

Supreme Court of the United States

Washington 13, D. C.

CHAMBERS OF
JUSTICE TOM C. CLARK

Mr. Justice:

The petr in Wolf v. Colorado, 338 U.S. 25, did move to suppress the evidence.

25, did move to suppress the evidence.

However, the record in Irvine v. California,

347 U.S. 128, does not indicate that any

such motion was made.

CLE

present restriction leads to ad hoc Lee Kochin

"series of precedents enforced the constitutional principle that the States may not base convictions upon confessions, however much verified, obtained by coercion - Wolf

"The Constitution is 'intended to preserve practical and substantial rights, not to maintain theories' Doris v. Mills 194/45, 457.

If it is a requirement of due process for a trial in the federal courthouse, it is impossible for me to say it is not a requirement of due process for a trial in the state courthouse.

"It would be a stultification of the responsibility which the course of constitutional history has cast upon this Court to hold that in order to convict a man the police cannot extract by force what is in his mind but can extract what is in his stomach"

"Coerced confessions offend the community's sense of fair play and decency" - all from Kochin

Silverthorne 251/385
Paliko 302/319
Harris 331/145, 197 also 256 & 172

✓ McDonald 335/451, 456
✓ Rochin 342/165
✓ Gouled 255/298, 311
✓ Arroyo 255/313, 315

People v. DeFare
242 Ar 13, 21

Weeks 232/383, 391
Wolf - 338/25, 39-40
Irvine 347/128, 135 - 128 + 137
Williamson 341/97 Congress can act
Scaenz 320/91

Stipanelli 342/117, 120

In Irvine FF + Buntan would apply dual process
Jackson said p. 134 To upset state conviction even
before the states have had adequate opportunity to reject
or adopt would be unwarranted use of force
Way + Irvine should be in line with Deamo 347/556
with 338/49 Haley 332/596 Melinski 324/400 Ashcroft 332/443
Stobee 343/181, 190

Strong support on each side DeFare
Federal rule is capricious
grant circumventing the 4th Amend 14 SoCal L Rev 359
Rule on state officers see listing 335/74 78-9 + 80
The Way case - 45 Ill L Rev 1, 20 ~~42nd~~
Teffers 342/48

Olvestad 277/438, 470 + 485
McNabb 318/332, 345
Furk 290/371, 381 an experience
Sawells 287/435, 443
Quote on Wignmore p 448