

The Burger Court Opinion Writing Database

Schlanger v. Seamans

401 U.S. 487 (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

March 22, 1971

Re: Schlanger v. Seamans, No. 5481

Dear Bill:

Please join me.

Regards,

W.B.

Mr. Justice Douglas

cc: Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

March 9, 1971

Dear Bill,

Re: No. 5481 - Schlanger v. Seamans.

I agree.

Sincerely,

H. L. B.

H. L. B.

Mr. Justice Douglas.

cc: Members of the Conference.

File
Cm
3/8/71

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5481.—OCTOBER TERM, 1970

Herbert Phillip Schlanger,
Petitioner,
v.
Robert C. Seamans, Jr.,
Secretary of the Air
Force, et al. } On Writ of Certiorari to the
United States Court of
Appeals for the Ninth
Circuit.

[March —, 1971]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The sole question in this case is whether the District Court of Arizona had jurisdiction to entertain on the merits petitioner's application for a writ of habeas corpus. He is an enlisted man who was accepted in the Airman's Education and Commissioning Program, an officer training project, and was assigned to Wright-Patterson AFB, Ohio, "with duty at Arizona State University" for training. While studying in Arizona and before completion of the course, he was removed from the program, allegedly for engaging in civil rights activities on the campus.

While he was seeking administrative relief through command channels, he was reassigned to Moody AFB, Georgia to complete the remainder of his six-year re-enlistment in a noncommissioned status. After exhausting those remedies he was given leave to attend Arizona State for study, this time by his superiors at Moody AFB

WJD

R 1,5

Please join us

3rd DRAFT

Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

No. 5481.—OCTOBER TERM, 1970

Circulated:

3/9/71

Recirculated:

Herbert Phillip Schlanger,
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Rein
3/2/71

4th DRAFT

SUPREME COURT OF THE UNITED STATES

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WD

March 17, 1971

Dear Chief:

In No. 5481 - Schlanger v. Seamans,

I have your memo of March 16, and your suggestions, which I have incorporated and which will shortly be around in a new print.

W. O. D.

The Chief Justice

W. O. D.

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

5th DRAFT

From: Douglas, J.

circulated:—

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SUPREME COURT OF THE UNITED STATES

No. 5481.—OCTOBER TERM, 1970

Herbert Phillip Schlanger,
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v.
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To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

6th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5481.—OCTOBER TERM, 1970

3/18/71

Herbert Phillip Schlanger,
Petitioner,
v.
Robert C. Seamans, Jr.,
Secretary of the Air
Force, et al. } On Writ of Certiorari to the
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March 16, 1971

Re: No. 5481 - Schindler v. Semans

Dear Bill:

Would you kindly add at the foot of your opinion
the following:

"MR. JUSTICE HARLAN concurs
in the result."

Sincerely,

J. M. H.

Mr. Justice Douglas

CC: The Conference

BR
M
R

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

March 9, 1971

RE: No. 5481 - Schlanger v. Seamans

Dear Bill:

I agree with the opinion you have
prepared in this case.

Sincerely,

W. J. B. Jr.
W. J. B. Jr.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

March 15, 1971

5481 - Schlanger v. Seamans

Dear Bill,

I should appreciate your adding the following at the foot of your opinion for the Court in this case:

MR. JUSTICE STEWART dissents.

Sincerely yours,

P.S.
1/

Mr. Justice Douglas

Copies for the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 17, 1971

Re: No. 5481 - Schlanger v. Seamans

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 11, 1971

Re: No. 5481 - Schlanger v. Seamans

Dear Bill:

Please join me.

Sincerely,



T.M.

Mr. Justice Douglas

cc: The Conference

March 11, 1971

No. No. 5481 - Schlesinger v. Seaman

Dear Bill:

I agree.

Sincerely,

H. A. B.

Mr. Justice Douglas

cc: The Conference