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Mississippi v. Arkansas

415 U.S. 289 (1974)

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

September 20, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 48 Orig. - Mississippi v. Arkansas

You will recall that this case was argued last Term and that an opinion was filed. 415 U.S. 289. Later the attorney for Mississippi inquired whether it would be possible for the decree to incorporate certain reference points in one of the exhibits that had been filed with the Special Master. The Master had not done this in the decree he proposed for us.

In my circulation of May 18 I stated that Mississippi's counsel should have presented his proposal to the Special Master and that perhaps this was still the thing to do, and it would possibly result in a supplement to the decree. In any event, we waited for a response from Arkansas. This was not forthcoming even though Arkansas was invited to respond. Finally, as I recall, we suggested rather forcefully that Arkansas let its wishes be known.

Mr. Rodak advises me that he has now received a communication from the office of the Arkansas Deputy Attorney General (who did not represent the State at the argument) to the effect that Arkansas "has no objection to the request of the State of Mississippi as contained in their letter dated March 29, 1974." I assume this now opens the way for us to refer Mississippi's letter and Arkansas' response to Judge O'Sullivan as Special Master. Perhaps he will make his recommendation and we can take it from there.

In any event, I have asked Mr. Rodak to include this matter on a supplemental list for the conference beginning October 7.

cc: Mr. Rodak
Mr. Ginty

H.C.B.