The Burger Court Opinion Writing Database

Cleveland Board of Education v. Loudermill

470 U.S. 532 (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: 83-1362 - Cleveland Board of Education v. Loudermill
83-1363 - Parma Board of Education v. Donnelly
83-6392 - Loudermill v. Cleveland Board of Education

Dear Byron,

I join.

Regards,

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 3, 1985

Re: Cleveland Board of Educ. v. Loudermill, No. 83-1362
Parma Board of Educ. v. Donnelly, No. 83-1363
Loudermill v. Cleveland Board of Educ., No. 83-6392

Dear Byron,

I'm inclined to join parts I-IV of your opinion, but do have some questions regarding part V, which addresses the length of time between the filing of Loudermill's appeal and a final decision from the Commission.

My initial problem arises from uncertainty as to exactly what question is addressed in part V. Is it whether a nine-month delay following a termination that was accomplished with no pretermination opportunity to respond is constitutional? That is the situation actually presented by the facts of Loudermill's case. So stated, I would think that the result in parts I-IV necessarily answers the question, in that we already find that the lack of pretermination procedure alone violated Loudermill's rights. Or is the question in part V instead whether the delay in Loudermill's case constitutes an additional constitutional claim, even after he is compensated for the violation of his right to a pretermination hearing under the holding of parts I-IV? If this latter question is indeed the one you intend to answer, I wonder if you would consider recasting the current language so as to allay my confusion?

I should perhaps just briefly expand on my difficulty. It would seem to me that the injury stemming from the lack of some pretermination hearing arguably runs, at most, from the date of termination until the time Loudermill actually received a hearing, some 11 weeks after he filed his appeal. (In fact, this limitation on the scope of the injury might be worth stating explicitly.) That injury presumably will be compensated on remand in light of parts I-IV. It is possible to imagine, however, that Loudermill may also contend that even if such compensation is forthcoming, he was still constitutionally injured by the additional delay after his hearing until written notice of a final decision was issued. (As I note below, I am not sure that Loudermill has actually made such a claim.) In this case, that additional period is claimed to be approximately seven months, although I note that the Commission actually announced its decision orally on July 20, 1981, less than six months after the initial hearing. If, as I suspect, it is this second possible claim that you are attempting to head off in part V, rather than some claim premised as was Loudermill's initial complaint on an uncompensated failure to provide a pretermination hearing, I wonder if the opinion should so state?

Next, I wonder if we need address this second, theoretically distinct claim at all? My Conference notes indicate that no one expressed any position on this issue. Indeed, it was my sense that we would not have to reach the issue, once we found that Loudermill's rights were violated by the lack of pretermination procedures. I am not at all certain that Loudermill's complaint must be read to state the delay issue as a "separate claim altogether," as you suggest on page 13 n.11. The complaint itself is not divided into separate counts or claims and, as written, I think it can fairly be read to state the issues in the alternative -- that is, if the lack of pretermination procedures were found constitutional, then the delay before hearing would be unconstitutional. Because we find to the contrary regarding the premise of this proposition, the alternative question as pleaded really need not be reached.

In this regard, it is also significant that Loudermill's complaint alleges only that the Ohio statute "is unconstitutional as applied ... because classified civil service employees are not given sufficiently prompt post-removal or post-suspension hearings." JA 11 (emphasis supplied). Thus the additional issue of delay preceeding the Commission's final decision was not even fairly raised by Loudermill's complaint. Finally, while you are of course correct that the delay issue was raised in Loudermill's cross-petition for certiorari which we granted, I agree with your notation in your draft dissent from denial last Term that the cross-petition should be granted merely "so that the entire case could be reviewed." As you also pointed out then, the only substantive inter-Circuit conflict requiring our review is "under what circumstances a pre-termination hearing is required." Because we did not focus on the subsidiary question of post-termination delay either at oral argument or at Conference, would it not be best not to address it, especially when there is no unavoidable need to do so in this case?

Finally, if you decide that the second issue must be reached despite Loudermill's failure to plead it, I wonder if you would consider specifying in some greater detail the reasons for finding that his allegations present no constitutional claim? As you note on page 13, the post-hearing procedures afforded Loudermill were quite thorough; some explication might be in order. For example, for the first month, the hearing officer, whose decision Loudermill cites with pleasure, was busy writing his decision. Then, presumably, the parties compiled and filed their objections and legal memoranda supporting their positions. Then the full Commission held another hearing. Immediately after that hearing, the Commission orally announced its decision -- thus Loudermill knew the final outcome in his case at that time, although it took the Commission another five weeks to issue its written decision.

