

July 2021

New Books

Dicta Editorial Board

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gress could labor from now until doomsday without agreeing upon a small fraction of the 600 codes that were adopted under the late scheme. Congress will never attempt it, and if it did, its committee hearings alone would be endless.

But this, in my opinion, is the smallest part of the objection to any more or further codes.

No doubt one may eliminate from a legal discussion any proposed system of "voluntary codes." In a country like ours, on the grand scale, they would never work, and would perhaps make endless difficulties in the way of monopoly. There remains only the suggestion that codes affecting interstate commerce, duly enacted by Congress itself, not by the President, and limited to a few large industries, would be valid and practicable. The answer to that suggestion is that the staple ingredient of the late codes has been a mass of regulation, e. g., of wages, hours, trade practices, policies and details, with which Congress has no more right to meddle, under the guise or pretended authority of the commerce clause, than a state legislature has authority to meddle with such prerogatives of the citizen under the guise or masquerade of the police power.

By way of summary, it seems that any attempt to pump vitality into the code concept is bound to fail, because that concept is impossible of existence under a constitutional system of the division of powers. The code concept was an exotic, an imported article. It might do in a "corporative state" like the present-day Italy, or in any other despotism, where one person or group absorbs all executive and legislative power, with the judiciary existing only to relieve the dictator of the troublesome details of administering justice. It can never do in a country like ours, where we understand something of how to insure a reasonable freedom of action, and where we still have a constitution, with plenty of vitality, as shown by the unanimous decision of yesterday.

NEW BOOKS

Mr. F. D. Stackhouse asks that our readers be advised that the Law Library of the District Court has just received Revised Edition, in two (2) Volumes, by Charles Warren, "The Supreme Court in United States History."