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PHILADELPHIA, PENNA

March 7, 1937.

The Rt. Honorable Charles Evans Hughes,  
Chief Justice,  
U.S. Supreme Court,  
Washington, D. C.

Most Honored Sir:

I would feel that I had been remiss in my duties as a citizen, and to desperate and deluded humanity, if I failed to express my horror and revulsion at President Roosevelt's studied efforts to scuttle the Supreme Court, and reduce it to the status of his rubber stamp.

Let me interject, right now, that I find it extremely difficult to write of this matter with that restraint and sense of respect which the very office of President ought to command. Such a feeling toward President Roosevelt would be impossible, could I find the remotest grounds for believing that he is simply responding to an error of judgment. It is plain, however, to any one who has studied his consistent tactics, or weighed this situation pro and con, that the President is acting with his eyes wide open; that his motives are almost wholly ulterior, and that he has no real concern about the social elements in whose name he is staging his bull in a social and economic china shop performance. Indeed, it seems as plain as day that the alpha and omega of his entire baiting of the Supreme Court is pent up rage against it, because it had the temerity to call an unceremonious halt to his rash, irrational, disruptive and destructive excursions into fields of so-called "social economy," almost any one of which, had it been given the sway which he demanded, would have meant a large degree of social and economic chaos. In short, the President is swayed by a consuming impulse to rule or ruin – nothing more, nothing less.

I have not as an humble layman, always agreed with the rulings of the Supreme Court. It has more than once occurred to me that it ought to evolve some method for reviewing its own decisions, especially when they involve sharp divisions of opinion. I have thought that if, after the lapse of some specified time, the Court should again vote to uphold a decision, that decision should then be accepted as the Court's final interpretation of the Federal Constitution, and thenceforth be beyond question or compromise by any power, save that extended to the people, to change or amend any part of the Federal Constitution. I believe, however, that this nation should avoid, as it would a plague, extending power to any self-important President, or to a Congress which responds to little other than political expediency and popular clamor (which may be right, and may be wrong, but is never more nearly right than are the leaders whose preachments they reflect) to in any way prevent the Supreme Court from rendering its decisions without fear and without favor.

I believe that the Supreme Court's most outstanding service to this nation, within the memory of any living person, was its unanimous verdict against the NRA, with its grotesquely puerile

attempt to regulate the daily life of every citizen, whether it meant the hour that he should open and close his petty store on a back street, or what he should pay his barber for a haircut; whether it meant dictating the minimum wages that he should pay his handful of employees, regardless of his financial straits, or forcing him to pay prices for commodities and services which had no connection with the law of supply and demand.

The amazingly forgetful public seems to have become oblivious to the fact that the NRA, and kindred wild and reckless experiments, had brought the New Deal to a point where it was in general discredit, in all save high-sounding promises and platitudes, till the Supreme Court saved it from its own folly, by putting an ignominious end to the NRA, with its rash, irrational, and almost wholly vicious meddlings with and restrictions upon business and industry, from which time, almost to the day, there has been a steady improvement in economic conditions. Instead of extending to the Supreme Court their deathless gratitude for saving the country from the unspeakable folly, oppression and persecution represented by the NRA, President Roosevelt, through his matchless ability as a sophist, to distort facts, to disguise his true motives, and to cause extravagant promises for the future to obscure the puerility and viciousness of past performances, has hoodwinked thousands of otherwise intelligent people into a frame of mind which would actually crucify the Court for preventing the universally discredited NRA from becoming a fixed principle in our national life.

The President's own record proves that he is flying in the face of recorded facts when he contends that his tremendous majority in the last election was a mandate from the people to lay violent hands on the Federal Supreme Court. It is a matter of record that he was so afraid of public hostility to any such act on his part that he stubbornly refused to make it a campaign issue. Governor Landon pleaded with him, and finally challenged him, to make known before election his intentions regarding the Supreme Court and the NRA. The President has waited till four months after the election to answer a question which, had he been so anxious to keep faith with the people as he now says he is, he would have answered fully at least six months ago. It requires no sage to know that President Roosevelt dodged that issue before election because, and only because, he believed that the people would rebel against any such proposition. Now that he has copped the election, by hook or crook, he feels free to ram anything down his public's throat that suits his fancy. If they like it – so much the better. But, like it or lump it, his race for the Presidency is now behind, rather than before him.

Regretfully as the words are used, President Roosevelt has revealed not only incapacity, but insincerity in most of his dabblings in American social and economic life. Despite his almost painful efforts to convince the public in general, and labor in particular, that he is deeply concerned about shorter working hours and higher pay, it is a historical fact that he was bitterly hostile to the Black 30-hour work week, so much so, in fact, that, to this day, he has not uttered a solitary word in its favor. Indeed, President Roosevelt himself is authority for the admission (or boast) that he launched the NIRA for the specific purpose of supplanting the Black 30-hour measure, popular demand for which was becoming so imperative as to convince him that it would have to be enacted, unless he could evolve a more glamorous, but more meaningless subterfuge to defeat it. Typical of the methods by which he has crushed every movement that ran counter to his own economic nostrums, when the Black 30-hour week began to win great popular demand, President Roosevelt blandly announced that he was working on a substitute (the

NIRA) which would “go far toward establishing a 30-hour week” (virtually matching the Black Bill in so many words) “and also materially raise wages,” thus PROMISING much more than the Black Bill offered.

