

# 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

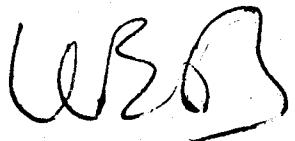
January 7, 1971

Re: No. 44 - Procurier v. Atchley

Dear Potter:

Please join me in the above.

Regards,



Mr. Justice Stewart

cc: The Conference

Attn: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Stewart

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 - Procunter 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. 20542

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

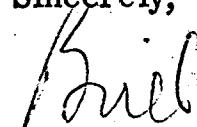
January 6, 1971

RE: No. 44 - Procurier 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

1

From: Stewart, J.

JAN 5 1971

SUPREME COURT OF THE UNITED STATES

Recirculated:

No. 44.—OCTOBER TERM, 1970

Recirculated:

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

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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From: Stewart, J.

## SUPREME COURT OF THE UNITED STATES

Recirculated: JAN 8 1971

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R. K. Procunier, Director,  
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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 - Procurier 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 - Prochnier v. Atchley

Dear Potter:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Stewart

cc: The Conference