# The Burger Court Opinion Writing Database

## *Nelson v. George*

399 U.S. 224 (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

May 21, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 595 - Nelson v. George

The disposition in Part II avoids overruling Ahrens v. Clark in order to limit the number of federal district courts in which similarly situated petitioners may bring actions. Under the procedure now proposed it is hoped the petition will receive the most careful scrutiny in the district court in the state of confinement in order to cull the wheat from the chaff. Thereafter, only if it appears meritorious and, further, is unimpeached or uncontested will the court be called upon, in its discretion, to effect the transfer under the venue statute to the district court in the sentencing state. It is hoped that court will be able to resolve the claim one way or the other without the need to transport the prisoner across country from Hawaii to Maine, for example.

I invite your comments.

W. E. B.

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



From: The Chief Justice

Circulated: 5/4/70

Recirculated:

# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[May —, 1970]

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted the writ in this case to consider whether the respondent, presently confined in California under a state conviction, may utilize the federal courts in California to test the validity of a North Carolina sentence before that sentence is being served and while under a detainer filed by North Carolina. Respondent claims the sentence yet to be served in North Carolina is "consecutive" under *Peyton* v. *Rowe,* 391 U. S. 54 (1968).

The record discloses that on April 27, 1964, John Edward George was convicted on a plea of guilty in a California court of first degree robbery. He began serving his sentence of five years to life at San Quentin.[1] Following his conviction, detainers were filed in California by the States of Kansas, Nevada, and North Carolina, on June 4, 10, and 11, 1964, respectively.

Exercising his right under Article III (a) of the interstate "Agreement on Detainers," [2] George requested temporary release to stand trial on the underlying robbery

[1] Under California law the sentence for first degree robbery is an indeterminate five years to life sentence in the discretion of the California Adult Authority. Cal. Pen. Code § 213.

[2] Cal. Pen. Code § 1389 (1968 Cum. Supp. for volumes 47–51).

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

CHAMBERS OF
THE CHIEF JUSTICE

June 4, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 595 - Nelson v. George

Enclosed is a truncated revision of the disposition of the above case on an "exhaustion" basis.

I should add that this approach was discussed at lunch with Justice Brennan after his latest circulation and he indicated this approach was generally acceptable to him although he has not seen the enclosed draft and I do not suggest he is committed to it. I believe Justices Stewart and White are similarly receptive.

In my view if this approach is taken we should draft an amendment to the statute to implement the "Haynsworth" enlargement, get it to the appropriate Conference Committee, and try to have the Conference act on it in the October meeting.

We all agree, I think, that this is essentially a practical problem and that sound judicial administration will be advanced by allowing prompt challenge in the sentencing jurisdiction while an unexecuted judgment is extant.

W.E.B.

To: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. [illegible]
Mr. Justice Marshall



From: The Chief Justice

Circulated: _____

# SUPREME COURT OF THE UNITED STATES

Recirculated: JUN 4 1970

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted the writ in this case to consider whether the respondent, presently confined in California under a state conviction, may utilize the federal courts in California to test the validity of a North Carolina sentence before that sentence is being served and while under a detainer filed by North Carolina. Respondent claims the sentence yet to be served in North Carolina is "consecutive" under *Peyton* v. *Rowe*, 391 U. S. 54 (1968). However, because we have concluded that respondent has ~~failed to exhaust his state remedies as required by 28 U. S. C. § 2254 (b)~~, we will not reach that question.

The record discloses that on April 27, 1964, John Edward George was convicted on a plea of guilty in a California court of first degree robbery. He began serving his sentence of five years to life at San Quentin.[1] Following his conviction, detainers were filed in California by the States of Kansas, Nevada, and North Carolina, on June 4, 10, and 11, 1964, respectively.

[1] Under California law the sentence for first degree robbery is an indeterminate five years to life sentence in the discretion of the California Adult Authority. Cal. Pen. Code § 213.

Re: Fay v. Noia

Brennan J's copy

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

CHAMBERS OF
THE CHIEF JUSTICE

June 18, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 595 - Nelson v. George

I enclose a "third try" at a solution of this case. I have sought to work out an accommodation with Justice Brennan's approach, but the changes do not go as far as I suspect Justice Brennan would prefer.

