constitutional attack, a rule of prudence is that it should be so construed,[740] even though in some instances this "constitutional doubt" maxim has caused the Court to read a statute in a manner that defeats or impairs the legislative purpose.[741] Of course, the Court stresses that "[w]e cannot press statutory construction 'to the point of disingenuous evasion' even to avoid a constitutional question." [742] The maxim is not followed if the provision would survive constitutional attack or if the text is clear.[743] Closely related to this principle is the maxim that, when part of a statute is valid and part is void, the courts will separate the valid from the invalid and save as much as possible.[744] Statutes today ordinarily expressly provide for separability, but it remains for the courts in the last resort to determine whether the provisions are separable.[745]

Stare Decisis in Constitutional Law.—Adherence to precedent ordinarily limits and shapes the approach of courts to decision of a presented question. "*Stare decisis* is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right . . . . This is commonly true even where the error is a matter of serious concern, provided correction can be had by legislation. But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions. The Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the

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[740] United States v. X-Citement Video, Inc., 513 U.S. 64, 69 (1994); Rust v. Sullivan, 500 U.S. 173, 190–91 (1991); Public Citizen v. Department of Justice, 491 U.S. 440, 465–67 (1989) (quoting Crowell v. Benson, 285 U.S. 22, 62 (1932)); Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Constr. Trades Council, 485 U.S. 568, 575 (1988); Bond v. United States, 572 U.S. ___, No. 12–158, slip op. (2014).

[741] *E.g.*, Michaelson v. United States, 266 U.S. 42 (1924) (narrow construction of Clayton Act contempt provisions to avoid constitutional questions); United States v. Harriss, 347 U.S. 612 (1954) (lobbying act); United States v. Seeger, 380 U.S. 163 (1965): Welsh v. United States, 398 U.S. 333 (1970) (both involving conscientious objection statute).

[742] United States v. Locke, 471 U.S. 84, 96 (1984) (quoting Moore Ice Cream Co. v. Rose, 289 U.S. 373, 379 (1933)).

[743] Rust v. Sullivan, 500 U.S. 173, 191 (1991); *but compare* id. at 204–07 (Justice Blackmun dissenting), and 223–225 (Justice O'Connor dissenting). *See also* Peretz v. United States, 501 U.S. 923, 929–930 (1991).

[744] Alaska Airlines, Inc. v. Brock, 480 U.S. 678, 684 (1987); Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601, 635 (1895); *but see* Baldwin v. Franks, 120 U.S. 678, 685 (1887), now repudiated. Griffin v. Breckenridge, 403 U.S. 88, 104 (1971). In Kimbrough v. United States, 128 S. Ct. 558, 577 (2007), Justice Thomas, dissenting, referred to "our longstanding presumption of the severability of unconstitutional applications of statutory provisions."

[745] Carter v. Carter Coal Co., 298 U.S. 238, 312–16 (1936). *See also*, id. at 321–24 (Chief Justice Hughes dissenting).