

The Burger Court Opinion Writing Database

Boyle v. Landry

401 U.S. 77 (1971)

Paul J. Wahlbeck, George Washington University

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

SUPREME COURT OF THE UNITED STATES

No. 6.—OCTOBER TERM, 1969

From: Black, J.

Circulated: MAY 6 1970

John S. Boyle, Chief Judge of
 the Circuit Court of Cook
 County, Illinois, et al., Appel-
 lants,
 v.
 Lawrence Landry et al.

On Appeal From the
 United States District
 Court of the North-
 ern District of Illinois.

[May —, 1970]

MR. JUSTICE BLACK delivered the opinion of the Court.

This action was brought in federal court by seven groups of Negro residents of Chicago, Illinois, seeking a declaratory judgment and an injunction against the enforcement of a number of Illinois statutes and Chicago ordinances on the grounds that they violated various provisions of the Federal Constitution. The complaint named as defendants and sought relief against a number of officials of Cook County and the City of Chicago: ~~the Mayor, the Chief Judge, and two Magistrates of the~~ Circuit Court, the State's Attorney for the county, the Sheriff, the Superintendent of Police, the city's Corporation Counsel and his assistant, and three city police officers. Their complaint challenged as invalid the Illinois statutes prohibiting mob action,¹ resisting arrest,² aggravated assault,³ aggravated battery,⁴ and intimidation.⁵ They alleged that some of the plaintiffs had been arrested under some of these statutes and that those prosecutions were currently pending in Illinois state

¹ Ill. Rev. Stat., c. 38, § 25-1.
² Ill. Rev. Stat., c. 38, § 31-1.
³ Ill. Rev. Stat., c. 38, § 12-2.
⁴ Ill. Rev. Stat., c. 38, § 12-4.
⁵ Ill. Rev. Stat., c. 38, § 12-6.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

⁴
RE: No. 6 - Boyle v. Landry

Dear Hugo:

In your No. ⁴6 - Boyle v. Landry will
you please note at the foot of your opinion:

"Mr. Justice Brennan concurs in result."

Sincerely,


W. J. B. Jr.

Mr. Justice Black

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 12, 1970

No. 6 - Boyle v. Landry

Dear Hugo,

I am glad to join your opinion for
the Court in this case.

Sincerely yours,

PS,
/

Mr. Justice Black

Copies to the Conference

June 17, 1970

Re: No. 6 - Boyle v. Landry

Dear Hugo:

Would you please note at the foot of your opinion in this case that I concur in the result.

Sincerely,

R.R.N.

Mr. Justice Black

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 18, 1970

Re: No. 6 - Boyle v. Landry

Dear Hugo:

Please note that I concur in
the result.

Sincerely,



T.M.

Mr. Justice Black

cc: The Conference