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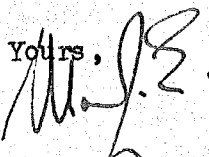
November 20, 1936.

Hon. Robert H. Jackson
Assistant Attorney General
Department of Justice
Washington, D.C.

Dear Bob:

This 'ain't' the Eighteenth Century. Elite leadership is swell. The real pressure has to come from below or the leadership goes sour.

Do make it a point of coming to New York just so that we all could beat you down on your argument.

Yours,


P.S. The American Lawyers Guild would not interfere with your Racquet Club for lawyers.

P.S. I do want to see you about my endeavor to get Stanley Reed to allow me a part of his time to argue for the American Newspaper Guild in the Associated Press-Wagner Act test case. He ought to be tickled to share the rap with me. Moreover, many of these New Deal cases appear to the court as ^{the} big United States Government oppressing a single employer. In this case the government is not realistically a party. The case is one of the big employer oppressing a single employee. The whole strategy of your office, it seems to me, has always overlooked this very valid emotional approach. That is important with Brandesian terms, and particularly in view of the election may have an effect on Hughes.

P.S. Did you hear the story about the club that used to toast the president. It started in recently to toast the constitution instead. A member of the club once inquired: "does this include the amendments?" Everyone agreed that it would be too confusing.

November 23, 1936

Mr. Morris L. Ernst,
285 Madison Avenue,
New York, New York.

Dear Morris:

What do you mean "the real pressure has to come from below or the leadership goes sour"? Below what? The trouble is with you that you dwell in the Olympian heights and don't know what is below. There isn't a damn thing below. In the first place what is below is so busy earning its office rent that it hasn't got time to have any opinions. In the second place, it is so conservative and backward looking that even the bankers and business men in small towns laugh at the Bar for its extreme conservatism. One of the difficulties with the American Bar Association is that it is "fairly" representative of the "below."

The only purpose that membership serves in an organization is to furnish a background for leaders to work against. Nothing fans out the chaff from the wheat in the legal profession like requiring a little original work. The moment a man begins to be original he ceases to be conservative.

Well, anyway, I will try to be at the dinner.

I will be glad to talk with you about the American Newspaper Guild case.

Best regards.

Sincerely,

P.S. "The Constitution is what the judges say it is," and now it appears that they can't make up their minds what to say. What then is the Constitution in such a case?