

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

October 18, 1983

December 16, 1983

Re: No. 82-738 - Migra v. Warren City School District

Dear Chief:

This is in response to your note of October 17. I shall retain this case because I do not wish to have a repetition of the misassignment of No. 80 Original precisely a year ago, when I ended up with no case from the first week of the October argument session.

Your notes should show, however, that this is not a case of my being "the least persuaded." My position is firm. I was in the dissent in Allen and in Kramer, wrote the dissents in each of those cases, and felt and still feel that the judgment in each was wrong.

I shall endeavor to put together an opinion that will satisfy what seems to me to be the majority view, and also to satisfy those of us who were in the minority in the earlier cases. This may not work, but then I can transform my writing to a separate concurrence and someone else can take over the task for the majority. All this has nothing whatsoever to do with your references to the "good of the soul" and to what old Joe H. might have called "intellectual discipline."

Sincerely,

H. A. B.

The Chief Justice

cc: The Conference