

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



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,

WESB

Mr. Justice Powell

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32
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.


William O. Douglas

Mr. Justice Powell

CC: The Conference

3
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

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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

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28
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

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SSS COUNCIL OF ADVISORY

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AN ADVANCE OF CONCEPTS

cc: Conference

B
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

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B

Please join me
JM

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: Powell, J.

No. 71-11

Circulated: MAY 25 1972

Recirculated:

James R. James, Judicial Ad-
ministrator, 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.

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SSSBJNOC 30 ADV 11 IN

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,

WM

Mr. Justice Powell

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