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11-02-1982 Correspondence from White to the Conference

Byron R. White
US Supreme Court Justice

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 2, 1982

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MEMORANDUM TO THE CONFERENCE

I suggest that the following direction accompany the order for reargument in Illinois v. Gates, No. 81-430:

"In addition to the question presented in the petition for certiorari and previously argued here, the parties are requested to address the question whether the constitutional rule requiring the exclusion at a criminal trial of evidence obtained in violation of the Fourth Amendment, Mapp v. Ohio, 367 U.S. 643 (1961); Weeks v. United States, 232 U.S. 383 (1914), should to any extent be modified, so as, for example, not to require the exclusion of evidence obtained in the reasonable belief that the search and seizure at issue was consistent with the Fourth Amendment."

[Handwritten signature]