

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

January 23, 1943

Dear Chief:

I am happy to have your approval of the Chenery opinion.

Of course I agree with you that had the SEC summarized their experience by putting the specific ruling in the Chenery case into a generalized rule, a totally different situation would have been created. But I thought it wiser to indicate that by innuendo rather than explicitly. To do the latter might be read by the Commission as a broad hint from us to issue such a regulation. Thereby we would be stimulating new problems.

Faithfully yours,

7-7.

The Chief Justice