

# The Burger Court Opinion Writing Database

## *Johnson v. Mississippi*

403 U.S. 212 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



56  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

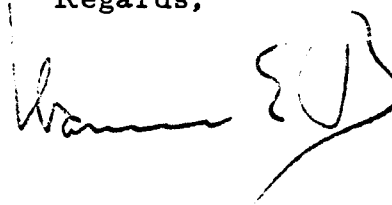
June 1, 1971

No. 5485 - Johnson v. State of Mississippi

Dear Bill:

Please join me.

Regards,

A handwritten signature in dark ink, appearing to be "Warren E. Burger", with a large, stylized flourish at the end.

Mr. Justice Douglas

cc: The Conference

32  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HUGO L. BLACK

May 27, 1971

Dear Bill,

Re: No. 5435 - Johnson v. State of Mississippi

I agree to your per curiam in this case.

Sincerely,



H. L. B.

Mr. Justice Douglas

cc: Members of the conference

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

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

From: Douglas, J.

No. 5485.—OCTOBER TERM, 1970

Circulated: 5/27/21

Robert Johnson, Petitioner, | On Writ of Certiorari to  
v. | the Supreme Court of  
State of Mississippi. | Mississippi.

[June —, 1971]

PER CURIAM.

Petitioner, a defendant in a criminal proceeding in the Circuit Court of Grenada County, Mississippi, was summarily convicted of criminal contempt by Judge Marshall Perry of that court. The alleged contempt occurred on January 23, 1967.

It occurred when Judge Perry directed the bailiffs to keep all people entering the courtroom from walking between the space reserved for jurors and county officers and the judge, while jurors were being called. A deputy attempted to route petitioner around the area in question whereupon, according to the order adjudging petitioner in contempt, he said:

"What the Hell do you mean go around.

"Said Johnson, defendant, then continued to stand and look around over the room, disrupting the court proceedings."

Judge Perry, however, did not take instant action, except to have petitioner removed from the courtroom. The next day, January 24, he ordered that process issue against petitioner directing him to appear February 1, 1967, an action he later rescinded. On January 27, 1967 petitioner, an active civil rights worker, asked through his attorney that Judge Perry recuse himself, asserting:

"a. That Judge Perry is personally prejudiced against the defendant and against the civil rights organizations he represents.

MD  
changes throughout

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

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5485.—OCTOBER TERM, 1970

Robert Johnson, Petitioner, } On Writ of Certiorari to  
v. } the Supreme Court of  
State of Mississippi. } Mississippi.

5/27/71

[June —, 1971]

PER CURIAM.

Petitioner, a defendant in a criminal proceeding in the Circuit Court of Grenada County, Mississippi, was summarily convicted of criminal contempt by Judge Marshall Perry of that court.

The alleged contempt occurred on January 23, 1967. It occurred when Judge Perry directed the bailiffs and deputies to keep all people entering the courtroom from walking between the space reserved for jurors and county officers and the judge, while jurors were being called. A deputy attempted to route petitioner around the area in question whereupon, according to the orders adjudging petitioner in contempt, he said:

"What the Hell do you mean go around.

"Said Johnson, defendant, then continued to stand and look around over the room, disrupting the court proceedings."

Judge Perry, however, did not take instant action, except to have petitioner removed from the courtroom. The next day, January 24, he ordered that process issue against petitioner directing him to appear February 1, 1967, an action he later rescinded. On January 27, 1967 petitioner, an active civil rights worker, asked through his attorney that Judge Perry recuse himself, asserting:

"a. That Judge Perry is personally prejudiced against the defendant and against the civil rights organizations he represents.

GP

14

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

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

Per. Douglas, J.

No. 5485.—OCTOBER TERM, 1970 Circulated: \_\_\_\_\_

Robert Johnson, Petitioner, | On Writ of Certiorari to  
v. | the Supreme Court of  
State of Mississippi. | Mississippi.

5/29/71

[June —, 1971]

PER CURIAM.

Petitioner, a defendant in a criminal proceeding in the Circuit Court of Grenada County, Mississippi, was summarily convicted of criminal contempt by Judge Marshall Perry of that court.

The alleged contempt occurred on January 23, 1967. It occurred when Judge Perry directed the bailiffs and deputies to keep all people entering the courtroom from walking between the space reserved for jurors and county officers and the judge, while jurors were being called. A deputy attempted to route petitioner around the area in question whereupon, according to the orders adjudging petitioner in contempt, he said:

"What the Hell do you mean go around.

"Said Johnson, defendant, then continued to stand and look around over the room, disrupting the court proceedings."

Judge Perry, however, did not take instant action on the alleged contempt but only had petitioner removed from the courtroom. The next day, January 24, he ordered that process issue against petitioner directing him to appear February 1, 1967, an action he later rescinded. On January 27, 1967, petitioner, an active civil rights worker, asked through his attorney that Judge Perry recuse himself, asserting:

"a. That Judge Perry is personally prejudiced against the defendant and against the civil rights organizations he represents.

**SUPREME COURT OF THE UNITED STATES**

Robert Johnson, Petitioner, } On Writ of Certiorari to  
v. } the Supreme Court of  
State of Mississippi. } Mississippi.

PER CURIAM.

The alleged contempt occurred on January 23, 1967. It occurred after Judge Perry directed the bailiffs and deputies to keep all people entering the courtroom from walking between the space reserved for jurors and county officers and the judge, while jurors were being called. A deputy attempted to route petitioner around the area in question whereupon, according to the orders adjudging petitioner in contempt, he said:

"Said Johnson, defendant, then continued to stand and look around over the room, disrupting the court proceedings."

"a. That Judge Perry is personally prejudiced against the defendant and against the civil rights organizations he represents.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

June 1, 1971

Re: No. 5485 - Johnson v. Mississippi

Dear Bill:

I agree with your per curiam.

Sincerely,

J. M. H.

Mr. Justice Douglas

CC: The Conference



6P  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 27, 1971

RE: No. 5485 - Johnson v. Mississippi

Dear Bill:

I agree with the Per Curiam you have  
prepared in the above.

Sincerely,



W. J. B. Jr.

Mr. Justice Douglas

cc: The Conference

SP

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

CHAMBERS OF  
JUSTICE POTTER STEWART

May 27, 1971

No. 5485 - Johnson v. Mississippi

Dear Bill,

I am glad to join the Per Curiam  
opinion you have prepared in this case.

Sincerely yours,

P.S.  
/

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 2, 1971

Re: No. 5485 - Johnson v. Mississippi

Dear Bill:

Please join me in your per curiam.

Sincerely,

T.M.

Mr. Justice Douglas

cc: The Conference

May 20, 1971

Mr. J. O. Johnson - Johnson Y. Mississippi

Dear Bill

Please join me in your - of Curian.

Sincerely,

E.A.B.

W. Walter Taylor

cc The Committee