

December 17, 1925.

Dean Henry M. Bates,  
University of Michigan,  
Ann Arbor, Michigan.

My dear Dean Bates:

I have your letter of the 11th inst.

I note what you say about the perennial criticisms of the courts for their decisions in respect of the constitutional validity of legislation and, particularly, of social welfare measures. It is probable that if the bureau of legal research such as you suggest were established in connection with the law school it might be helpful, though I think its primary influence should be with the legislatures rather than the courts. In deciding cases of this character, the practical problems involved are necessarily more or less considered. Of course the answer to a particular problem of this character may or may not affect the decision. If it bears upon the constitutional validity of the law, it must be regarded by the court as any other pertinent fact or conclusion. The courts do the best they can as it must be assumed the legislatures do the best they can; but either may err.

I think your proposed plan is in the right direction, and hope you may succeed. I do not at present see, however, just how such a bureau could be made an annex of the court; but, in any event, I think it would serve best as an independent establishment or perhaps in connection with the law-making bodies.

Very sincerely yours.