

December 3, 1948

Dear Felix:

I have yours of the 2nd. Your trouble is that you “missed the boat” in regard to my attitude toward multiple opinions, and your very charming recitation of history since Chief Justice Taney’s day leads me to this conclusion. I hardly expected it.

I am concerned, and will continue to be concerned, with the determination of issues in such manner that the courts may have a guide for subsequent action.

I note your expression of views in regard to the “ephemeral griping of an uninformed laity and, too often, of an unlearned or narrowly preoccupied bar.” I do not think that any judge, worthy of his salt, should be influenced by any consideration other than his conscientious conclusion in respect of the issues presented. I do believe, however, that our function here is to decide the issues which are presented in such a way that judges and the Bar may know how to conduct themselves in the future.

Thanks for the lecture even though you misjudged my position and set up a straw man to attack. I would have preferred to have had it face-to-face. It started in that manner – it will only be continued in that way.

Sincerely,

F M V

Mr. Justice Frankfurter.