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05-31-1983 Correspondence from Blackmun to Rehnquist

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Associate Justice of the US Supreme Court

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HAB

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 31, 1983

Re: No. 81-430 - Illinois v. Gates

Dear Bill:

I wonder if you would consider the following in connection with your careful and detailed opinion for this case:

1. On page 6, the first full paragraph, next to the last sentence, where you refer to "an important consideration in fashioning a good faith exception" and, in the last sentence, where you refer to "consideration of the modification of the exclusionary rule," I would much prefer to say, respectively, "an important consideration in determining whether to fashion a good faith exception" and "consideration of whether to modify the exclusionary rule."

done

2. On page 20, would you be willing to omit the "See" cite of the Model Code, or, in the alternative, add a cite to W. LaFave, Search and Seizure, §3.2 (e) (1978)? LaFave follows the Model Code but is more specific.

done

3. On page 22, would you eliminate the third quotation preceding the citation to Byron's dissent in Miranda? I agree about the first two, but I doubt if the third adds anything.

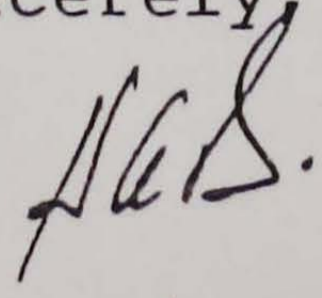
done

4. On page 30, the last two sentences of the first paragraph of n. 14 assume that Mrs. Gates originally intended to fly back to Chicago but revised her travel plans. I am not sure that there is any basis for the assumption that Sue in fact changed her plans. I would just as soon eliminate those two sentences.

done

If you can see your way clear to effect these minor changes, I shall be glad to join your opinion.

Sincerely,



Justice Rehnquist

cc: The Conference