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The Recovery Program

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THE RECOVERY PROGRAM

"I feel that, except for some purely local or intrastate transactions the recovery legislation is due to be upheld. Personally, it seems to me that this is a wise governmental policy. The court is not in a position to exercise leadership in an economic and social emergency. It should not put a stop to attempts of other governmental agencies to do so. Wise consideration for the future standing of the court as well as care for our own political future as a democracy impels to this conclusion. It seems to me, therefore, that the leadership in the profession can well be thrown not to placing impediments in the way of legislative action by raising constitutional barriers of doubtful or debatable validity but by trying to point the way to improvement and better adjustment of the legislative program. I can state my thesis in no better words than those used by Chief Justice White in addressing the American Bar Association in 1914 when he said, 'There is great danger, it seems to me, to arise from the constant habit which prevails where anything is opposed or objected to, of resorting without rhyme or reason to the Constitution as a means of preventing its accomplishment, thus creating the general impression that the Constitution is but a barrier to progress instead of being the broad highway through which alone true progress may be enjoined.' And he added this pertinent query which I put to you today, 'Upon whom does the duty more clearly rest to modify and correct this evil than upon the members of our profession?'"—Dean Charles E. Clark, Yale Law School.