

The Burger Court Opinion Writing Database

Bloss v. Dykema

398 U.S. 278 (1970)

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May 21, 1970

MEMORANDUM FOR THE CONFERENCE

Re: No. 1347 - Bloss v. Dykema

Although I do not ask that this case be discussed, I would
vote to grant and reverse.

H. L. B.

The Chief Justice
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

October Term, 1969

From: Harlan, J.

BLOSS ET AL. v. DYKEMA

Circulated: MAY 27 1970

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF MICHIGAN

Recirculated: _____

No. 1347. Decided June —, 1970

MR. JUSTICE HARLAN, dissenting.

I would affirm the judgment of the Michigan Court of Appeals upon principles heretofore often expressed by me. See my opinions in *Roth v. United States*, 354 U. S. 476, 496 (1957); *Jacobellis v. Ohio*, 378 U. S. 184, 203 (1964); *Memoirs v. Massachusetts*, 383 U. S. 413, 455 (1966). From the standpoint of what I regard as the permissible exercise of state power in this field, the materials in this case fall far short of the "borderline" movie involved in *Cain v. Commonwealth* (reversed summarily), — U. S. — (1970), see my dissent in that case, and I am at a loss to understand how these materials can be deemed to qualify for *Redrup* treatment when only a short time ago the Court declined to accord that treatment to the materials involved in *Spicer and Hanion v. New York*, cert. denied, — U. S. — (1970).