

The Burger Court Opinion Writing Database

Great Atlantic & Pacific Tea Co. v. Cottrell

424 U.S. 366 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 19, 1976

Re: 74-1148 - Great A & P Tea Co. v. Cottrell

Dear Bill:

I join your proposed opinion dated February
18, 1976.

Regards,

W E B

Mr. Justice Brennan

Copies to the Conference

✓ WSB
1-30-76

To: The Chief Justice
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Brennan
Mr. Justice Souter

From: Mr. Justice Brennan

Circulated: 1-30-76

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 74-1148

<p>The Great Atlantic and Pacific Tea Company, Inc., Appellant, v. Hugh B. Cottrell, Health Of- ficer, State of Mississippi.</p>	}	<p>On Appeal from the United States District Court for the Southern District of Mississippi.</p>
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[February —, 1976]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Section 11 of Mississippi's Regulations Governing the Production and Sale of Milk and Milk Products in Mississippi, promulgated by the Mississippi State Board of Health, provides, among other things, that "Milk and milk products from . . . [another state] . . . may be sold in . . . Mississippi . . . provided . . . that the regulatory agency [of the other state that] has jurisdiction accepts Grade A milk and milk products produced and processed in Mississippi on a reciprocal basis."¹ The question pre-

¹ Section 11 provides in full text:

"Milk and milk products from points beyond the limits of routine inspection of the State of Mississippi or its police jurisdiction, may be sold in the State of Mississippi or its police jurisdiction, provided they are produced, pasteurized and labeled under regulations which are substantially equivalent to this Regulation and have been awarded an acceptable milk sanitation compliance rating of 90 percent or above made by a state milk sanitation rating officer certified by the U. S. Public Health Service, and Provided further, that the regulatory agency who has jurisdiction accepts Grade A milk and milk products produced and processed in Mississippi on a reciprocal basis. The health authority is authorized to require and conduct

To: The Chief Justice
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: Mr. Justice Brennan

Circulated: _____

Recirculated: 2/18/76

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 74-1148

The Great Atlantic and Pacific Tea Company, Inc., Appellant, v. Hugh B. Cottrell, Health Of- ficer, State of Mississippi.	}	On Appeal from the United States District Court for the Southern District of Mississippi.
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

February 3, 1976

Re: No. 74-1148, A&P v. Cottrell

Dear Bill,

I am glad to join your opinion for the Court
in this case.

Sincerely yours,

P.S.
/

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 17, 1976

Re: No. 74-1148 - Great Atlantic and Pacific
Tea Co., Inc. v. Cottrell

Dear Bill:

I join your opinion in this case.

Sincerely,



Mr. Justice Brennan

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 3, 1976

Re: No. 74-1148, A&P v. Cottrell

Dear Bill:

Please join me.

Sincerely,

TM.

T. M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 18, 1976

Re: No. 74-1148 - Great Atlantic & Pacific Tea Co.
v. Cottrell

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 4, 1976

No. 74-1148 Great A&P Tea Company v.
Cottrell

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 4, 1976

Re: No. 74-1148 - Great Atlantic and Pacific v.
Cottrell

Dear Bill:

Please join me.

Sincerely,
W. Rehnquist

Mr. Justice Brennan

Copies to the Conference