

# The Burger Court Opinion Writing Database

*Superintendent, Massachusetts*

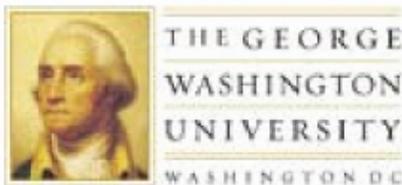
*Correctional Institution at Walpole v. Hill*

472 U.S. 445 (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

June 11, 1985

Re: No. 84-438 - Supt., Mass. Corr. Inst. v. Hill

Dear Sandra,

I join.

Regards,

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 3, 1985

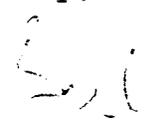
No. 84-438

Superintendent, Massachusetts  
Correctional Institution,  
Walpole v. Gerald Hill  
and Joseph Crawford

Dear John,

Please join me.

Sincerely,



Justice Stevens

Copies to the Conference



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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 25, 1985

84-438 - Superintendent, Massachusetts  
Correctional Institution, Walpole  
v. Hill and Crawford

Dear Sandra,

Please join me.

Sincerely yours,



Justice O'Connor

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 5, 1985

Re: No. 84-438-Superintendent, Massachusetts Correc-  
tional Institution v. Hill & Crawford

Dear John:

Please join me in your concurring and dissenting  
opinion.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

April 29, 1985

Re: No. 84-438 - Superintendent, Massachusetts  
Correctional Institute v. Hill

Dear Sandra:

I have some difficulty with part II of your opinion.  
For now, you may record me as joining parts I, III, and IV,  
and, of course, the judgment.

Sincerely,



Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 6, 1985

Re: No. 84-438 - Superintendent, Massachusetts  
Correctional Institute v. Hill

Dear Sandra:

In view of the writings that have transpired since my  
note of April 29, I now join your opinion in its entirety.

Sincerely,



Justice O'Connor

cc: The Conference

15

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

April 29, 1985

83-438 Superintendent v. Hill and Crawford

Dear Sandra:

Please join me.

Sincerely,

*Lewis*

Justice O'Connor

lfp/ss

cc: The Conference



CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

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

April 25, 1985

Re: No. 84-438 Superintendent, Massachusetts Correctional  
Institution, Walpole v. Hill

Dear Sandra,

Please join me.

Sincerely,

Justice O'Connor

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 15, 1985

Re: 84-438 - Superintendent v. Hill

Dear Sandra:

My apologies for not responding more promptly, I will be writing separately in this case.

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 O'Connor

From: **Justice Stevens**

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-438

SUPERINTENDENT, MASSACHUSETTS CORREC-  
TIONAL INSTITUTION, WALPOLE, PETITIONER  
*v.* GERALD HILL AND JOSEPH CRAWFORD

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT  
OF MASSACHUSETTS

[June —, 1985]

JUSTICE STEVENS, concurring in part and dissenting in part.

The Attorney General of Massachusetts is a member of a favored class of litigants. As the highest legal officer of a sovereign State, his professional comments on the law of Massachusetts are accorded special respect.<sup>1</sup> Partly for that reason, and partly because this Court in recent years has been inclined to lend a sympathetic ear to claims that state courts have accorded too much protection to the rights of prison inmates and criminal defendants, state Attorneys General have been disproportionately successful in persuading this Court to grant their petitions for certiorari and to reverse state court judgments of minimal national significance.<sup>2</sup> Indeed, they have even persuaded the Court to take a more expansive view of its own appellate jurisdiction to accommodate such petitions.<sup>3</sup>

Such favored treatment should give rise to a special duty to be meticulously forthright and accurate in advising the Court

<sup>1</sup> See *Marino v. Ragen*, 332 U. S. 561, 562 (1947) (*per curiam*).

<sup>2</sup> See, e. g., *Florida v. Rodriguez*, — U. S. — (1984) (*per curiam*); *California v. Beheler*, 463 U. S. 1121 (1983) (*per curiam*); *Illinois v. Batchelder*, 463 U. S. 1112 (1983) (*per curiam*); *California v. Ramos*, 463 U. S. 992 (1983); *Illinois v. Andreas*, 463 U. S. 765 (1983).

<sup>3</sup> See, e. g., *Michigan v. Long*, 463 U. S. 1032 (1983).

Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: Justice Stevens

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Refer to 3 omitted;  
referencing Hos. numbered  
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Prisoner  
attorney  
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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-438

**SUPERINTENDENT, MASSACHUSETTS CORREC-  
TIONAL INSTITUTION, WALPOLE, PETITIONER  
v. GERALD HILL AND JOSEPH CRAWFORD**

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT  
OF MASSACHUSETTS

[June —, 1985]

JUSTICE STEVENS, with whom JUSTICE BRENNAN joins,  
concurring in part and dissenting in part.

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been inclined to lend a sympathetic ear to claims that state  
courts have accorded too much protection to the rights of  
prison inmates and criminal defendants, state Attorneys  
General have been disproportionately successful in persuad-  
ing this Court to grant their petitions for certiorari and to  
reverse state court judgments of minimal national  
significance.<sup>2</sup>

Such favored treatment should give rise to a special duty to  
be meticulously forthright and accurate in advising the Court  
about relevant matters of state law affecting the specific  
questions that a state Attorney General asks this Court to re-  
view. A lawyer's greatest asset—his or her professional

<sup>1</sup> See *Marino v. Ragen*, 332 U. S. 561, 562 (1947) (*per curiam*).

<sup>2</sup> See, e. g., *Florida v. Rodriguez*, — U. S. — (1984) (*per curiam*);  
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elder*, 463 U. S. 1112 (1983) (*per curiam*); *California v. Ramos*, 463 U. S.  
992 (1983); *Illinois v. Andreas*, 463 U. S. 765 (1983).

Emerson

Hn. 3 omitted

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

STYLISTIC CHANGES THROUGHOUT.  
SEE PAGES: 7.1

From: Justice Stevens

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3rd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-438

SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION, WALPOLE, PETITIONER  
v. GERALD HILL AND JOSEPH CRAWFORD

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS

[June —, 1985]

JUSTICE STEVENS, with whom JUSTICE BRENNAN and JUSTICE MARSHALL join, concurring in part and dissenting in part.

The Attorney General of Massachusetts is a member of a favored class of litigants. As the highest legal officer of a sovereign State, his professional comments on the law of Massachusetts are accorded special respect.<sup>1</sup> Partly for that reason, and partly because this Court in recent years has been inclined to lend a sympathetic ear to claims that state courts have accorded too much protection to the rights of prison inmates and criminal defendants, State Attorneys General have been disproportionately successful in persuading this Court to grant their petitions for certiorari and to reverse state court judgments of minimal national significance.<sup>2</sup>

Such favored treatment should give rise to a special duty to be meticulously forthright and accurate in advising the Court about relevant matters of state law affecting the specific questions that a State Attorney General asks this Court to

<sup>1</sup> See *Marino v. Ragen*, 332 U. S. 561, 562 (1947) (*per curiam*).

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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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Apr 24, 85

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-438

**SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION, WALPOLE, PETITIONER  
v. GERALD HILL AND JOSEPH CRAWFORD**

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT  
OF MASSACHUSETTS

[April —, 1985]

JUSTICE O'CONNOR delivered the opinion of the Court.

Massachusetts inmates who comply with prison rules can accumulate good time credits that reduce the term of imprisonment. Mass. Gen. Laws Ann., ch. 127, § 129 (West). Such credits may be lost "if a prisoner violates any rule of his place of confinement." *Ibid.* The question presented is whether revocation of an inmate's good time credits violates the Due Process Clause of the Fourteenth Amendment if the decision of the prison disciplinary board is not supported by evidence in the record. We conclude that where good time credits constitute a protected liberty interest, a decision to revoke such credits must be supported by some evidence. Because the record in this case contains sufficient evidence to support the decision of the disciplinary board, we reverse.

I

Respondents Gerald Hill and Joseph Crawford are inmates at a state prison in Walpole, Mass. In May 1982, they each received prison disciplinary reports charging them with assaulting another inmate. At separate hearings for each inmate, a prison disciplinary board heard testimony from a prison guard, Sergeant Maguire, and received his written disciplinary report. According to the testimony and report, Maguire heard an inmate twice say loudly, "What's going

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Stylistic Changes Throughout

pp. 3, 7

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

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From: Justice O'Connor

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Jun 3 '85

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-438

**SUPERINTENDENT, MASSACHUSETTS CORREC-  
TIONAL INSTITUTION, WALPOLE, PETITIONER  
v. GERALD HILL AND JOSEPH CRAWFORD**

**ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT  
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To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
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Justice Powell  
Justice Rehnquist  
Justice Stevens



From: **Justice O'Connor**

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3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-438

**SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION, WALPOLE, PETITIONER  
v. GERALD HILL AND JOSEPH CRAWFORD**

**ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS**

[June —, 1985]

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