

Government of governmental power and a broadened judicial construction of the scope of such powers does not necessarily imply that the constitutional position of the States has changed. In none of the Supreme Court decisions extending Federal power has there been a departure from the basic principle of a dual system of government—that the Federal Government may exercise only such powers as are granted to it in the Constitution, or which are appropriate methods of carrying these powers into execution, and that other powers are reserved to the States.

To conclude that the States as governmental instrumentalities have become of minor and constantly diminishing importance simply cannot be reconciled with facts or the trend of judicial opinion in the Supreme Court. In the light of recent pronouncements, on the contrary, the picture presented is not so much one of increased Federal governmental power with a corresponding decrease in that of the States, as it is one of increased governmental power generally, with both State and Federal Governments being permitted to exercise such control as each in its respective sphere may reasonably regard as demanded by the complexities of present day economic society.

So far, then, from being diminished in importance by the growth of Federal governmental power, the States as governmental agencies have likewise increased in importance. Only to the limited extent that they have in the past occupied fields subject to Federal regulation if, as and when exercised, have they been ousted by the extension of Federal power, and then only to the extent that a clear case of conflict with Federal regulation is extended.

Certainly in the field of law enforcement no such conflict has been indicated. In fact, all the tendency has been in the opposite direction.

In view of constantly changing State and National conditions today, however, if the administration of justice is to be kept in line with the demands of society, it must be continually subject to revision. As new problems develop, new solutions must be sought, many of which will necessarily be experimental in character.

The ever-shifting nature of the problem of enforcement emphasizes the desirability of administration through the State Governments. In the States, as units, the necessary experimentation can be carried on much more successfully and with decidedly less harmful potentials than if the administration of justice, and the solution of enforcement problems, were the exclusive prerogative of the National Government.

Thus, with a number of States seeking the answer to enforcement questions in their own well-considered ways, correct solutions will be developed much more readily than if the one Federal agency had addressed itself to the task. The several States may thereupon adapt the devices found to be successful elsewhere to their own local needs.

In dealing with crime, despite the wide attention given to its national aspects, the procedure is nevertheless one essentially local in its nature. Consequently it can be dealt with most successfully through local and State governments rather than National.