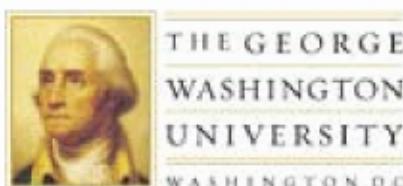


The Burger Court Opinion Writing Database

Hunt v. Washington State Apple Advertising Commission

432 U.S. 333 (1977)

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



To: Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Sutherland
Mr. Justice Brandeis
Mr. Justice Holmes
Mr. Justice Taft

From: The City of Atlanta

Circulated: JUN 7 1971

Recirculated: _____

Re: 76-63 - Hunt v. Washington State Apple Advertising Comm'n

MR. CHIEF JUSTICE BURGER delivered the opinion
of the Court:

In 1973, North Carolina enacted a statute which required, inter alia, all closed containers of apples sold, offered for sale or shipped into the state to bear "no grade other than the applicable U.S. grade or standard". N.C. Gen. Stat. §106-189.1 (1973). In an action brought by the Washington State Apple Advertising Commission ("Commission"), a three judge federal district court invalidated the statute insofar as it prohibited the display of Washington State apple grades on the ground that it unconstitutionally discriminated against interstate commerce.

The specific questions presented on appeal are
(a) whether the Washington State Apple Advertising

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

CHAMBERS OF
THE CHIEF JUSTICE

June 13, 1977

Re: 76-63 - Hunt v. Washington State Apple
Adv. Comm'n.

Dear Bill:

Re your memo of June 13: "central" is
now "germane" -- and more precise at that!
All, of course, subject to no dissent from 5!

Regards,

LSB

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM.J. BRENNAN, JR.

June 13, 1977

✓

RE: No. 76-63 Hunt v. Washington State Apple Adv. Comm'n.

Dear Chief:

You have written a fine opinion and I want very much to join it. I have only one problem. Would you consider changing the word "central" to "germane" in the fourth line of the text at page 13 of your typed draft? If you will make that change count me as joining your opinion.

Sincerely,

Bill

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 13, 1977

No. 76-63 - Hunt v. Washington State Apple
Advertising Commn.

Dear Chief,

At our Conference I expressed considerable doubt about the respondent's standing to bring this action. Your opinion for the Court deals with this issue very persuasively, however, and I shall not dissent from it. In short, I am glad to join your opinion for the Court in this case.

Sincerely yours,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 10, 1977

Re: No. 76-63 - Hunt v. Washington State Apple
Advertising Commn

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 10, 1977

No. 76-63 - Hunt v. Washington State Apple
Advertising Comm'n

Dear Chief:

Please join me.

Sincerely,



T. M.

Mr. Chief Justice

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 10, 1977

Re: No. 76-63 - Hunt v. Washington State Apple
Advertising Commission

Dear Chief:

Please join me.

Sincerely,
H. A. B.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 8, 1977

No. 76-63 Hunt v. Washington State
Apple Advertising Comm'n

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 8, 1977

Re: No. 76-63 - Hunt v. Washington State Apple
Advertising Commission

Dear Chief:

Please note that I took no part in the consideration
or decision of this case.

Sincerely,

W.W.

The Chief Justice

Copies to the Congress

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 9, 1977

Re: 76-63 - Hunt v. Washington State Apple
Advertising Comm'n

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

Copies to the Conference