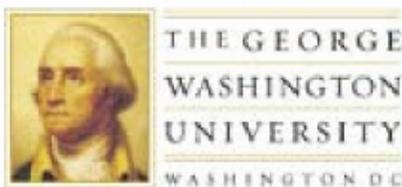


The Burger Court Opinion Writing Database

Winston v. Lee

470 U.S. 753 (1985)

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 4, 1985

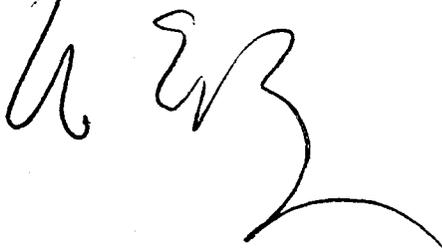
Re: No. 83-1334 - Winston v. Lee

Dear Bill:

I join. I shall be filing the following as a
brief concurrence:

"I join because I read the Court's
opinion as not preventing detention of an
individual if there are reasonable grounds
to believe that natural bodily functions will
disclose the presence of contraband materials
secreted internally."

Regards,



Justice Brennan

Copies to the Conference

.94 WBS-2 W1001

1000
3000

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

From: **The Chief Justice**

Circulated: **MAR 5 1985**

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

**ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS v.
RUDOLPH LEE, JR.**

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

[March —, 1985]

CHIEF JUSTICE BURGER, concurring.

I join because I read the Court's opinion as not preventing detention of an individual if there are reasonable grounds to believe that natural bodily functions will disclose the presence of contraband materials secreted internally.

89 MAR 5 1985

205

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

From: Justice Brennan

Circulated: JAN 16 1985

Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[January —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court

Schmerber v. California, 384 U. S. 757 (1966), held *inter alia* that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunk driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned "That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. The Commonwealth alleges that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and consequently hold that to permit the procedure would violate respondent's right to be "secure in [his] person" guaranteed by the Fourth Amendment.

1124
These with
D. [unclear]
[unclear]

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 18, 1985

No. 83-1334

Winston v. Lee

Dear Sandra,

I will be circulating a revised
draft that I hope will accommodate you.

Sincerely,



Justice O'Connor

Copies to the Conference

.84 10013 64 100

10013
64 100

LIBRARY OF CONGRESS

1
14. 5-13

Please
join me
M

To: The Chief Justice
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Brennan

Circulated: _____

Recirculated: FEB 6 1985

2/7
Join

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[February —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court.

Schmerber v. California, 384 U. S. 757 (1966), held *inter alia* that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunk driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned "That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. The Commonwealth alleges that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and consequently hold that to permit the procedure would violate respondent's right to be "secure in [his] person" guaranteed by the Fourth Amendment.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

February 13, 1985

No. 83-1334

Winston v. Lee

Dear Sandra,

Thank you very much for your note.
Of course I'll delete the citation you
mentioned.

Sincerely,



Justice O'Connor

Copies to the Conference

ST 19 11 1985 AS

LIBRARY OF THE HOUSE OF REPRESENTATIVES, LIBRARY OF CONGRESS

To: The Chief Justice
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Brennan

Circulated: _____

Recirculated: FEB 14 1985

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[February —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court.

Schmerber v. California, 384 U. S. 757 (1966), held *inter alia* that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunk driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned "That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. The Commonwealth alleges that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and consequently hold that to permit the procedure would violate respondent's right to be "secure in [his] person" guaranteed by the Fourth Amendment.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

February 19, 1985

No. 83-1334 -- Winston v. Lee

Dear Lewis:

Thanks for your letter of February 16. I hope that the following changes will take care of the issues you raised. Your first suggested change will be made in the next draft.

