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## Periods During Which Judges Will Sit - 1936

Dicta Editorial Board

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tive, and the presumption of constitutionality is so controlling that, if we have any doubt whatsoever, we must uphold the act."

You see that both views are entirely reasonable and yet that, in a close case, they must inevitably clash.

However, when one reads these great cases together and not at long intervals as they appear, they fall into line, and form a straight course of singularly level-headed and even-handed adjudication. With our constitution as it is, it is hard to see how any one of the cases involving federal statutes could have been decided otherwise than it was. It is a small matter, but worth notice, that in only two of the great cases was there a 5-4 decision—the gold group where the act was sustained, and the railway pension case, where it was rejected. We have nine honest, resolute and very able men, representing the two main attitudes of human thought and constitutional construction, so evenly divided that the best reason can always command a majority over any unconscious bias. We are indeed fortunate in a time of popular ferment that the last word as to our rights rests with so sane and impartial a body.

In all this I am taking the constitution for granted. Whether it should be changed or not is another question, but how well the present instrument has served its intended purpose is seen from the vigorous words of John Randolph. Inquiring into the need of a restrictive constitution, and how the people had come to assent to it, he said:

"It was because of the radical depravity and original sin of their nature, which called for wholesome restraint. In a lucid interval, they had wisely determined to tie up the hands, not only of their agents, but themselves, that, when the hour of passion should come, barriers might be opposed to their inconsiderate rashness."

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## PERIODS DURING WHICH JUDGES WILL SIT—1936

June 29 to July 11, Inclusive.....	Judge Robert W. Steele
July 13 to July 25, Inclusive.....	Judge Otto Bock
July 27 to August 8, Inclusive.....	Judge Frank McDonough, Sr.
August 10 to August 22, Inclusive.....	Judge Charles C. Sackmann
August 24 to September 5, Inclusive.....	Judge J. C. Starkweather
All Return September 8 (Day After Labor Day)	

CRIMINAL DIVISION: Judge Calvert to July 18; Judge Dunklee, July 20 to September 8.