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Perez v. Ledesma

401 U.S. 82 (1971)

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 24, 1970

MEMORANDUM TO THE CONFERENCE

No. 837, Perez v. Ledesma, was held for the Dombrowski cases. It presents a situation of a federal suit for declaratory judgment of the constitutionality of a municipal ordinance when no prosecution for violation of the ordinance was pending. It is, therefore, a vehicle for considering the propriety of federal declaratory relief when no prosecution is pending. I strongly recommend that we note jurisdiction of the case and set it down for argument with the Dombrowski cases being set for reargument.

W.J.B. Jr.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

1970 OT - Docket #60
June 25, 1970

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MEMORANDUM TO THE CONFERENCE

If the Conference notes No. 837, Perez v. Ladesma, as I have recommended, I suggest that the parties be asked to brief and argue, in addition to the question presented, the following questions:

(1) Was it an appropriate exercise of discretion for the three-judge court to grant the relief in paragraphs 1 and 2 of the judgment of August 14, 1969 in view of the pendency of the state prosecution charging violation of Louisiana Revised Statutes 14:106?

(2) Was it an appropriate exercise of discretion for the three-judge court in paragraph 4 of said judgment to declare that the St. Bernard Parish Ordinance No. 21-60 unconstitutional?

W. J. B. Jr.