The Burger Court Opinion Writing Database

Speight v. Slayton

415 U.S. 333 (1974)

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 14, 1974

Re: 72-1557 - Speight v. Slaton

Dear Bill:

I was glad to read, on returning from my trip, that the Supreme Court of Georgia had done the obviously correct thing with this sweeping statute. This was what I thought the Georgia court would do if we gave them the opportunity.

I am therefore glad to join in a remand for reconsideration by the District Court in light of Sanders v. Georgia.

Regards,

WEB

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

January 18, 1974

Dear Chief:

In last Friday's Conference you left the assignment of No. 72-1557, Speight v. Slaton to me. I have decided to keep it for myself.

WOD
William O. Douglas

The Chief Justice

cc: The Conference

To : The Chief Justice

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72–1557

1-24

Alvis G. Speight, T/A Harem Book Store, et al., Appellants. v. Lewis R. Slaton, Etc., et al. | On Appeal from the United States District Court for the Northern District of Georgia.

[January —, 1974]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Georgia has a statute punishing the selling, giving, advertising, publishing, exhibiting and otherwise disseminating to any person "obscene material," knowing the obscene nature of it.[1] The Act makes the use of

[1] 26–2101 Ga. Code Ann. provides:

"(a) A person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent to do so: Provided, that the word "knowing" as used herein shall be deemed to be either actual or constructive knowledge of the obscene contents of the subject-matter; and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the material.

"(b) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding

Supreme Court of the United States

Memorandum

1/31, 19 74

Dear Bill

I honestly am in keeping Bright for myself I now regret Potter will get more votes than I.

Shall I let matters alone? or manage?

WO

Mr Justice Brennan

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72–1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, v. Lewis R. Slaton, Etc., et al.	On Appeal from the United States District Court for the Northern District of Georgia.

[January —, 1974]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Georgia has a statute punishing the selling, giving, advertising, publishing, exhibiting and otherwise disseminating to any person "obscene material," knowing the obscene nature of it.[1] The Act makes the use of

[1] 26–2101 Ga. Code Ann. provides:

"(a) A person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent to do so: Provided, that the word "knowing" as used herein shall be deemed to be either actual or constructive knowledge of the obscene contents of the subject-matter; and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the material.

"(b) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 5, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 72-1557, Speight v. Slaton

Each of us has received I assume the opinion of the Supreme Court of Georgia in Sanders v. Georgia. Accordingly I have undertaken a revision of the opinion in the case and will circulate it in the next day or so. This Sanders opinion seemingly undercuts most of the problems we faced and reduces our problem to much smaller dimensions.

William O. Douglas

cc: The Conference

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

2nd DRAFT

From: Douglas, J.

Circulate: 2-6

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 72-1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, *v.* Lewis R. Slaton, Etc., et al. | On Appeal from the United States District Court for the Northern District of Georgia.

[February —, 1974]

Memorandum from MR. JUSTICE DOUGLAS.

This is an appeal from a decision of a three-judge district court declining to intervene in a pending state civil proceeding and holding that such intervention was barred by our decision in *Younger* v. *Harris*, 401 U. S. 37. The state proceeding, brought against appellants by the Solicitor General of Fulton County, Georgia, sought an injunction against the operation of appellant's bookstore, and confiscation and destruction of all merchandise on the store's premises, on the grounds that the store was being used for the "advertising, storage, sale and exhibition for sale of materials obscene within the meaning of Section 26-2101 of the Criminal Code of Georgia." The basis for the State's action was § 26-2103 of the Code under which the use of any premises for the violation of § 26-2101 constitutes a "public nuisance," thereby triggering the application of state statutory provisions for the abatement of public nuisances, Tit. 72-2 of the Code of Georgia. We noted probable jurisdiction to decide whether under these circumstances federal intervention in the pending state proceedings was barred by our holding in *Younger* v. *Harris, supra.*

Since oral argument of this case the Georgia Supreme Court has struck down the application of § 26-2103 in

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES:

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

From: Douglas, J.

Circulated:

Recirculated: 2-7

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72–1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, *v.* Lewis R. Slaton, Etc., et al.	On Appeal from the United States District Court for the Northern District of Georgia.

