

exercise of essentially legislative powers when it is called upon to decide questions involving the validity of state action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.

“At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may extend to the slow processes of amending the Constitution which that instrument provides. The words of Elihu Root on the opposite side of the problem, asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating: ‘If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they are struck by the impulse of the moment.’ (Quoted in 31 *Boston University Law Review* 43.)

‘We believe that what Mr. Root said is sound doctrine to be followed towards the Constitution, the Supreme Court and its interpretation of the Constitution. Surely, it is no less incumbent upon the Supreme Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable ....’

Members of the General Assembly of Maryland report these facts and these recent trends to the people of the country and to the Supreme Court of the United States. They urge upon the Supreme Court as so well phrased by the Conference of Chief Justices that the Court exercise self-restraint in its interpretation and application of the basic principles contained in the Constitution of the United States; now therefore, be it

*Resolved by the Senate of Maryland, That this body memorializes the Supreme Court of the United States to modify its decisions so as to be in conformity with the original intent of the framers of the Constitution and to cease its incursions into the domain of amending statutory and constitutional law to the end that the Court may remain as it was intended, namely, a judicial body; to urge that the Supreme Court in the field of decisions involving the First Amendment and perhaps also in other fields of law, cease its usurpation of legislative power and end once and for all its attempts to deny the powers even of the sovereign people; and be it further*