

February 2, 1933.

My dear Frankfurter:

Many thanks for your letter.

I am glad you liked my piece about the American Tobacco Company. It is, indeed, a pity that our Court should be placed in just the situation it is with respect to such a case. I shall be curious to know what you think about the soundness of the jurisdictional part. Most of the lower federal and state courts which, in the exercise of their discretion have remitted stockholders' suits to the courts of the state of their incorporation, it seems to me, have been indulging in mere phrase making without any real analysis of the case in hand. There are, no doubt, cases of that kind which may properly be remitted, but I think they are much fewer than the cases would indicate.

I haven't seen Justice Holmes for over a week, but shall hope to get in to see him for a moment tomorrow. I try to make a weekly call on him. The last time I saw him he was in good shape, although I think physically somewhat weaker.

With best regards, I am

Yours sincerely,

Professor Felix Frankfurter,
Harvard University Law School,
Cambridge, Massachusetts.