[February —, 1974]

Memorandum from MR. JUSTICE DOUGLAS.

This is an appeal from a decision of a three-judge district court (356 F. Supp. 1101) declining to intervene in a pending state civil proceeding and holding that such intervention was barred by our decision in *Younger* v. *Harris*, 401 U. S. 37. The state proceeding, brought against appellants by the Solicitor General of Fulton County, Georgia, sought an injunction against the operation of appellant's bookstore, and confiscation and destruction of all merchandise on the store's premises, on the grounds that the store was being used for the "advertising, storage, sale and exhibition for sale of materials obscene within the meaning of Section 26–2101 of the Criminal Code of Georgia." The basis for the State's action was § 26–2103 of the Code under which the use of any premises for the violation of § 26–2101 constitutes a "public nuisance," thereby triggering the application of state statutory provisions for the abatement of public nuisances, Tit. 72–2 of the Code of Georgia. The case is here on appeal. 28 U. S. C. §§ 1283, 2101 (b). We noted probable jurisdiction to decide whether under these circumstances federal intervention in the pending state proceedings was barred by our holding in *Younger* v. *Harris, supra.*

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 9, 1974

Dear Bill:

The cases held for Speight v. Slaton, No. 72-1557 are:

1) 73-296 HUFFMAN v. PURSUE, LTD.

2) 72-1437 LYNCH v. SNEPP

3) 73-5457 DUKE v. TEXAS

Of these the first is closest in points of law.

William O. Douglas

Mr. Justice Brennan

3

To : The Chief Justice
Mr. Justice Douglas
Mr. Justice [illegible]

4th DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated:

Recirculated: 2-11

No. 72-1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, *v.* Lewis R. Slaton, Etc., et al.

On Appeal From the United States District Court for the Northern District of Georgia.

[February —, 1974]

Memorandum from MR. JUSTICE DOUGLAS.

This is an appeal from a decision of a three-judge district court (356 F. Supp. 1101) declining to intervene in a pending state civil proceeding and holding that such intervention was barred by our decision in *Younger* v. *Harris*, 401 U. S. 37. The state proceeding, brought against appellants by the Solicitor General of Fulton County, Georgia, sought an injunction against the operation of appellant's bookstore, and confiscation and destruction of all merchandise on the store's premises, on the grounds that the store was being used for the "advertising, storage, sale and exhibition for sale of materials obscene within the meaning of Section 26–2101 of the Criminal Code of Georgia." The basis for the State's action was § 26–2103 of the Code under which the use of any premises for the violation of § 26–2101 constitutes a "public nuisance," thereby triggering the application of state statutory provisions for the abatement of public nuisances, Tit. 72–2 of the Code of Georgia. The case is here on appeal. 28 U. S. C. §§ 1283, 2101 (b). We noted probable jurisdiction to decide whether under these circumstances federal intervention in the pending state proceedings was barred by our holding in *Younger* v. *Harris*, *supra*.

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 11, 1974

MEMO TO THE CONFERENCE:

We have held the following cases for 72-1557, Speight v. Slaton; and it occured to me we might want to put them on the Conference List for Feb. 22:

1. 73-296 Huffman v. Pursue, Ltd.
2. 72-1437 Lynch v. Snepp
3. 73-5457 Duke v. Texas

WOD
William O. Douglas

The Conference

February 21, 1974

Dear Chief:

The following cases have been held for Speight, 72-1557:

72-1437, Lynch v. Snepp

73-296, Huffman v. Pursue, Ltd.

73-5457, Duke v. Texas

As we discussed in conference there is a possibility, of course, that the losing party in Speight may seek to bring the case here by certiorari, and that the time for filing would end sometime in April.

It seemed to me that meanwhile we might want to take a look at these cases being held for Speight to see if any of the Brethren would like to bring them up. Each of them, as I understand it, involves problems quite different from Speight, the closest probably being 73-296, Huffman v. Pursue, Ltd. It seemed to me therefore that we might add these three cases to the March 1st Conference List. I am sending a copy of this note to Mike Rodak, who will, of course, await word from you.

