

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

CHAMBERS OF
THE CHIEF JUSTICE

May 5, 1976

Re: 75-44 - Burrell v. McCray ,

MEMORANDUM TO THE CONFERENCE:

The conference action in this case was somewhat ambivalent and I "passed" on the first round. This was followed by a discussion of a DIG treatment with a substantive sentiment in that direction. (Four to affirm, two reverse, three leaning to DIG.)

Given all other current problems, I now favor that disposition which will allow us to wait for a "cleaner" case to resolve some of the troublesome issues raised.

I will defer action until you can each consider this alternative.

If there is no majority to DIG, I will ask Bill Brennan to assign this case since I remain very skeptical on outright reversal.

Regards,

WRB