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Appendices: Three Justices' Notes on the Supreme Court Conferences On the Stop and Frisk Cases

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APPENDICES: THREE JUSTICES' NOTES OF THE SUPREME COURT
CONFERENCES ON THE STOP AND FRISK CASES

These appendices contain my transcriptions of the handwritten notes that Associate Justices William O. Douglas, William J. Brennan, Jr., and Abe Fortas created during the private conferences of the Supreme Court Justices that followed the oral arguments in the stop and frisk cases.⁵²⁶ The Justices discussed *Wainwright v. New Orleans* in conference on October 13, 1967. They discussed *Sibron v. New York*, *Peters v. New York*, and *Terry v. Ohio* in conference on December 13, 1967.⁵²⁷

The Douglas, Brennan, and Fortas conference notes are reproduced here in two formats. Appendix A contains the notes verbatim, and in a physical arrangement that mirrors the handwritten originals. Appendix B contains, for each case, the notes in parallel columns. To facilitate comparisons of each notetaker's entry regarding any aspect of the conference discussion, the entries in each column have been spaced to make equivalent notes (or the absence of an equivalent note) align horizontally.

⁵²⁶ These Douglas and Brennan conference notes are in the Library of Congress, Manuscript Division. The Fortas conference notes are in the Yale University Library, Manuscripts and Archives.

Justices Douglas and Fortas took notes during the conference consideration of each stop and frisk case. Justice Brennan took notes during the *Sibron* and *Terry* conference discussions, but apparently not during the conference discussions regarding *Wainwright* or *Peters*.

⁵²⁷ The Justices also discussed *Wainwright* again on December 13, but the discussion apparently was so brief that no one created a substantive note of it. *See supra* text accompanying notes 188-90.