WILLIAM O. DOUGLAS

The Chief Justice

cc: The Clerk

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

3-7-74

MEMORANDUM TO THE CONFERENCE

Re: Lynch v. Snepp, 72-1437

Huffman v. Pursue, 73-296

Duke v. Texas, 73-5457

These three cases were held pending our decision in Speight v. Slaton, 72-1557. In addition MTM v. Baxley, 73-1119, on page one of this Conference list presents the same issues that were first before us in Speight.

I have concluded that we should note probable jurisdiction in MTM v. Baxley, 73-1119, and in 73-296, Huffman v. Pursue.

Huffman v. Pursue, 73-296, involves an Ohio nuisance abatement scheme similar to the one considered in Speight. The appellants, the prosecuting attorney and sherriff of Allen County, Ohio, won an injunction in state court closing appellee's movie theatre for one year on the basis of a state court finding that a film exhibited at that theatre was obscene. Subsequently appellees brought this federal action and a three judge district court found the statutes unconstitutional and enjoined enforcement of the state court decree.

Wm. Doug
Oct 74

On the merits the state statute here appears to share some of the same constitutional infirmities we saw in Speight. But because of the procedural posture of this case we would not reach the Younger issue we sought to resolve in Speight. The state trial court here issued its final order on November 30, 1972, but the federal action was not filed until December 1, 1972. Thus there were no pending proceedings in the state trial court at the time the federal court was considering the case. Indeed the court below never discussed Younger. The case seems to present in the raw the Near v. Minnesota issue.

In Lynch v. Snepp, 72-1437, the respondents obtained an ex parte state court injunction, continued after hearing, barring access to the 31 junior and senior high schools in the area without prior explicit authorization from school authorities. The order applied to all but the students and their parents, the police, and school personnel. The petitioners are NAACP organizers who sought to establish a chapter at one of the local high schools covered by the order. They filed this federal action seeking declaratory and injunctive relief, alleging, inter alia, that the state court order infringed their First Amendment rights. The petitioners contended that the order was overly broad in part because it denied access to the all 31 schools on the showing of disruption at only one school.

The district court enjoined enforcement of the state court order and CA 4 reversed. Although concluding that the state order was "possibly overbroad," the CA held that a district court judge "cannot enjoin state court proceedings unless he finds that the state proceeding cannot eliminate the threat to plaintiff's rights." In the CA's view reversal was required because there had been no showing that the state court order could not

be cured within the state judicial system.

As in Huffman the state court judgment was rendered here before this federal action was filed. Respondents argue that the case has become moot because the state court injunction giving rise to this controversy has been dissolved. Petitioners point out that the same state judge subsequently issued and then dissolved a second similar order and contend that the threat of seriatim short term injunctions brings the case within the class of those capable of repetition but evading review. But to the extent that petitioners seek in federal court protection from future rather than pending state court injunctions, the case may be controlled by Steffel v. Thompson, 72-5581.

In Duke v. Texas, 73-5457, the state court first issued a temporary restraining order on 2-17-71, prohibiting the petitioners from speaking at an antiwar rally on the North Texas State University Campus. The petitioners, who were not currently enrolled at the University, had not secured permission to speak, as required by the University rules governing outside speakers. The state court relied on Article 466a of the state penal code, authorizing the state attorney-general to petition for injunctive relief against persons threatening the "well-being, property or life of another" or urging others to do so, "in circumstances reasonably calculated to produce a clear and present and immediate threat of danger." Petitioner Duke spoke anyway the following day, and on 3-4-71 she was held in contempt. On the same day the state court issued a permanent injunction prohibiting the petitioners from

coming onto or remaining on University property for the purpose of addressing student assemblies, or for any other purpose, without first complying with University regulations.

The federal action here was filed on 2-24-71, after issuance of the TRO but before the contempt citation or the issuance of the permanent injunction. The federal court did not act however until 3-26-71, when it declared the state court injunction an unlawful prior restraint on expression and enjoined its enforcement. The federal court also declared the University speaker regulations unconstitutionally vague, declared the contempt conviction to be invalid, and found that Article 466a had been unconstitutionally applied in this case. CA 5 reversed in reliance on Younger, after concluding that although technically civil these state proceedings had the purpose of supplementing the state criminal law.

