

*Law School of Harvard University,*

*Cambridge, Mass.*

March 28, 1932.

Dear Stone:

I don't suppose you will believe me, but it is a fact that I have twice reread your opinion in Heiner v. Donnan. Some things can be dismissed with a pregnant phrase, but not the issues with which you were dealing. On the whole, perhaps your quantitative demonstration of how the aged settlers beat the government was the cruellest blow you dealt the majority, considering the deep sense of pity that Sutherland had aroused for the "young man in abounding health bereft of life by a stroke of lightening within two years after making a gift . . ." – trala, la la.

That's a perfect case, isn't it, of spinning doctrine out of unreality. Yes, you are right - only the tragedy of it saves it from being an undiluted comedy.

But for Heaven's sake, don't get the notion that you are "repeating the old story" or, in the alternative, that it does not need to be repeated. After all, you are an educator, even more so on the Supreme Court than you were off it. And you are the last person who needs to be told that education, particularly when the whole nation is your class, involves saying the same old thing in a new and fresh and powerful form. So don't let yourself get weary of well-doing.

Always yours,

F.F.

Hon. Harlan F. Stone