

*[372 US 726]

*WILLIAM M. FERGUSON, Attorney General for the
State of Kansas, et al., Appellants,

v

FRANK C. SKRUPA, doing business as Credit Advisors

372 US 726, 10 L ed 2d 93, 83 S Ct 1028, 95 ALR2d 1347

[No. 111]

Argued March 20, 1963. Decided April 22, 1963.

SUMMARY

A Kansas statute makes it a misdemeanor for any person to engage "in the business of debt adjusting" except as an incident to the lawful practice of law, the statute defining "debt adjusting" as the making of a contract with a particular debtor whereby the debtor agrees to pay a certain amount of money periodically to the adjuster, who shall for a consideration distribute the money among specified creditors in accordance with a plan agreed upon.

The plaintiff, engaged in the business of "debt adjusting," instituted the present suit in the United States District Court for the District of Kansas to enjoin the enforcement of the statute on the ground that it violated plaintiff's rights under the due process clause of the Fourteenth Amendment. The District Court, sitting as a three-judge court, granted the relief asked for. (210 F Supp 200.)

On appeal, the Supreme Court of the United States reversed. In an opinion by BLACK, J., expressing the views of eight members of the Court, it was held that the statute did not violate the due process clause nor, by excepting lawyers, deny the equal protection of the laws to nonlawyers.

HARLAN, J., concurred in the judgment on the ground that the state statute bore a rational relation to a constitutionally permissible objective.

HEADNOTES

Classified to U. S. Supreme Court Digest, Annotated

Appeal and Error § 327 — to Supreme Court — from three-judge District Court — injunction.

1. Under 28 USC § 1253, a judgment of a three-judge District Court enjoining, as being in violation of the due process clause of the Fourteenth Amendment, a state statute making it a misdemeanor to engage in the business of "debt adjusting" except as an incident to the lawful practice of law,

is properly brought before the United States Supreme Court by appeal.

Courts § 103 — inquiry into wisdom and utility of legislation.

2. Under the system of government created by the Federal Constitution it is up to legislatures, not courts, to decide on the wisdom and utility of legislation.