

The “sea of doubt”

The phrase comes from William Howard Taft, when he was a 6th Circuit judge. (He was later president of the U.S. then chief justice of the U.S. Supreme Court.)

“It is true that there are some cases in which the courts, mistaking, as we conceive, the proper limits of the relaxation of the rules for determining the unreasonableness of restraints of trade, have set sail on a sea of doubt, and have assumed the power to say, in respect to contracts which have no other purpose and no other consideration on either side than the mutual restraint of the parties, how much restraint of competition is in the public interest, and how much is not. [¶] The manifest danger in the administration of justice according to so shifting, vague, and indeterminate a standard would seem to be a strong reason against adopting it.”

United States v. Addyston Pipe & Steel Co., 85 F. 271, 301 (6th Cir. 1898) (emphasis added)

The U.S. Supreme Court and other courts have since quoted Taft in *Addyston* multiple times.