

The Burger Court Opinion Writing Database

James v. Strange

407 U.S. 128 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

June 5, 1972

Re: No. 71-11 - James v. Strange

Dear Lewis:

Please join me.

Regards,

WES

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 25, 1972

Dear Lewis:

In No. 71-11 - James v. Strange,
please join me.

WJD
William O. Douglas

Mr. Justice Powell

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 26, 1972

RE: No. 71-11 - James v. Strange

Dear Lewis:

Please join me.

Sincerely,

Bill

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 30, 1972

71-11 - James v. Strange

Dear Lewis,

Confirming our telephone conversation of
yesterday, I am glad to join your opinion for the
Court in this case.

Sincerely yours,

P.S.

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 26, 1972

Re: No. 71-11 - James v. Strange

Dear Lewis:

Please join me in your opinion
in this case.

Sincerely,



Mr. Justice Powell

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 25, 1972

Re: No. 71-11 - James v. Strange

Dear Lewis:

Please join me.

Sincerely,



T.M.

Mr. Justice Powell

cc: Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 5, 1972

Re: No. 71-11 - James v. Strange

Dear Lewis:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Powell

cc: The Conference

Please give me

1st DRAFT

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
- Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Rehnquist

SUPREME COURT OF THE UNITED STATES

No. 71-11

From: Powell, J.

Circulated: MAY 25 1972

Recirculated: _____

James R. James, Judicial Administrator, et al.,
Appellants,
v.
David E. Strange. } On Appeal from the
United States District
Court for the District
of Kansas.

[May —, 1972]

MR. JUSTICE POWELL delivered the opinion of the Court.

This case presents a constitutional challenge to a Kansas recoupment statute, whereby the State may recover in subsequent civil proceedings counsel and other legal defense fees expended for the benefit of indigent defendants. The three-judge court below held the statute unconstitutional, finding it to be an impermissible burden upon the right to counsel established in *Gideon v. Wainwright*, 372 U. S. 335 (1963).¹ The State appealed and we noted jurisdiction, — U. S. —.

The relevant facts are not disputed. Appellee Strange was arrested and charged with first-degree robbery under Kansas law. He appeared before a magistrate, professed indigency, and accepted appointed counsel under the Kansas Aid to Indigent Defendants Act.² Appellee was then tried in the Shawnee County District Court on the reduced charge of pocket picking. He pled guilty and received a suspended sentence and three years probation.

¹ The opinion of the three-judge court is reported in 323 F. Supp. 1230 (Kan. 1971).

² Kan. Stat. Ann. 1971 Supp. 22-4501 to 22-4515.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 5, 1972

Re: 71-11 - James v. Strange

Dear Lewis:

Please join me in your opinion for the Court in
this case.

Sincerely,

W.H.R.

Mr. Justice Powell

Copies to the Conference