

The Burger Court Opinion Writing Database

Stafford v. Briggs

444 U.S. 527 (1980)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



On 1st Draft Curiam
9/1/79
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TO: Mr. Justice BREWSTER
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice

Circulated: MAY 2 1979

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 77-1546

William H. Stafford, Jr., et al., | On Writ of Certiorari to the
Petitioners, | United States Court of
v. | Appeals for the District of
John Briggs et al. | Columbia Circuit.

[May —, 1979]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE WHITE took no part in the consideration or
decision of this case.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 2, 1979

RE: No. 77-1546 Stafford v. Briggs

Dear Chief:

I agree.

Sincerely,

Brennan

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 2, 1979

Re: 77-1546 - Stafford v. Briggs

Dear Chief:

I agree with the per curiam you have circulated.

Sincerely yours,

P.S.
1/

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 4, 1979

Re: No. 77-1546 - Stafford v. Briggs

Dear Chief:

I agree with your Per Curiam.

Sincerely,

T.M.

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 2, 1979

Re: No. 77-1546 - Stafford v. Briggs

Dear Chief:

It pains me, but I suppose there is no alternative.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 3, 1979

77-1546 Stafford v. Briggs

Dear Chief:

I agree with your per curiam - unhappily.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 4, 1979

77-1546 Stafford v. Briggs
78-803 Colby and Walters v. Driver

Dear Chief:

Upon further consideration (especially in light of letters circulated today by Bill Rehnquist), I think it is preferable to set these cases for reargument next Term to bringing them down "four to four" - leaving the courts of appeal and district courts without guidance on an important and like to reoccur issue.

Although none of us is presently disposed to change his vote, I have seen most - if not all of us - change positions following reargument and more mature consideration. In any event, we would have made a maximum effort to resolve the problem.

Sincerely,

Lewis

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The Chief Justice

lfp/ss

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 3, 1979

Re: No. 77-1546 - Stafford v. Briggs; and
No. 78-303 - Colby and Walters v. Driver, et al.

Dear Chief:

I agree that in the light of the Conference vote, your proposed per curiam is the only possible disposition of the case. Harry in his memo to you says that this disposition "pains" him; it more than "pains" me. We face the prospect of fairly far reaching venue decisions being made in the Courts of Appeals either in accordance with the opinion of the Court of Appeals for the First Circuit, the Court of Appeals for the District of Columbia Circuit (which is not completely consistent with that of the First Circuit), or with that of some circuits still unheard from which may reach exactly the opposite result as that reached by the Court of Appeals for the District of Columbia Circuit. I am firm in my vote, and I suppose there is no reason to think that anyone else is not equally firm in his vote, but I think it a genuine misfortune that a venue question of this importance should be ultimately left to the decision of eleven different Courts of Appeals.

Sincerely,

Wm

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 3, 1979

Re: 77-1546 - Stafford v. Briggs
78-303 - Colby and Walters v. Driver

Dear Chief:

Although I would prefer to have these cases reargued than to dispose of them in this fashion, I will acquiesce unless there are others who share my view.

Respectfully,



The Chief Justice

Copies to the Conference