

May 30, 1957

Dear Felix:

Re: Nos. 15, 570
Suggested order for re-
argument attached to
your memorandum of 5/29/57.

I have no objection.

T.C.C.

Mr. Justice Frankfurter

CC: Mr. Justice Harlan

May 29, 1957

MEMORANDUM FOR THE CONFERENCE.

Re: No. 570 - Brown v. United States
No. 15 - Yates v. United States

Dear Brethren:

We suggest the following order for reargument of the above cases.

F.F.
J.M.H.

No. 15. Yates v. United States; and

No. 570. Brown v. United States.

*Twice:-
Have no
objection
OK*

Each of these cases is ordered restored to the docket and is assigned for reargument in the week of Monday, October , next. In their briefs and on oral argument counsel are requested to include among the issues to be considered by them the following matters:

1. What is the scope of 18 U.S.C. § 401(1) and 18 U.S.C. § 401(3) respectively?

2. Under which provision of 18 U.S.C. § 401 was the power to punish for contempt in these cases exercised?

3. What are the prerequisites for a finding of criminal contempt under the pertinent subsections of 18 U.S.C. § 401, especially in the light of Ex parte Hudgings, 249 U. S. 378, and Clark v. United States, 289 U. S. 1, 10-12?

4. Did the procedure followed in these cases satisfy the relevant provisions of Rule 42 of the Federal Rules of Criminal Procedure?