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Members of the Denver Bar Association Who Have Lost
Their Lives in the Service of the United Nations

Alvin Rosenbaum, First Lieutenant, United States Army Air
Forces, August 2, 1943.

Roberts' Rules of Order

BY NORRIS C. BAKKE*

I did not choose this title for the sole purpose of misleading you into a hopeful state of better informing yourself in the field of parliamentary procedure, nor do I want to convey the impression that the court of which I now happen to be a member has suddenly awakened to a new lack of order in its judicial processes.

My use of the subject is the result of what I hope is a proper application of what is known in literature as poetic license. If I am wrong in assuming that what I write is literature, forgive me. Anyway, the rules

*Associate Justice, the Colorado Supreme Court.

I am talking about are those of Associate Justice Owen J. Roberts¹ of the Supreme Court of the United States as they are discussed and expounded (although not so designated) by Associate Justice Wiley Rutledge in *Some Premises of Peace*² and in *The Rules of Order*³ by Forrest Seymour, of *The Des Moines Register and Tribune*, in the December, 1943, issue of the *Rocky Mountain Law Review*.

I also chose to use *Roberts' Rules of Order* because Justice Roberts happens to be a Republican and I a Democrat (Rutledge is a Democrat and Seymour is a Republican), so it cannot be said that I am being actuated by any feeling of partisan politics.

By now you are aware that I am speaking about rules of order for the world. Most of the lawyers of Colorado remember that I was active in an attempt to have the General Assembly of Colorado adopt a resolution in favor of a Federation of the World. That body did not adopt the proposed resolution but substituted therefor a half-hearted statement on cooperation.⁴

One of Justice Roberts' rules of order provides: "That the President of the United States submit to Congress a program for forming a powerful union of free people to win the war, the peace, the future: That this program unite our people on the broad lines of our Constitution with * * * other free peoples both in the Old World and New, as may be found ready and able to unite on this federal basis * * * so that from this nucleus may grow eventually a universal world government of, by and for the people." In this statement Justice Roberts was joined by Grenville Clark, Gardner Cowles, Jr., Russell W. Davenport, John Foster Dulles (about whom I said on November 4, 1943, that he would be the next Secretary of State if Thomas E. Dewey is elected President, and who Walter Winchell recently said would be the next Secretary of State regardless of whom is elected President in November), Harold L. Ickes, Harry G. Scherman, author of *The Last Best Hope of Earth*,⁵ and William Jay Schieffelin.⁶

I take it that every lawyer is now familiar with the Fulbright Resolution⁷ which was adopted in the House of Representatives of the United States September 21, 1943, by a vote of 370 to 29, pledging itself to "the creation of appropriate international machinery with power adequate to establish and to maintain a just and lasting peace among the

¹Expressed in a number of addresses. See *Supra-National Law*, delivered at a dinner of the American Society of International Law, Washington, D. C., May 1, 1943. 9 VITAL SPEECHES 457 (May 15, 1943).

²16 ROCKY MOUNTAIN LAW REVIEW 1.

³16 ROCKY MOUNTAIN LAW REVIEW 74.

⁴Senate Memorial No. 10. COLO. S. L. 1943, p. 718.

⁵New York. Random House, 1941. See, also, 168 ATLANTIC MONTHLY 567 (1941).

⁶*The New York Times*, December 18, 1941.

⁷House Concurrent Resolution 25, 78th Cong., 1st Session.

nations of the world, and as favoring participation by the United States therein," and the Connally Resolution,⁸ which was approved by the United States Senate November 5, 1943, by a vote of 85 to 5, providing: "That the United States acting through its constitutional processes join with free and sovereign nations in the establishment and maintenance of international authority with power to prevent aggression and to preserve the peace of the world."

Conceding that these two resolutions may mean all things to all men, I think it fair to say that both are comprehensive enough to permit the formation of an "international authority" that can do the job that has to be done.