The petitioners sought to raise their federal claims in the state court, but that court's order stated: "(T)he court being of the opinion that whereas constitutional questions could be raised on appeal and no emergency existed to necessitate a ruling by the Court on any constitutional question, the Court made no ruling relative thereto...". On appeal the petitioners relied upon this portion of the state court order in arguing that their federal constitutional rights could not be vindicated in state court. Nonetheless the CA concluded that the district court violated the rule that the federal court should not act when a state court has previously acquired jurisdiction over the controversy, since

"stripped to its essentials the situation here is that the plaintiffs below invoked the jurisdiction of a United States District Court to review the judgment of a state trial court."

The state trial court proceedings were completed before the federal court acted, and there were no state appellate proceedings. Moreover Article 466a of the Texas Penal Code has since been repealed, and the new provision, §42.01, contains no analogous authorization for injunctive relief. Thus part of this case may now be moot. As to MTM v. Baxley, 73-1119, on page one of the conference list for March 15, the statutory scheme involved there is virtually identical to the one considered in Speight, and as in Speight the state authorities sought a permanent injunction in a state court to close appellant's movie theatre and bookstore. The state court did issue a temporary restraining order, but no hearing on whether a permanent order should be issued was held, pending the outcome of appellant's federal suit.

January 25, 1974

RE: No. 72-1557 Speight v. Slaton

Dear Bill:

If you get a Court for this, as I hope you will, I will write nothing. If, however, that should not be the happy event, I may want separately to write that without regard to the prior restraint considerations, it is my view that the pendency of the civil action should never be a bar to federal intervention for the reasons stated at page 7 of your opinion.

Sincerely,

WJB

Mr. Justice Douglas

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 25, 1974

RE: No. 72-1557 Speight v. Slaton

Dear Bill:

I agree.

Sincerely,

Bill

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 1, 1974

RE: No. 72-1557 Speight v. Slaton

Dear Bill:

I agree with your revised opinion.

Sincerely,

Bill

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 28, 1974

Re: No. 72-1557, Speight v. Slaton

Dear Bill,

I shall probably write a short concurring opinion in this case.

Sincerely yours,

P.S.

Mr. Justice Douglas

Copies to the Conference

Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

From: Stewart, J.

Circulated: JAN 30 1974

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 72-1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, *v.* Lewis R. Slaton, Etc., et al.

On Appeal from the United States District Court for the Northern District of Georgia.

[February —, 1974]

MR. JUSTICE STEWART, concurring in the result.

In *Younger* v. *Harris*, 401 U. S. 37, this Court reaffirmed a longstanding and "fundamental policy against federal interference with state criminal prosecutions." *Id.*, at 46. We thereby recognized the basic principle that a court of equity should not act when the party seeking relief has "an adequate remedy at law and will not suffer irreparable injury if denied equitable relief." *Id.*, at 43–44. Moreover, we stressed the fact that principles of "Our Federalism"—the "sensitivity to the legitimate interests of both State and National Governments"—cautioned against federal intervention in pending state proceedings "except under special circumstances." *Id.*, at 44–45.

In my view, the considerations of equity, comity, and federalism that underlay *Younger* are also applicable to the case at hand, where the State is the real party in interest to a civil suit whose basic objective is the enforcement of a criminal law. To be sure, the absence of the possibility of federal habeas corpus review of a state civil judgment serves to distinguish cases such as this from the criminal prosecution sought to be enjoined in *Younger*. But, while this distinction might be a factor in determining whether a plaintiff has established the

pp. 1, 2

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

From: Stewart, J.

Circulated: FEB 1 1974

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1557

Alvis G. Speight, T/A Harem Book Store, et al., Appellants, v. Lewis R. Slaton, Etc., et al.

On Appeal from the United States District Court for the Northern District of Georgia.

[February —, 1974]

MR. JUSTICE STEWART, with whom MR. JUSTICE WHITE, MR. JUSTICE BLACKMUN, and MR. JUSTICE POWELL join, concurring in the result.