Furthermore, and significantly in my mind, as far as this record shows Loudermill never raised an objection to this alleged "delay" while it was ongoing, nor did he or does he now contend

that the procedures were unfairly complicated, intentionally lengthy, or to his disadvantage. A party cannot await what he thinks will be a favorable outcome silently and patiently, and then complain of delay when he discovers the decision is not to his liking. Moreover, Loudermill alleges no bad faith on the part of the Commission, nor does he allege that there exists some pattern of overly long delay in the Ohio Commission's disposition of like claims. Absent more specific allegations along these lines, I am disposed to agree with you that the bare allegation that Loudermill had "too long a wait" fails to state a constitutional claim in these circumstances.

I might finally add that your citation to Matthews and Arnett in support of the conclusion in part V strikes me as incomplete without at least a "cf." to Barchi (in which we disapproved a statutory requirement for a "prompt" hearing with no more than a 30-day delay before final decision). At bottom, as is usually the case when considering due process issues, claims regarding post-deprivation procedural delay can be resolved only after detailed review of the facts of each case. In light of this reality, perhaps no citations at all would be preferable?

In sum, I think that the issue addressed in part V really need not be reached. But if part V is to remain, I hope you might consider stating the issue more clearly for me and adding a bit more detail to its resolution, so that I may join your otherwise sound opinion.

Sincerely,

Bill

Justice White

Copies to the Conference

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

From: **Justice Brennan**

Circulated: MAR 0 8 1985

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83–1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[March ——, 1985]

JUSTICE BRENNAN, concurring in part and dissenting in part.

Today the Court puts to rest any remaining debate over whether public employers must provide meaningful notice and hearing procedures before discharging an employee for cause. As the Court convincingly demonstrates, the employee's right to fair notice and an opportunity to "present his side of the story" before discharge is not a matter of legislative grace, but of "constitutional guarantee." *Id.*, at 8, 12. This principle, reaffirmed by the Court today, has been clearly discernible in our "repeated pronouncements" for many years. See *Davis* v. *Scherer*, 468 U. S. ——, —— – —— (1984) (BRENNAN, J., concurring in part and dissenting in part).

Accordingly, I concur in Parts I–V of the Court's opinion. I write separately to comment on two issues the Court does

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1, 2, 6

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

From: **Justice Brennan**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83–1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[March 19, 1985]

JUSTICE BRENNAN, concurring in part and dissenting in part.

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Accordingly, I concur in Parts I–IV of the Court's opinion. I write separately to comment on two issues the Court does

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

From: **Justice White**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83–1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[January ——, 1985]

JUSTICE WHITE delivered the opinion of the Court.

In these cases we consider what pretermination process must be accorded a public employee who can be discharged only for cause.

I

In 1979 the Cleveland Board of Education, petitioner in No. 83–1362, hired respondent James Loudermill as a security guard. On his job application, Loudermill stated that he had never been convicted of a felony. Eleven months later, as part of a routine examination of his employment records, the Board discovered that in fact Loudermill had been convicted of grand larceny in 1968. By letter dated November 3, 1980, the Board's Business Manager informed Loudermill that he had been dismissed because of his dishonesty in filling out the employment application. Loudermill was not af-

NO
Wait for WB

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 31, 1984

Re: 83-1362 - **Cleveland Board of Education v. Loudermill**

Dear Lewis,

You are correct that Bell v. Burson spoke of "a reasonable possibility" rather than probable cause, but we later spoke of "probable cause" in Barry v. Barchi, 443 U.S. at 64-66 -- "Even if the States' presuspension procedures ... were not adequate finally to resolve the issue fairly and accurately, they sufficed for the purposes of probable cause and interim suspension." I note also that Barry cited to Gerstein v. Pugh, 445 U.S., at 64. I am not wed to either formulation, however, and would be glad to refer to a standard of "reasonable grounds to believe." This would not necessarily implicate criminal law decisions.

