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
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.

Fay Aull
Secretary
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,

W. J. B. Jr.

Mr. Justice Marshall

cc: The Conference
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
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