

The Burger Court Opinion Writing Database

Tillman v. Wheaton-Haven Recreation Association, Inc.

410 U.S. 431 (1973)

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

February 23, 1973

Re: No. 71-1136 - Tillman v. Wheaton-Haven Recreation

Dear Harry:

Please join me.

Regards,

W. J.

Mr. Justice Blackmun

Copies to the Conference

J. - WTT

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 10, 1973

Dear Harry:

Please join me in your memo
(opinion) in No. 71-1136 - Tillman v.
Wheaton-Haven Assoc.

cc: W.
W. O. D.

Mr. Justice Blackmun

cc: Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. February 9, 1973

RE: No. 71-1136 Tillman v. Wheaton-Haven
Recreation Association

Dear Harry:

I agree.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 16, 1973

71-1136 - Tillman v. Wheaton-
Haven Recreation Assn.

Dear Harry,

I agree with your memorandum in this
case.

Sincerely yours,

PS.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 20, 1973

Re: No. 71-1136 - Tillman v. Wheaton-Haven
Recreation Assn

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 12, 1973

Re: No. 71-1136 - Tillman v. Wheaton-Haven

Dear Harry:

Please join me.

Sincerely,



T.M.

Mr. Justice Blackmun

cc: Conference

Please join me

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

2nd DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

Recirculated: 2/9/73

No. 71-1136

Recirculated: _____

Murray Tillman et al.,
Petitioners,
v.
Wheaton-Haven Recreation
Association, Inc., et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Fourth
Circuit.

[February —, 1973]

MR. JUSTICE BLACKMUN, memorandum.

Wheaton-Haven Recreation Association, Inc., a non-profit Maryland corporation, was organized in 1958 for the purpose of operating a swimming pool. After a membership drive to raise funds, the Association obtained zoning as a "community pool" and constructed its facility near Silver Spring, Maryland. The Association is essentially a single-function recreational club, furnishing only swimming and related amenities.¹

Membership is by family units, rather than individuals, and is limited to 325 families.² This limit has been reached on at least one occasion. Membership is largely keyed to the geographical area within a three-quarter mile radius of the pool.³ A resident (whether or not a

¹ Candy, ice cream, and soft drinks have been sold on the premises, but these were merely incidentals for the convenience of swimmers during the season. Aside from meetings of the board of directors and of the general membership, the premises apparently have been utilized only for pool-related activities.

² Wheaton-Haven presently charges an initiation fee of \$375 and annual dues ranging from \$50 to \$60, depending on the number of persons in the family unit.

³ The Association's bylaws provide that "[m]embership shall be open to bona fide residents (whether or not home owners) of the

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 12, 1973

Re: No. 71-1136 Tillman v. Wheaton-Haven

Dear Harry:

Please join me.

Sincerely,

L. Lewis

Mr. Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

S
CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 22, 1973

Re: No. 71-1136 - Tillman v. Wheaton-Haven

Dear Harry:

Please join me.

Sincerely,

Wm

Mr. Justice Blackmun

Copies to the Conference

WD