

The Burger Court Opinion Writing Database

New York v. Class

475 U.S. 106 (1986)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



2

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

CHAMBERS OF
THE CHIEF JUSTICE

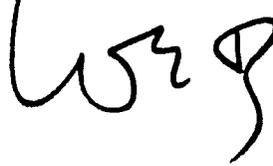
January 7, 1986

Re: No. 84-1181 - New York v. Class

Dear Lewis & Sandra:

I join the proposed opinion for the Court and
Lewis' concurring opinion.

Regards,



Justice Powell
Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

November 15, 1985

No. 84-1181

New York v. Class

Dear Byron, Thurgood and John,

We four are in dissent in the
above. I will be glad to do the
dissent.

Sincerely,



Justice White
Justice Marshall
Justice Stevens

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

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

December 19, 1985

No. 84-1181

New York v. Class

Dear Sandra,

I shall be circulating a dissent in
the above in due course.

Sincerely,



Justice O'Connor

Copies to the Conference

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82 1118 6711

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

From: Justice Brennan
JAN 28 1986

Circulated: _____

Recirculated: _____

W.B.
T.B.

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[January —, 1986]

JUSTICE BRENNAN, dissenting.

I agree that the decision of the New York Court of Appeals does not rest on an adequate and independent state ground, see *Michigan v. Long*, 463 U. S. 1032, 1043 (1983), and therefore join Part II of the Court's opinion. I also agree that the police conducted a *search* of respondent's vehicle to inspect the Vehicle Identification Number (VIN). *Ante*, at 8. However, I disagree that this *search* was constitutionally permissible, and to that extent respectfully dissent.

I

The facts bear repetition. Officers Meyer and McNamee pulled respondent over after observing him commit minor traffic violations. Respondent emerged from his car, closed the door, and joined Officer Meyer at the rear of the vehicle. Respondent gave Officer Meyer his car registration certificate and proof of insurance, but did not have a driver's license. Meanwhile, without first examining the documents, and unaware that respondent had no driver's license, Officer McNamee opened the door of the car to look for the VIN on the door jamb and, not finding it there, reached inside to remove papers obstructing his view of the VIN on the dashboard. While doing so, McNamee saw a gun handle protruding from underneath the driver's seat. Respondent was arrested, and eventually convicted, for criminal possession of

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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 24 1986**

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
NEW YORK

[February 25, 1986]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL and
JUSTICE STEVENS join, dissenting.

I agree that the decision of the New York Court of Appeals
does not rest on an adequate and independent state ground,
see *Michigan v. Long*, 463 U. S. 1032, 1043 (1983), and there-
fore join Part II of the Court's opinion. I also agree that the
police conducted a *search* of respondent's vehicle to inspect
the Vehicle Identification Number (VIN). *Ante*, at 8.
However, I disagree that this *search* was constitutionally
permissible, and to that extent respectfully dissent.

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pulled respondent over after observing him commit minor
traffic violations. Respondent emerged from his car, closed
the door, and joined Officer Meyer at the rear of the vehicle.
Respondent gave Officer Meyer his car registration certifi-
cate and proof of insurance, but did not have a driver's li-
cense. Meanwhile, without first examining the documents,
and unaware that respondent had no driver's license, Officer
McNamee opened the door of the car to look for the VIN on
the door jamb and, not finding it there, reached inside to re-
move papers obstructing his view of the VIN on the dash-
board. While doing so, McNamee saw a gun handle protrud-
ing from underneath the driver's seat. Respondent was
arrested, and eventually convicted, for criminal possession

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 19, 1985

84-1181 - New York v. Class

Dear Sandra,

I await the dissent.

Sincerely yours,



Justice O'Connor

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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

Circulated: February 3, 1986

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[February —, 1986]

JUSTICE WHITE, dissenting.

The police officer involved in this case entered the interior of respondent's automobile, an area protected by the Fourth Amendment against unreasonable searches and seizures. A car may be searched without a warrant if there is probable cause to do so, but no one suggests that this precondition for a search existed here. The entry was solely to remove an obstruction that prevented the VIN from being seen from outside the car. The issue is whether the governmental interest in obtaining the VIN by entering a protected area is sufficient to outweigh the owner's privacy interest in the interior of the car. I am unprepared, at least for the reasons the Court gives, to conclude that it is.

