

No. 85-519, Randall v. Loftsgaarden

Argued: April 2, 1986 Announced: \_\_\_\_\_

Assigned: Justice O'Connor Date: April 7, 1986

AFFIRM

Vote: Affirm: WJB IN PART: HAB

Reverse: CJ, BRW, TM, LFP, WHR, JPE, SOC

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated: \_\_\_\_\_  
Date: 5-1-86 Print: 1 Opinion  
6-24-86 2 "

Replies: \_\_\_\_\_  
Date: \_\_\_\_\_ Print: \_\_\_\_\_ Remarks: \_\_\_\_\_  
The Chief Justice: 6-18-86 1 joined

Justice Brennan: 6-30-86 1 joined

Justice White: 6-4-86 1 joined

Replies: Date: Print: Remarks:  
Justice Marshall: 6-27-86 *joined*

Justice Blackmun: 6-23-86 *joined*  
6-23-86 Will probably write  
reg. Conc. (to SAC)  
6-26-86 1 Conc  
6-27-86 2 Conc

Justice Powell: 6-4-86 *joined*

Justice Rehnquist: 6-10-86 *joined*

Justice Stevens: 6-1-86 *joined*

Justice O'Connor

No. 85-521, Bowen v. Public Agencies

Argued: April 28, 1986

Announced: June 19, 1986

Assigned: Justice Powell

Date: May 5, 1986

Vote: Affirm: \_\_\_\_\_

Reverse: 9-0

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	<u>5-29-86</u>	<u>Date:</u>	<u>1</u>	<u>Print:</u>	<u>Opinion</u>
	<u>6-17-86</u>		<u>2</u>		<u>"</u>

<u>Replies:</u>	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
The Chief Justice:	<u>6-11-86</u>		<u>Joined</u>

Justice Brennan:	<u>6-3-86</u>		<u>Joined</u>
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Justice White:	<u>6-2-86</u>		<u>Joined</u>
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REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

plies:

Date:            Print:            Remarks:

Justice Marshall:

5-2-86

joined

Justice Blackmun:

6-13-86

joined

Justice Powell:

6-2-86

joined

Justice Rehnquist:

6-2-86

joined

Justice Stevens:

5-29-86

joined

Justice O'Connor

5-30-86

joined

No. 85-546, United States v. Mottaz

Argued: April 22, 1986 Announced: \_\_\_\_\_

Assigned: Justice Blackmun Date: May 5, 1986

Vote: ~~XXXX~~ TRANSFER: WJB, TM

Reverse: CJ, BRW, HAB, LFP, WHR, JPS, SOC

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	<u>Date:</u>	<u>Print:</u>
	<u>5-28-86</u>	<u>1</u> <u>Opinion</u>
	<u>5-29-86</u>	<u>2</u> <u>Opinion</u>
	_____	_____
	_____	_____
	_____	_____

<u>Replies:</u>	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
The Chief Justice:	<u>6-4-86</u>		<u>Joined</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

Justice Brennan: 5-5-86 Led. WJB to be diss. I  
6-3-86 to D. Only. Don't think  
diss. is necessary

Justice White:	<u>5-20-86</u>	<u>Joined</u>
	_____	_____
	_____	_____
	_____	_____

Replies:                      Date:                      Print:                      Remarks:  
Justice Marshall:                      5-28-86 to Hab. Amits dissent

Justice Blackmun:                      *Opinion*

Justice Powell:                      5-30-86                      *Joined*

Justice Rehnquist:                      5-30-86                      *Joined*

Justice Stevens:                      5-29-86                      *Joined*

Justice O'Connor                      5-28-86                      *Joined*

No. 85-554, United States v. Hughes Properties

Argued: April 23, 1986 Announced: June 3, 1986

Assigned: Justice Blackmun (WJB) Date: May 5, 1986

Vote: Affirm: WJB, BRW, HAB, LFP, WHR, SOC

Reverse: CJ, TM, JPS

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

	<u>Date:</u>	<u>Print:</u>	
Circulated:	<u>5-19-86</u>	<u>1</u>	<u>Opinion</u>
	<u>5-21-86</u>	<u>2</u>	<u>Opinion</u>

