

December 7, 1939.

Memorandum to the Chief Justice

From: William O. Douglas

Re: No. 502 – In the Matter of
Radio-Keith-Orpheum Corporation

When I asked you to put over consideration of the above case until the Conference on December 9, I felt that I was free to participate in the case since the Securities and Exchange Commission was not a party to those proceedings. Accordingly, I proceeded to prepare a memorandum. But as I was finishing it, I discovered some facts which led me to think that I should not participate. For I ascertained that while the Commission was not a party to that reorganization proceeding, several matters pertaining to the securities had been before the staff of the Commission while I was Chairman.

Accordingly, I am disqualifying myself from participation in the case and I would like to have that noted for the record.

William O. Douglas

cc - Justice McReynolds
“ Stone
“ Roberts
“ Black
“ Reed
“ Frankfurter