

10 Oct 80

The Chief Justice ~~has~~ —

Why n apply trade CI rule
It's not a fair try.
C.R. is n enacted for this kind o case

Brennan, J. +

C/S Stone, only 2 cases had t issue
Trend too removal of C.E.
Mulligan says 1983 applied as + it fits
I'm not at rival.
C/E is available unless mutually - so it
was in 1871
... long no contention C.E. avail in 1983
We fed hat removed in 4th cases,
we ought n to take away 1983 too
@ England - we S n ade fed now won
cert is + only review.
We like Davis v Surfact

Stewart, J. —

C.E. shall b applied to 1983 guilty, as
to any other action.
Stone v Powell shot n effect
- basically will

White, J. —

Blonder-Tongue
+ Roger Traguer go mutually a kick
in chal to jurisdiction is hab coquus

Marshall, J. +?

I do n't know
Not sure CE can apply
Read center
Prob +

+

Powell, J. —

Concluded a fair trial in St at
This is important
In re access to fed NC
1983 concerned w/ no fair trials
in St ats
Here there was
i.e., respects based argument is fallacious
Pre-stone, I think all CE applied
CE
Cannot destroy 4th Am issue for schools
Policy of Stone supports CE
SEA in Kauai - more in at issue
In 1790 (con) adopted for us just act
reflects 1865, & St at grants

Rehnquist, J. —

Hab act & 1983 undergone evolution
1867 1871
We emasculate Stone & Powell

Stevens, J. —

Local solutions for dams by connected Ds
~ 80 + b rare
for me, 1983 rem is less than NC
i.e., So P controls here
Dams shall conform to cum cacos
& 4 Am area
Do n't go overboard