	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
Replies:			
The Chief Justice:	<u>5-28-86</u>		<u>Joined J.P. Siss.T. Gairick</u>

Justice Brennan:	<u>5-20-86</u>		<u>Joined</u>

Justice White:	<u>5-19-86</u>		<u>Joined</u>

Replies:

Date:	Print:	Remarks:
5-7-86	to Cg / JPH	"As of now will try my hand at a dissent"
5-20-86		Joined Hab's opinion

Justice Marshall:

Justice Blackmun:

*Opinion*

Justice Powell:

5-19-86		Joined
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Justice Rehnquist:

5-20-86		Joined
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Justice Stevens:

5-21-86	to Hab.	Plan to circ a dissent
5-23-86		1 Dissent
5-27-86		2 "
5-29-86		3 " w/ Cg

Justice O'Connor

5-19-86		Joined
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No. 85-568, Nantahala Power & Light v. Util. Comm. of NC

Argued: April 21, 1986 Announced: June 16, 1986

Assigned: Justice O'Connor Date: May 5, 1986

Vote: Affirm: WHR

Reverse: CJ, WJB, BRW, TM, HAB, SOC

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: LFP & JPS

Circulated:

	Date:	Print:
	<u>5-29-86</u>	<u>1</u> <u>Opinion</u>
	<u>6-13-86</u>	<u>2</u> <u>"</u>

Replies:

	Date:	Print:	Remarks:
The Chief Justice:	<u>6-4-86</u>		<u>Joined</u>

Justice Brennan:

	<u>6-3-86</u>		<u>Joined</u>

Justice White:

	<u>6-2-86</u>		<u>Joined</u>

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No. 85-588, University of Tennessee v. Elliott

Argued: April 21, 1986 Announced: \_\_\_\_\_

Assigned: Justice White (BRW) Date: May 5, 1986

Title VII issue: Section 1983 issue:

Vote: Affirm: Everyone but TM (TM is OUT) AFFIRM: CJ, WJB, LFP, JPS

REVERSE: BRW, HAB, WHR, SOC

Reverse: \_\_\_\_\_

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: TM

Circulated:	Date:	Print:	
	<u>5-22-86</u>	<u>1</u>	<u>Opinion</u>
	<u>6-5-86</u>	<u>2</u>	<u>"</u>
	<u>6-14-86</u>	<u>3</u>	<u>"</u>
	<u>6-16-86</u>	<u>4</u>	<u>"</u>
	<u>6-20-86</u>	<u>5</u>	<u>"</u>

Replies:	Date:	Print:	Remarks:
The Chief Justice:	<u>6-18-86</u>		<u>joined</u>

Justice Brennan:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Justice White:

5-27-86 to J. of Conf.

Opinion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Replies:

Date: Print: Remarks:

Justice Marshall:

6-5-86 to BAW. <sup>OUT</sup> "I'd look no further..."

Justice Blackmun:

6-25-86 joined J. P. O'P

Justice Powell:

6-5-86 joined

Justice Rehnquist:

5-28-86 joined

Justice Stevens:

6-23-86 3 Conc  
in Plt dir  
in Plt w/ NAB

5-7-86 to Cg cc to WJB. Had <sup>Will do dissent</sup> <sup>unless BAW writes</sup> <sup>something else</sup> <sup>can join</sup>

5-21-86 to BAW - Will defer writing a  
dissent until it appears BAW  
likely to have a Court

6-24-86 1 Conc in

Justice O'Connor

6-4-86 to BAW joined but low  
suggestions

No. 85-599, United States v. American Bar Endowment  
Argued: April 28, 1986 Announced: \_\_\_\_\_  
Assigned: Justice Marshall Date: May 5, 1986

