

December 18, 1945

Re: Nos. 61-63

Dear Rutledge:

I have the same difficulty about your redraft opinion that I had about its predecessor.

At various points in the opinion you seem to be suggesting that the status of the corporation under the Fourth Amendment in some ways differs from that of individuals. See, for example, your reprinted opinion page 14 first sentence, page 15 lines 12 through 16, page 17 beginning of first full paragraph.

Since petitioner does not raise any question of the breadth of the subpoena order or self-incrimination, I see no occasion for discussing the Fifth Amendment at all, or the Fourth, except in connection with the extent to which Congress may go in authorizing the investigation and the subpoena of documents relevant to the investigation.

I see nothing in the case about which I would wish to express myself except the application of the Endicott-Johnson case to this one, and the question of probable cause and, to an even less extent, the protection of the First Amendment.

Yours faithfully

Harlan F. Stone