

Franklin Roosevelt:

The mentality and method of this man becomes more and more interesting. I am not sure but that in this Supreme Court episode his weakness has been best shown. He has shown his real weakness and inability to accept the over-ruling of his ideas even when that over-ruling comes from so important a part of the government as the Supreme Court. The failure to assume leadership in this emergency is a little shocking to me. Nothing really has been lost, that is no one of the issues rounded up in the N R A. They were all too far advanced to kill; they were a part of our accepted plan. Child labor is doomed.

In this matter of codes the most pronounced advance was in the willingness of a great number of leading industries to submit themselves to regulation. These were voluntary fair trade practices they were trying to work out and they themselves are working them out. Now, the Supreme Court says they cannot be made laws. That is, there is no authority in the N R A to legislate for the country.

Why is all lost? The first thing these industries did after the decision was announced was to broadcast their determination to try to preserve the fair trade practices worked out; they would not cut down wages and hours. There was general good will as there was general relief. The great boost that had been given to the long campaign for better trade practices as by what has been done through the Federal Trade Commissions is a distinct advance.

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Roosevelt would very much ~~have~~ ^{have} better/pointed out how much we have gained in good will and understanding the needs of better trade practices than to have thrown up his hands in the irritated way that he did.

Mark Sullivan's suggestion this morning that perhaps his irritation was increased by the other decision that he could not legally displace Humphrey as he had because their minds did not run together has something in it.

And perhaps that decision shows the weakness of the man in a democratic government as well as anything. It was an assumption of authority obviously outside of the law. It is well that the Supreme Court has reminded him that he went beyond the law and that cannot be done in a democratic country.

Another point that disturbs me is his saying that this all puts us back to 1789 which is nonsense. Since 1789 there has been a steady increase of governmental power over Inter-state operations; the Inter-state Commerce Commission was a recognition by the Government supported by the Supreme Court that the time had come when it must nationalize the railroads. That was obvious.

Then there is this very doubtful, at least to me, statement that wages and hours and conditions can be regulated from Washington. It cannot be done with wisdom, that I am sure.

Then there is what seems to me a most backward step in the effort of labor to force close shop and the majority rule. I am inclined to think that most of the men who are backing this measure have never been in shops at all, have never seen a

company union at work, that all they know is what the A F of L men tell them.

But I must say that my first reaction was that the Supreme Court is as useful an instrument in a democratic scheme as a good brake on a car.