Vote: Affirm: JPS  
Reverse: CJ, WJB, BRW, TM, HAB, WHR  
Pass: \_\_\_\_\_  
No Vote: \_\_\_\_\_  
Out: LFP, SOC

Circulated: 

	Date:		Print:
	<u>5-29-86</u>	<u>1</u>	<u>Opinion</u>
	<u>6-3-86</u>	<u>2</u>	<u>Opinion</u>
	<u>6-5-86</u>	<u>3</u>	

Replies: 

	Date:	Print:	Remarks:
The Chief Justice:	<u>5-6-86</u>	<u>to JPH, WJB, HAB</u>	<u>Will JPH be dissent?</u>
	<u>6-11-86</u>		<u>joined</u>

Justice Brennan: 6-3-86 joined

Justice White: 5-30-86 joined

Replies: Justice Marshall: Date: Print: Remarks: *Opinion*

Justice Blackmun: *6-3-86* *Joined*

Justice Powell: *5-19-86* *OUT* *to 2nd - "had no part..."*

Justice Rehnquist: *5-30-86* *Joined*

Justice Stevens: *5-30-86* *to 2nd - Will do a dissent*  
*6-17-86* *1* *Dissent*  
*6-20-86* *2* *"*

Justice O'Connor: *5-30-86* *OUT* *to 2nd - "had no part..."*

No. 85-619, Merrell Dow Pharmaceuticals v. Thompson

Argued: April 28, 1986 Announced: \_\_\_\_\_

Assigned: Justice Stevens Date: May 5, 1986

Vote: Affirm: CJ, LFP, WER, JPS, SOC

Reverse: WJE, BRW, TM, HAB

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	<u>6-2-86</u>	<u>Date:</u>	<u>Print:</u>	<u>Opinion</u>
	<u>6-6-86</u>	<u>2</u>		<u>Opinion</u>

<u>Replies:</u>	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
The Chief Justice:	<u>6-18-86</u>		<u>Joined</u>

Justice Brennan:	<u>5-5-86 to BRW, LFP, WER, JPS, SOC - do diss't</u>	<u>WJB will</u>
	<u>6-3-86 to JPH - do circ diss't</u>	

Justice White:	<u>6-3-86 to JPH - Amicus diss't</u>
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Replies:

Date:

Print:

Remarks:

Justice Marshall:

6-3-86 to JPH *Amato dissent*

Justice Blackmun:

Justice Powell:

6-3-86 *Joined*

Justice Rehnquist:

6-3-86 to JPH w/ suggestions  
6-9-86 *Joined*

Justice Stevens:

6-3-86 to OHA - *Will make changes*

Justice O'Connor

6-11-86 *Joined*

85-621) Commodity Futures v. Schor  
No. 85-642) , Conticommodity Servs. v. Schor

Argued: April 29, 1986 Announced: \_\_\_\_\_

Assigned: Justice O'Connor Date: May 5, 1986

Vote: Affirm: WJB

Reverse: 8

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	Date:	Print:	
	5-31-86	1	Opinion
	6-11-86	2	"
	6-27-86	3	"

Replies:	Date:	Print:	Remarks:
The Chief Justice:	6-11-86		Joined

Justice Brennan:	<del>6-2-86</del>		Joined
	6-19-86	1	Opinion
	6-24-86	2	"
	6-30-86	3	" w/ 2/2/86

Justice White: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Replies:

Date:

Print:

Remarks:

Justice Marshall:

6-23-86 Joined WGB's Circuit

Justice Blackmun:

6-26-86 to Soc. - If change is made, he will join.