In my view we ought not to rely on so tenuous a contact as the North Carolina detainer or on North Carolina's use of the Interstate Agreement in order to spell out a "long arm" connection between the two sovereign states. Nor do states appoint "agents" casually in the administration of criminal justice, and not all states have long arm statutes with the reach of California's.

With deference, I submit we do not promote sound federal-state relationships by telling North Carolina it must litigate the validity of its judgments in a federal court in California when even the federal court in North Carolina is not yet a palatable forum. State attitudes have come a long way and I think the better way to foster still further improvement is to place the challenge within the borders of North Carolina where at least the federal judges know the local conditions and statutes.

I think the better course is to suggest that § 2241 be amended to produce the sensible result we all desire. We all agree respondent should be able to challenge his North Carolina conviction now in North Carolina federal court. I think it wise to show proper deference to Congress, urge the amendment as suggested in footnote 5, prepare an amendment, and submit it to the appropriate committee of the Judicial Conference with a view to getting action at the fall meeting this year. With our advocacy of the amendment (backed up by Judge Haynsworth, based on his 1969 holding in Word v. North Carolina), I believe it would go to Congress with a strong likelihood of prompt passage.

Return this to Justice Brennan with next circulation so he can check final against our "work draft"

I would like to make this a "test" of how Congress will respond to our urgings when we exhibit appropriate deference to legislative powers rather than strain -- as I think we must -- to permit a present challenge to the North Carolina conviction.

W.E.B.

To: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

From: The Chief Justice

Circulated: _____

Recirculated: JUN 18 1970

# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted the writ in this case to consider whether the respondent, presently confined in California under a state conviction, may utilize the federal courts in California to test the validity of a North Carolina sentence before beginning to serve that sentence and while under a detainer filed by North Carolina. Respondent claims the sentence yet to be served in North Carolina is "consecutive" under *Peyton* v. *Rowe*, 391 U. S. 54 (1968). However, since his petition challenges the present effect being given the North Carolina detainer by the California authorities, we have concluded that as to that claim respondent failed to exhaust his state remedies. Accordingly we will not reach the question for which certiorari was granted since the interests of comity require that his claims first be presented to the state courts. See *Ex parte Royall*, 117 U. S. 241 (1886).

The record discloses that on April 27, 1964, John Edward George was convicted on a plea of guilty in a California court of first degree robbery. He began serving his sentence of five years to life at San Quentin.[1] Following his conviction, detainers were filed in Cali-

[1] Under California law the sentence for first degree robbery is an indeterminate five years to life sentence in the discretion of the California Adult Authority. Cal. Pen. Code § 213.

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

CHAMBERS OF
THE CHIEF JUSTICE

June 22, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 595 - Nelson v. George

Enclosed is a revision of the above opinion which Justice Brennan and I worked out today. I hope it will enlist a Court to dispose of this troublesome problem.

The final 4 lines, first full paragraph, page 1, have been stricken and Ex parte Royall has been moved to the end of the first full paragraph on page 5.

The final paragraph of page 5 has also been revised acknowledging District Court jurisdiction of petitioner's claim that the detainer prevents California granting parole.

WEB

W.E.B.

To: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun



From: The Chief Justice

Circulated: JUN 23 1970

Recirculated:

# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted the writ in this case to consider whether the respondent, presently confined in California under a state conviction, may utilize the federal courts in California to test the validity of a North Carolina sentence before beginning to serve that sentence and while under a detainer filed by North Carolina. Respondent claims the sentence yet to be served in North Carolina is "consecutive" under *Peyton* v. *Rowe*, 391 U. S. 54 (1968). However, since his petition challenges the present effect being given the North Carolina detainer by the California authorities, particularly with respect to granting him parole, we have concluded that as to that claim respondent failed to exhaust his state remedies and accordingly do not reach the question for which the writ was granted.

The record discloses that on April 27, 1964, John Edward George was convicted on a plea of guilty in a California court of first degree robbery. He began serving his sentence of five years to life at San Quentin.[1] Following his conviction, detainers were filed in Cali-

[1] Under California law the sentence for first degree robbery is an indeterminate five years to life sentence in the discretion of the California Adult Authority. Cal. Pen. Code § 213.