Just as he knew, and intended, the case would be, the NRA put an immediate quietus on the proposed Black Bill – till it raised a puny and apologetic voice a few weeks ago. Likewise, despite the contention of the President’s dupes and apologists that the NRA was reducing working hours and raising wages when it was outlawed by the Supreme Court, every person who has paid more than cursory attention to this matter, knows that the question of wages and hours had no place in New Deal issues for virtually one year prior to the Supreme Court’s scuttling of the NRA. Indeed, the President had ceased virtually all discussions of shorter hours and minimum wages by January, 1934, his conclusion apparently having been that the people had then ceased to in any way link the NRA with the defunct Black Bill. Having reached that conclusion, despite the almost farcial attempt of the NRA to reduce working hours and establish minimum wages, the President promptly became as mute as a clam on this dual subject, and so remained till the Supreme Court gave him a chance to lament about how his hands had been tied. It may be said, in passing, that the Black Bill is vapid in conception, and, I think, unconstitutional in construction. But these were not the President’s reasons for opposing it. It remains, to this day (of which fact the President doubtless is aware) far superior to any measure yet proposed by Mr. Roosevelt for dealing with the unemployment problem.

Likewise, the President’s so-called “social security” measures represent one of the biggest and most deliberate frauds ever perpetrated upon the American people. Doubtless few Americans have kept close enough tabs on President Roosevelt’s actions to recall that he boldly announced that he was working on his “social security” program as a measure for putting an end to the growing interest in Huey Long’s “share-our-wealth” movement, the President having aped Senator Long to the extent of dubbing his bill for increasing taxes as a “share-our-tax” measure. Right now, President Roosevelt is playing the most spectacular (though he remains in the background), role of his entire political career – if his meddling with the Supreme Court be excepted - , in the carte blanche he has given to organized labor to impose its will upon employers and labor minorities, both of which have been delivered, hog-tied, and without qualifications, into the hands of organized labor lords. Yet, there is nothing which more completely exposes the President’s opportunism and anything-to-win purpose than his attitude toward organized labor.

Almost from the day of his inauguration, Mr. Roosevelt has tried to so hoodwink organized labor as to command its support, without rendering it any substantial service. His section 7A of the NRA had no other conceivable purpose. Announced as a measure to force industry into collective bargains with labor (in other words, to recognize labor unions), labor leaders throughout the country immediately staged the most desperate strikes of the century to enforce this decree. But in every case, the President’s emissaries decided against the strikers. Finally, the great automobile strike was launched. All other agencies being unable to settle that strike, President Roosevelt finally was called in. He promptly rendered his historical decision, making the auto manufacturers virtual masters of the entire situation. There was not a labor leader of consequence in the entire country, including his consistent apologist, Wm. Green, who did not join in a dismal howl against what they termed the President’s betrayal of labor.

It was at about this time that the President's standing in the country reached its lowest ebb. There was growing impatience with his endless and futile experiments, and with his extravagant promises for improving business and ending unemployment which always fell flat. Added to all this, his anti-union decision in the auto strike had called the wrath of organized labor down on his head – with an exceedingly important Congressional election in the fall of 1934 staring him in the face. He realized that he would lose that election, unless he once more won favor with organized labor. There was but one thing for him to do in that connection. Early in his Administration, Senator Wagner had introduced his labor disputes bill. The President had steadfastly refused to favor the bill; but he knew that it was imperatively demanded by organized labor. Consequently, he very reluctantly informed Senator Wagner that he would sign the bill when presented to him. He kept his word. From that day to this, he has been to organized labor, and to all others who never seek the motives for political acts, the greatest humanitarian and friend to labor since the days of Christ. It is the President's signing of the Wagner bill (which I believe to be vicious and unconstitutional because, among other reasons, it grants powers without imposing responsibilities) which is back of every strike in the country today, and which the strikers are consistently winning, because every one knows that the strikers, regardless of the merits of their demands, are backed by the entire Federal Government.

Please do not conclude that I am hostile to organized labor. I believe it to be the salvation of workers in a capitalistic country. But I don't believe that men would be blackjacked by the Government into joining a union, and I don't believe that the Government should bind industry, hand and foot, while labor unions are forced upon it. The right of labor to organize has never been questioned, and the President and organized labor are raising a false issue when they contend otherwise. Organized labor, however, has hitherto depended on its ability to convince the public that it stood for universal justice, as a result of which they have found the public with them. The President, for political reasons, gives them all they want, right or wrong. My blood boils when I see how completely the President is hoodwinking the people. I pray that no Justice will play into his hands by retiring. All honor to you and your Associates.

Your humble servant, James S. Stemons