

ROOSEVELT ASSAILED IN HOUSE BY GARDNER

**Recall of Judges, He Says, Is Like
Substituting the Wolf to
Protect the Sheep.**

CALLS RADICALS SOCIALISTS

**Representative Is Son-in-Law of Sen-
ator Lodge, Friend of Roosevelt, but
He Stands Squarely for Taft.**

Special to The New York Times.

WASHINGTON, April 4.—Representative Augustus P. Gardner of Massachusetts, son-in-law of Senator Henry Cabot Lodge, joined issue squarely with Mr. Lodge's old friend Col. Roosevelt today on the recall of Judges and of decisions. In an impassioned speech in the House Mr. Gardner, who has always counted himself a Progressive, told why he could not accept such doctrines as this from Col. Roosevelt.

Senator Lodge is not taking sides in the contest between President Taft and Col. Roosevelt for the nomination, but his son-in-law came out squarely for Taft after the Colonel's Columbus speech.

The adoption of the recall of Judges as part of the fabric of our Government, Mr. Gardner asserted, would be like the substitution of the wolf for the watch dog. "The watch dog may anger the sheep," he said, "and may restrain the sheep against their impulses, but he is their security and the protector of each one of them. Let the flock think twice before it exchanges the watch dog for the wolf."

"One of the leaders of the Progressive Republican League," asserted Mr. Gardner, "has said a firm belief in the recall of Judges by the people is the true acid test of a Progressive. I dispute an analysis determined by any such chemistry. I deny the application of the epigram and in its place I offer a truer maxim. A firm belief in the foundations of our Federal Constitution is the rock from which the liberal reformer defies the radical destroyer."

"The reactionaries of this Nation are hopelessly routed and now, as always in the world's history, a new line of cleavage has appeared between the forces which have put the old order to flight."

"On one side of this new line of cleavage we find the men who wish to prune and pare and train and cultivate the tree of life. On the other side we find the men who believe that the tree is so old and so rotten that it must be pulled up by the roots and a new one planted."

"The issue is squarely joined between those who believe in a self-limited democracy and those who believe in a pure democracy."

Mr. Gardner classed the advocates of judicial recall with the Socialists. Except during the civil war, he said, the Constitution and its restrictions had been submitted to by all classes. "But," he exclaimed, "now comes forward a new body of men who call themselves Socialists and who deny the right of individuals to hold property. Joined with the Socialists in the movement for fundamental Constitutional changes are those radicals who believe in private property, but base their faith on a pure democracy."

"We are living in an age of discontent, much of it justifiable, much of it the artful creation of the demagogue. When men are discontented and filled with anger they do not attack with discrimination, but they attack blindly in all directions. For several years the people have been turning out of power those representatives whose views do not meet their views, and have been substituting men who share the same opinions as their electors. This is as it should be. This is the true remedy and the only sure remedy. If I cannot bring myself to believe that which my constituents believe is my sworn duty to follow my own judgment while I am still in Congress; but nevertheless the people in my district should turn me out of Congress if our difference in views is important."

"Why is it that in the wave of change which has swept over England the British Judges and the British courts have not been the subject of attack? Why should discontent manifest itself in one direction at home and in another direction abroad?"

"It is partly because the British court procedure has been reformed and ours is still archaic. But why blame our courts for the use of worn-out tools? It is our Legislatures and our lawyers who have been remiss in supplying them with no new ones, and the people ought not to tolerate this remissness one day longer."

"Far more significant than any question of difference in procedure between the two countries is the fact that our courts are charged with two great unpopular functions which the British courts escape."

"American courts must declare void all laws, no matter how popular, which violate any of the provisions of our fundamental law, the Constitution."

"As if that function were not sufficient cause for unpopularity, the additional duty is imposed on our Judges of issuing injunctions in labor disputes, and they are further charged with the necessity of themselves punishing for contempt of court, without a jury trial, all citizens who violate those injunctions."

Giving notice to the Senate that on next Wednesday he would speak on former President Roosevelt's views on judicial reform, Senator Jones of Washington declared to-day that "the rule laid down by the ex-President was in line with that advocated by Pontius Pilate 1900 years ago."

The Senator said no more, but his remark aroused much interest in the promised speech.