*Supreme Court of the United States*

*Memorandum*

----------, 19----

Bill

I'll re-submit to Committee and also state that I prefer your broader scope. I received only today + had no chance to read it.

WEB

May 25, 1970

Re: No. 595 - Nelson v. George

Dear Chief:

I agree.

H. L. B.

The Chief Justice

cc: The Conference

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



From: Douglas, J.

Circulated: 5/26/70

# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Douglas, dissenting.

This California prisoner is seeking to challenge in federal habeas corpus the constitutionality of his conviction in North Carolina whose sentence he must serve when he finishes his California term. The infirmities of the North Carolina judgment, which he alleges, relate to the absence of a speedy trial and to the knowing use of perjured testimony. North Carolina filed a detainer against him in California; and it is that detainer, not the North Carolina judgment, that the Court uses to avoid decision on the basic issue raised in the petition. The prisoner asked for a rehearing before the District Court which dismissed the petition before *Peyton* v. *Rowe,* 391 U. S. 54, was decided; and in his argument for a rehearing sought to distinguish *McNally* v. *Hill,* 293 U. S. 131, which *Peyton* v. *Rowe* overruled, by arguing that his case was different because the North Carolina detainer was being used to his disadvantage in California. Thus the false issue got into the case.

The Court holds that the challenge of the North Carolina judgment may not yet be made in California because the prisoner has not yet shown under California law whether the existence of the North Carolina detainer can effect or is affecting his parole potential or custodial status and therefore that he has not exhausted his remedies uner 28 U. S. C. § 2254.

To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
~~Mr. Justice Blackmun~~

1, 2, 4



# SUPREME COURT OF THE UNITED STATES

Douglas, J.

Circulated: _____

Recirculated: 6-2

No. 595.—October Term, 1969

| | |
|---|---|
| Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit. |

[June —, 1970]

Mr. Justice Douglas, dissenting.

This California prisoner is seeking to challenge in federal habeas corpus the constitutionality of his conviction in North Carolina whose sentence he must serve when he finishes his California term. The infirmities of the North Carolina judgment, which he alleges, relate to the absence of a speedy trial and to the knowing use of perjured testimony. North Carolina filed a detainer against him in California; and it is that detainer, not the North Carolina judgment, that the Court uses to avoid decision on the basic issue raised in the petition. The petition stated that "It is the North Carolina Supreme Court decision that is under attack here." The only reference to a detainer made in the petition was to the detainer filed prior to his return to North Carolina for a trial. The challenge to the detainer filed after his North Carolina conviction was made in his petition for rehearing. The District Court had dismissed the petition before *Peyton* v. *Rowe*, 391 U. S. 54, was decided; and in his argument for a rehearing the prisoner sought to distinguish *McNally* v. *Hill*, 293 U. S. 131, which *Peyton* v. *Rowe* overruled, by arguing that his case was different because the North Carolina detainer was being used to his disadvantage in California. Both the petition for habeas corpus and the petition for rehearing were *pro se* products. Thus the false issue got into the case.

# SUPREME COURT OF THE UNITED STATES



No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Douglas, dissenting.

This California prisoner is seeking to challenge in federal habeas corpus the constitutionality of his conviction in North Carolina the sentence for which he must serve when he finishes his California term. The infirmities of the North Carolina judgment, which he alleges, relate to the absence of a speedy trial and to the knowing use of perjured testimony. North Carolina filed a detainer against him in California; and it is that detainer, not the North Carolina judgment, that the Court uses to avoid decision on the basic issue raised in the petition. The petition for habeas corpus stated, "It is the North Carolina Supreme Court decision that is under attack here." The only reference to a detainer made in the petition was to the detainer filed prior to his return to North Carolina for trial. The challenge to the detainer filed after his North Carolina conviction was made in his petition for rehearing. The District Court had dismissed the petition before *Peyton* v. *Rowe,* 391 U. S. 54, was decided; and in his argument for a rehearing the prisoner sought to distinguish *McNally* v. *Hill,* 293 U. S. 131, which *Peyton* v. *Rowe* overruled, by arguing that his case was different because the North Carolina detainer was being used to his disadvantage in California. Both the petition for habeas corpus and the petition for rehearing were *pro se* products. Thus the false issue got into the case.