In *Younger* v. *Harris*, 401 U. S. 37, this Court reaffirmed a longstanding and "fundamental policy against federal interference with state criminal prosecutions." *Id.*, at 46. We thereby recognized the basic principle that a court of equity should not act when the party seeking relief has "an adequate remedy at law and will not suffer irreparable injury if denied equitable relief." *Id.*, at 43–44. Moreover, we stressed the fact that principles of "Our Federalism"—the "sensitivity to the legitimate interests of both State and National Governments"—cautioned against federal intervention in pending state proceedings "except under special circumstances." *Id.*, at 44–45.

In my view, the considerations of equity, comity, and federalism that underlay *Younger* are also applicable to the case at hand, where the State is the real party in interest to a civil suit whose basic objective is the enforcement of a criminal law. To be sure, the absence of the possibility of federal habeas corpus review of a state civil judgment serves to distinguish cases such as this from the criminal prosecution sought to be enjoined in *Younger*. But, while this distinction might be a factor

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 5, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 72-1557, Speight v. Slaton

In light of the Georgia Supreme Court's opinion in Sanders v. Georgia, copies of which we have all received today, it strikes me that this case is functionally if not technically moot. Accordingly, I would suggest that at our next Conference we consider whether we should:

(1) Dismiss the appeal as moot;
(2) Vacate the District Court's judgment and remand the case to that Court to consider the question of mootness;
(3) Ask the parties to brief the question of what effect the Sanders decision has on this case;
(4) Take some other action akin to the above.

P.S.

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 7, 1974

No. 72-1557 - Speight v. Slaton

Dear Bill,

I agree with the memorandum you have circulated today, and if it is converted to a Per Curiam I shall gladly join it.

Sincerely yours,

P.S.

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 17, 1974

Re: No. 72-1557 - Speight v. Slaton

Dear Bill:

I don't think I am wholly settled in this case but as far as I can tell I would require the District Courts to apply Younger in a good many more situations than you would where there is a civil case pending in the state courts at the time the federal action is filed. I perhaps, although I am not wholly certain, would start out with the proposition that Younger would normally apply but the exceptions would be broader than where the state proceeding is criminal. This would be one of those cases where the District Court should not have dismissed.

Sincerely,

Mr. Justice Douglas

cc: Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 31, 1974

Re: No. 72-1557 - Speight v. Slaton .

Dear Potter:

Please join me in your concurrence in this case.

Sincerely,

Byron

Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 8, 1974

Re: No. 72-1557 - Speight v. Slaton

Dear Bill:

I agree with the disposition you have suggested in your latest circulation in this case.

Sincerely,

Mr. Justice Douglas

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 12, 1974

Re: No. 72-1557 -- Speight v. Slaton

Dear Bill:

I can go along with your disposition of this case.

Sincerely,

T.M.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 30, 1974

Dear Potter:

Re: No. 72-1557 - Speight v. Slaton

If you will permit, please join me in your concurring opinion.

Sincerely,

Harry

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 11, 1974

Dear Bill:

Re: No. 72-1557 - Speight v. Slaton

I agree with the disposition of this case as suggested in your circulation of February 7.

Sincerely,

Harry

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 31, 1974

No. 72-1557 Speight v. Slaton

Dear Potter:

Your concurrence is written sufficiently narrowly to persuade me.

I would appreciate your adding my name to your opinion.

Sincerely,

L

Mr. Justice Stewart

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 8, 1974

No. 72-1557 Speight v. Slaton

Dear Bill:

Please join me in your recently circulated memorandum, which I assume will become a P. C.

Sincerely,

Lewis

Mr. Justice Douglas

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 25, 1974

Re: No. 72-1557 - Speight v. Slaton

Dear Bill:

Both of my seniors who joined me in dissent in this case in Conference are out of town. The Chief has not spoken to me, and I do not know whether or not he has spoken to Lewis about a dissent; if neither of them undertakes one, I will.

Sincerely,

WHR

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 12, 1974

Re: No. 72-1557 - Speight v. Slaton

Dear Bill:

Please join me in your opinion for the Court.

Sincerely,

WHR

Mr. Justice Douglas

Copies to the Conference