

Law School of Harvard University

Cambridge, Mass.

May 4, 1938

Hon. Harlan F. Stone
1929 Twenty-Fourth Street, N.W.
Washington, D.C.

Dear Mr. Justice,

I wonder if you have happened to come across an article by Alexander N. Sack entitled "Conflicts of Laws in the History of the English Law." It appeared as one of the contributions in the three volumes recently published by New York University entitled Law: A Century of Progress, 1835-1935. For this reason it is perhaps a little inaccessible. At any rate, I found it a most fascinating study. It is not easy reading, but it is full of a great deal of very interesting and very pertinent material. It gave me a new light on the whole background of the conflict of laws in English and American law. I am calling it to your attention on the chance that you may not have seen it.

The demise of Swift v. Tyson still leaves me rather breathless. Naturally I welcome the result--that is, I am glad that Swift v. Tyson is apparently no longer to be followed. I don't seem to be able to get over some qualms as to the way it was done. In fact, the opinion of your brother Reed is rather appealing to me.

I was much interested in your Guaranty Trust opinion. These Russian cases present very intricate questions.

Very truly yours,

Erwin N. Griswold

One matter that interested me especially (in re your opinion in Milwaukee County v. White) was the way he shows how foreign law was first recognized through the enforcement of foreign judgments, and only later (nearly a century) did the common law courts enforce the foreign "right" directly. Perhaps the same thing may be happening as to foreign tax claims.

E.N.G.