

in their governmental affairs. Now, and mostly by their own definition, it is the so-called liberals, encouraged by the so-called responsible press, that would cripple the right of the people and of their elected representatives to have a form of government of their own choosing.

The virus of judicial oligarchy upon which this Country now is well embarked will spread to other fields. When this occurs in successive issues, the people of this Country will realize the extent to which they now are governed by the courts and will put an end to further extensions of judicial power.

There will come a time when the people of this Country will refuse to countenance further encroachment by the judiciary upon the rights of a free people. If these excursions of the courts into political matters had occurred a century ago, our people already would have passed the point of intolerance. It is only the long instilled respect for the judicial function held by our people that has kept them patient so long.

It is the judiciary itself that will suffer most from the accumulated reactions of the American people. Already our best legal minds and millions of our people speak in derogatory terms of the judiciary, varying from the deprecatory smile to the sneer of complete contempt.

The Senate of Maryland in making this declaration of principle calls upon the judiciary in this land to return to its proper sphere as one of the three co-ordinate branches of government. We call upon the judiciary to abandon its ill-conceived assault upon the two great principles of American government, Federalism and separation of powers.

If we are to change our form of government, let the changes stem from the people and their elected representatives, so that whatever may be that form of government, it is one of free institutions chosen, selected, and protected by a free people enjoying the rights of self-determination and a free government; now, therefore

Be It Resolved By The Senate of Maryland, That this body reiterates and confirms its continued reliance and belief in the fundamental and historic principles of American government, and that it decries the strong and virtually unchecked trend toward judicial oligarchy; and

Be It Further Resolved, That the Secretary of the Senate of Maryland is instructed to send copies of this Resolution to each member of the Supreme Court of the United States, each member of the Court of Appeals of Maryland, the Chief Judge of the highest appeals court in each state in the Union, and the members of the Maryland Delegation in the Senate and House of Representatives in the Congress of the United States.

Which was read the first time and referred to the Rules Committee.

By the Senate, October 21, 1965.

Rules Committee reported that Senate Resolution No. 11 be referred to the Senate sitting as a Committee of the Whole House.

Referred to Committee of the Whole House, October 20, 1965

RULES COMMITTEE

WILLIAM S. JAMES, Chairman.

Senator Malkus, duly seconded, moved that the Senate sitting as the Whole House take no action in the resolution.

Said motion prevailed and no action on the resolution was taken.

The Senate resumed its regular session at 3:35 o'clock P.M.