"Justice Roberts, in following Mr. Streit, believes that the American people can assure the establishment of a world government if they will declare that they want it. Their will in the matter will prevail. Such a government would follow the form of the American Union. A citizen of any country composing the union would be a citizen of any other. His place of residence and occupation would be of his own choice. The constitution of the union government would be the supreme law and the union would be as firmly cemented as the union of American states; * * *."—*Chicago Daily Tribune*, June 15, 1943, commenting on Justice Roberts' speech of June 13, 1943.

What is the will of the American people in the matter? I suppose in the last analysis that is anybody's guess, but here are a few indications: The voters of the city of Boulder, Colorado, and those of the state of Massachusetts in the general election of 1942, who had a chance to vote on the question on a ballot as a part of the elections, expressed their willingness to having the United States become a part of a world federal union by a majority of more than three to one. In so far as the leaders of the three great religious faiths speak for their followers, they are committed to the organization of "International institutions to maintain peace with justice." In the March, 1944, issue of *Fortune* is a statement of principles of authority which the American people are now ready to grant to the proposed world government, a resume of which appeared in the issue of *Time* for February 28, 1944. The most surprising poll of all, however, is the recent one announced by the United States Chamber of Commerce to the effect that out of a total of 1,935 ballots from its members, 1,927 approved the four-nation declaration at Moscow and the Fulbright and Connally resolutions, and 1,828 out of 1,899 approved an international police force "acting through the combined chiefs of staff organization developed to meet future conditions."

To those of you who may agree with Alexander Hamilton as to the intelligence of the masses in such questions as these, assuming that

⁸Senate Resolution 192, 78th Cong., 1st Session.

the *Fortune* poll was obtained from that source, i. e., a cross section of the American people, I say that the change in the thinking is not confined to the masses, but to many members of our profession as well. This may be illustrated by a personal experience. In September, 1942, at the annual meeting of the Colorado Bar Association, when my friend George M. Morris was president of the American Bar Association, I suggested that he appoint a committee of that association to work in this field. His curt reply was: "Let's win the war first," and he therewith dismissed the suggestion. That he has had a change of heart is evidenced by at least two actions on his part: The fact that Justice Rutledge was asked to speak at the meeting of the American Bar Association in Chicago (the speech he delivered there is the one which appears in the *Rocky Mountain Law Review*, *supra*) and Mr. Morris' own speech which was published in the March, 1944, issue of the *University of Chicago Magazine*. However, most typical of the thinking of many leaders of the bar today is that which is well expressed in Judge Orie L. Phillips' article entitled *Ordered Justice Under Law in an International Association*⁹ in the February, 1944, number of the *American Bar Association Journal*. Those of us who have known Judge Phillips through the years realize the change in his thinking on the subject, which change he has been free to confess. I commend his article to the serious consideration of the members of the Colorado bar.

A constitution for the United States of the World has been drafted by the very respectable League of Nations Committee in London. It was published in the February, 1944, issue of *International Conciliation*, copies of which may be had from the Carnegie Endowment for International Peace, 405 West 117th Street, New York, N. Y., and an international bill of rights is in process of formation under a committee of the American Law Institute, the director of which is William Draper Lewis of the Philadelphia bar.

You may have no interest in these *Roberts' Rules of Order*. You may only ask to be let alone to practice law in your own bailiwick, which is a highly commendable thing to do, but this article is addressed to those members of the bar who may wish to have some part in this next great step in building a government under law for the world. That it will be essentially a lawyer's task and duty needs no citation of authority.

Maybe some lawyer in Colorado could win the \$3,000 offered by the American Bar Association for the best answer to the question: "What Instrumentality for the Administration of International Justice Will Most Effectively Promote the Establishment and Maintenance of International Law and Order?"¹⁰

⁹30 AMERICAN BAR ASSOCIATION JOURNAL 61.

¹⁰20 DICTA opp. p. 323 (December, 1943), 30 AMERICAN BAR ASSOCIATION JOURNAL XI (No. 2, February, 1944).