

# The Burger Court Opinion Writing Database

## *Board of License Commissioners of Tiverton v. Pastore*

469 U.S. 238 (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

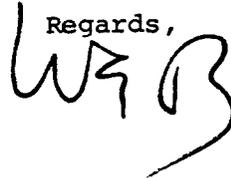
December 6, 1984

Re: 83-963 - Board of License Commissioners of the Town of Tiverton v.  
Pastore

Dear Sandra:

I join your Per Curiam in this case.

Regards,

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

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF  
JUSTICE W. J. BRENNAN, JR.

December 7, 1984

No. 83-963

Board of License Commissioners of  
the Town of Tiverton v. Louis H.  
Pastore, Jr., etc., et al.

Dear Sandra,

I agree.

Sincerely,



Justice O'Connor

Copies to the Conference

5

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 13, 1984

Re: 83-963 -

Board of License Commissioners of  
the Town of Tiverton v. Pastore

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Dear Sandra,

Please join me.

Sincerely yours,



Justice O'Connor

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 14, 1984

Re: No. 83-963-Board of License Commissioners of the  
Town of Tiverton v. Pastore

Dear Sandra:

I agree with your Per Curiam.

Sincerely,

*JM.*

T.M.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

December 6, 1984

Re: No. 83-963, Board of License Commissioners  
of Town of Tiverton v. Pastore

Dear Sandra:

I agree.

Sincerely,



Justice O'Connor  
cc: The Conference

RECEIVED  
SUPREME COURT, U.S.  
JUSTICE MARSHALL

'84- DEC -6 P3:15

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 6, 1984

83-963 Board of License v. Pastore

Dear Sandra:

I agree with your Per Curiam.

Sincerely,



Justice O'Connor

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

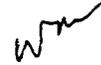
December 7, 1984

Re: No. 83-963 Board of License Commissioners of Tiverton v.  
Pastore

Dear Sandra,

I agree with your Per Curiam in this case.

Sincerely,



Justice O'Connor

cc: The Conference

11-11-84

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

December 6, 1984

Re: 83-963 - Bd. of License Comm'rs of the  
Town of Tiverton v. Pastore

Dear Sandra:

Please join me.

Respectfully,



Justice O'Connor

Copies to the Conference

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 83-963

BOARD OF LICENSE COMMISSIONERS OF THE  
TOWN OF TIVERTON, PETITIONER *v.* LOUIS  
H. PASTORE, JR., ETC., ET AL.

ON WRIT OF CERTIORARI TO THE SUPREME COURT  
OF RHODE ISLAND

[December —, 1984]

PER CURIAM.

We granted certiorari in this case, — U. S. — (1984),  
to decide whether the Fourth Amendment exclusionary rule  
applies in civil liquor license revocation hearings. Some  
state courts have held that the exclusionary rule applies.  
See *Finn's Liquor Shop, Inc. v. State Liquor Authority*, 24  
N. Y. 2d 647, 249 N. E. 2d 440, 301 N. Y. S. 2d 584, cert.  
den., 396 U. S. 840 (1969); *Pennsylvania Liquor Control  
Board v. Leonardziak*, 210 Pa. Super. 511, 233 A. 2d 606  
(1967) (exclusionary rule applies in Liquor Control Board pro-  
ceeding in which Board imposed fine, but could also have re-  
voked license). Illinois, on the other hand, admits evidence  
obtained during a search pursuant to an invalid warrant on  
the reasoning that the state can and does require consent to a  
warrantless search as a prerequisite to the issuance of a liq-  
uor license. *Daley v. Berzanskis*, 47 Ill. 2d 395, 269 N. E.  
2d 716 (1971).

In proceedings below, the Tiverton Board of License Com-  
missioners had considered evidence obtained during a search  
of the Attic Lounge, a local liquor serving establishment, in  
deciding to revoke its license. A Rhode Island judge in re-  
lated criminal proceedings subsequently ruled that the evi-  
dence had been obtained in violation of the Fourth Amend-  
ment. *Rhode Island v. Benoit*, No. N2/77-51 (Super. Ct.

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: **Justice O'Connor**

Circulated: \_\_\_\_\_

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2d  
1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 83-963

BOARD OF LICENSE COMMISSIONERS OF THE  
TOWN OF TIVERTON, PETITIONER *v.* LOUIS  
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[December —, 1984]

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In proceedings below, the Tiverton Board of License Commissioners had considered evidence obtained during a search of the Attic Lounge, a local liquor-serving establishment, in deciding to revoke its license. A Rhode Island judge in related criminal proceedings subsequently ruled that the evidence had been obtained in violation of the Fourth Amendment. *Rhode Island v. Benoit*, No. N2/77-51 (Super. Ct.

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