

The Burger Court Opinion Writing Database

Massachusetts v. Meehan
445 U.S. 39 (1980)

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

January 21, 1980

Re: 78-1874 - Massachusetts v. Meehan

Dear Potter:

Your January 18 memo suggests a solution for this case to which I can subscribe.

If your view is that:

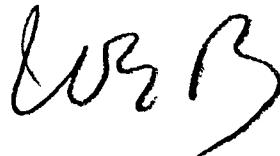
- (a) Meehan's initial statement was "not involuntary" and is, therefore, admissible;
- (b) the dungarees are admissible;
- (c) the statement to the Mother is admissible;

I would join an opinion to that effect. I assume Harry, Lewis and Bill would also join, with Bill possibly going beyond that in concurring.

If this is correct, it would seem there are five to reverse.

I send this only to the "amenable four" to the end we clarify our positions.

Regards,



Mr. Justice Stewart.

Copies to: Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

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

CHAMBERS OF
THE CHIEF JUSTICE

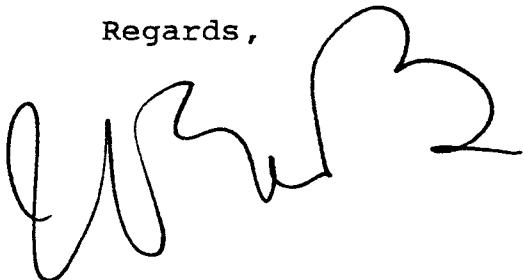
February 19, 1980

RE: 78-1874 - Massachusetts v. Meehan

MEMORANDUM TO THE CONFERENCE

I am now prepared to join in dismissal as
"improvidently granted."

Regards,

A handwritten signature in black ink, appearing to read "Wm. H. Rehnquist".

To: Mr. Justice Brennan
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: FEB 21 1980

1st DRAFT

Circulated.

SUPREME COURT OF THE UNITED STATES

No. 78-1874

Commonwealth of Massachusetts, Petitioner,
v.
Joseph Meehan. } On Writ of Certiorari to the
Supreme Judicial Court
of Massachusetts.

[February —, 1980]

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 22, 1980

Re: No. 78-1874 - Massachusetts v. Meehan

Dear Potter:

If, as your memo of January 18 indicates, you are still of the view that the writ in this case ought to be dismissed as improvidently granted, I would be willing to join in such a disposition.

Sincerely,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 18, 1980

Re: No. 78-1874, Massachusetts v. Meehan

Dear Chief,

At our Conference a week ago, I expressed the view that I would dismiss the writ in this case as improvidently granted. While I am still strongly of that view, it seems to me that the Rule of Four prevents me from adhering to it unless other members of the Court are like-minded, and obligates me, rather, to consider the case on the merits.

On the merits, I think that Meehan's incriminating statement was not involuntary. It follows that not only his statement, but the dungarees and evidence of his afternoon statement to his mother are all admissible. I think, however, that if his statement were involuntary, the dungarees and evidence of his statement to his mother would both be inadmissible in evidence, and I would express that view in this case.

According to my notes, there is no single position in this case to which a majority of the Court can subscribe.

Sincerely yours,

PS,

The Chief Justice

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 30, 1980

Re: 78-1874 - Massachusetts v. Meehan

Dear Chief,

I would join a dismissal in this
case.

Sincerely yours,



The Chief Justice

Copies to the Conference

cmc

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 28, 1980

MEMORANDUM TO THE CONFERENCE

Re: No. 78-1874 - Massachusetts v. Meehan

I have no objection to DIGing this case.

Sincerely,

T.M.
T.M.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 19, 1980

Re: No. 78-1874 - Massachusetts v. Meehan

Dear Chief:

I shall go along with the dismissal in this case.

Sincerely,

HAB

The Chief Justice

cc: The Conference

January 25, 1980

78-1874 Massachusetts v. Meehan

Dear Chief:

As you will see from my enclosed letter to the Conference, I now think a DIG is the best solution to the tangled status of our votes on this case.

I write separately, however, to reply to your letter of January 21. I could agree that the statement of the mother is admissible, and I would try to find some appropriate way to hold the dungarees admissible - as there was probable cause for the search warrant independently of the "confession". The difficulty is that the warrant omitted reference to the independent probable cause.

As to the "confession" both of the Massachusetts courts found that it was involuntary. At Conference, I stated that I would be reluctant to reach a different conclusion on such a fact specific question.

Sincerely,

The Chief Justice

1fp/ss

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 25, 1980

78-1874 Massachusetts v. Meehan

Dear Chief:

I am now inclined to think, as others have suggested, that it is advisable to DIG this case.

Based on my notes, I do not believe there would be a Court opinion on each of the issues presented in the case.

Moreover, none of the three issues - as they finally shaped up - would afford the Court an opportunity to create a precedent that would be helpful generally. In short, this case turns out to be - at least for me - almost wholly fact specific.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

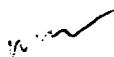
February 20, 1980

Re: No. 78-1874 Massachusetts v. Meehan

Dear Chief:

Since this case will now be dismissed as improvidently granted regardless of my vote, I cheerfully join the crowd and vote to dismiss it.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 21, 1980

Re: 78-1874 - Massachusetts v. Meehan

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

Copies to the Conference