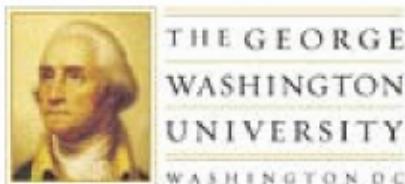


# The Burger Court Opinion Writing Database

*Carter v. Miller*

434 U.S. 356 (1978)

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



1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1171

James Y. Carter, Etc.,  
Petitioner,  
v.  
Luther Miller, Etc. } On Writ of Certiorari to the United  
States Court of Appeals for the  
Seventh Circuit.

[January 17, 1978]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE BLACKMUN took no part in the consideration  
or decision of this case.

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

From: The Chief Justice

Circulated: JAN 16 1978

Recirculated: \_\_\_\_\_

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

CHAMBERS OF  
JUSTICE POTTER STEWART

January 16, 1978

Re: No. 76-1171, Carter v. Miller

Dear Chief,

This Per Curiam order seems correct to  
me.

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

From Marshall

~~Supreme Court of the~~ United States

Memorandum

, 19.....

You should do the  
dissent here - if I  
do it I will get  
involved in my "three  
tier" problem

W.W.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 2, 1977

No. 76-1171 Carter v. Miller

Dear Thurgood:

My understanding (from your note) is that you want me to write the dissent in this case.

My records show that the vote was 5 to 3, with you, John and me in dissent.

Sincerely,

*L. Lewis*

Mr. Justice Marshall

lfp/ss