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02-16-1977 Memorandum to the Conference

William H. Rehnquist
US Supreme Court Justice

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 16, 1977

MEMORANDUM TO THE CONFERENCE

Re: No. 75-812 - Codd v. Velger

Of those who have joined the current circulation, Potter has expressed a strong preference for the second alternative treatment of the "property interest" question now discussed in footnote 2, and Byron, Harry, Lewis, and I have expressed a preference for the first alternative. The Chief has expressed a preference for the first alternative, but has not yet joined the opinion. John has expressed a preference for the second alternative, but has circulated a dissenting opinion.

On the assumption that the Chief joins my present circulation, there will be five "joiners" in favor of the first alternative treatment, and I would then propose to leave footnote 2 in the form in which it appears in the fourth draft circulated February 3rd.

Sincerely,

