

The Burger Court Opinion Writing Database

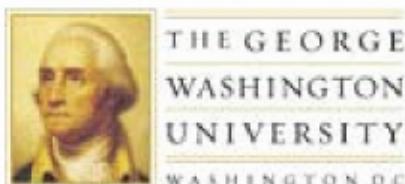
Boyle v. Landry

401 U.S. 77 (February 23, 1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



TO: THE CHIEF JUSTICE
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

2

From: Black, J.

NOV 27 1970

Circulated:

SUPREME COURT OF THE UNITED STATES

Recirculated:

No. 4.—OCTOBER TERM, 1970

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

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

[November —, 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.

Identical to
last term

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 10, 1970

RE: No. 4 - Boyle v. Landry

Dear Hugo:

In your No. 4 - Boyle v. Landry, will
you please note at the foot of your opinion:
"Mr. Justice Brennan concurs in re-
sult."

Sincerely,

Brennan
W. J. B. Jr.

Mr. Justice Black

cc: The Conference

P
RM

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 11, 1970

Re: No. 4 - Boyle v. Landry

Dear Hugo:

Please join me in Bill
Brennan's concurrence at the foot
of your opinion.

Sincerely,

Byron

B.R.W.

Mr. Justice Black

Copies to the Conference

Please add my name to
that of Brennan and White as
concurring in the result

TM
WD

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 21, 1971

Re: No. 4 - Boyle v. Landry

Dear Hugo:

Please add my name to those of
Justices Brennan and White as concurring
in the result.

Sincerely,



T.M.

Mr. Justice Black

cc: The Conference

December 28, 1970

Re: No. 4 - Boyle v. Landry

Dear Hugo:

Please join me in your opinion for this case.

Sincerely,

H. A. B.

Mr. Justice Black

cc: The Conference