

# The Burger Court Opinion Writing Database

## *Norton v. Discipline Committee of East Tennessee State University*

399 U.S. 906 (1970)

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



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EDW  
TTC

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

June 19, 1970

Memorandum to Mr. Justice Marshall:

Justice Douglas asked me to let  
your office know that he joins your  
dissent in No. 1011 -- Norton v.  
Discipline Committee.

*Fa*  
Fay Aull  
Secretary

Tom, we should call the  
printer on this.

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

*Wick*

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

June 18, 1970

RE: No. 1011 - Norton v. Discipline Committee  
of East Tennessee State University

Dear Thurgood:

Please join me in your dissenting opinion  
in the above.

Sincerely,

*WJB*  
W. J. B. Jr.

Mr. Justice Marshall

cc: The Conference

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ree  
GOW

**SUPREME COURT OF THE UNITED STATES**

October Term, 1969

**NORTON ET AL. v. THE DISCIPLINE COMMITTEE  
OF EAST TENNESSEE STATE  
UNIVERSITY ET AL.**

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

No. 1011. Decided June —, 1970

MR. JUSTICE MARSHALL, dissenting.

Petitioners were suspended as students at East Tennessee State University for distributing leaflets critical of the university administration. They brought an action in federal district court under 28 U. S. C. § 1983 seeking reinstatement and expungement of the records of their suspension, claiming that their rights to freedom of speech and procedural due process had been violated. The District Court denied the requested relief after holding a full evidentiary hearing, and the Court of Appeals affirmed, Judge Celebrezze dissenting. 419 F. 2d 195 (C. A. 6th Cir. 1969). I would grant certiorari and reverse the judgment below, substantially for the reasons given by Judge Celebrezze, adding only these remarks.

The pamphlets involved in this case were published and distributed by students angered by what they regarded as the backward policies of the university administration and the apathy of their fellow students toward these policies. They criticize, often in a crude and sarcastic tone, the positions of the administration on such matters as dress, social regulations, ROTC, campus police behavior, and censorship of the college newspaper. They go on to draw unfavorable comparisons between the response of students at East Tennessee and the response of other students in Czechoslovakia, France, and elsewhere in this country, and call upon students to "stand

*James  
WW*

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To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Blackmun

From: Marshall, J.

**SUPREME COURT OF THE UNITED STATES**

Recirculated: \_\_\_\_\_

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*Please  
for me  
WV*

*omission*

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