

# The Burger Court Opinion Writing Database

## *Craycroft v. Ferrall*

397 U.S. 335 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



March 24, 1970

GVR

**MEMORANDUM FOR THE CONFERENCE**

**I have joined the following opinions:**

**No. 718, Misc. , Craycroft v. Farrell  
(Per Curiam, Douglas, J.)**

**No. 1072 - Amalgamated Assn., etc.  
v. Lockridge (Per Curiam,  
Brennan, J.)**

**Sincerely,**

**H. L. B.**

To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Harlan ✓  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
~~Mr. Justice Thomas~~  
~~Mr. Justice Marshall~~

1

# SUPREME COURT OF THE UNITED STATES

October Term, 1969

CRAYCROFT v. FARRELL ET AL.

From: Douglas, J.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circulated: 3-23-

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

No. 718, Misc. Decided March —, 1970

PER CURIAM.

The motion for leave to proceed *in forma pauperis* is granted.

Upon consideration of the suggestion of the Solicitor General and upon an examination of the entire record, the petition for a writ of certiorari is granted, the judgment of the United States Court of Appeals for the Ninth Circuit is vacated and the case is remanded to that court.

The Solicitor General concedes that the administrative remedies which the Court of Appeals held should first be exhausted by the petitioner, have either been exhausted or are nonexistent. The sole remaining question therefore seems to be whether petitioner's failure to seek relief in the Court of Military Appeals precludes consideration of petitioner's claims by the federal courts. While the Solicitor General concedes that resort to that judicial remedy does not preclude consideration of petitioner's claim by the federal courts, there is a conflict among the circuits. It is for consideration of that question, or alternatively the merits, that the case is remanded.

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

March 23, 1970

RE: No. 718 Misc. Craycroft v. Farrell

Dear Bill:

I agree with your Per Curiam in the  
above case.

Sincerely,

*Bill*  
W.J.B. Jr.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

March 24, 1970

718 Misc., Craycroft v. Farrell

Dear Bill,

The Per Curiam you have circulated  
in this case seems fine to me.

Sincerely yours,

PS,  
✓

Mr. Justice Douglas

Copies to the Conference

March 24, 1970

Re: No. 718 Misc. - Craycroft v.  
Farrell

Dear Bill:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Douglas

cc: The Conference