

The Burger Court Opinion Writing Database

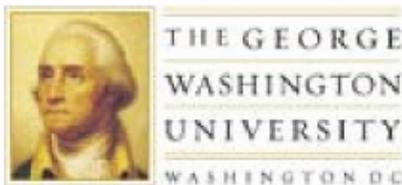
Shadwick v. Tampa

407 U.S. 345 (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 9, 1972

Re: No. 71-5445 - Shadwick v. City of Tampa

Dear Lewis:

Please join me in your opinion.

Regards,

WRB

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June sixth
1972

Dear Lewis:

In No. 71-5445 - Shadwick v. Tampa,
I voted the other way. But I acquiesce in
your opinion subject to reexamination if
anyone writes in dissent.

wd
William O. Douglas

Mr. Justice Powell

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. June 7, 1972

RE: No. 71-5445 - Shadwick v. City of
Tampa

Dear Lewis:

I agree.

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

June 9, 1972

71-5445 - Shadwick v. Tampa

Dear Lewis,

I am glad to join your opinion
for the Court in this case.

Sincerely yours,

P.S.

Mr. Justice Powell

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 9, 1972

Re: No. 71-5445 - Shadwick v. City of Tampa

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

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IN THE MANUSCRIPT DIVISION

OFFICE OF THE CLERK OF THE SUPREME COURT

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 7, 1972

Re: No. 71-5445 - Shadwick v. Tampa

Dear Lewis:

Please join me.

Sincerely,



T.M.

Mr. Justice Powell

cc: Conference

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2
M
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 6, 1972

Re: No. 71-5445 - Shadwick v. City of Tampa

Dear Lewis:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Powell

cc: The Conference

Bdm
SAS
MM

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

From: Powell, J.

SUPREME COURT OF THE UNITED STATES

Circulated JUN 5 1972

No. 71-5445

Recirculated: _____

Gerald Shadwick, Appellant, } On Appeal From the
v. } Supreme Court of
City of Tampa. } Florida.

[June —, 1972]

MR. JUSTICE POWELL delivered the opinion of the Court.

The charter of Tampa, Florida, authorizes the issuance of certain arrest warrants by clerks of the Tampa Municipal Court.¹ The sole question in this case is whether

¹The relevant Florida statutes and Tampa charter provisions are as follows:

"1. Florida Statute (1967) Section 168.04, F. S. A., which reads as follows:

"CLERK AND MARSHALL MAY TAKE AFFIDAVITS AND ISSUE WARRANTS

"The clerk may administer an oath to and take affidavit of any person charging another with an offense by breach of an ordinance, and may issue a warrant to the marshal to have the accused person arrested and brought before the mayor for trial. The marshal may, in the absence of the mayor and clerk from the police station, administer oaths to affidavits of complaints and issue warrants for the arrest of persons complained against.

"2. Section 495 of the Charter of the City of Tampa enacted by the legislature of the State of Florida in Section 17, Chapter 5363, Laws of Florida, 1903, which reads as follows:

"The Chief of Police, or any policeman of the City of Tampa may arrest, without warrant, any person violating any of the ordinances of said city, committed in the presence of such officer, and when knowledge of the violation of any ordinance of said city shall come to said chief of police or policeman, not committed in his presence, he shall at once make affidavit, before the judge or clerk of the municipal court, against the person charged with such violation,

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Change P. 2, 4, 5, 7, 8.

Plz minor stylistic changes throughout.

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

2nd DRAFT

From: Powell, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 71-5445

Recirculated: JUN 14 1972

Gerald Shadwick, Appellant, } On Appeal From the
v. } Supreme Court of
City of Tampa. } Florida.

[June —, 1972]

MR. JUSTICE POWELL delivered the opinion of the Court.

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¹The relevant Florida statutes and Tampa charter provisions are as follows:

1. Florida Statute (1967) Section 168.04, F. S. A., which reads as follows:

"The clerk may administer an oath to and take affidavit of any person charging another with an offense by breach of an ordinance, and may issue a warrant to the marshall to have the accused person arrested and brought before the mayor for trial. The marshall may, in the absence of the mayor and clerk from the police station, administer oaths to affidavits of complaints and issue warrants for the arrest of persons complained against."

2. Section 495 of the Charter of the City of Tampa enacted by the legislature of the State of Florida in Section 17, Chapter 5363, Laws of Florida, 1903, which reads as follows:

"The Chief of Police, or any policeman of the City of Tampa may arrest, without warrant, any person violating any of the ordinances of said city, committed in the presence of such officer, and when knowledge of the violation of any ordinance of said city shall come to said chief of police or policeman, not committed in his presence, he shall at once make affidavit, before the judge or clerk of the municipal court, against the person charged with such violation,

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B M

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 6, 1972

Re: 71-5445 - Shadwick v. City of Tampa

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

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U.S. SUPREME COURT OF APPEALS