Sincerely,

Byron

Justice Powell

cc: The Conference

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

From: **Justice White**

Circulated: _____

Recirculated: JAN 4 1985

STYLISTIC THROUGHOUT;
See pp. 7, 8, 12

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83–1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[January ——, 1985]

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 24, 1985

Re: 83-1362, 83-1363, 83-6392 -
Cleveland Board of Education v. Loudermill

Dear Bill,

In response to your letter of January 3, I much prefer to retain Part V. It is clear enough to me that Loudermill pleaded and continues to insist that he was entitled not only to a pre-termination opportunity to respond but also to a reasonably prompt full hearing after termination. Nor do I have any doubt that it is advisable to address both questions.

As for the content of Part V, the chronology you recount is contained earlier in the draft. I have added, however, your point that Loudermill never complained about undue delay during the hearing and decision process. Also, as you suggest, I have removed the citations at the end of Part V.

Sincerely yours,

Byron

Justice Brennan

Copies to the Conference

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

From: **Justice White**

Circulated: _____

Recirculated: JAN 3 1 1985

-Stylistic and pp. 13-14

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83-1362, 83-1363 AND 83-6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83-1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83-1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83-6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[February ——, 1985]

JUSTICE WHITE delivered the opinion of the Court.

In these cases we consider what pretermination process must be accorded a public employee who can be discharged only for cause.

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

From: **Justice White**

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STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 13-14

4th DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
83–1363 *v.*
RICHARD DONNELLY ET AL.

JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[March ——, 1985]

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HL

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

March 19, 1985

CHAMBERS OF
JUSTICE BYRON R. WHITE

MEMORANDUM TO THE CONFERENCE

Re: Oregon Department of Commerce v. Payne, No. 83-1275

Held for 83-1362, Cleveland Board of Education v. Loudermill
83-1363, Parma Board of Education v. Donnelly
83-6392, Loudermill v. Cleveland Board of Education

Resp was a plumbing inspector in petr's Building Codes Division. His job was to travel around the State inspecting recreational vehicles before they were sold. In early 1981, petr learned that resp had been involved in sales and attempted sales of merchandise and equipment to RV manufacturers. On April 29, 1981, petr sent a dismissal notice to resp. In relevant part, the letter read:

> 1. Approximately one year ago you obtained recreational vehicle-related merchandise either by purchase, consignment or other type of receipt. 2. You attempted to sell recreational vehicle merchandise while performing your inspection duties, on at least four occasions to various R.V. businesses inspected by you in the normal course of your duties. 3. You also transported this merchandise in the trunk of your State car on at least one of the four occasions. 4. You have concealed from your supervisors the fact that you engaged in business transactions with such regulated business firms or plant owners; that you offered the merchandise for sale during work hours and on State travel status; and that you were transporting some of this merchandise in a State car. 5. You failed to report your potential conflict of interest.

Resp was provided a pretermination opportunity to respond. On the advice of counsel, he did not provide any specifics regarding the charges, complaining that he could not answer the charges without more information. Petr's officials remained close-mouthed about the particulars, and apparently nothing was accomplished at the meeting.

Resp challenged his dismissal before a state personnel board. Although it found that resp had been properly discharged, the Board reinstated him with back pay because the procedures followed had violated a state personnel rule. The Oregon Court of Appeals affirmed. It held that the notice provided resp was inadequate under both the rule and the 14th Amendment. The court described the constitutional requirement as being "that an employee receive notice of the charges, notice of the possible

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

From: **Justice Marshall**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

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JAMES LOUDERMILL, PETITIONER
83–6392 *v.*
CLEVELAND BOARD OF EDUCATION ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[January ——, 1985]

JUSTICE MARSHALL, concurring in Part II and concurring in the judgment.

I agree wholeheartedly with the Court's express rejection of the theory of due process, urged upon us by the petitioners, that a public employee who may be discharged only for cause may be discharged by whatever procedures the legislature chooses. I therefore join Part II of the opinion for the Court. I also agree that, before discharge, the respondents were entitled to the opportunity to respond to the charges against them (which is all they requested), and that the failure to accord them that opportunity was a violation of their constitutional rights. Because the Court holds that the respondents were due all the process they requested, I concur in the judgment of the Court.

I write separately, however, to reaffirm my belief that public employees who may be discharged only for cause are

STYLISTIC CHANGES THROUGHOUT

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

From: **Justice Marshall**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83-1362, 83-1363 AND 83-6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83-1362 *v.*
JAMES LOUDERMILL ET AL.

