

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



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

CHAMBERS OF
THE CHIEF JUSTICE

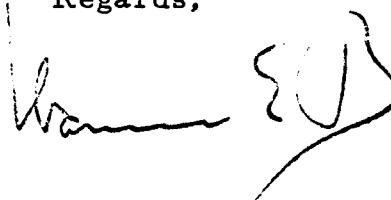
June 1, 1971

No. 5485 - Johnson v. State of Mississippi

Dear Bill:

Please join me.

Regards,



Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

May 27, 1971

Dear Bill,

Re: No. 5485 - 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

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G. M. *Green*

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: 5/17/71

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.

WB

MP
—
Chas. E. Thomas

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

Argued, June 27, 1971.

No. 5485.—OCTOBER TERM, 1970. Argued, June 27, 1971.

Robert Johnson, Petitioner, v. State of Mississippi. On Writ of Certiorari to the Supreme Court of Mississippi. 5/27/71

[June —, 1971]

PER CURIAM.

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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:

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GR

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3rd DRAFT

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

SUPREME COURT OF THE UNITED STATES

Mr. 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.

[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.

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

3/2/71
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No action taken
by you or your
agents
Please inform me

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 5485.—OCTOBER TERM, 1970

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

6/2/71

[June —, 1971]

PER CURIAM.

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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:

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

June 1, 1971

Re: No. 5485 - Johnson v. Mississippi

Dear Bill:

I agree with your per curiam.

Sincerely,

J. M. H.

cc: Justice Douglas

cc: The Conference

TP

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

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,

O. S.
P.

Mr. Justice Douglas

Copies to the Conference

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

MS. A. 1. 1. 5. 5 - Constance W. Livingston

Constance Livingston

Incendiary.

Constance

Constance Livingston

Constance Livingston

Constance