

10 Oct 80

The Chief Justice says —

Why n apply trade CE rule  
It's had a fair try.  
C.Rts n enacted for this kind o case

Brennan, J. +

B/c Stone, only 2 cases had + issue  
Trend towards removal of CE  
Mudlick says 1983 split us + it etc  
D in it et rival.  
B/c CE n award unless mutuality - so it  
was in 1871  
... long no content CE award in 1983  
We fed had removed in 4 Am cases,  
we ought n to take away 1983 too  
@ England - we s n only fed rem won  
cert is + only review.  
We also look n Sanford

Stewart, J. —

CE shd b apply to 1983 genly, as  
to any other action  
Stone v Powell shd n affect  
- basically work

White, J. —

Blonder-Touque  
& Reps Touque re mutuality a high  
the chal to jurisdiction is hab corpus

Marshall, J. + ?

I do n know  
N sure CE can apply  
Dead center  
Prob +

+

Powell, J. —

Conceded a fair trial in St et  
This is important  
It is access to fed AC  
1983 concerned w/ no fair trials  
in St et

Here to was  
∴ receipt's bases argmt is fallacious  
Pre-Stone, I that all CE applied

CE.  
Cannot destroy 4 Am issue for others  
Policy of Stone supports CE

#28 in Kaufman - immo n at issue  
In 1790 long adopted for res jud act  
- reflects necy of St eto qmts

Rehnquist, J. —

Hab act 1983 undergone evolution  
1867 1871

Wd emasculate Stone + Powell

Stevens, J. —

Civil actns for dems by convicted Ds  
n 88 + b rare

For me, 1983 rem is less to AC

∴ Do P controls here

Pages shd<sup>b</sup> confined to cum cases  
+ 4 Am area

Do n go overboard