Justice Powell:

6-11-86 Joined

Justice Rehnquist:

6-3-86 Joined

Justice Stevens:

6-2-86 Joined

Justice O'Connor

6-26-86 - to NAB - Make change

No. 85-632 , Atkins v. Rivera

Argued: April 21, 1986 Announced: \_\_\_\_\_

Assigned: Justice Blackmun Date: May 5, 1986

Vote: Affirm: \_\_\_\_\_

Reverse: 9-0

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated: 6-16-86 Date: Print: Opinion

Replies: Date: Print: Remarks:  
The Chief Justice: 6-18-86 Joined

Justice Brennan: 6-17-86 Joined

Justice White: 6-18-86 Joined

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Replies:

Date:

Print:

Remarks:

Justice Marshall:

6-17-86

Joined

Justice Blackmun:

Opinion

Justice Powell:

6-17-86

Joined

Justice Rehnquist:

6-18-86

Joined

Justice Stevens:

6-17-86

Joined

Justice O'Connor

6-16-86

Joined

No. 85-664, Young v. Community Nutrition

Argued: April 30, 1986 Announced: June 16, 1986

Assigned: Justice O'Connor Date: May 5, 1986

Vote: Affirm: JPS

Reverse: 8

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	<u>Date:</u>	<u>Print:</u>
	<u>5-30-86</u> 1	<u>Opinion</u>
	<u>6-4-86</u> 2	<u>Opinion</u>
	<u>6-11-86</u> 3	<u>"</u>

<u>Replies:</u>	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
The Chief Justice:	<u>5-30-86</u>	<u>←</u>	<u>Opinion</u>
	<u>6-11-86</u>		<u>Joined</u>

Justice Brennan:	<u>6-4-86</u>	<u>Joined</u>
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Justice White:	<u>6-2-86</u>	<u>Joined</u>
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Replies:

Date: Print: Remarks:

Justice Marshall:

6-13-86 Joined

Justice Blackmun:

6-1-86 Joined

Justice Powell:

6-1-86 Joined

Justice Rehnquist:

6-1-86 Joined

Justice Stevens:

6-1-86	to Soc. to write disc-7	
6-9-86		Disc 7
6-10-86		"
6-12-86		"

Justice O'Connor

6-19-86 Memo to Conf.

No. 85-755, Reed v. Campbell

Argued: April 30, 1986

Announced: \_\_\_\_\_

Assigned: Justice Stevens

Date: May 5, 1986

Vote: ~~Affirm~~ DISMISS OR REVERSE: TM, LFP

Reverse: CJ, WJB, BRW, HAB, WHR, JPS, SOC

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	<u>5-27-86</u>	<u>Date:</u>	<u>1</u>	<u>Print:</u>	<u>Opinion</u>
	<u>6-3-86</u>		<u>2</u>		<u>"</u>

<u>Replies:</u>	<u>Date:</u>	<u>Print:</u>	<u>Remarks:</u>
The Chief Justice:	<u>6-4-86</u>		<u>Joined</u>

Justice Brennan:	<u>5-28-86</u>		<u>Joined</u>
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Justice White:	<u>5-27-86</u>		<u>Joined</u>
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Replies:

Date:

Print:

Remarks:

Justice Marshall:

6-4-86

Joined

Justice Blackmun:

5-28-86

Joined

Justice Powell:

5-27-86

Joined

Justice Rehnquist:

5-28-86

Joined

Justice Stevens:

5-27-

Opinion

Justice O'Connor

5-27-86

Joined

85-954)  
No.85-955)

Japan Whaling Assn. v. Am. Cetacean Society  
Baldrige v. Am. Cetacean Society

Argued: April 30, 1986

Announced: \_\_\_\_\_

Assigned: Justice White

Date: May 5, 1986

Vote: Affirm: WJB, TM, HAB, WHR

Reverse: CJ, BRW, LFP, JPS, SOC

Pass: \_\_\_\_\_

No Vote: \_\_\_\_\_

Out: \_\_\_\_\_

Circulated:	Date:	Print:
	<u>5-27-86</u>	<u>1</u> <i>Opinion</i>
	<u>6-2-86</u>	<u>1</u> <i>Opinion</i>
	<u>6-5-86</u>	<u>3</u> <i>"</i>

