

The Burger Court Opinion Writing Database

Cort v. Ash

422 U.S. 66 (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

June 4, 1975

Re: 73-1908 - Cort v. Ash

Dear Bill:

Please join me.

Regards,

WRB

Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 11, 1975

Re: Cort v. Ash, No. 73-1908

Dear Bill:

Please join me.

Sincerely,

WILLIAM O. DOUGLAS

Mr. Justice Brennan

cc: The Conference

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

From: Brennan, J.

Circulated: 5-28-75

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1908

Stewart S. Cort et al.,
Petitioners,
2.
Richard A. Ash, etc. } On Writ of Certiorari to the
United States Court of Appeals
for the Third Circuit.

[June —, 1975]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

There are other questions, but the principal issue presented for decision is whether a private cause of action for damages against corporate directors is to be implied in favor of a corporate stockholder under 18 U. S. C. § 610, a criminal statute prohibiting corporations from making "a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors . . . are to be voted for."¹ We con-

¹ Title 18 U. S. C. § 610 provided as follows when this suit was filed:

"Contributions or expenditures by national banks, corporations or labor organizations.

"It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or

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STYLISTIC CHANGES

See pgs. 9, 11, 14, 18

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

From: [illegible]

Circled: [illegible]

Revised: 5/30/75

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1908

Stewart S. Cort et al.,
Petitioners,
v.
Richard A. Ash, etc. } On Writ of Certiorari to the
United States Court of Appeals
for the Third Circuit.

[June —, 1975]

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Stylistic Changes
See pgs. 10, 15, 16, 17

Rec'd 6/4/75

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1908

Stewart S. Cort et al.,	} On Writ of Certiorari to the
Petitioners,	
v.	
Richard A. Ash, etc.	
	United States Court of Appeals for the Third Circuit.

[June —, 1975]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 2, 1975

No. 73-1908, Cort v. Ash

Dear Bill,

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

Sincerely yours,

P.S.
✓

Mr. Justice Brennan

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CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1975

Re: No. 73-1908 - Cort v. Ash

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

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Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 2, 1975

Re: No. 73-1908 -- Stewart S. Cort v. Richard A. Ash

Dear Bill:

Please join me.

Sincerely,

JM
T. M.

Mr. Justice Brennan

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Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 2, 1975

Re: No. 73-1908 - Cort v. Ash

Dear Bill:

Please join me.

Sincerely,

Harry

Mr. Justice Brennan

cc: The Conference

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V

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 3, 1975

No. 73-1908 Cort v. Ash

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 2, 1975

Re: No. 73-1908 - Cort v. Ash

Dear Bill:

Please join me.

Sincerely,
Wm

Mr. Justice Brennan

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