Had Class remained in his car and refused an officer's order (1) to turn over his registration certificate and (2) to remove the article obscuring the VIN, there would have been no more justification for entering the interior of the car and doing what was necessary to read the VIN than there would have been to enter and search for the registration certificate in the glove compartment. It may be that under our cases, Class could have been sanctioned for his refusal in such a case, but we have never held that his refusal would permit a search of the glove compartment. Even if it did, it would be different if there was no refusal at all, but just an entry to find a registration certificate. If that is the case, this one is no different in kind: there was no refusal and nothing but a

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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**

Circulated: _____

Recirculated: FEB 19 1986

p. 1
2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER v. BENIGNO CLASS

**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
NEW YORK**

[February —, 1986]

JUSTICE WHITE, with whom JUSTICE STEVENS joins,
dissenting.

The police officer involved in this case entered the interior of respondent's automobile, an area protected by the Fourth Amendment against unreasonable searches and seizures. A car may be searched without a warrant if there is probable cause to do so, but no one suggests that this precondition for a search existed here. The entry was solely to remove an obstruction that prevented the VIN from being seen from outside the car. The issue is whether the governmental interest in obtaining the VIN by entering a protected area is sufficient to outweigh the owner's privacy interest in the interior of the car. I am unprepared, at least for the reasons the Court gives, to conclude that it is.

Had Class remained in his car and refused an officer's order (1) to turn over his registration certificate and (2) to remove the article obscuring the VIN, there would have been no more justification for entering the interior of the car and doing what was necessary to read the VIN than there would have been to enter and search for the registration certificate in the glove compartment. It may be that under our cases, Class could have been sanctioned for his refusal in such a case, but we have never held that his refusal would permit a search of the glove compartment. Even if it did, it would be different if there was no refusal at all, but just an entry to find a registration certificate. If that is the case, this one is

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 19, 1985

Re: No. 84-1181-New York v. Benigno Class

Dear Sandra:

I await the dissent.

Sincerely,



T.M.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 29, 1986

Re: No. 84-1181-New York v. Benigno Class

Dear Bill:

Please join me in your dissent.

Sincerely,

J.M.

T.M.

Justice Brennan

cc: The Conference

NOT RECORDED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

December 17, 1985

Re: No. 84-1181, New York v. Class

Dear Sandra:

I have reviewed your proposed opinion in this case with great interest. This is a tightrope walk, but it seems to me that you have presented the case in its best light and as strongly as could be done. It should command a Court, with probably four in dissent.

The theorist might say that the opinion is in some tension with Katz and Katz's rejection of the trespass theory of the Fourth Amendment. For me, however, the urgency of regulation of motor vehicles tips the balance as you have done.

I have no suggestion other than that your clerk perhaps should insert the proper N.E.2d citations after those of N.Y.2d.

My vote at conference was tentatively to reverse. After reading your opinion, I am still inclined in that direction. I hope you will not mind if, when your opinion is circulated, I write to say that I shall hold my final vote until I see the dissent.

In summary and to repeat: I think you should circulate the opinion in its present form and see what happens. My guess is that you will get a Court, if only a bare one. This is a valiant effort, and I commend you for it.

Sincerely,

HAB

Justice O'Connor

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 20, 1985

Re: No. 84-1181, New York v. Class

Dear Sandra:

I am fairly certain I shall be with you in this case, but, for now, I shall wait to see what the dissent has to say.

Sincerely,



Justice O'Connor

cc: The Conference



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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 4, 1986

Re: No. 84-1181, New York v. Class

Dear Sandra:

Please join me.

Sincerely,

Justice O'Connor

cc: The Conference

01/02

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

From: **Justice Powell**

Circulated: JAN 6 1986

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[January —, 1986]

JUSTICE POWELL, concurring.

I join the Court's opinion but write to emphasize that, because of the unique and important governmental interests served by inspection of the Vehicle Identification Number (VIN), an officer making a lawful stop of a vehicle has the right and duty to inspect the VIN. Where the VIN is not visible from outside the vehicle or voluntarily disclosed by the driver, the officer may enter the vehicle to the extent necessary to read the VIN.

As the Court explains, the VIN essentially is a serial number that, by identifying certain features of the vehicle to which it is affixed, provides an effective and reliable means for positive identification of the vehicle. The VIN occupies a central position in the elaborate federal and state regulation of automobiles, which frequently depends on such positive identification. Federal regulations now direct manufacturers to place the VIN in a location where it is in the plain view of an observer standing outside the vehicle. 49 CFR § 571.115 S4.6 (1984).

The Court has answered correctly the question presented in this case by applying conventional Fourth Amendment analysis. I believe, however, that an officer's efforts to observe the VIN need not be subjected to the same scrutiny that courts properly apply when police have intruded into a vehicle to arrest or to search for evidence of crime. When an officer lawfully has stopped a motor vehicle for a traffic in-

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 6, 1986

No. 84-1181
New York v. Class

Dear Sandra,

Please join me. I also am circulating a concurring opinion.

