

# 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 Douglas  
 Mr. Justice Harlan  
 Mr. Justice Burger

From: The Chief Justice

Circulated: JUN 7 1977

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,

LOB

Mr. Justice Brennan

Copies to the Conference

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

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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.

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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

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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

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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,

*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

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,

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,

*Jh*

The Chief Justice

Copies to the Conference