With respect to your second point, however, I am a little less sure what to do. It seems to me that, although use of a general anesthetic could become necessary in a case like this because of the lack of cooperation of the suspect, this was not what happened here. The parties do not seem to argue that this was the purpose of the general anesthetic in this case, and the Court of Appeals stated that "[t]he new surgeon decided that the greater depth of the bullet required the use of general anesthesia in the surgery." 717 F.2d, at 891. The testimony of the surgeon was that it was up to the surgeon to decide whether to use general anesthesia, J.A. 91, and that "it would be safer to remove the bullet under general anesthesia," J.A. 83. He elaborated on this point at J.A. 91-92 and explained on J.A. 94 that the pain caused by the operation, even under a local anesthetic, may cause a patient to "tighten up," which consequently could make the operation "more difficult." Finally, at J.A. 102-109, he resisted the suggestion that the general anesthetic would be necessary because of respondent's lack of cooperation. In the light of all of this, it seems that the general anesthetic is necessary here for "purely medical reasons," as the opinion suggests on p. 11, line 2. See also p. 3, last line. Would it resolve your doubts if I added the following footnote to the passage on p. 11: "Somewhat different issues would be raised if the use of a general anesthetic became necessary because of the patient's refusal to cooperate. Cf. State v. Lawson, 187 N.J. Super 25, 453 A.2d 556 (App. Div. 1982)."

With respect to your third point, I believe that I can make the necessary changes. At the top of p. 11, the language merely reports the lower courts' views. I would change this sentence to read: "Both lower courts in this case believed that the proposed surgery, which for purely medical reasons required the use of a

general anesthetic, would be an 'extensive' intrusion on respondent's personal privacy and bodily integrity. 717 F.2d, at 900." In the middle of p. 11, I would modify the sentence to read: "This kind of surgery involves a virtually total divestment of respondent's ordinary control over surgical probing beneath his skin." On p. 12, I would omit the word "severely." On p. 13, I would omit the word "extremely." All of these passages relate only to the particular facts of this case, and I do not believe that, especially as modified, they suggest that all forms of surgery ought to be treated similarly. The current draft of the opinion explicitly employs a totality of the circumstances "balancing" process. See, e.g., pp. 6, 7, 9, 12.

I hope that these changes are satisfactory.

Sincerely,



Justice Powell

Copies to the Conference

54 158 10 63 25

To: The Chief Justice
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Brennan

Circulated: _____

Recirculated: FEB 22 1985

p. 1, 11, 12, 13

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[February —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court.

Schmerber v. California, 384 U. S. 757 (1966), held *inter alia* that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunk driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned "That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. The Commonwealth alleges that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and hold that to permit the procedure would violate respondent's right to be "secure in [his] person" guaranteed by the Fourth Amendment.

STYLISTIC CHANGES THROUGHOUT.
~~SEE PAGES:~~

To: The Chief Justice
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Brennan

Circulated: _____

Recirculated: MAR 11 1985

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[March —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court.

Schmerber v. California, 384 U. S. 757 (1966), held, *inter alia*, that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunken driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned: "That we today hold that the Constitution does not forbid the States[] minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. Petitioners allege that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and hold that to permit the procedure would violate respondent's right to be "secure in [his] person[]" guaranteed by the Fourth Amendment.

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

From: **Justice Brennan**

Circulated: _____
MAR 14 1985

Recirculated: _____

STYLISTIC CHANGES THROUGHOUT.
~~SEE PAGES.~~

6th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.

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

[March —, 1985]

JUSTICE BRENNAN delivered the opinion of the Court.

Schmerber v. California, 384 U. S. 757 (1966), held, *inter alia*, that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunken driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures. However, *Schmerber* cautioned: "That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions." *Id.*, at 772. In this case, the Commonwealth of Virginia seeks to compel the respondent Rudolph Lee, who is suspected of attempting to commit armed robbery, to undergo a surgical procedure under a general anesthetic for removal of a bullet lodged in his chest. Petitioners allege that the bullet will provide evidence of respondent's guilt or innocence. We conclude that the procedure sought here is an example of the "more substantial intrusion" cautioned against in *Schmerber*, and hold that to permit the procedure would violate respondent's right to be secure in his person guaranteed by the Fourth Amendment.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 24, 1985

83-1334 - Winston and Davis v. Lee

Dear Bill,

I doubt that I can join your opinion in its present form and will very likely concur on much narrower grounds.

