comment on important state papers until at least a day has been devoted to study and reflection. The practice has its justification in ordinary circumstances, when the public has been prepared by hints and trial balloons for the official pronouncement. When, as on Friday, without any previous intimation of what was coming, the President sprang his proposal for amendment of the judiciary act, a postponement of comment was doubly merited.

Mr. Roosevelt's message and the bill which he submitted to Congress to carry his ideas into effect propose changes of two distinct sorts.

He asks, in the first place, for certain procedural changes in the administration of justice. Their purpose, as he explains, is to expedite justice in the federal courts. Under this head there is little that is novel and nothing of transcendent importance. The President has raised the question whether the creation of the office of proctor, the systematic transfer of district and circuit judges to courts which are overwhelmed with business, and the speeding of appeals involving constitutional questions will, in fact, expedite the administration of the law. Whatever the answer may be, the President's recommendations in this category involve no fundamental change in the spirit of our institutions.

The other proposed change is fundamental. Its objective is to enable Mr. Roosevelt to command a majority of the Supreme Court. He has sought to create the impression that the two suggestions are one and that they stand or fall together, but obviously they do not. The question raised by his proposal to increase the membership of the Supreme Court to a maximum of fifteen raises the question: Shall the Supreme Court be turned into the personal organ of the President?

That is fundamental because, if Congress answers yes, the principle of an impartial and independent judiciary will be lost in this country. In all probability it will be abandoned for all time. In the past other administrations and other parties in power have been dissatisfied with Supreme Court decisions, but have abided by them rather than invite the consequences of a manipulated court. Mr. Roosevelt takes the opposite view. He places his immediate objectives above everything.

Once a President has packed the court to obtain the approval of a particular course of action which he favors it is as certain as anything can be that his successors will find the same or other ways of accomplishing the same end. The court will be manipulated again and again. The will of the people expressed in their constitution will no longer be the supreme law of the land. Confidence in the integrity of the law will be undermined and none of the rights of the citizens will be secure.

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The change which Mr. Roosevelt has proposed is revolutionary. The word is used advisedly. The essential difference between free government in America and dictatorial government in Europe is the independence of our  
45 three branches of government. Mussolini dominates not only the executive branch of government but the law-making and judicial branches as well. Otherwise he would be no dictator. Precisely the same description applies to Hitler and Stalin. They are dictators because they write the laws, they put them into effect, and there is no independent judiciary to which the  
50 citizens can appeal against the autocrat.

Mr. Roosevelt is the chief executive by election, and he holds Congress in the hollow of his hand. How lightly he regards its theoretical independence in framing the nation's laws is indicated by the fact that he gave Congress a draft of his judiciary bill with orders to pass it. If the bill is passed by a  
55 supine Congress, as he expects, he will have control over the courts, too. From that moment the will of the President will be the constitution of the United States. And his successors will take the same view of the matter. Power once seized is seldom relinquished.

Tomorrow Mr. Roosevelt's successor may be the creature of a Ku Klux  
60 Klan party, with all the fanatical belief in racial and religious intolerance which goes with it. Racial and religious minorities in this country may well tremble at the prospect which Mr. Roosevelt has presented.

