

The Burger Court Opinion Writing Database

United States v. Foster Lumber Co.
429 U.S. 32 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

January 28, 1976

Re: 74-799 - United States v. Foster Lumber Co.

MEMORANDUM TO THE CONFERENCE:

This case was a 4-4 at Conference after argument with one vote designated "in-dubitante."

I have just carried it in suspense waiting to see if doubts are resolved or if anyone has a thought of changing a previous vote.

If not, we should either (a) let it come down "affirmed by an equally divided Court" or (b) reargue.

It is a question that ought to be resolved.

Regards,

WBS

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 2, 1976

RE: No. 74-799 United States v. Foster Lumber Co.

Dear Chief:

I think we should reargue the case.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 29, 1976

74-799, U. S. v. Foster Lumber Co.

Dear Chief,

This is in response to your memorandum of January 28. I continue to believe that the judgment in this case should be reversed. I also believe that, if the vote continues 4-4, the case should be set for reargument since there is a Circuit conflict.

Sincerely yours,

?S.

The Chief Justice

Copies to the Conference

Dear Chief:

I agree with Potter's memorandum on this case. I would set for reargument

TM

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 17, 1976

Re: No. 74-799 - United States v. Foster Lumber

Dear Chief:

I also think that this case should be
reargued.

Sincerely,



The Chief Justice

Copies to Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 29, 1976

Re: No. 74-799, U.S. v. Foster Lumber Co.

Dear Chief:

I agree with Potter's memorandum on this case.
I would set for reargument.

Sincerely,

T.M.
T. M.

The Chief Justice

cc: The Conference.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 9, 1976

Re: No. 74-799 - United States v. Foster Lumber Co.

Dear Chief:

I vote for reargument.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 9, 1976

No. 74-799 United States v. Foster Lumber Co.

Dear Chief:

I vote for reargument.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 19, 1976

Re: No. 74-799 United States v. Foster Lumber Co.

Dear Chief:

I vote for reargument in this case.

Sincerely,

The Chief Justice

Copies to the Conference