

# 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.

Circulated: NOV 27 1970

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# SUPREME COURT OF THE UNITED STATES

No. 4.—OCTOBER TERM, 1970

John S. Boyle, Chief Judge of the Circuit Court of Cook County, Illinois, et al., Appel- lants, <i>v.</i> Lawrence Landry et al.	On Appeal From the United States District Court of the North- ern District of Illinois.
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[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,<sup>1</sup> resisting arrest,<sup>2</sup> aggravated assault,<sup>3</sup> aggravated battery,<sup>4</sup> and intimidation.<sup>5</sup> 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

<sup>1</sup> Ill. Rev. Stat., c. 38, § 25-1.

<sup>2</sup> Ill. Rev. Stat., c. 38, § 31-1.

<sup>3</sup> Ill. Rev. Stat., c. 38, § 12-2.

<sup>4</sup> Ill. Rev. Stat., c. 38, § 12-4.

<sup>5</sup> Ill. Rev. Stat., c. 38, § 12-6.

Identical to  
last term

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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,

*Bill*

W.J.B. Jr.

Mr. Justice Black

cc: The Conference

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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,

*B.R.W.*

B.R.W.

Mr. Justice Black

Copies to the Conference

*Please add my name to  
those 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