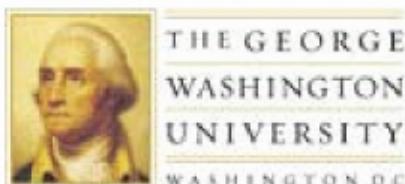


# The Burger Court Opinion Writing Database

*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.P.

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

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1346

[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,

*C. W.*

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,



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.*

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,

*Harry*

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

Recirculated: \_\_\_\_\_

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.

[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,<sup>1</sup> 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*,

<sup>1</sup> The 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

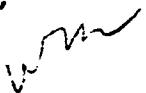
February 13, 1975

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

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

Copies to the Conference