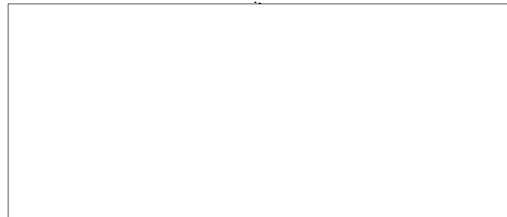


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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Abel Case

1. This memorandum is for information only.

2. You may be interested in James Donovan's analysis of the Supreme Court's order for reargument of the Abel appeal. He feels it means that the court is not going to affirm or it would have done so, but that it did not want to reverse at this time. As he reasons it, the court was then under severe criticism from the American Bar Association and was the subject of several congressional proposals to limit its jurisdiction in one form or another. Also, Justice Stewart has not yet been confirmed and during the argument of the appeal appeared to be siding with Justice Brennan in being critical of the Government. Therefore, a reversal at that time on such a dramatic security case with Justice Stewart voting for the reversal might endanger confirmation. Jim also feels that if the court is going to reverse the Chief Justice wants time to make every effort to get a unanimous court.

3. The Solicitor General has asked that the Abel case be put over to November 1959 so that it will not come right on top of the Tidelands Oil Case. Jim has written back that a "jail" case should take precedence over a civil case and that his case should be heard first.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

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