

# The Burger Court Opinion Writing Database

## *Board of Education of Paris Union School District No. 95 v. Vail*

466 U.S. 377 (1984)

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

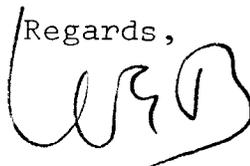
March 3, 1984

Re: No. 83-87 - Board of Education of Paris Union School  
Dist. v. Vail

MEMORANDUM TO THE CONFERENCE:

My first vote on this was to DIG. At conference I thought Sindermann and Roth were a bar to reversing, but I now conclude those cases are distinguishable and I now vote to reverse.

Regards,



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

CHAMBERS OF  
THE CHIEF JUSTICE

March 3, 1984

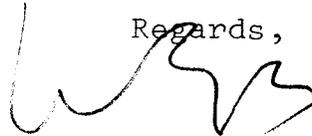
MEMORANDUM TO THE CONFERENCE

RE: No. 83-87 - Board of Education of Paris  
School District v. Vail

I quickly ran into problems after the assignments were circulated. I find that I made one "plain error" in the transcription of my notes and one assignment (No. 83-87 - Board of Education v. Vail) as to which no clear majority had emerged.

An amended Assignment Sheet is enclosed with the Vail case held in suspense until a further Conference. You will recall Byron suggested reargument of Vail, but there was not a majority for that.

Regards,

A handwritten signature in black ink, appearing to be 'W. S. B.', written over the typed word 'Regards,'.

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

CHAMBERS OF  
THE CHIEF JUSTICE

March 16, 1984

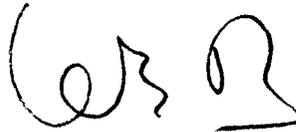
MEMORANDUM TO THE CONFERENCE:

RE: 83-87 - Board of Education, etc. v. Vail

My vote at Conference was to "DIG" or affirm.

After receiving Lewis' memo I pursued the matter and now  
conclude to reverse.

Regards,

A handwritten signature in black ink, appearing to be "WR", written in a cursive style.

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

CHAMBERS OF  
THE CHIEF JUSTICE

March 19, 1984

Re: 83-87 - Board of Education, etc. v. Vail

Dear Lewis:

The above is assigned to you.

Regards,

A handwritten signature in dark ink, appearing to be 'WJP', written in a cursive style.

Justice Powell

Copies to the Conference

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

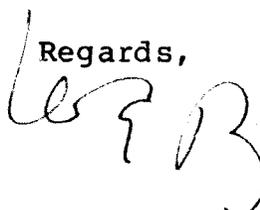
CHAMBERS OF  
THE CHIEF JUSTICE

March 20, 1984

RE: 83-87 - Board of Education v. Vail

Dear Lewis:

I agree there is no "case" to assign as of now.  
The motion to re-argue is before us and Friday I will  
"call the roll" on it.

Regards,  


Justice Powell

Copies to the Conference

To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: The Chief Justice

Circulated: 4/21/84

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

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

## SUPREME COURT OF THE UNITED STATES

No. 83-87

BOARD OF EDUCATION OF PARIS UNION SCHOOL  
DISTRICT NO. 95, ET AL., PETITIONERS *v.*  
JESSE A. VAIL

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

[April 23, 1984]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE MARSHALL took no part in the decision of this case.

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

March 19, 1984

No. 83-87

Board of Education, etc. v. Vail

Dear Harry,

Now that the Chief has assigned the Court opinion to Lewis in the above, you, I and John will be in dissent. Would you mind taking on the dissent?

Sincerely,



Justice Blackmun

Copy to Justice Stevens

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 19, 1984

Re: No. 83-87, Board of Education of Paris Union  
School District No. 95 v. Vail

Dear Bill:

I shall be glad to undertake the dissent in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a long horizontal flourish extending to the right.

Justice Brennan

cc: Justice Stevens

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

April 23, 1984

Re: No. 83-87 - Board of Education of Paris Union School  
District No. 95 v. Vail

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Dear Chief:

I agree.

Sincerely,

Handwritten signature of H.A. Blackmun, consisting of stylized initials and a horizontal line.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 3, 1984

83-87 Board of Education v. Vail

Dear Chief:

In light of our conversation about this case, I asked my Clerk to prepare a brief memo on the decisions in Roth and Sinderman. I enclose a copy.

The memo confirms my view that neither case controls the present case. If we affirm CA7, the holdings in Roth and Sinderman will be significantly expanded.

Sincerely,



The Chief Justice

cc: Justice Rehnquist  
Justice O'Connor

LFP/ss

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 19, 1984

83-87 Board of Education v. Vail

Dear Chief:

As we agreed today, the above case should not be assigned at this time.

The Court is divided 4-4, and there was a suggestion that possibly the case should be reargued.

Sincerely,

*Lewis*

The Chief Justice

lfp/ss

cc: The Conference