

ARNOLD D. MARGOLIN

149 – 11th St., N.E.

Washington, D. C.

March 18, 1933.

Dear Justice Brandeis:

I am most grateful to Mrs. Brandeis for having given me the opportunity of reading your recent dissenting opinion. This document is a new landmark in your great service to the humankind, a new warning about the necessity of preventing the dangers of economic slavery resulting from the constantly growing domination of the few Frankensteins, these real monsters of our machine age.

As you again emphasize it in this opinion, the state's power to make social and economic experiments is a broad one. Those who try to stop these experimentations by proclaiming them as unconstitutional, only prepare the ground for revolutionary methods of experimentation, for all kinds of irresponsible adventures. The Constitution of the United States can only survive if it proves to be enough flexible for the new conditions and demands of our era.

In this particular case, however, there even was no necessity to recur to flexible interpretation of the Constitution. As you stated it, and as two of your distinguished colleagues concurred with you in this part of your opinion, the presumption of constitutionality had to prevail in this case, because of the absence of any factual foundations of record for overthrowing the Statute.

The final paragraph of your opinion on page 31 ought to be read and reread by all those who are really interested in the "moral and intellectual development which is essential to the maintenance of liberty".

I will appreciate an opportunity of discussing with you one rather technical aspect of this case when I will have a privilege of seeing you next time.

With kind regards to Mrs. Brandeis and yourself,

Very sincerely yours,

A. Margolin

P. S. If my recollection is correct, Moses said somewhere: "do not embellish the poor man in litigation." Probably, he also had in mind only the due process of law, and not the equality clause.

Your kind interest in my work for the Eastern European Jews in Jamaica encouraged me to send you enclosed clippings from the Jamaica daily paper containing an interview with me and the essential parts of my lecture.

Hon. Louis D. Brandeis
Florence Court
California St.
Washington, D. C.