

# The Burger Court Opinion Writing Database

*Parham v. J.R.*

442 U.S. 584 (1979)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

December 12, 1977

RE: 75-1690 - Parham v. J. L. and J. R., etc.

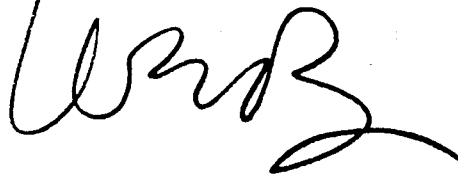
MEMORANDUM TO THE CONFERENCE:

In the "sticky" complexities of this week's assignments I have apparently "miscued" on this case and assignment to Byron is withdrawn.

My view was that the statute as written could not be sustained but that as applied it passed muster.

I will re-examine, with a clearer mind than I had late Saturday, and you will hear more. It may be one where Harry's vote on possible reargument may be crucial in light of my bifurcated posture.

Regards,



I am not sure  
I understand WEB's  
position.

*Sam*

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

CHAMBERS OF  
JUSTICE POTTER STEWART



May 26, 1977

Re: No. 75-1690, J. L. v. Parham

Dear Bill,

I am satisfied with your suggested  
language, as modified by our foreman.

Sincerely yours,

Mr. Justice Rehnquist

Copies to the Conference

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



CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 12, 1977

Dear Chief:

I doubt that I should have the assignment in No. 75-1690, Parham v. J. L. and J. R. I voted, at least tentatively, to reverse on both the substantive and procedural aspects of the case. As I have it, the Conference vote was to affirm the procedural holding. It would appear, therefore, that the case should be reassigned. I should be glad to have some other case.

*yes*

Sincerely,

The Chief Justice

Copies to Conference

May 26, 1977

No. 75-1690 J.L. v. Parham

Dear Bill:

Your suggested question is fine with me.

Sincerely,

Mr. Justice Rehnquist

lfp/ss

cc: The Conference

*Sally - with*

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 26, 1977

MEMORANDUM TO THE CONFERENCE

Re: No. 75-1690, J.L. v. Parham

Herewith is my proposed suggestion for the question to be propounded to the parties in J.L. v. Parham:

"The parties are requested to address themselves, inter alia, to the question of whether, where the parents of a minor voluntarily place the minor in a state institution, there is sufficient 'state action', including subsequent action by the state institution, to implicate the Due Process Clause of the Fourteenth Amendment?"

Sincerely,

Copies to the Conference

*Dear Bill*  
*Your suggested question*  
*is fine with me.*