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

CHAMBERS OF
JUSTICE JOHN M. HARLAN

June 4, 1970

Re: No. 595 - Nelson v. George

Dear Bill:

I like your treatment of this messy case, and would appreciate your joining me in your separate opinion.

Sincerely,

J.M.H.

Mr. Justice Brennan

CC: The Conference

Bill:

I have a few minor suggestions for your consideration:

Would it not be better to change the first sentence in the second paragraph on page 3 to read "*** so that California state courts may obtain personal jurisdiction***" ?

In the same paragraph, might it not be well to cite, in addition to Rule 4(d), Rules 4(e), 4(f) and 81 ?

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



# SUPREME COURT OF THE UNITED STATES

Harlan, J.

JUN 23 1970

Circulated:

Recirculated:

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Harlan, concurring.

I join the Court's opinion with the following observations. First, I do not understand the Court to suggest that petitioner's failure to exhaust state remedies with respect to his claim that California is giving a constitutionally impermissible effect to his North Carolina conviction, rendered it improper for the federal courts to consider his challenge to the validity of the North Carolina conviction to the extent that he had exhausted North Carolina remedies with respect thereto. Second, agreeing with the reasons given by the Court for not reaching the propriety of the Court of Appeals' resolution of petitioner's challenge to the North Carolina conviction, I would dismiss that part of the writ as improvidently granted. Third, pending the congressional action which the Court's opinion envisages, I think it not inappropriate to leave undisturbed such conflicts as exist between the decision of the Court of Appeals in the present case and decisions in other circuits, see *Word* v. *North Carolina*, 406 F. 2d 352 (C. A. 4th Cir. 1969); *United States ex rel. Van Scoten* v. *Pennsylvania*, 404 F. 2d 767 (C. A. 3d Cir. 1968), respecting the proper treatment of habeas corpus claims such as those involved in petitioner's challenge in the California courts to the validity of his North Carolina conviction.

# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Harlan, with whom Mr. Justice Marshall joins, concurring.

I join the Court's opinion with the following observations. First, I do not understand the Court to suggest that petitioner's failure to exhaust state remedies with respect to his claim that California is giving a constitutionally impermissible effect to his North Carolina conviction, rendered it improper for the federal courts to consider his challenge to the validity of the North Carolina conviction to the extent that he had exhausted North Carolina remedies with respect thereto. Second, agreeing with the reasons given by the Court for not reaching the propriety of the Court of Appeals' resolution of petitioner's challenge to the North Carolina conviction, I would dismiss that part of the writ as improvidently granted. Third, pending the congressional action which the Court's opinion envisages, I think it not inappropriate to leave undisturbed such conflicts as exist between the decision of the Court of Appeals in the present case and decisions in other circuits, see *Word* v. *North Carolina,* 406 F. 2d 352 (C. A. 4th Cir. 1969); *United States ex rel. Van Scoten* v. *Pennsylvania,* 404 F. 2d 767 (C. A. 3d Cir. 1968), respecting the proper treatment of habeas corpus claims such as those involved in petitioner's challenge in the California courts to the validity of his North Carolina conviction.

June 29, 1970

Dear Chief:

In your announcement of No. 595, Nelson v. George, will you kindly say that I have filed a concurring opinion in which Marshall, J., joins.

In your announcement of No. 1089, Williams v. Illinois, will you please say that I have filed a separate opinion concurring in the result.

Thank you.

Sincerely,

JMH

The Chief Justice

Circulate
6-3-70



# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Brennan, concurring in part and dissenting in part.

The Court analyzes this case as if respondent were making two entirely distinct attacks upon his present custody in California. Respondent's initial contention, according to the Court, is that the North Carolina detainer lodged against him in California, based upon an allegedly invalid conviction, adversely affects his custodial classification and the probability that parole will be granted under his California sentence. The Court holds that respondent has never presented this claim to the California courts and thus has not exhausted his state remedies. Respondent's second contention is that he is also now in custody pursuant to a 1967 North Carolina robbery conviction. In the former case, if respondent should prevail, the California authorities presumably would merely be directed to give no effect to the North Carolina detainer, whereas if respondent were successful in his second contention, the North Carolina conviction itself would be invalidated.