Replies:	Date:	Print:	Remarks:
The Chief Justice:	<u>6-11-86</u>		<i>Joined</i>

Justice Brennan:

*Will WHR*  
5-5-86 to DR. HAB & WHR - *do dissent?*  
5-5-86 to CJ, *does not see "cause"*  
*of action problem*  
5-8-86 to DR. only. *Will DR do dissent?*  
5-28-86 to BRW *write further writing*  
6-25-86 *Joined DR's dissent*

Justice White:

5-5-86 to CJ & Conf.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Replies:

Date:                      Print:                      Remarks:

Justice Marshall:

5-28-86	to BAO - de Cive dissent	
6-24-86		1 Dissent
6-25-86		2 " w/ OHR
6-26-86		3 " w/ WGB, HAD & OHR

Justice Blackmun:

5-5-86	to C98 Conf.	
6-26-86		Joined this dissent

Justice Powell:

5-30-86		Joined
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Justice Rehnquist:

5-6-86	to WGB - tentative - Dissent	Vote to affirm was
	Feel he should take on the dissent	
5-5-86	to C98 Cf	
6-24-86		Joined this dissent

Justice Stevens:

5-28-86		Joined
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Justice O'Connor

5-30-86		Joined
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85-1377) Bowsher v. Synar  
 85-1378) U.S. Senate v. Synar  
 No. 85-1379) O'Neill v. Synar

Argued: April 23, 1986 Announced: \_\_\_\_\_  
 Assigned: The Chief Justice Date: May 5, 1986

Vote: Affirm: CJ, WJB, TM, LFP, WHR, JPS, SOC  
 Reverse: BRW, HAB  
 Pass: \_\_\_\_\_  
 No Vote: \_\_\_\_\_  
 Out: \_\_\_\_\_

Circulated:	Date:	Print:	
	<u>5-31-86</u>	<u>1</u>	<u>Opinion</u>
	<u>6-5-86</u>	<u>2</u>	<u>Opinion</u>
	<u>6-12-86</u>	<u>3</u>	<u>Opinion</u>
	<u>6-27-86</u>	<u>4</u>	<u>Opinion</u>
	<u>6-30-86</u>	<u>5</u>	<u>Opinion</u>

Replies:	Date:	Print:	Remarks:
The Chief Justice:			<u>Opinion</u>
	<u>5-31-86</u>		<u>Trans to Conf of Op. attached</u>
	<u>6-3-86</u>		<u>Trans to Conf.</u>
	<u>6-4-86</u>		<u>Trans to Conf.</u>
	<u>6-10-86</u>		<u>Trans to JPH &amp; Conf.</u>
	<u>6-27-86</u>		<u>to WJB only</u>
Justice Brennan:	<u>6-3-86</u>		<u>to Cg - Agreement of Soc, etc</u>
	<u>6-6-86</u>		<u>to Cg</u>
	<u>6-27-86</u>		<u>to Cg only</u>
	<u>6-30-86</u>		<u>joined</u>
Justice White:	<u>6-2-86</u>		<u>to Cg - to file a dissent</u>
	<u>6-16-86</u>		<u>Dissent</u>

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Replies:

Date:            Print:            Remarks:

Justice Marshall:

6-2-86 to CG. Sharon J. Williams  
6-27-86 joined J. Williams

Justice Blackmun:

6-28-86            ,            Dissent

Justice Powell:

6-3-86 to CG. Sharon Williams  
6-12-86            joined

Justice Rehnquist:

6-3-86            joined

Justice Stevens:

6-4-86 to CG. Does not agree  
w/ CG's Op. If others do not agree  
he will write sep.  
6-16-86 to CG. Will write sep.  
6-26-86            Conc in dissent

Justice O'Connor

6-4-86 to CG. Has concerns  
6-12-86            joined