

# The Burger Court Opinion Writing Database

## *Holder v. Banks*

417 U.S. 187 (1974)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



V

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

CHAMBERS OF  
THE CHIEF JUSTICE

January 21, 1974

Re: 73-841 - Holder v. Banks

MEMORANDUM TO THE CONFERENCE:

When we granted cert on Friday I was not clear, nor was Bill Rehnquist, on the status of the stay he had entered pending action on cert.

With a rough weekend of cleaning up "loose ends" for a nine-ten day absence I failed to follow up. It appears that the stay is not explicitly "until further order of the Court"; hence, to give any meaning to the granting of cert, it seems to me we should continue the stay until the case is heard. This would, as I see it, allow the case to proceed with another lawyer or defer trial until we decide the case which, I hope, will be this Term. I will advise the Clerk to press the case with all speed for an April argument.

Please let me have your vote on continuing Bill Rehnquist's stay order which we can give out on a special list.

Regards,

*[Handwritten signature]*

*Dear Chief*

*I agree to continue the stay order in this case*

*cc to continue*

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

CHAMBERS OF  
THE CHIEF JUSTICE

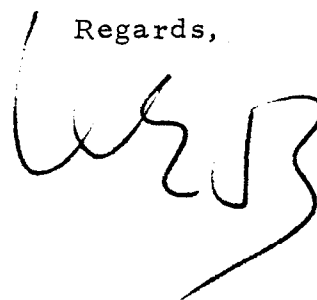
May 23, 1974

Re: 73-841 - Holder v. Banks

Dear Bill:

Please join me in your per curiam.

Regards,



Mr. Justice Douglas

Copies to the Conference

✓  
W&D:  
I agree with your  
recommendation in this  
case. SLP

29 : The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Powell  
Mr. Justice Rehnquist  
Mr. Justice Souter  
Mr. Justice Thomas  
Mr. Justice Ginsburg  
Mr. Justice Breyer  
Mr. Justice Alito  
Mr. Justice Kagan  
Mr. Justice Sotomayor  
Mr. Justice Kieselbach

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

CALE J. HOLDER, UNITED STATES DISTRICT  
JUDGE FOR THE SOUTHERN DISTRICT  
OF INDIANA v. ARTHUR BANKS

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

No. 73-841. Decided May —, 1974

PER CURIAM.

The petition for certiorari is dismissed as improvidently  
granted.

MR. JUSTICE POWELL took no part in the consideration  
or decision of the case.

4-29

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

January 21, 1974

RE: No. 73-841 Holder v. Banks

Dear Chief:

I would continue Bill Rehnquist's  
stay order.

Sincerely,

*Bill*

The Chief Justice

cc: The Conference

✓

✓

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

✓

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. April 29, 1974

RE: No. 73-841 Holder v. Banks

Dear Bill:

I agree.

Sincerely,

*Brennan*

Mr. Justice Douglas

✓

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

CHAMBERS OF  
JUSTICE POTTER STEWART

January 21, 1974

73-841 - Holder v. Banks

Dear Chief,

Now that certiorari has been granted, I think it follows that the stay order should be continued until final disposition of the case.

Sincerely yours,

P.S.  
/

The Chief Justice

Copies to the Conference

✓

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

✓

CHAMBERS OF  
JUSTICE POTTER STEWART

May 1, 1974

Re: No. 73-841, Holder v. Banks

Dear Bill,

I agree with your per curiam in this case.

Sincerely yours,

D.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 21, 1974

Re: No. 73-841 - Holder v. Banks

Dear Chief:

I would continue the stay.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May <sup>23</sup>~~17~~, 1974

Re: No. 73-841 - Holder v. Banks

Dear Bill:

I join the per curiam in this case.

Sincerely,

Byron

Mr. Justice Douglas

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 21, 1974

Re: 73-841 -- Holder v. Banks

Dear Chief:

I agree to continuing the stay order in this  
case.

Sincerely,



T. M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

April 30, 1974

Re: No. 73-841 -- Holder v. Banks

Dear Bill:

I agree with your Per Curiam in this case.

Sincerely,

*T.M.*  
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 21, 1974

Dear Chief:

Re: No. 73-841 - Holder v. Banks

I vote to continue the stay order until the case has been  
disposed of.

Sincerely,

*H. A. B.*

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 23, 1974

Dear Bill:

Re: No. 73-841 - Holder v. Banks

Please join me in the per curiam you  
have proposed.

Sincerely,



Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 21, 1974

Re: No. 73-841 - Holder v. Banks

Dear Chief:

I agree that the stay in this case should be continued.

Sincerely,

WHR

The Chief Justice

Copies to the Conference

✓

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

April 29, 1974

Re: No. 73-841 - Holder v. Banks

Dear Bill:

Please join me in the per curiam opinion you have prepared in this case.

Sincerely,

Mr. Justice Douglas

Copies to the Conference