

# 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,

WB B

Mr. Justice Brennan

Copies to the Conference

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

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, } On Writ of Certiorari to the  
v. } United States Court of Appeals  
Richard A. Ash, etc. } 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."<sup>1</sup> We con-

<sup>1</sup> 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

## 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 Rehnquist

Please read and return

Sincerely yours

Certiorari, 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.

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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.,  
Petitioners,  
v.  
Richard A. Ash, etc. } On Writ of Certiorari to the  
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[June —, 1975]

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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

Copies to the Conference

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

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

Copies to Conference

Supreme Court of the United States  
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,

  
T. M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States  
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,



Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

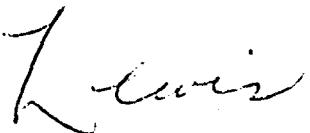
June 3, 1975

No. 73-1908 Cort v. Ash

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

1fp/ss

cc: The Conference

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✓  
Supreme Court of the United States  
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,

*WRW*

Mr. Justice Brennan

Copies to the Conference