

# The Burger Court Opinion Writing Database

## *Planned Parenthood of Central Missouri v. Danforth*

428 U.S. 52 (1976)

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  
JUSTICE WM. J. BRENNAN, JR.

June 17, 1975

RE: Nos. 74-1151 - Planned Parenthood of Central Missouri  
74-1419 v. Danforth

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Dear Harry:

I agree with your proposed Per Curiam in these cases.

Sincerely,

*Bill*

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

June 17, 1975

Re: No. 74-1151, Planned Parenthood of Central  
Missouri v. Danforth  
No. 74-1419, Danforth v. Planned Parenthood  
of Central Missouri

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Dear Harry,

I agree with your proposed Per Curiam in these  
cases.

Sincerely yours,

*PS*

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 18, 1975

Re: No. 74-1151 -- Planned Parenthood of Central Missouri v.  
Danforth, et al.  
No. 74-1419 -- Danforth v. Planned Parenthood of Central  
Missouri

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Dear Harry:

I agree with your Per Curiam.

Sincerely,

  
T. M.

Mr. Justice Blackmun

cc: The Conference

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

DISCUSS

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 7, 1975

## MEMORANDUM TO THE CONFERENCE

74-1151, 74-1419

Re: No. A-656 - Planned Parenthood v. Danforth

Missouri has a new abortion statute. It has been challenged in the Eastern District of Missouri. A three-judge court, by a divided vote, upheld most of the statutory provisions that were attacked. A Notice of Appeal has been filed.

The plaintiffs seek a stay of the enforcement of the statute during the pendency of the appeal here. If I were to act alone, I would grant the stay, but in view of the nature of the subject matter, and the differences in our respective views, I am referring the matter to the Conference for consideration on February 14.

I have asked the Clerk to prepare copies of the stay application and of the two opinions for each of you. In the meanwhile, I enclose a copy of a brief memorandum prepared by one of my clerks. The memorandum is self-explanatory and generally expresses my own views.

Sincerely,

H. A. B.

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 10, 1975

Re: No. 74-1151 - Planned Parenthood of Central  
Missouri v. Danforth  
No. 74-1419 - Danforth v. Planned Parenthood  
of Central Missouri

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Dear Chief:

These appeals appear on List 3, Sheet 1 for June 12.  
I must ask that they be put over for another week.

Sincerely,

*H.A.B.*

The Chief Justice

cc: Mr. Michael Rodak  
The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 17, 1975

MEMORANDUM TO THE CONFERENCE

Re: No. 74-1151 - Planned Parenthood of Central  
Missouri v. Danforth  
No. 74-1419 - Danforth v. Planned Parenthood  
of Central Missouri

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At the direction of the Conference I have attempted to formulate a summary disposition of these appeals. It is circulated herewith. I regret that it comes at the Term's end, but I felt that argued cases took precedence in my working time.

*Harry*

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

9 H4/E  
 No. 74-1151 - Planned Parenthood of Central  
 Missouri, et al. v. Danforth, et al.  
 No. 74-1419 - Danforth v. Planned Parenthood  
 of Central Missouri

From: Blackburn, J.

Circulated: 6/17/75

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

PER CURIAM.

These cross-appeals are taken from the decision of a statutory 3-judge panel of the United States District Court for the Eastern District of Missouri. The court denied in part and granted in part injunctive and declaratory relief that had been requested with respect to Missouri's abortion legislation recently enacted by the State's Seventy-Seventh General Assembly. The statute in question, known as House Committee Substitute for House Bill 1211 (and hereinafter referred to as Bill 1211), was approved by the Governor and became effective June 14, 1974. It imposes a structure for the regulation of abortions in Missouri during all stages of pregnancy, and requires, among other things, the husband's consent to the abortion and, where the woman is unmarried and under the age of 18 years, the consent of one of the woman's parents or ~~of the~~ person in loco parentis to her. The statute is set forth in full as the appendix to this opinion. We granted an application for stay of its enforcement pending appeal. 420 U.S. 918 (1975).

I

Appellants in No. 74-1151 (hereinafter referred to as appellants) are Planned Parenthood of Central Missouri, a not-for-profit Missouri

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 17, 1975

MEMORANDUM TO THE CONFERENCE

Re: No. 74-1151 - Planned Parenthood of Central  
Missouri v. Danforth  
No. 74-1419 - Danforth v. Planned Parenthood  
of Central Missouri

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At the end of the material on the page following page 14  
in my circulation of this morning, I propose to add:

"See also Armstrong v. Manzo, 380  
U. S. 545 (1965)."

H.A.B.

p. 12  
STYLISTIC CHANGES

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

From: Blackmun, J.

Circulated: \_\_\_\_\_

Recirculated: 6/18/75

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. v. JOHN C. DANFORTH,  
ATTORNEY GENERAL OF THE  
STATE OF MISSOURI,  
ET AL.; and  
JOHN C. DANFORTH, ATTORNEY GENERAL  
OF THE STATE OF MISSOURI v.  
PLANNED PARENTHOOD OF  
CENTRAL MISSOURI ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF MISSOURI

Nos. 74-1151 & 74-1419. Decided June —, 1975

PER CURIAM.

These cross-appeals are taken from the decision of a statutory three-judge panel of the United States District Court for the Eastern District of Missouri. The court denied in part and granted in part injunctive and declaratory relief that had been requested with respect to Missouri's abortion legislation recently enacted by the State's 77th General Assembly. The Statute in question, known as House Committee Substitute for House Bill 1211 (and hereinafter referred to as Bill 1211), was approved by the Governor and became effective June 14, 1974. It imposes a structure for the regulation of abortions in Missouri during all stages of pregnancy, and requires, among other things, the husband's consent to the abortion and, where the woman is unmarried and under the age of 18 years, the consent of one of the woman's parents or person *in loco parentis* to her. The statute is set forth in full as the appendix to this opinion. We granted an application for stay of its enforcement pending appeal. 420 U. S. 918 (1975).