

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

August 22, 1978

Re: A-134 Columbus Board of Education v. Penick

MEMORANDUM TO THE CONFERENCE

I first learned this noon of the filing of the application supported by the Solicitor General to convene a Special Session of the Court to review Bill Rehnquist's stay. I also learned from my chambers that the Chief, Byron, Harry and Lewis have circulated memos that each would deny the request. There has been no official word from Potter, Thurgood, or John.

Since there are five votes to deny, I see no purpose in my examining the papers and I will simply pass.

I have authorized my clerk, Merrick Garland, to initial this memorandum for me.

Sincerely,

WJB, Jr.

by mbg