

*Law School of Harvard University,  
Cambridge, Mass.*

January 10, 1932

Dear Stone:

Many thanks for your letter about the Car Hire case.

Some years ago I asked Hough why it was that his rulings upon review of Federal Trade Commission orders were essentially different from the attitude revealed by his rulings upon Interstate Commerce Commission orders. With characteristic candor, he replied, "I approach every order of the Federal Trade Commission with an initial bias against that body." I have been growingly aware of a tendency on the part of your Court to curb the Interstate Commerce Commission, little reason though I myself can discover of justification for such an attitude.

The other elements that enter into a product like that of the Car Hire case I had not perceived with the clarity with which you now make me see them. And since writing you I have read twice both your dissent and Sutherland's majority in the Maine case. I know nothing funnier, or, perhaps, I ought to say more naive in the books, than to insist in one part of an opinion that respect for the processes of logical thinking requires a decision, and yet fundamentally to base such a decision upon the purest kind of a fiction. I think you did a complete job when you wrote that dissent and another one when you delivered it.

You are kind to say what you do say about our review of last Term's work. Perhaps some of the other brethren may also read it. Sometimes, like Warren Hastings, or was it Clive, I marvel at my moderation when I write about some of the doings of the Court.

With warm regards,

Faithfully yours,  
F.F.

Hon. Harlan F. Stone