Sincerely,

J. F. P. /amc
Lewis

cc: The Conference

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82 JAN 20 1986

100-100-100

01/08

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

p. 1

From: Justice Powell

Circulated: _____

Recirculated: JAN 8 1986

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[January —, 1986]

JUSTICE POWELL, with whom THE CHIEF JUSTICE joins,
concurring.

I join the Court's opinion but write to emphasize that, because of the unique and important governmental interests served by inspection of the Vehicle Identification Number (VIN), an officer making a lawful stop of a vehicle has the right and duty to inspect the VIN. Where the VIN is not visible from outside the vehicle or voluntarily disclosed by the driver, the officer may enter the vehicle to the extent necessary to read the VIN.

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The Court has answered correctly the question presented in this case by applying conventional Fourth Amendment analysis. I believe, however, that an officer's efforts to observe the VIN need not be subjected to the same scrutiny that courts properly apply when police have intruded into a vehicle to arrest or to search for evidence of crime. When an

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 20, 1985

Re: No. 84-1181 New York v. Class

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

December 20, 1985

Re: 84-1181 - New York v. Class

Dear Sandra:

I shall await the dissent.

Respectfully,

John Paul Stevens / jps

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 31, 1986

Re: 84-1181 - New York v. Class

Dear Bill:

Please join me in your dissent.

Respectfully,



Justice Brennan

Copies to the Conference

82 11 31 11 45

4

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 4, 1986

Re: 84-1181 - New York v. Class

Dear Byron:

Please join me.

Respectfully,

John White

Justice White

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

December 13, 1985

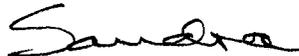
No. 84-1181 New York v. Class

Dear Harry,

I enclose a pre-publication draft of an opinion in the vehicle identification number case. It does not fit neatly into any of our prior holdings. It is probably too long. I am open to any suggested changes or approaches.

I thank you very much for your willingness to preview it.

Sincerely,



Justice Blackmun

Enclosure

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

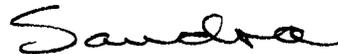
December 17, 1985

No. 84-1181 New York v. Class

Dear Harry,

Thank you very much for reviewing my draft in this case and for your letter. I will follow your advice and circulate generally, keeping my fingers crossed that I can obtain four other votes.

Sincerely,



Justice Blackmun

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

From: Justice O'Connor

Circulated: _____

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[December —, 1985]

JUSTICE O'CONNOR delivered the opinion of the Court.

In this case, we must decide whether, in order to observe a Vehicle Identification Number (VIN) generally visible from outside an automobile, a police officer may reach into the passenger compartment of a vehicle to move papers obscuring the VIN after its driver has been stopped for a traffic violation and has exited the car. We hold that, in these circumstances, the police officer's action does not violate the Fourth Amendment.

I

On the afternoon of May 11, 1981, New York City police officers Lawrence Meyer and William McNamee observed respondent Benigno Class driving above the speed limit in a car with a cracked windshield. Both driving with a cracked windshield and speeding are traffic violations under New York law. See N. Y. Vehicle & Traffic Law §§375(22), 1180(d) (McKinney 1970). Respondent followed the officers' ensuing directive to pull over. Respondent then emerged from his car and approached Officer Meyer. Officer McNamee went directly to respondent's vehicle. Respondent provided Officer Meyer with a registration certificate and proof of insurance, but stated that he had no driver's license.

Meanwhile, Officer McNamee opened the door of respondent's car to look for the Vehicle Inspection Number (VIN), which is located on the left door jamb in automobiles manufactured before 1969. When the officer did not find the VIN

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Stylistic Changes Throughout

P. 9

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

From: Justice O'Connor

Circulated: _____

Recirculated: JAN 30 1986

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[January —, 1986]

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Meanwhile, Officer McNamee opened the door of respondent's car to look for the Vehicle Inspection Number (VIN), which is located on the left door jamb in automobiles manufactured before 1969. When the officer did not find the VIN

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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

Circulated: _____

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1181

NEW YORK, PETITIONER *v.* BENIGNO CLASS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[February —, 1986]

JUSTICE O'CONNOR delivered the opinion of the Court.

In this case, we must decide whether, in order to observe a Vehicle Identification Number (VIN) generally visible from outside an automobile, a police officer may reach into the passenger compartment of a vehicle to move papers obscuring the VIN after its driver has been stopped for a traffic violation and has exited the car. We hold that, in these circumstances, the police officer's action does not violate the Fourth Amendment.

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Meanwhile, Officer McNamee opened the door of respondent's car to look for the VIN, which is located on the left door jamb in automobiles manufactured before 1969. When the officer did not find the VIN on the door jamb, he reached into