

The Burger Court Opinion Writing Database

Pike v. Bruce Church, Inc.

397 U.S. 137 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 27, 1970

Re: No. 301 - Pike v. Church

MEMORANDUM TO THE CONFERENCE:

Please join me.


W. E. B.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HUGO L. BLACK

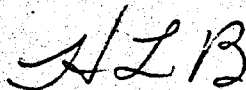
February 19, 1970

Dear Potter:

No. 301 - Pike v. Church, Inc.

I agree with your opinion in this
case.

Sincerely,



H. L. B.

Mr. Justice Stewart

cc: Members of the Conference

January 20, 1970

Re: No. 301 - Pike v. Bruce Church, Inc.

Dear Chief:

This case having fallen to my lot to assign, I thought I should advise you that I am assigning it to Justice Stewart.

Sincerely,

J. M. H.

The Chief Justice

CC: Mr. Justice Stewart

February 24, 1970

Re: No. 301 - Pike v. Church

Dear Potter:

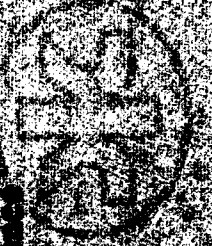
I agree with and am glad to join your opinion.

Sincerely,

J. M. H.

Mr. Justice Stewart

CC: The Conference



MANUSCRIPT DIVISION
LIBRARY OF CONGRESS

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 18, 1970

RE: No. 301 - Pike v. Bruce Church

Dear Potter:

I agree with your opinion in the
above case.

Sincerely,



W. J. B. Jr.

Mr. Justice Stewart

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Fortas~~
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

From: Stewart, J.

No. 301.—OCTOBER TERM, 1969

Circulated: FEB 17 1970

Recirculated: _____

Loren J. Pike, etc., Appellant, } On Appeal From the
v. } United States District
Bruce Church, Inc. } Court for the District
of Arizona.

[February —, 1970]

MR. JUSTICE STEWART delivered the opinion of the Court.

The appellee is a company engaged in extensive commercial farming operations in Arizona and California. The appellant is the official charged with enforcing the Arizona Fruit and Vegetable Standardization Act.¹ A provision of the Act requires that, with certain exceptions, all cantaloupes grown in Arizona and offered for sale must "be packed in regular compact arrangement in closed standard containers approved by the supervisor" ² Invoking his authority under that provision, the appellant issued an order prohibiting the appellee company from transporting uncrated cantaloupes from its Parker, Arizona, ranch to nearby Blythe, California, for packing and processing. The company then brought this action in a federal court to enjoin the order as unconstitutional. A three-judge court was convened. 28 U. S. C. §§ 2281, 2284. After first granting temporary relief, the court issued a permanent injunction upon the ground that the challenged order constituted an unlawful burden upon interstate commerce. This appeal followed. 28 U. S. C. § 1253. 396 U. S. 812 .

¹ Ariz. Rev. Stat., Tit. 3, Ch. 3, Art. 4.
² Ariz. Rev. Stat. § 3-503 C.

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

Just added p. 3

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From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Requested: _____

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[February —, 1970]

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February 18, 1970

Re: No. 301 - Pike v. Bruce Church,
Inc.

Dear Potter:

Please join me.

Sincerely,

A.S.H.

Mr. Justice Stewart

U.S. Supreme Court

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 18, 1970

Re: No. 301 - Pike v. Church, Inc.

Dear Potter:

Please join me.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference