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11-04-1982 Correspondence from Rehnquist to Stevens

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

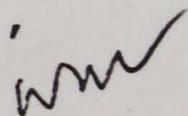
November 4, 1982

Re: No. 81-430 Illinois v. Gates

Dear John:

I doubt the wisdom of adding the question you propose for reargument in this case to the question already formulated by Byron. It seems to me we already have one basis for reversal which seems to command a majority of the Court; retrenching somewhat from Aguilar and Spinelli and re-establishing Draper. The reason, as I understood it, why you suggested the case should be re-argued if a majority wished to reach the question now posed by Byron was that the petitioner itself had requested an enlargement of the questions presented to include that issue, and its request had been denied by the Court. But I see no reason for simply adding a "garden variety" probable cause issue under the decision in Ross; I dare say there would be few, if any, to grant certiorari in the first place if that were all the case involved.

Sincerely,



Justice Stevens

cc: The Conference