

August 28, 1936

My dear Mr. Corwin:

By the hand of Thurman Arnold your new book on Commerce Power comes to me. It comes as I am working on the Bond and Share case by which we are testing the constitutionality of the Utility Holding Company Act of 1935, which as you know is grounded chiefly in the commerce power. The book, therefore, has more than academic interest and I have gleaned from it many helpful thoughts.

Nothing demonstrates the helplessness of the legislative and executive departments in the face of a judicial attitude than the strangulation of Section 3223 to which you refer. In the case of coconut oil tax one court granted an injunction because another court had granted an injunction and the Judge did not think the manufacturers in the former jurisdiction should be discriminated against. Thus competition becomes a new ground for violating 3224.

I enjoyed your book as I did your excellent speech at Geneva, New York.

The profession is again indebted to you for an excellent job.

Best regards and good wishes,

Sincerely,

Mr. Edwin S. Corwin
Princeton, New Jersey