

March 14, 1947

No. 453 Penfield Co. v. Securities and Exchange Commission

MEMORANDUM FOR THE CONFERENCE:

While I originally agreed with the disposition of this case as proposed in the opinion of Justice Douglas, the Court's opinion in the Lewis case puts the matter for me in a different perspective. Without now going into details, the sum of my concern is that we may give justifiable grounds for saying that we had one attitude toward contempt procedure in the Lewis case and another in the Penfield case. I think the matter is of an importance to call for discussion and reconsideration at conference.

F. F.