JUSTICE

BYRON R. WHITE

THE BOBBLEHEAD

"Blackstone described it as 'a general and indisputable rule, that where there is a legal right, there is also a legal remedy, by suit or action at law, whenever that right is invaded.'" *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).

Does a state school's enforcement of NCAA rules and findings make the NCAA a state actor? *NCAA v. Tarkanian*, 488 U.S. 179 (1988) (White, J, dissenting): Yes, because the school and association acted jointly.

Basic Inc. v. Levinson, 485 U.S. 224 (1983) (White, J, dissenting): "It seems quite possible that, like Casca's knowing disbelief of Caesar's 'thrice refusal' of the Crown, clever investors were skeptical of petitioners' three denials that merger talks were going on.") (citing "W. Shakespeare, Julius Caesar, Act I, Scene II.").

Fruits of a search of a building in Burbank, CA (where oranges were grown in quantity) in reasonable, good-faith reliance on a defective search warrant are admissible. *U.S. v. Leon*, 468 U.S. 897 (1984).

"[W]e conclude that the First Amendment does not confer on the press a constitutional right to disregard promises that would otherwise be enforced under state law." *Cohen v. Cowles Media Co.*, 501 U.S. 663 (1991). *Cf. The Merry Wives of Windsor* (Mistress Ford: "Wher's the Cowle-staffe?"); *cowle* and *cowl*, OED.

Stay tuned.

Robinson v. California, 370 U.S. 660 (1962) (White, J., dissenting): "If this case involved economic regulation, the present Court's allergy to substantive due process would surely save the statute and prevent the Court from imposing its own philosophical predilections upon state legislatures or Congress. I fail to see why the Court deems it more appropriate to write into the Constitution its own abstract notions of how best to handle the narcotics problem, for it obviously cannot match either the States or Congress in expert understanding."

"For purposes of 4 U. S. C. § 111, military retirement benefits are to be considered deferred pay for past services." *Barker v. Kansas*, 503 U.S. 594 (1992) (intergovernmental tax immunity).

In the legislative veto case, *INS v. Chadha*, 462 U.S. 919 (1983), Justice White dissented alone: "Today's decision strikes down in one fell swoop provisions in more laws enacted by Congress than the Court has cumulatively invalidated in its history. I fear it will now be more difficult to insure that the fundamental policy decisions in our society will be made not by an appointed official but by the body immediately responsible to the people . . . ." *Cf. Macbeth* (Macduff: "All my pretty ones? Did you say All? Oh Hell-Kite! All? What, All my pretty Chickens, and their Damme At one fell swoope?")

If you are looking at the packaging for Justice White (or if you are looking at this annotation in color), and you are wondering why it is so brightly pink and blue, read his colorful, circuit-split-resolving opinion for the Court in *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763 (1992), a Lanham Act case. And if you are wondering why he is accompanied by a steelhead trout, read *Department of Game of Wash. v. Puyallup Tribe*, 414 U.S. 44 (1973) (including his concurring opinion), interpreting the Treaty of Medicine Creek.