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02-27-1983 Notes from Oral Argument

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I I went along with reargmt, but, in a distinct sense, I now regret it

The case presents a-S-Draper. It is why we took it
due to the fact —, "reverse" Draper + cut back on + hypertechnicalities
of S & A — truly justifying Tom Clark's distress

This case is stronger than Draper

The info Carroll was suspicious in itself

∴ — + return + pc reargmt to one to truly represent objective fairness.
+ a B7 exception wd b unnecessary

R-X-Y-P?

has reargmt with

II Should we go on to + B7 exception issue?

1. Ch n b a poorer case + decide to issue

2. Issue was n raised or decided in + Ill ct's
viols Cardinale v La.

issue n presented in + cert peti

3. Had it b raised B/ho, Ill nute hv declined + recog B7 exception U St
can still do so on remand

4. If we so move, prob hv + remand for factual fs.

5. The root of + prob is lower ct's tech struggle w/ A & S.

6. C5 hv + exceptions - cases we just + issue a b better

purp HS

CB look

III Should be a 29 exception? - No

The briefs he helped me

I've also to distributed ca + E rule

Now from no exception - on ABA approved

my usual in O.S. Johnson last term

1. No tolerance at all, the, was to is now
2. Will lead to issuance v more invalid W's ✓
3. The rule is a scapegoat for the crime prob. - n so
4. A small base for the rule
5. It's seldom we say what officer did is unclear
6. Will see major dropping
7. Will lose incentive to train & upgrade majors
8. Will weaken respect for the rules

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