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JUDGE ARHIBALD'S CONVICTION

Judge Robert W. Archbald, of the United State Commerce Court, who was impeached by the House of Representatives on July 11, 1912, on charges of corrupt collusion with coal mine owners and railroad officials, was convicted by the Senate on January 13, 1913, and was punished, not only by removal from the bench, but disqualification from ever again holding any office of honor, trust, or profit under the United States Government. The verdict was practically unanimous since only five Senators voted against his conviction.

With the exception of Senator Paynter, of Kentucky, every ex-judge in the Senate voted for conviction. After the trial one Senator remarked: "The fact is that Archbald was convicted, not so much of being corrupt, as of lack of plain common sense; he seems to have been utterly without even a rudimentary sense of the ethical distinctions between what is proper and what is improper for a judge to do." The defense was not a denial of the facts charged but an insistence of the Judge's purity of purpose.

The case against him consisted of thirteen counts, on five of which he was convicted. These five all related to his conduct, while a member of the Commerce Court, a position which he had filled for less than two years, although his career as a judge covers twenty-eight years. The charges against him have been thus summarized:

"Judge Archbald sought to get contracts for the purchase of coal banks owned by railroads which were litigants before the Commerce Court, of which he was a member. He succeeded in making bargains with the representatives of railroads or corporations which others were unable to make. He was enabled to have a price fixed in his proposed deals which was much below the actual price which others were willing to give. The contracts were executed in the names of other parties, so that the Judge was unknown in the transactions. Powerful litigants who were granting these favors to a Judge before whom their cases frequently came for adjudication were the only ones who knew of these furtive bargains and favors granted the Judge, except the confidential agents who represented the Judge's commercial transactions under cover. He communicated with an attorney for one corporation in a secret manner and actually advised the representative of that railroad how he might rectify his pleadings so that he might win his case or present the case in such form that, at any rate, there would be a better ground afforded the Judge to grant him a decision, should he decide to do so."

Although this is the third time in the history of the United States that a judge has been removed from office as the result of impeachment proceedings, Judge Archbald's case is the first successful impeachment in American history for judicial corruption. The real cause of Judge Pickering's impeachment and removal from office in 1804 was insanity, although
the charges preferred against him were violence and drunkenness. Judge Humphreys was impeached and convicted for having joined the Confederacy in 1861. Three other judges during the past century have been impeached but acquitted. These facts testify to the high standard of official morality prevailing in the Federal judiciary.

As a direct result of Judge Archbald's impeachment and conviction, a bill has already been introduced providing that the Senate may authorize a committee to arrange the procedure of the impeachment trials, the present method having proved to be entirely too costly, complicated and tedious. It has also been suggested that the Senate Committee on Judiciary be made the responsible court of impeachment, or that a special court for cases of judicial conduct be created.

Another and more far-reaching result of Judge Archbald's trial will be the wholesome, moral effect that it is certain to have in every part of the country, and throughout the public service. Not only the United States courts, but all government, national, state and local, will be cleaner and safer, because both Houses of Congress have done their duty.