

The Burger Court Opinion Writing Database

Griffin v. Breckenridge

403 U.S. 88 (1971)

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

June 3, 1971

Re: No. 144 - Griffin v. Breckenridge

Dear Potter:

Please include me.

Regards,

WEB

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

June 1, 1971

Dear Potter,

Re: No. 144- Griffin v. Breckenridge.

I am glad to agree.

Sincerely,


Hugo

Mr. Justice Stewart

cc: Members of the Conference

May 27, 1971

Dear Potter:

Please join me in your opinion
in No. 144 - Griffin v. Breckenridge.

William O. Douglas

Mr. Justice Stewart

WN Adams
1487

June 2, 1971

Re: No. 144 - Griffin v. Breckenridge

Dear Potter:

You have written your opinion in such a way that, with the one reservation indicated in the attached concurrence, I find myself able to join you, and I am glad to do so. I think you have done a first-rate job.

Sincerely,

JMH

Mr. Justice Stewart

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 144.—OCTOBER TERM, 1970 From: Harlan, J.

Eugene Griffin, Etc. et al., } On Writ of Certiorari to the
Petitioners, } United States Court of Appeals for the Fifth
v. } Circuit.
Lavon Breckenridge et al. } Recirculated:

[June —, 1971]

MR. JUSTICE HARLAN, concurring.

I agree with the Court's opinion, except that I find it unnecessary to rely on the "right of interstate travel" as a premise for justifying federal jurisdiction under § 1985 (3). With that reservation, I join the opinion and judgment of the Court.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

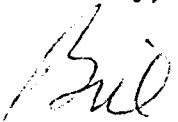
June 1, 1971

RE: No. 144 - Griffin v. Breckenridge

Dear Potter:

I think this is fine and I am happy
to join it.

Sincerely,


W. J. B. Jr.

Mr. Justice Stewart

cc: The Conference

1
Amree
To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: Stewart, J.

Circulated: MAY 26 1971

No. 144.—OCTOBER TERM, 1970

Recirculated:

2
Eugene Griffin, *Etc.* et al., } On Writ of Certiorari to the
Petitioners, } United States Court of
v. } Appeals for the Fifth
Lavon Breckenridge et al. } Circuit.

[June —, 1971]

MR. JUSTICE STEWART delivered the opinion of the Court.

This litigation began when the petitioners filed a complaint in the United States District Court for the Southern District of Mississippi, seeking compensatory and punitive damages and alleging, in substantial part, as follows:

“2. The plaintiffs are Negro citizens of the United States and residents of Kemper County, Mississippi. . . .

“3. The defendants, Lavon Breckenridge and James Calvin Breckenridge, are white adult citizens of the United States residing in DeKalb, Kemper County, Mississippi.

“4. On July 2, 1966, the . . . plaintiffs . . . were passengers in an automobile belonging to and operated by R. G. Grady of Memphis, Tennessee. They were travelling upon the federal, state and local highways in and about DeKalb, Mississippi, performing various errands and visiting friends.

“5. On July 2, 1966 defendants, acting under a mistaken belief that R. G. Grady was a worker for Civil Rights for Negroes, wilfully and maliciously conspired, planned, and agreed to block the passage of said plaintiffs in said automobile upon the public

13; otherwise, typographical
and numbering changes only

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

2nd DRAFT

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Circulated:

No. 144.—OCTOBER TERM, 1970

Recirculated: MAY 27 1971

Eugene Griffin et al., Petitioners, v. Lavon Breckenridge et al. } On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[June —, 1971]

MR. JUSTICE STEWART delivered the opinion of the Court.

This litigation began when the petitioners filed a complaint in the United States District Court for the Southern District of Mississippi, seeking compensatory and punitive damages and alleging, in substantial part, as follows:

“2. The plaintiffs are Negro citizens of the United States and residents of Kemper County, Mississippi. . . .

“3. The defendants, Lavon Breckenridge and James Calvin Breckenridge, are white adult citizens of the United States residing in DeKalb, Kemper County, Mississippi.

“4. On July 2, 1966, the . . . plaintiffs . . . were passengers in an automobile belonging to and operated by R. G. Grady of Memphis, Tennessee. They were travelling upon the federal, state and local highways in and about DeKalb, Mississippi, performing various errands and visiting friends.

“5. On July 2, 1966 defendants, acting under a mistaken belief that R. G. Grady was a worker for Civil Rights for Negroes, wilfully and maliciously conspired, planned, and agreed to block the passage of said plaintiffs in said automobile upon the public

8, 17, 18

To: The Chief Justice
 Mr. Justice Black
 Mr. Justice Douglas
 Mr. Justice Harlan
 Mr. Justice Brennan
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Circulated:

No. 144.—OCTOBER TERM, 1970

Recirculated: JUN 4 1971

Eugene Griffin et al., Petitioners, v. Lavon Breckenridge et al. } On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[June 7, 1971]

MR. JUSTICE STEWART delivered the opinion of the Court.

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“4. On July 2, 1966, the . . . plaintiffs . . . were passengers in an automobile belonging to and operated by R. G. Grady of Memphis, Tennessee. They were travelling upon the federal, state and local highways in and about DeKalb, Mississippi, performing various errands and visiting friends.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 1, 1971

Re: No. 144 - Griffin v.
Breckenridge, et al.

Dear Potter:

Please join me.

Sincerely,



B.R.W.

Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 1, 1971

Re: No. 144 - Griffin v. Breckenridge

Dear Potter:

Please join me.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

May 31, 1971

Re: No. 144 - Griffin v. Breckenridge

Dear Potter:

Please join me.

Sincerely,

H. A. B.

cc: Justice Stewart

cc: The Conference