

The Burger Court Opinion Writing Database

Illinois v. Gates

462 U.S. 213 (1983)

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



To: Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: The Chief Justice

Circulated: JAN 5 1982

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

ILLINOIS v. LANCE GATES ET UX.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF ILLINOIS

No. 81-430. Decided January —, 1982

CHIEF JUSTICE BURGER, dissenting.

I dissent for the reason that the Illinois Supreme Court clearly misapplies well settled law that a detailed tip from an anonymous informant, which is subsequently corroborated by the police, presents sufficient probable cause to support a search warrant. *Draper v. United States*, 358 U. S. 307 (1959).

The Bloomingdale, Illinois police department received an anonymous letter giving respondents' address and stating that they made their living selling drugs. The letter contained a detailed description of respondents method of operation: that respondent Susan Gates would drive her car to Florida where it would be loaded with drugs; that respondent Lance Gates would fly to Florida and drive the car back; that respondent Susan Gates would then return by airplane. The letter stated that a drug transaction would occur on May 3d. Finally, the letter stated that respondents had over \$100,000 in drugs in their basement.

The police confirmed, through a confidential informant, that the address in the letter was correct. Respondent Lance Gates made a reservation and flew to Florida on May 5th. He went to a motel room registered to his wife and later left in an automobile with tags registered in his name, although for another automobile. After observing this detailed corroboration of the anonymous letter, the Bloomingdale police obtained a warrant to search respondents home and the car that they were using in Florida. When respondents arrived back in Illinois by car on May 7th, the police

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

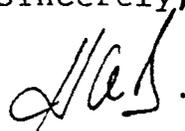
January 5, 1982

Re: No. 81-430 - Illinois v. Gates

Dear Chief:

Please join me in your dissent.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

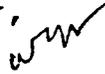
January 6, 1982

Re: No. 81-430 Illinois v. Gates

Dear Chief:

While I would have preferred to simply vote to "grant" certiorari in this case, rather than "grant and reverse", the position for which your present dissent expresses a preference, it comes closer to reflecting my views than an outright denial. Therefore, please join me in it.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 6, 1982

81-430 Illinois v. Gates

Dear Chief,

Like Bill Rehnquist, I voted at Conference merely to grant certiorari in this case. However, since there were not sufficient votes to do so, please join me in your dissent.

Sincerely,



The Chief Justice

Copies to the Conference