

The Burger Court Opinion Writing Database

McLucas v. DeChamplain

421 U.S. 21 (1975)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

April 7, 1975

Re: 73-1346 - McLucas v. DeChamplain

Dear Lewis:

Please join me in your February 12 circulation.

Regards,

W.E.B.

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

March 10, 1975

Dear Bill:

Please join me in your concurrence
in 73-1346, McLUCAS v. DeCHAMPLAIN.

William O. Douglas

Mr. Justice Brennan

cc: The Conference

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[illegible]

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1346

John L. McLucas, Secretary
of the Air Force, et al.,
Appellants.
v.
Raymond G. DeChamplain.

On Appeal from the United
States District Court for
the District of Columbia.

[March —, 1975]

MR. JUSTICE BRENNAN, concurring.

Although I concur in the judgment, I would direct dismissal of DeChamplain's suit not as the Court does on the ground that "the federal district courts must refrain from intervention," but because DeChamplain makes no claim denying the right of the military to try him at all. Therefore, his claim of right of access to and use of classified documents is properly to be presented to the military tribunals. See my concurring and dissenting opinion in *Schlesinger v. Councilman*, ante, — U. S. — (1975).

✓

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

✓

CHAMBERS OF
JUSTICE POTTER STEWART

February 12, 1975

Re: No. 73-1346, McLucas v. DeChamplain

Dear Lewis,

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

Sincerely yours,

PS
/

Mr. Justice Powell

Copies to the Conference

✓

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 12, 1975

Re: No. 73-1346 - McLucas v. DeChamplain

Dear Lewis:

Please join me.

Sincerely,

Byron

Mr. Justice Powell

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 3, 1975

Re: No. 73-1346 -- John L. McLucas v. Raymond G.
DeChamplain

Dear Bill:

Please join me in your concurring opinion.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 24, 1975

Re: No. 73-1346 - McLucas v. DeChamplain

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

cc: The Conference

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

From: Powell, J.

Circulated: FEB 12 197

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1346

John L. McLucas, Secretary of the Air Force, et al., Appellants, v. Raymond G. DeChamplain.	On Appeal from the United States District Court for the District of Columbia.
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[February —, 1975]

MR. JUSTICE POWELL delivered the opinion of the Court.

The District Court for the District of Columbia preliminarily enjoined appellants, the Secretary of the Air Force and five Air Force officers,¹ from proceeding with appellee DeChamplain's court-martial (i) on charges based upon Art. 134 of the Uniform Code of Military Justice, 10 U. S. C. § 934, and (ii) on any charges whatever unless appellants allowed civilian defense counsel and certain other persons unlimited access to documents material to DeChamplain's defense. 367 F. Supp. 1291 (1973). The military authorities appealed directly to this Court, averring jurisdiction under 28 U. S. C. § 1252. We postponed the jurisdictional question to the hearing on the merits. 418 U. S. 904 (1974). We hold the case properly here under § 1252 and, finding its disposition controlled by our intervening decisions in *Parker v. Levy*,

¹The Chief of Staff, Department of the Air Force, the Judge-Advocate General of the Air Force, and the following officers stationed at Richards-Gebaur Air Force Base, Missouri: Colonel Hewitt E. Lovelace, Jr., the Convening Authority; Major Forrest W. Thomas, Staff Judge Advocate; and Colonel Russell A. Stanley, presiding military judge.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

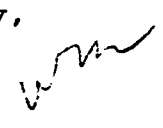
February 13, 1975

Re: No. 73-1346 - McLucas v. DeChamplain

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

Copies to the Conference