

# The Burger Court Opinion Writing Database

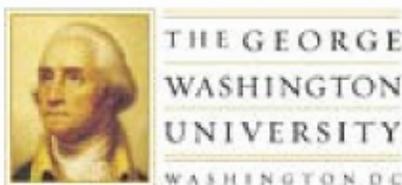
## *Monks v. New Jersey*

398 U.S. 71 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF  
THE CHIEF JUSTICE

April 30, 1970

Re: No. 127 - Monks v. New Jersey

Dear John

I join your April 29 per curiam  
dismissing the above.

  
W. E. B.

Mr. Justice Harlan

cc: The Conference

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

CHAMBERS OF  
JUSTICE HUGO L. BLACK

May 4, 1970

Dear John,

Re: No. 127- Monks v. State of  
New Jersey.

I voted to affirm but can agree to  
your Per Curiam in this case dismissing the  
writ as improvidently granted.

Sincerely,

  
H. L. B.

Mr. Justice Harlan

April 30, 1970

Dear John:

In No. 127 - Monks v. New Jersey,  
please note that I dissent.

W. O. D.

Mr. Justice Harlan

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

May 21, 1970

Dear John:

In No. 127 -- Monks v.  
New Jersey, I asked you to note my  
dissent to your Per Curiam. I have  
now joined Marshall's dissent.

*W O*  
William O. Douglas

Mr. Justice Harlan

APR 29 1970

April 29, 1970

**MEMORANDUM TO THE CONFERENCE**

**Re: No. 137 - Monks v. New Jersey**

Dear Brothers:

I was asked to try my hand at a per curiam dismissing the writ in this case as improvidently granted. The attached is submitted for the consideration of the Conference.

Respectfully,  
[Signature]

*Jayne*

To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice ...

SUPREME COURT OF THE UNITED STATES

From: Mr. ...

Circulated: APR 29 1970

No. 127.—OCTOBER TERM, 1969

Recirculated: \_\_\_\_\_

William Monks, Petitioner, } On Writ of Certiorari to  
v. } the Supreme Court of  
State of New Jersey. } New Jersey.

[May —, 1970]

PER CURIAM.

Having scrutinized the record and considered the briefs and oral arguments submitted on both sides, we are satisfied that petitioner's claim of coercion respecting his confession, given by him over 12 years ago upon his apprehension as an alleged juvenile delinquent, does not merit the plenary review which we thought it might deserve at the time petitioner's *pro se* petition for certiorari was granted. 395 U. S. 903. The other claims tendered in such petition fare no better.

The further claim advanced by petitioner's appointed counsel in this Court respecting the alleged unconstitutional application of N. J. S. 2A, 4-37 (b) has been raised for the first time upon this writ and the state courts have had no opportunity to pass upon it.

Accordingly we conclude that the writ of certiorari should be dismissed as improvidently granted, without prejudice to any further appropriate proceedings below.

*It is so ordered.*

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

April 30, 1970

RE: No. 127 - Monks v. New Jersey

Dear John:

I agree with your Per Curiam in the  
above case.

Sincerely,



W.J.B. Jr.

Mr. Justice Harlan

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

April 30, 1970

No. 127 - Monks v. New Jersey

Dear John,

I am glad to join the Per Curiam you  
have prepared, dismissing the writ in this  
case as improvidently granted.

Sincerely yours,

PS:  
/

Mr. Justice Harlan

Copies to the Conference

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APR 29 1970

Re: No. 127 - Monks v. New Jersey

Dear John:

Please join me.

Sincerely,

E.H.S.

Mr. Justice Harlan

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 20, 1970

*Cour  
to  
5/20  
Opinion*

Re: No. 127 - William Monks v. State of  
New Jersey

Justice Marshall asked that this opinion be printed and circulated on May 1. It was printed, but through some mix-up in the office was apparently not circulated, a fact I discovered only this week in checking with other Chambers. I am circulating it now as the Justice had already instructed.

*TCG*  
Tom Grey

To: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Fortas

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SUPREME COURT OF THE UNITED STATES

From: Marshall, J.

No. 127.—OCTOBER TERM, 1969

Circulated: MAY 20 1970

Recirculated: \_\_\_\_\_

William Monks, Petitioner, } On Writ of Certiorari to  
v. } the Supreme Court of  
State of New Jersey. } New Jersey.

[May —, 1970]

MR. JUSTICE MARSHALL, dissenting.

Petitioner, a 15-year-old boy, was arrested at 1 o'clock in the morning of February 16, 1957, removed to the police station and questioned by detectives for several hours about two purse snatching incidents. He was then held in confinement in the Children's Shelter for 10 days during which time he was questioned at least three times by two detectives in the presence of a juvenile probation officer. Further questioning began on other crimes including two murders in the same area as the purse snatchings.

During the entire 10-day period this 15-year-old boy was without advice of his parents, lawyer, or friends. Indeed, his mother first learned he was in custody after he confessed to the two murders. During the entire 10-day period petitioner was never told he had a right to remain silent, or to refuse to answer the questions by the two detectives.

The end came on February 26, 1957. Petitioner arose at 7 o'clock in the morning, questioning began at 10 o'clock and continued off and on for 15 hours before the confession was typed. During this period he was moved from the Children's Shelter to the courthouse, the grand jury room and an adjacent room. He was given several lie detector tests and confronted with alleged witnesses. He had no sleep. He was given sandwiches for his lunch and dinner.

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To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Fortas

**SUPREME COURT OF THE UNITED STATES**

No. 127.—OCTOBER TERM, 1969

William Monks, Petitioner, } On Writ of Certiorari to  
v. } the Supreme Court of  
State of New Jersey. } New Jersey.

From: Marshall, J.  
Circulated:  
Recirculated: 5/21/79

[May —, 1970]

MR. JUSTICE MARSHALL, with whom MR. JUSTICE DOUGLAS joins, dissenting.

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