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JAMES LOUDERMILL, PETITIONER
83-6392 *v.*
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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[February ——, 1985]

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I write separately, however, to reaffirm my belief that public employees who may be discharged only for cause are

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 28, 1984

Re: No. 83-1362) Cleveland Board of Education v. Loudermill
No. 83-1363) Parma Board of Education v. Donnelly
No. 83-6392) Loudermill v. Cleveland Board of Education

Dear Byron:

Please join me.

There is one confusing typo on page 11. Should not the word "employee" in the fifth line on that page be "employer"?

Sincerely,

Harry

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 26, 1984

83-1362 Cleveland Board of Education v. Loudermill

Dear Byron:

I suggest one change in your fine opinion. On p. 12, after saying that the pretermination hearing need not definitively resolve the propriety of the discharge, you refer to this hearing as essentially a "probable-cause determination".

Bell v. Burson is cited for this statement. In Burson the standard is characterized as "reasonable possibility." My concern about requiring a "probable-cause determination" is that this is Fourth Amendment language, and language that is the subject of a great deal of litigation. Our use of it may invite reliance on criminal law decisions in employment termination cases where the question is simply whether in light of the showing made by the employee the termination still seemed reasonable.

Sincerely,

Lewis

Justice White

lfp/ss

cc: The Conference

.81 DEC 28 61:12

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 14, 1985

83-1362 Cleveland Board v. Loudermill

Dear Byron:

Please join me.

Sincerely,

Lewis

Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 2, 1985

Re: No. 83-1362) Cleveland Board of Education v. Loudermill
83-1363) Parma Board of Education v. Donnelly
83-6392) Loudermill v. Cleveland Board of Education

Dear Byron,

In due course I will circulate a dissent.

Sincerely,

WHR

Justice White

cc: The Conference

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

From: **Justice Rehnquist**

Circulated: 1/29/85

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[January ——, 1985]

JUSTICE REHNQUIST, dissenting.

In *Arnett* v. *Kennedy*, 416 U. S. 134 (1975), six members of this Court agreed that a public employee could be dismissed for misconduct without a full hearing prior to termination. A plurality of Justices agreed that the employee was entitled to exactly what Congress gave him, and no more. THE CHIEF JUSTICE, Justice Stewart, and I said:

> "Here appellee did have a statutory expectancy that he not be removed other than for 'such cause as will promote the efficiency of [the] service.' But the very section of the statute which granted him that right, a right which had previously existed only by virtue of administrative regulation, expressly provided also for the procedure by which 'cause' was to be determined, and expressly omitted the procedural guarantees which ap-

STYLISTIC CHANGES THROUGHOUT

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

From: **Justice Rehnquist**

Circulated: _____

Recirculated: 1/31/85

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 83–1362, 83–1363 AND 83–6392

CLEVELAND BOARD OF EDUCATION, PETITIONER
83–1362 *v.*
JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION, PETITIONER
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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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> "Here appellee did have a statutory expectancy that he not be removed other than for 'such cause as will promote the efficiency of [the] service.' But the very section of the statute which granted him that right, a right which had previously existed only by virtue of administrative regulation, expressly provided also for the procedure by which 'cause' was to be determined, and expressly omitted the procedural guarantees which ap-

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 2, 1985

Re: 83-1362 - Cleveland Board of Education v. Loudermillal
83-1363 - Parma Board of Education v. Donnelly

Dear Byron:

If you can make two rather minor changes, I will join you.

First, can you omit the citation to the majority opinion in Bishop v. Wood on page 7? That opinion did not endorse the "bitter with the sweet" theory, and I cannot join a Court opinion that implies that it did. I, of course, have no objection to your citation of your dissent in Bishop.

Second, should you not note that there are some situations in which a post-deprivation hearing will satisfy due process reqirements? E.g. North American Cold Storage Co. v. City of Chicago, 211 U.S. 306 (1908); see Fuentes v. Shevin, 407 U.S. 67, 90-92 (1972).

Respectfully,

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 4, 1985

Re: 83-1362 - Cleveland Board of Education v. Loudermillal
83-1363 - Parma Board of Education v. Donnelly

Dear Byron:

Please join me.

Respectfully,

John

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 2, 1985

Re: 83-1362 Cleveland Board of Education v. Loudermill, et al.
83-1363 Parma Board of Education v. Donnelly, et al.
83-6392 Loudermill v. Cleveland Board of Education, et al.

Dear Byron,

Please join me. I also agree with Lewis' suggestion about avoiding use of the term "probable cause."

Sincerely,

Sandra

Justice White

Copies to the Conference