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Box 11; Folder = Correspondence: Sumners, Hatton W., 1937

Correspondence: Sumners, Hatton W., 1937

*M.H. J.*

THE WHITE HOUSE  
WASHINGTON

February 23, 1937.

MEMO TO MR. THOMAS G. CORCORAN:-

Will you please return this when  
you are finished with it?

It simply strengthens my convictions  
that the chief trouble with Hatton Sumners  
is that he didn't inaugurate the present  
proposal.

JR:IW

RB/mwd

Constitution

January 19, 1937

PERSONAL

Dear Hatton:

Thanks very much for that interesting letter of January twelfth.

I passed it along and can assure you that your suggestions are much appreciated.

With all good wishes,

Sincerely,

M. H. McINTYRE  
Assistant Secretary  
to the President

Honorable Hatton W. Sumners,  
House of Representatives,  
Washington, D. C.

RB/mwd

(Letter returned to the President's desk - see his memo.)  
Suggestions with reference to submitting amendments to the Constitution at this time.

THE WHITE HOUSE  
WASHINGTON

January 14, 1937.

MEMO FOR MAC

1

Thank him for it and  
let me have it back for my  
own personal use on my desk.

F. D. R.

*Sup*  
*JR & T.S.C*  
*I think this will*  
*interest you - Return*  
*by my confidential*  
*files*

at our telephone  
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art.

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believe mythological

In a creative sense, by the  
tales of a lot of super men, the "Fathers", in a convention who then  
and there, Jove like, created a Constitution for a living government.  
One of the most important facts is that this pressure is against  
that thing of which we must rid ourselves if we are to do our job.

J.  
RO  
FR  
P.  
WA  
HU  
JAI  
CH  
WIL  
SA

TO BE RETURNED TO THE  
PRESIDENT'S DESK

HOUSE OF REPRESENTATIVES U. S.  
COMMITTEE ON THE JUDICIARY  
WASHINGTON, D. C.

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FRANCIS E. WALTER, PA.  
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WILLIAM M. CITRON, CONN.  
SAM HOBBS, ALA.

ELMORE WHITEHURST, CLERMONT

January 12, 1937.

*President  
to read  
MGM*

Hon. Marvin H. McIntyre,  
Assistant Secretary to the President,  
The White House,  
Washington.

My dear Marvin:

While it is on my mind I want to supplement our telephone conversation of yesterday with reference to submitting amendments to the Constitution at this time, and reporting legislation curtailing the jurisdiction and discretion of the Supreme Court.

First, as to the Constitution: We have a big pressure of public opinion now moving us in the right direction. The trouble, speaking generally, with the Constitution is not with its words; therefore its trouble can not be remedied by dealing with its words. But submission of amendments now would tend to give escape to that accumulated pressure which, if not relieved by a lot of top water statesmen who can see no deeper than the surface where they swim, will open up some seams in the word structure which encases our Constitution and give its roots a chance to go down into the soil of its nativity. Mac, that is not a figure, it is a fact.

The Constitution is trying to grow and adjust itself now, but it is word bound. A lot of fairly intelligent people still hold to the notion that our Constitution is a structure of words written, in a creative sense, by the Fathers. They still believe mythological tales of a lot of super men, the "Fathers", in a convention who then and there, Jove like, created a Constitution for a living government. One of the most important facts is that this pressure is against that thing of which we must rid ourselves if we are to do our job.

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HOUSE OF REPRESENTATIVES U. S.

COMMITTEE ON THE JUDICIARY

WASHINGTON, D. C.

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There are a lot of funny things about how this happened. Our Constitution had to have an origin. We had been fighting the British and it was a point of patriotism to be rather angry with them. So we decided to keep the thing in the family. The Fathers did not resist when accredited with its paternity, in part no doubt because most of them were going to run for office at the next election.

This deluge of proposed amendments pouring into my Committee is one of the several evidences that the roots of our Constitution are trying to get through the encasing structure of words provided in the first instance by the Convention and later thickened up by judicial construction. While government is the agency of people, in as definite sense people are the agents of government and have to do its work. Government is putting them on the job just now. The plain fact is, Marvin, if our Constitution is to live and be able to support the growing superstructure of government it must be treated as a living thing, which it is, and its roots must be given a chance to grow down into the governmental concepts of a living people, and its superstructure to develop agreeable to their governmental philosophy, suited to their governmental needs, and supported by their governmental capacity. It is all right to honor the Fathers, and I do, but we do them no honor if we convert into a sort of governmental Shintoism the magnificent system of government which they did much to establish.

That men shall have government is fixed in human necessity. Constitutions originate, develop, and operate under natural law. People get most of the credit; nature does most of the work.

Wise people, when they see nature at work, stand by to render incidental assistance, such as putting things in proper adjustment, etc. That is our part of the job now. Fools butt in and mess things up. God is wise. People haven't got much sense. To change the figure, with the head of steam in our engine now which we have we are going some where if we can keep a lot of people disguised as statesmen from wasting this energy trying to do something with words.

While you are on the rack may I add the observation - I will turn you loose soon - when we begin to move, in fact we are moving now, will be the time not alone of our unusual opportunity but also of our unusual danger. Somebody has got to know the road and how to guide or we may pile up in the ditch. There has got to be somebody around who appreciates that there are times when the foot should be

Page 3.

shifted from the accelerator to the brakes, so you better stand by.

As to the Courts: This same pressure now being exerted, a sort of natural force which seems to originate out of an instinct of governmental self protection, is more to be depended upon just now to move the Judiciary out of the field of policy fixing across the fence into its own natural territory than any words which we can add to our laws.

I have no apology for the length of this letter. Supplemented by the contributions which your own informed and alert mind has made as you have read it, it has the substance of a book. I am as right as a fox about this.

Sincerely yours,

*Hatton Summers*

HWSW