

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

[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,

The Chief Justice

Copies to the Conference

P.S.

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
teer" problem

W

M

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,

Lewis

Mr. Justice Marshall

lfp/ss