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# 05-31-1983 Correspondence from Blackmun to Rehnquist

Harry A. Blackmun

*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.

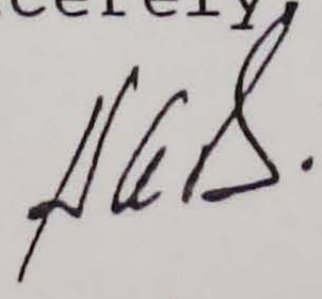
*done*

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