

March 18, 1966

Dear Abe:

I may miss today's Conference or be late. In either event, would you be so kind as to hand the enclosed copy of No. 487 -- Malat v. Riddell to the CJ saying it is ready for Monday. It is an argued case which he will therefore announce.

Also please tell the Conference that Nos. 48 & 655 -- Harper v. State Board and Butts v. Harrison are ready for Monday.

Kindly bring to the attention of the Conference my Memorandum in No. 490 -- Sheppard v. Maxwell.

Would you kindly report to the Conference on the Escobedo cases the following:

The other night at the Gridiron Dinner, I sat next to Stanley Reed and we were discussing various phases of the problem presented in this type of case. He seemed to think, as I certainly do, that the rule to adopt is substantially the rule in California v. Stewart. I think this is not essentially a question of coerced confession. It pertains to the right to counsel and here as in other situations where preliminary stages in state procedure are critical, the right to counsel matures. I do not see any other answer than that.

I may still be in the hospital Monday, in which event would you mind announcing Nos. 48 & 655 for me? Thanks a million.

William O. Douglas

Mr. Justice Fortas