

The Burger Court Opinion Writing Database

Hill v. California

401 U.S. 797 (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

February 8, 1971

Re: No. 51 - Hill v. California

Dear Byron:

Please join me in your opinion for the
Court.

Regards,

WEB
WEB

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

January 13, 1971

Dear Byron:

Re: No. 51 - Hill v. State of Calif.

Please note that I concur in the
result.

Sincerely,


Hugo

Mr. Justice White

cc: Members of the Conference

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March 17, 1971

Dear Byron:

In No. 51 - Hill v. California,
kindly note that I took no part in
the consideration or the decision
of this case.

W. O. D.

Mr. Justice White

WP
adm

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

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Harlan, J.

No. 51.—OCTOBER TERM, 1970

Circulated: JAN 27 1971

Recirculated: _____

Archie William Hill, Jr.,
Petitioner,
v.
State of California. } On Writ of Certiorari to the
Supreme Court of California.

[February —, 1971]

MR. JUSTICE HARLAN, concurring in part and dissenting in part.

I agree with the Court's opinion except for its conclusion that the *Chimel* case is not to be applied to this one.

Two Terms ago, in *Chimel v. California*, 395 U. S. 752 (1969), we held that a search without a warrant, but incident to a lawful arrest, must be narrowly confined in scope if it is to pass constitutional muster. In such circumstances, we said:

"There is ample justification . . . for a search of the arrestee's person and the area 'within his immediate control'—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence.

"There is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself. Such searches, in the absence of well-recognized exceptions, may be made only under the authority of a search warrant. The 'adherence to judicial processes' mandated by the Fourth Amendment requires no less." 395 U. S., at 763 (footnote omitted).

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

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Justice Harlan, J.

No. 51.—OCTOBER TERM, 1970

Circulated: _____

Recirculated FEB 3 1971

Archie William Hill, Jr.,
Petitioner,
v.
State of California.

On Writ of Certiorari to the
Supreme Court of California.

[February —, 1971]

MR. JUSTICE HARLAN, concurring in part and dissenting
in part.

I agree with the Court's opinion except for its conclusion that the *Chimel* case is not to be applied to this one.

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"There is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself. Such searches, in the absence of well-recognized exceptions, may be made only under the authority of a search warrant. The 'adherence to judicial processes' mandated by the Fourth Amendment requires no less." 395 U. S., at 763 (footnote omitted).

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

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 51.—OCTOBER TERM, 1970 Circulated: _____
Recirculated: FEB 26 1971

Archie William Hill, Jr.,
Petitioner,
v.
State of California. } On Writ of Certiorari to the
Supreme Court of California.

[March —, 1971]

MR. JUSTICE HARLAN, whom MR. JUSTICE MARSHALL
joins, concurring in part and dissenting in part.

I agree with the Court's opinion except for its conclusion that the *Chimel* case is not to be applied to this one.

Two Terms ago, in *Chimel v. California*, 395 U. S. 752 (1969), we held that a search without a warrant, but incident to a lawful arrest, must be narrowly confined in scope if it is to pass constitutional muster. In such circumstances, we said:

"There is ample justification . . . for a search of the arrestee's person and the area 'within his immediate control'—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence.

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

CHAMBERS OF
JUSTICE WM J. BRENNAN, JR.

February 5, 1971

RE: No. 51 - Hill v. California

Dear Byron:

I agree.

Sincerely,

W. J. B. Jr.

Mr. Justice White

Cc. The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 12, 1971

No. 51 - Hill v. California

Dear Byron,

I am glad to join your opinion for
the Court in this case.

Sincerely yours,

P.S.
/

Mr. Justice White

Copies to the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

Mr. Justice Black
 ✓ Mr. Justice Douglas
 Mr. Justice Harlan
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice Marshall
 Mr. Justice Blackmun

From: White, J.

1

Circulated: 1-11-71

SUPREME COURT OF THE UNITED STATES

Recirculated: _____

No. 51.—OCTOBER TERM, 1970

Archie William Hill, Jr.,	} On Writ of Certiorari to the
Petitioner,	
v.	
State of California.	
Supreme Court of California.	

[January —, 1971]

MR. JUSTICE WHITE delivered the opinion of the Court.

On June 4, 1966, four armed men robbed a residence in Studio City, California. On June 5, Alfred Baum and Richard Bader were arrested for possession of narcotics; at the time of their arrest, they were driving petitioner Hill's car, and a search of the car produced property stolen in the Studio City robbery the day before. Bader and Baum both admitted taking part in the June 4 robbery, and both implicated Hill. Bader told the police that he was sharing an apartment with Hill at 9311 Sepulveda Boulevard. He also stated that the guns used in the robbery and other stolen property were in the apartment. On June 6, Baum and Bader again told the police that Hill had been involved in the June 4 robbery.

