THE FUTURE OF THE SUPREME COURT.

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 justified itself in ordinary circumstances, when the public has been prepared by hints and trial but has not been the prominent offering. When, as on Friday, without previous intimation of what was coming, the President sprung his proposals 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 prompt changes of two distinct sorts. The one in the first place, for certain procedural changes in the administration of justice. Their purpose, as he explains, is to expedite justice at the federal courts. Under this heading there are 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 in its object. It is to enable Mr. Roosevelt to carry a majority of the Supreme Court. He has always admitted 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 proposals 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 as a whole, accepts 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 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 through 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.

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 three branches of government. Mussolini dominates not only the executive branch of government but the lawmaking and judicial branches as well. Otherwise he would be no dictator. Precisely the same description applies to Hitler and Stalin. The difference is simply that they put the laws they pass into effect, and there is no independent judiciary to which the citizens can appeal against the autocrat.

Mr. Roosevelt is the chief executive by election, and he holds congress in the hollow of his hand, but he would not serve as chief executive if the American people were to make him their dictator. It is significant that nearly everyone who has addressed the subject of the judiciary act has done so in the cause of more independence for the courts.

The Russian Communist is trained in the discipline of conspiracy, and it may be he will be the first if he is not planning a terror, however, it must be considered the war under the watchword of what we would regard as political criticism and opposition allowed for any public controversy over such a great issue as the opposition to Stalin thought not his treat to the Russian people. The Russian may now develop in the period of political quiet unexpected power. No end of foreign enemies, and intended to overthrow the government of the world, which Lenin himself ordered Russia with it.

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