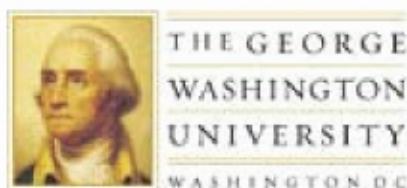


# The Burger Court Opinion Writing Database

*Olff v. East Side Union High School District*  
404 U.S. 1042 (1972)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



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

1st DRAFT

Mr. Douglas, J.

**SUPREME COURT OF THE UNITED STATES**

ROBERT OLFF, A MINOR, BY AND ~~THROUGH~~: 1-11

HIS GUARDIAN AD LITEM, MRS. SONNY OLFF

v. EAST SIDE UNION HIGH SCHOOL ~~REG~~circulated:  
DISTRICT

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 71-498. Decided January —, 1972

MR. JUSTICE DOUGLAS, dissenting.

It seems incredulous that under our federalism a State can deny a student education in its public school system unless his hair style comports with the standards of the school board.

Some institutions in Asia require their enrollees to shave their heads. Would we sustain that regulation if imposed by a public school?

Would we sustain a public school regulation requiring male students to have crew cuts?

The present regulation—to some at least—seems as extreme as the examples given. It provides:

"Hair shall be trim and clean. A boy's hair shall not fall below the eyes in front and shall not cover the ears, and it shall not extend below the collar in back."

Robert Olff, a 15-year-old boy speaking through his mother, has a full panoply of constitutional rights, though he is a minor. We said in *Tinker v. Des Moines Community School District*, 393 U. S. 503, 511:

"Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State."



2nd DRAFT

SUPREME COURT OF THE UNITED STATES

ROBERT OLFF, A MINOR, BY AND THROUGH  
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p 5 plus minor  
changes

3rd DRAFT

Mr. Chairman and Friends  
I am very pleased to be here  
and I am very pleased to be  
invited to speak to you  
about the proposed  
constitutional amendment  
to prohibit the use of  
the death penalty  
in the Commonwealth of Massachusetts.  
I am a member of the  
Massachusetts Anti Death  
Penalty Coalition  
and Justice Project  
Mr. Justice Ringuist

SUPREME COURT OF THE UNITED STATES.

ROBERT OLFF, A MINOR, BY AND THROUGH  
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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 18, 1972

Re: No. 71-498 - Robert Olff, etc. v. East Side  
Union Union High School District

Dear Bill:

Please join me in your dissent.

Sincerely,



T.M.

Mr. Justice Douglas

cc: The Conference

HOOVER INSTITUTION  
ON WAR, REVOLUTION AND PEACE  
Sanford, California 94355-6000

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