One of the investigating officers then checked official records on Hill, verifying his prior association with Bader, his age and physical description, his address, and the make of his car. The information the officer uncovered corresponded with the general descriptions by the robbery victims and the statements made by Baum and Bader.

Hill concedes that this information gave the police probable cause to arrest him, and the police undertook to do so on June 6. Four officers went to the Sepulveda Boulevard apartment, verified the address, and knocked.

WJ

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

2

From: White, J.

SUPREME COURT OF THE UNITED STATES

No. 51.—OCTOBER TERM, 1970

Archie William Hill, Jr.,
Petitioner,
v.
State of California.

} On Writ of Certiorari to the
Supreme Court of California.

[January —, 1971]

MR. JUSTICE WHITE delivered the opinion of the Court.

On June 4, 1966, four armed men robbed a residence in Studio City, California. On June 5, Alfred Baum and Richard Bader were arrested for possession of narcotics; at the time of their arrest, they were driving petitioner Hill's car, and a search of the car produced property stolen in the Studio City robbery the day before. Bader and Baum both admitted taking part in the June 4 robbery, and both implicated Hill. Bader told the police that he was sharing an apartment with Hill at 9311 Sepulveda Boulevard. He also stated that the guns used in the robbery and other stolen property were in the apartment. On June 6, Baum and Bader again told the police that Hill had been involved in the June 4 robbery.

One of the investigating officers then checked official records on Hill, verifying his prior association with Bader, his age and physical description, his address, and the make of his car. The information the officer uncovered corresponded with the general descriptions by the robbery victims and the statements made by Baum and Bader.

Hill concedes that this information gave the police probable cause to arrest him, and the police undertook to do so on June 6. Four officers went to the Sepulveda Boulevard apartment, verified the address, and knocked.

p. 8

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

From: White, J.

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Recirculated: 3-19-71

No. 51.—OCTOBER TERM, 1970

Archie William Hill, Jr.,	}	On Writ of Certiorari to the Supreme Court of California.
Petitioner,		
v.		
State of California.		

[March —, 1971]

MR. JUSTICE WHITE delivered the opinion of the Court.

On June 4, 1966, four armed men robbed a residence in Studio City, California. On June 5, Alfred Baum and Richard Bader were arrested for possession of narcotics; at the time of their arrest, they were driving petitioner Hill's car, and a search of the car produced property stolen in the Studio City robbery the day before. Bader and Baum both admitted taking part in the June 4 robbery, and both implicated Hill. Bader told the police that he was sharing an apartment with Hill at 9311 Sepulveda Boulevard. He also stated that the guns used in the robbery and other stolen property were in the apartment. On June 6, Baum and Bader again told the police that Hill had been involved in the June 4 robbery.

One of the investigating officers then checked official records on Hill, verifying his prior association with Bader, his age and physical description, his address, and the make of his car. The information the officer uncovered corresponded with the general descriptions by the robbery victims and the statements made by Baum and Bader.

Hill concedes that this information gave the police probable cause to arrest him, and the police undertook to do so on June 6. Four officers went to the Sepulveda Boulevard apartment, verified the address, and knocked..

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Minor stylistic changes

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

From: White, J.

4th DRAFT

Circulated: _____
Circulated, 3-31-71

SUPREME COURT OF THE UNITED STATES

No. 51.—OCTOBER TERM, 1970

Archie William Hill, Jr., Petitioner, v. State of California.	}	On Writ of Certiorari to the Supreme Court of California.
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[April —, 1971]

MR. JUSTICE WHITE delivered the opinion of the Court.

On June 4, 1966, four armed men robbed a residence in Studio City, California. On June 5, Alfred Baum and Richard Bader were arrested for possession of narcotics; at the time of their arrest, they were driving petitioner Hill's car, and a search of the car produced property stolen in the Studio City robbery the day before. Bader and Baum both admitted taking part in the June 4 robbery, and both implicated Hill. Bader told the police that he was sharing an apartment with Hill at 9311 Sepulveda Boulevard. He also stated that the guns used in the robbery and other stolen property were in the apartment. On June 6, Baum and Bader again told the police that Hill had been involved in the June 4 robbery.

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Hill concedes that this information gave the police probable cause to arrest him, and the police undertook to do so on June 6. Four officers went to the Sepulveda Boulevard apartment, verified the address, and knocked.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 23, 1971

Re: No. 51 - Hill v. California

Dear John:

Please join me in your opinion
concurring in part and dissenting in part.

Sincerely,



T.M.

Mr. Justice Harlan

cc: The Conference

February 11, 1971

Re: No. 51 - Hill v. California

Dear Byron:

Please join me.

Sincerely,

H, A, B,

Mr. Justice White

cc: The Conference