

The Burger Court Opinion Writing Database

United States v. MacDonald

435 U.S. 850 (1978)

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 21, 1978

Dear Harry:

Re: 75-1892 U.S. v. MacDonald

I join.

Regards,



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

April 19, 1978

Re: No. 75-1892, U.S. v. MacDonald

Dear Harry,

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

Sincerely yours,

P.S.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 19, 1978

Re: 75-1892 - United States
v. MacDonald

Dear Harry,

I agree.

Sincerely yours,



Mr. Justice Blackmun
Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 18, 1978

Re: No. 75-1892 - U.S. v. MacDonald

Dear Harry:

Please join me.

Sincerely,

J.M.

T.M.

Mr. Justice Blackmun

cc: The Conference

pp. 3, 8, 10, 13
1st DRAFT
4/18/78

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

From: Mr. Justice Blackmun

Circulated: 4/18/78

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-1892

United States, Petitioner, | On Writ of Certiorari to the United
v. | States Court of Appeals for the
Jeffrey R. MacDonald. | Fourth Circuit.

[April —, 1978]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents the issue whether a defendant, *before* trial, may appeal a federal district court's order denying his motion to dismiss an indictment because of an alleged violation of his Sixth Amendment right to a speedy trial.¹

I

In February 1970, respondent Jeffrey R. MacDonald was a physician in military service stationed at Fort Bragg in N. C. He held the rank of captain in the Army Medical Corps.

Captain MacDonald's wife and their two daughters were murdered on February 17 at respondent's quarters. Respondent also sustained injury on that occasion. The military police, the Army's Criminal Investigation Division (CID), the Federal Bureau of Investigation, and the Fayetteville, N. C., Police Department all immediately began investigations of the crime. On April 6 the CID informed respondent that he was under suspicion and, that same day, he was relieved of his duties and restricted to quarters. On May 1, pursuant to Art. 30 of the Uniform Code of Military Justice

¹ The Sixth Amendment reads in pertinent part:

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed"

April 19, 1978

Re: No. 75-1892 - United States v. MacDonald

Dear John:

I shall be glad to go along with the two suggestions you make in your letter of April 19.

Sincerely,

AB

Mr. Justice Stevens

✓ —

pp. 8, 9

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

From: Mr. Justice Blackmun

Circulated: _____

APR 20 1978

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-1892

United States, Petitioner, | On Writ of Certiorari to the United
v. | States Court of Appeals for the
Jeffrey R. MacDonald. | Fourth Circuit.

[April —, 1978]

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 19, 1978

No. 75-1892 United States v. MacDonald

Dear Harry:

Please join me.

Sincerely,

Lewis

Mr. Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 26, 1978

Re: No. 76-1892 - United States v. MacDonald

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 19, 1978

Re: 75-1892 - United States v. MacDonald

Dear Harry:

My join is unqualified, but I have two very minor suggestions:

1. In the sixth line of footnote 6 on page 8, would you consider changing "held" to something like "concluded" or "made it clear"?
2. The sentence at the top of page 9 seems to apply to all speedy trial claims. Many such claims can be properly decided in advance of trial, perhaps you should insert "most" in front of the words "speedy trial claims" in line three.

Respectfully,



Mr. Justice Blackmun

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 19, 1978

Re: 75-1892 - United States v. MacDonald

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

Copies to the Conference