The proposal to add six additional justices to the Supreme Court of the United States. Speech of Honorable Henry F. Ashurst, United States Senator from Arizona ... delivered in the Senate on January 29, 1937.(one week before the President's message recommending the addition of six justices to the Supreme Court. Reprinted from the Congressional Record. [n. p. 1937].

THE PROPOSAL TO ADD SIX ADDITIONAL JUSTICES TO THE SUPREME COURT OF THE UNITED STATES.

Speech of Honorable Henry F. Ashurst, United States Senator from Arizona, and Chairman of the Senate Committee on Judiciary.

Delivered in the Senate on January 29, 1937 (one week before the President's message recommending the addition of six Justices to the Supreme Court).

Reprinted from the Congressional Record.

Mr. President, I do not know that I should tax my strength this morning in discussing the asserted power of the Supreme Court of the United States to declare acts of Congress beyond the powers of Congress further than to say that in all tyrannical governments, no matter what may be their form, whether an oligarchy, or, as Thomas Jefferson said, 148 men—no monarch, no tyrant, makes any progress whatever unless and until he seizes in his hands the legislative, the executive, and the judicial powers. Monarchs in Europe—some may call them "tyrants"—would be effectively hampered in their efforts unless they held in one hand, in one magistracy, the legislative, the executive, and the judicial powers. So the first thing a wise, prudent, scheming, subtle monarch in Europe does if he wants complete control is to seize legislative, executive, and judicial powers.

Let me say that I have no sympathy with attempts to whittle or to chisel, by indirection, circumlocution, and periphrasis, and "house-that-Jack-built" methods, in order to acquire power. Let us manfully stand up and say, "Mr. President, we ought to have more power. We need more power." The way to obtain it is by consulting the States.

In my judgment the way to reach the desired objective is by bold frankness, by asking the people of the States to ratify the necessary amendments. If we think the Supreme Court should not exercise the power of passing upon laws, let us say so by amendment. In the long run there will be niches in the hall of time, and places in the record of history, for men who act directly in that way; but there will be found no niches, no place in the record of history, nor will there be a glowing tribute on
the page of any history book for a Congress which by such methods as I have indicated tries to do indirectly that which it cannot do directly.