Sincerely yours,



Justice Brennan .87 5/1/85

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 12, 1985

83-1334 - Winston v. Lee

Dear Bill,

I find that I can go along with your 2nd
draft in this case.

Sincerely yours,



Justice Brennan

Copies to the Conference



CHAMBERS OF
JUSTICE THURGOOD MARSHALL

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

February 19, 1985

Re: No. 83-1334-Winston v. Lee

Dear Bill:

Please join me.

Sincerely,

Jm.
T.M.

Justice Brennan

cc: The Conference

HA
March 7, 1985

Re: No. 83-1334, Winston v. Lee

Dear Bill:

After struggling with this one, I have finally resolved to concur in the judgment without separate writing. You and I were the two who originally were reluctant to join an affirmance. I wanted you to know that I have decided not to write.

Sincerely,

HAB

Justice Rehnquist

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 7, 1985

Re: No. 83-1334, Winston v. Lee

Dear Bill:

At the end of your opinion would you please add:

"JUSTICE BLACKMUN concurs in the judgment."

Sincerely,



Justice Brennan

cc: The Conference

89 MAR -8 10 15

20

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 16, 1985

No. 83-1334 Winston v. Lee

Dear Bill:

I was not able until yesterday to read the draft opinions that have circulated in this important case. Your second draft comes quite close to an opinion that I could join. I do have concerns, however, that I outline briefly.

1. I thought the Court agreed that we would apply the Schmerber balancing test, and much of your opinion purports to do this. It seems to me, however, that certainly language in the opinion will be read as imposing a substantially heavier burden on the state whenever a surgical procedure is involved - a burden shifting that can be read as departing from the basic balancing that is the centerpiece of Schmerber.

For example, on p. 1 you state that "the procedure sought here is an example of the 'more substantial intrusion' cautioned against in Schmerber, and consequently [we] hold that to permit the procedure would violate respondent's [Fourth Amendment rights]" I am afraid this language could be read - in light of other language in the opinion - as indicating a blanket disapproval of almost any surgical procedure or at least a strong presumption against its validity. This would be a departure from the Schmerber requirement that a Court should consider all of the relevant facts and circumstances.

With respect to this sentence on p. 1, deleting the word "consequently" would eliminate the implication that a surgical procedure - any surgical procedure - necessarily imposes a different balancing than Schmerber.

2. Your opinion emphasizes that the procedure is conducted without the respondent's consent. But will this not always be true? Otherwise, there would be no case.

One interesting point in this case is that it could be argued, I suppose, that respondent's strong opposition prompted the evidence that a general anesthetic was desirable simply to make certain that respondent could be counted on to remain perfectly still during the procedure.

3. In several places in your opinion language is modified by the use of "extremely" and "severely" (e.g., p. 11, lines 2, 17; p. 12, line 12; p. 13, line 2). Use of this language contributes to what seems to me to be the overall tone of the opinion that any surgical procedure places the case in a different context from the Schmerber balancing of all relevant facts and circumstances.

In sum, Bill, I view this as an extremely close case. If the State of Virginia had shown a compelling need for the evidence, the balance very well could have shifted the other way. It does not seem to me that your opinion emphasizes sufficiently that the issue in a case of this kind necessarily involves a weighing of all relevant facts and circumstances. The term "surgical procedure" embraces everything that may require the use of a surgical instrument. The term would embrace, for example, everything from removing a small splinter to the type of surgery I experienced out at Mayo. I think my concerns expressed above would require only the most modest changes in your opinion. If you are inclined to make them, I will be happy to join. If not, I probably will write separately.

Sincerely,

Lewis
/lgs

Justice Brennan
lfp/ss
cc: The Conference



CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

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

February 20, 1985

83-1334 Winston v. Lee

Dear Bill:

In light of the changes indicated in your letter of February 17, I will be happy to join your opinion.