Insofar as respondent may be understood as challenging *only* the existence of the detainer and the effects which it produces in California, and not the underlying

Circulated
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# SUPREME COURT OF THE UNITED STATES

No. 595.—October Term, 1969

Louis S. Nelson, Warden, Petitioner, *v.* John Edward George. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1970]

Mr. Justice Brennan, with whom Mr. Justice Harlan joins, concurring in part and dissenting in part.

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Insofar as respondent may be understood as challenging *only* the existence of the detainer and the effects which it produces in California, and not the underlying

595

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 24, 1970

Dear Chief:

My suggestion for a legislative solution of the problem presented in Nelson v. George is that the 1966 amendment to 28 U.S.C. § 2241 be itself amended to read as follows:

> "A prisoner in custody in any district may file an application for appropriate relief from the judgment and sentence of a state court in the district court for the district wherein such prisoner is in custody or in the district court for the district within which the state court was held which convicted and sentenced him, and each of such district courts shall have jurisdiction to entertain the application. The district court for the district wherein such an application is filed, in the exercise of its discretion and in furtherance of justice, may transfer the application to the other district court for hearing and determination. A district court may entertain and determine such application without requiring the production of the prisoner at the hearing."

The underlined portion is the suggested amending language. I make the following comments:

(1) This would apply to "a prisoner in custody" under federal as well as state sentence.

(2) "Appropriate relief" would necessarily be limited to the declaration of the validity of the challenged judgment and sentence; release from imprisonment under the sentence being served would, of course, be impossible.

(3) The last sentence is taken from 28 U.S.C. § 2255, applicable to federal prisoners. In Sanders v. United States, 373 U.S. 1, 20-22, we construed that provision and held that it was not "automatically . . .

necessary to produce petitioner at the hearing to enable him to testify. Not every colorable allegation entitles a federal prisoner to a trip to the sentencing court . . . We think it clear that the sentencing court has discretion to ascertain whether the claim is substantiated before granting a full evidentiary hearing." I think that the same should be the case as to these applications in order to minimize the inducement to file applications only to get a holiday from prison.

Sincerely,

Bill

The Chief Justice

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 22, 1970

No. 595 - Nelson v. George

Dear Chief,

This will confirm my agreement with your handling of this difficult case, represented by your circulation of June 18.

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

May 28, 1970

Re: No. 595 - Nelson v. George

Dear Chief:

I call your attention to the following statement in H. R. Rep. No. 1892, 89th Cong., 2d Sess. 1-2 (1966):

> "Section 2241 of title 28, United States Code, vests jurisdiction to entertain habeas corpus applications only in the district court for the district in which the prisoner is confined (Ahrens v. Clark, 335 U.S. 188). Further, since there is no other forum '* * * where it might have been brought,' the application may not be transferred to a different district pursuant to the provisions of section 1404(a) of title 28, United States Code (Hoffman v. Blaski, 363 U.S. 335)."

See also S. Rep. No. 1502, 89th Cong., 2d Sess. (1966). These reports are concerned with the 1966 amendment to § 2241, which permits the district court in whose district a habeas petitioner was convicted to consider the habeas petition even though the habeas petitioner is incarcerated outside the jurisdiction of that district court so long as the habeas petitioner is incarcerated within the state in which the district court sits. The 1966 amendment thus solves the problem posed by Ahrens but only where the district of his incarceration and the district in which he was convicted are in the same state. Section 2241, as construed in Ahrens, was thus left unaffected where the districts involved are in different states.

Sincerely,

B.R.W.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 19, 1970

Re: No. 595 - Nelson v. George

Dear Chief:

As I have indicated before, I am willing to take the course suggested by your June 18 circulation.

Sincerely,

B.R.W.

The Chief Justice

copies to The Conference

June 23, 1970

No. 595 - Nelson v. George

Dear Chief:

Your circulation of June 23 is o.k. with me.

Sincerely,

B.R.W.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 26, 1970

Re: No. 595 - Nelson v. George

Dear John:

Please join me in your concurring opinion.

Sincerely,

T.M.

Mr. Justice Harlan

cc: The Conference