

The Burger Court Opinion Writing Database

Schlanger v. Seamans

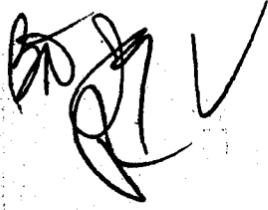
401 U.S. 487 (1971)

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

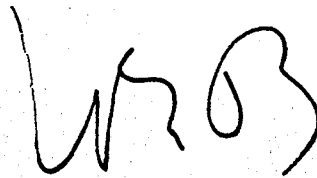
March 22, 1971

Re: Schlanger v. Seamans, No. 5481

Dear Bill:

Please join me.

Regards,



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.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

U.S. SUPREME COURT RECORDS

File
Cin
3/8/71

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5481.—OCTOBER TERM, 1970

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

WD

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Please join me
M

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

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

No. 5481.—OCTOBER TERM, 1970

Circulated: 3/9/71
Recirculated:

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 permissive temporary duty to attend Arizona State for study, this time by his

SSSBNOCU OF ADV L IN

*File
Rec'd
3/12/71*

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5481.—OCTOBER TERM, 1970

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

[March —, 1971]

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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.

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WD

March 17, 1971

Dear Chief:

In No. 5481 - Schlanger v. Seaman,

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

WJ
admin

BR
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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

5th DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated: 3/27/71

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 permissive temporary duty to attend Arizona State for study, this time by his

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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 United States Court of Appeals for the Ninth Circuit.
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[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 permissive temporary duty to attend Arizona State for study, this time by his

March 18, 1971

Re: No. 5461 - Schlenger v. Seaman

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
LM
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,

WJB
W. J. B. Jr.

Mr. Justice Douglas

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF JUSTICE

CHAMBERS OF
JUSTICE POTTER STEWART

5481 - Schlanger v. Seamans

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

Sincerely yours,

P.S.

Copies for the Conference

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AN IMPACT OF CONCRETE

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JL ✓
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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

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF COMMERCE

March 11, 1971

Re: No. 5481 - Schlanger v. Seaman

Dear Bill:

I agree.

Sincerely,

H.A.B.

Mr. Justice Douglas

cc: The Conference