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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

March 7, 1944

Dear Wiley:

Since we are not corner grocers pursuing cut-throat competition, but are engaged in a common enterprise - that of trying to analyze and solve complicated intellectual problems by joint endeavor - I want to enlist your help in the Oklahoma liquor case.

Specifically, I should like you to tell me two things:

1. What basis is there for suggesting, other than Judge Phillips' argument, that its Act of 1917 is not the law of Oklahoma?

2. Judging the matter, as we should, by the point of view expressed in the Penn Dairies case, 318 U. S. 361, is there any good reason for suggesting that the Oklahoma Act of 1917 is not incorporated by reference in the Assimilative Crimes Statute of 1940?

I put these questions in an eager endeavor to avoid all the avoidable differences of opinion amongst us. If you would like to talk about these questions I am of course at your disposal.

Ever yours,

FF

Mr. Justice Rutledge

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