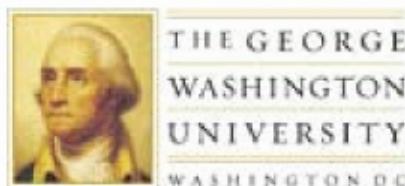


The Burger Court Opinion Writing Database

Schick v. Reed

419 U.S. 256 (1974)

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

SUPREME COURT OF THE UNITED STATES

MAURICE SCHICK v. GEORGE J. REED, CHAIRMAN OF THE UNITED STATES BOARD OF PAROLE, ET AL. 4-17

Recirculated:

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

No. 73-5677. Decided April —, 1973

MR. JUSTICE DOUGLAS, dissenting

In 1954, while a sergeant in the United States Army, petitioner was convicted by a court-martial of premeditated murder and sentenced to death. In 1960 President Eisenhower commuted the sentence to dishonorable discharge and life imprisonment without possibility of parole. Petitioner filed an action in the District Court challenging the legality of the "no parole" limitation and seeking a declaration of his eligibility for parole consideration. The District Court granted the defendant's motion for summary judgment and the Court of Appeals affirmed, one judge dissenting. — U. S. App. D. C. —, — F. 2d — (1973).

Article 118 of the Uniform Code of Military Justice, 10 U. S. C. § 918, provides that one convicted of premeditated murder shall be sentenced to death or to life imprisonment. All persons sentenced to life by a court-martial eventually become eligible for parole consideration, there being no statutory authority for a life sentence without parole. If confined in the United States Disciplinary Barracks, parole consideration is administered by the Secretary of the Army, 10 U. S. C. §§ 952-953. If, like petitioner, the prisoner is transferred to a federal penitentiary, parole opportunities are governed by the same statutes applicable to all federal prisoners, 10

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 18, 1974

Re: No. 73-5677 - Schick v. Reed

Dear Bill:

Please add at the foot of your opinion
that Mr. Justice White would also grant
certiorari.

Sincerely,



Mr. Justice Douglas

Copies to Conference