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

*[372 US 730]

*And in an earlier case he had emphasized that, "The criterion of constitutionality is not whether we believe the law to be for the public good."[5]

Headnote 3

The doctrine that prevailed in Lochner, Coppage, Adkins, Burns, and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws. As this Court stated in a unanimous opinion in 1941, "We are not concerned . . . with the wisdom, need, or appropriateness of the legislation."[6]

Headnote 4

Headnote 5

Legislative bodies have broad scope to experiment with economic problems, and this Court does not sit to "subject the State to an intolerable supervision hostile to the basic principles of our Government and wholly beyond the protection which the general clause of the Fourteenth Amendment was intended to secure."[7] It is now settled that States "have power to legislate against what are found to be injurious practices in their internal commercial and business affairs, so long as

Headnote 6

*[372 US 731]

their laws do *not run afoul of some specific federal constitutional prohibition, or of some valid federal law."[8]

In the face of our abandonment of the use of the "vague contours"[9] of the Due Process Clause to nullify laws which a majority of the Court believed to be economically unwise, reliance on Adams v Tanner is as mistaken as would be adherence to Adkins v Children's Hospital, overruled by West Coast Hotel Co. v Parrish, 300 US 379, 81 L ed 703, 57 S Ct 578, 108 ALR 1330 (1937). Not only has the philosophy of Adams been abandoned, but also this Court almost 15 years ago expressly pointed to another opinion of this Court as having "clearly undermined" Adams.[10] We conclude that

5. Adkins v Children's Hospital, 261 US 525, 567, 570, 67 L ed 785, 800, 801, 43 S Ct 394, 24 ALR 1238 (1923) (dissenting opinion). Chief Justice Taft, joined by Mr. Justice Sanford, also dissented. Mr. Justice Brandeis took no part.

6. Olsen v Nebraska, 313 US 236, 246, 85 L ed 1305, 1309, 61 S Ct 862, 133 ALR 1500 (1941) (upholding a Nebraska statute limiting the amount of the fee which could be charged by private employment agencies).

7. Sproles v Binford, 286 US 374, 388, 76 L ed 1167, 1178, 52 S Ct 581 (1932). And Chief Justice Hughes, for a unanimous Court, added, "When the subject lies within the police power of the State, debatable questions as to reasonableness are not for the courts but for the legislature, which is entitled to form its own judgment, and its action within its range of discretion cannot be set aside because compliance is burdensome." 286 US at 388, 389.

8. Lincoln Federal Labor Union, A. F. L. v Northwestern Iron & Metal Co. 335 US 525, 536, 93 L ed 212, 220, 69 S Ct 251, 260, 267, 6 ALR2d 473 (1949).

Mr. Justice Holmes even went so far as to say that "subject to compensation when compensation is due, the legislature may forbid or restrict any business when it has a sufficient force of public opinion behind it." Tyson & Bro.-United Theatre Ticket Officers v Banton, 273 US 418, 445, 446, 71 L ed 718, 729, 47 S Ct 426, 58 ALR 1236 (1927) (dissenting opinion).

9. See Adkins v Children's Hospital, 261 US 525, 567, 568, 67 L ed 785, 800, 43 S Ct 394, 24 ALR 1238 (1923) (Holmes, J., dissenting).

10. Lincoln Federal Labor Union, A. F. L. v Northwestern Iron & Metal Co. 335 US 525, 535, 93 L ed 212, 220, 69 S Ct 251, 260, 267, 6 ALR2d 473 (1949), referring to Olsen v Nebraska, 313 US 236,