

The Burger Court Opinion Writing Database

Spomer v. Littleton

414 U.S. 514 (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

December 20, 1973

Re: No. 72-955 - W. C. Spomer, State's Attorney of
Alexander County, Illinois v. Ezell
Littleton et al

Dear Byron:

Please join me.

Regards,

WB

Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

December 13, 1973

Dear Byron:

Please join me in 72-955, Spencer v.
Littleton.

William O. Douglas

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. December 12, 1973

RE: No. 72-955 Spomer v. Littleton

Dear Byron:

I agree.

Sincerely,

Bill

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

December 11, 1973

72-955 - Spomer v. Littleton

Dear Byron,

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

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

To: The Chief Justice
 ✓ Mr. Justice Douglas
 ✓ Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice F. L. M. Quist

1st DRAFT

From: White, J.

Circulated: 12-11-73

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

—
 No. 72-955
 —

W. C. Spomer, State's Attorney
 of Alexander County,
 Illinois, Petitioner,
 v.
 Ezell Littleton et al. } On Writ of Certiorari
 } to the United States
 } Court of Appeals for
 } the Seventh District.

[December —, 1973]

MR. JUSTICE WHITE delivered the opinion of the Court.

This is a companion case to *O'Shea v. Littleton*, No. 72-953, *ante*, at —, involving claims which the respondents, 17 black and 2 white residents of Cairo, Illinois, individually and as representatives of the class they purport to represent, set forth in that portion of their amended civil rights complaint which alleged wrongful conduct on the part of Peyton Berbling, individually and in his capacity as State's Attorney for Alexander County, Illinois, the county in which the city of Cairo is located. As discussed in *O'Shea*, the complaint alleged a broad range of racially discriminatory patterns and practices in the administration of the criminal justice system in Alexander County by the Police Commissioner of Cairo, Magistrate Michael O'Shea and Associate Judge Dorothy Spomer of the Alexander County Circuit Court, State's Attorney Berbling, and Earl Shepherd, an investigator for Berbling. Allegedly, a decade of active, but lawful, efforts to achieve racial equality for the black residents of Cairo had resulted in continuing intentional conduct on the part of those named as defendants in the com-

STYLISTIC CHANGES THROUGHOUT.

~~SEE PAGES:~~

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

2nd DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

No. 72-955

Recirculated: 1-10-7

W. C. Spomer, State's Attorney
of Alexander County,
Illinois, Petitioner,
v.
Ezell Littleton et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the Seventh District

[December —, 1973]

MR. JUSTICE WHITE delivered the opinion of the Court.

This is a companion case to *O'Shea v. Littleton*, No. 72-953, *ante*, at —, involving claims which the respondents, 17 black and 2 white residents of Cairo, Illinois, individually and as representatives of the class they purport to represent, set forth in that portion of their amended civil rights complaint which alleged wrongful conduct on the part of Peyton Berbling, individually and in his capacity as State's Attorney for Alexander County, Illinois, the county in which the city of Cairo is located. As discussed in *O'Shea*, the complaint alleged a broad range of racially discriminatory patterns and practices in the administration of the criminal justice system in Alexander County by the Police Commissioner of Cairo, Magistrate Michael O'Shea and Associate Judge Dorothy Spomer of the Alexander County Circuit Court, State's Attorney Berbling, and Earl Shepherd, an investigator for Berbling. Allegedly, a decade of active, but lawful, efforts to achieve racial equality for the black residents of Cairo had resulted in continuing intentional conduct on the part of those named as defendants in the com-

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

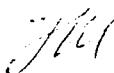
January 3, 1974

Re: No. 72-955 -- W. C. Spomer v. Littleton et al.

Dear Byron:

Please join me in your opinion in this case.

Sincerely,


T. M.

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 12, 1973

Re: No. 72-955 - Spomer v. Littleton

Dear Byron:

Please join me. I suppose, in view of the next to the last sentence in footnote 5 on page 5, we should take steps to see that the denial of certiorari in No. 72-1107, Berbling v. Littleton, is on a special order list for the day on which your opinion is handed down.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 11, 1973

No. 72-955 Spomer v. Littleton

Dear Byron:

Please join me.

Sincerely,

Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

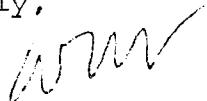
December 12, 1973

Re: No. 72-955 - Spomer v. Littleton

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

Copies to the Conference