The Burger Court Opinion Writing Database

Procunier v. Atchley

400 U.S. 446 (January 19, 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

January 7, 1971

Re: No. 44 - Procunier v. Atchley

Dear Potter:

Please join me in the above.

Regards,

WEB

Mr. Justice Stewart

cc: The Conference

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

January 5, 1971

Dear Potter:

In No. 44 - Procunier v. Atchley, please join me in your opinion.

W. O. D.

Mr. Justice Stewart

January 7, 1971

Re: No. 44 - Procunier v. Atchley

Dear Potter:

I am glad to join your opinion in this case.

Sincerely,

J. M. H.

Mr. Justice Stewart

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 6, 1971

RE: No. 44 - Procunier v. Atchley

Dear Potter:

Please join me in your opinion in this case.

Sincerely,

W.J.B. Jr.

Mr. Justice Stewart

cc: The Conference

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

From: Stewart, J.

Circulated: JAN 5 1971

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SUPREME COURT OF THE UNITED STATES

No. 44.—October Term, 1970

R. K. Procunier, Director, California Department of Corrections, Petitioner, *v.* Veron Atchley. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January —, 1971]

Mr. Justice Stewart delivered the opinion of the Court.

In 1959 a jury in a California trial court found the respondent guilty of murdering his wife by firing six bullets into her body at close range. A key prosecution witness at the trial was Ray Travers, an insurance agent. The day after the respondent's wife was killed, Travers visited the respondent in jail at the latter's request, and the two conversed regarding an insurance policy on the life of the decedent. During the course of this conversation the respondent told Travers his version of how his wife had been killed, admitting that he had lain in wait for her with a gun, but insisting that her shooting had been accidental. As he was leaving the jail, Travers told the sheriff's officers about the respondent's statement. They asked him if he would be willing to have his next conversation with the respondent electronically recorded, and, since he planned to return to get additional information for the insurance company, he agreed. The next day Travers returned to the jail and had another conversation with the respondent, in the course of which the respondent again gave Travers substantially the same account of the circumstances of his

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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

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SUPREME COURT OF THE UNITED STATES

No. 44.—October Term, 1970

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 5, 1971

Re: No. 44 - Procunier v. Atchley

Dear Potter:

Please join me in your opinion in this case.

Sincerely,

B.R.W.

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 11, 1971

Re: No. 44 - Procunier v. Atchley

Dear Potter:

Please join me.

Sincerely,

T.M.

Mr. Justice Stewart

cc: The Conference

January 11, 1971

Re: No. 44 - Procunier v. Atchley

Dear Potter:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Stewart

cc: The Conference