

Supreme Court of the United States  
Washington 25, D. C.

CHAMBERS OF  
JUSTICE POTTER STEWART

May 1, 1961

No. 236 - Mapp v. Ohio

Dear Tom,

As I am sure you anticipated, your proposed opinion in this case came as quite a surprise. In all honesty, I seriously question the wisdom of using this case as a vehicle to overrule an important doctrine so recently established and so consistently adhered to. Without getting into the merits, I point out only that the idea of overruling Wolf was urged in the brief and oral argument only by amicus curiae and was not even discussed at the Conference, where we all agreed, as I recollect it, that the judgment should be reversed on First Amendment grounds. If Wolf is to be reconsidered, I myself would much prefer to do so only in a case that required it, and only after argument of the case by competent counsel and a full Conference discussion.

Sincerely yours,

*PS*

P.S.

*Op of Wolf urged  
only in amicus -  
not discussed  
at Conference -  
Rev on 1<sup>st</sup>  
amend-grounds*

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cussion -*

Mr. Justice Clark