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Board of Trustees of Scarsdale v. McCreary

471 U.S. 83 (1985)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
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To: Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: The Chief Justice

MAR 25 1985

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SUPREME COURT OF THE UNITED STATES

No. 84-277

BOARD OF TRUSTEES OF THE VILLAGE OF SCARSDALE, ET AL., PETITIONERS *v.* KATHLEEN S. MCCREARY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[March 27, 1985]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE POWELL took no part in the decision of this case.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 26, 1985

Re: No. 84-277 Board of Trustees of the Village of
Scarsdale v. McCreary

Dear Chief,

I agree with the Per Curiam in this case.

Sincerely,

WR

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

October 11, 1984

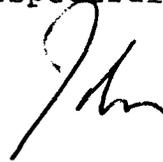
Re: 84-277 - Bd. of Trustees v.
McCreary

Dear Chief,

At our conference on October 5th there were four votes to grant this case but then you decided to relist it. Even though it is not on the Conference List for tomorrow, I wonder if we could take a few minutes to discuss it.

The case is unusual because, to the best of my knowledge, it is the only one in which an individual Justice who voted to deny certiorari has ever exercised a right to relist a case after it has been granted. There is some question in my mind as to whether the normal relisting policy should apply in this situation.

Respectfully



The Chief Justice

Copies to the Conference