I appreciate your willingness to make these changes.

Sincerely,

Justice Brennan

lfp/ss

cc: The Conference

LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 8, 1985

Re: No. 83-1334 Winston v. Lee

Dear Bill,

Would you please show that, like Harry, I concur in the judgment.

Sincerely,



Justice Brennan

cc: The Conference

84 256-6 W122

21
200

LIBRARY OF CONGRESS
DIVISION OF LEGISLATION
SERIALS ACQUISITION
5101 RANGERS BUILDING
WASHINGTON, D.C. 20540

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 17, 1985

Re: 83-1334 - Winston and Davis v. Lee

Dear Bill:

My reaction to your draft was pretty much the same as that expressed by Sandra. Moreover, in this particular case I was strongly influenced by my belief that the prosecutor really doesn't need the bullet anyway. For the time being, therefore, I shall also await other reactions.

Sincerely,



Justice Brennan

Copies to the Conference

APR 21 1985

213

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

From: **Justice Stevens**

Circulated: FEB 13 1985

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1334

**ANDREW J. WINSTON, SHERIFF AND AUBREY
M. DAVIS, JR., PETITIONERS *v.*
RUDOLPH LEE, JR.**

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

[February —, 1985]

JUSTICE STEVENS, concurring.

While I join the Court's opinion, I write separately to identify two additional factors that have influenced my vote to affirm.

First, as the Court's opinion demonstrates, to answer the question in a case of this kind it is necessary to exercise judgment, weighing countervailing considerations against one another. When the District Judge, who heard the evidence, and the Court of Appeals, which is especially familiar with practice in the district where the case arose, are in agreement as to the proper disposition, we should presume that they reached a correct judgment.

Second, although the Court is perhaps wise to avoid comment on the question, I must acknowledge that in balancing the relevant factors, I have assumed that the prosecutor would be permitted to prove that the State was ready, willing, and able to perform the extraction of the bullet without expense to the respondent. At the very least, the Court's silence on this evidentiary question should not be construed as a holding that respondent's refusal to undergo the surgery would not be admissible.

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 21, 1985

Re: 83-1334 - Winston and Davis v. Lee

Dear Bill:

After further reflection, I have decided to withdraw my separate concurrence and simply join your opinion as revised to accommodate Lewis' suggestions.

Respectfully,



Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 17, 1985

No. 83-1334 Winston and Davis v. Lee

Dear Bill,

At Conference, I voted to affirm in this case, but your sweeping approach to it gives me pause. I had thought Schmerber gave us all the tests and guidelines we needed to balance the state's interest against those of the defendant on the facts of this case. Your draft appears to adopt a new strict four-part test, including an adversarial proceeding and appellate review, in every instance of any violation of a person's bodily integrity. I am unwilling to follow more than a reasonable balancing approach, taking into account the crucial factors in this particular case. Moreover, I am also concerned with the apparent expansion of the characterization of the Fourth Amendment protections as outlined in Part II of the opinion.

For now, I will wait for possible further writing. Failing that, I plan to write something concurring in the judgment.

Sincerely,



Justice Brennan

Copies to the Conference

NO. 83-1334

1985
JAN 18

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 12, 1985

No. 83-1334 Winston and Davis v. Lee

Dear Bill,

If you would be willing to omit the citation to Tennessee v. Garner on p. 5, I would be pleased to join the 2nd Draft of your opinion.

Sincerely,



Justice Brennan

Copies to the Conference

LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 14, 1985

No. 83-1334 Winston v. Lee

Dear Bill,

Please join me.

Sincerely,

Sandra

Justice Brennan

Copies to the Conference

LIBRARY OF CONGRESS
DIVISION OF THE MANUSCRIPTS

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 19, 1985

Re: 83-1334 Winston v. Lee

Dear Bill,

I have read Lewis' suggestions in this case and I, for one, think they would be helpful.

Sincerely,

Sandra

Justice Brennan

Copies to the Conference