

# The Burger Court Opinion Writing Database

*Groppi v. Leslie*

404 U.S. 496 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



88 117  
*Black, Jr. M.*  
To: Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Powell  
Mr. Justice Clark

From: The Clerk of Justice  
REC'D 8/22/1971  
Circulated:

No. 70-112 -- Groppi v. Leslie

Recirculated:

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

We granted the writ to review the holding of the Court of Appeals, 7th Circuit, denying petitioner relief in habeas corpus proceedings after the District Court had granted relief.

On October 1, 1969, the Assembly of the Wisconsin legislature passed a resolution citing petitioner for contempt and directing his confinement in the Dane County Jail for a period of six months or for the duration of the 1969 Regular Session of the legislature, whichever was shorter. The resolution recited that petitioner had, two days previously, led a gathering of people which, by its presence on the floor of the Assembly during a regular meeting in violation of an Assembly Rule, "prevented the Assembly from conducting public business and performing its constitutional duty." The resolution contained a finding that petitioner's actions constituted "disorderly conduct in the immediate view of the House and directly

*3/11*  
Stylistic Changes

pp. 11, 12

To: Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Marshall  
Mr. Justice Stewart  
Mr. Justice White

*Present*

1st DRAFT

From: File: 1972

**SUPREME COURT OF THE UNITED STATES**

No. 70-112

Recirculated:

1972

James E. Groppi, Petitioner, } On Writ of Certiorari to  
v. } the United States Court  
Jack Leslie, Sheriff of } of Appeals for the Sev-  
Dane County. } enth Circuit.

[January —, 1972]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

We granted the writ to review the holding of the Court of Appeals, Seventh Circuit, denying petitioner relief in habeas corpus proceedings after the District Court had granted relief.

On October 1, 1969, the Assembly of the Wisconsin legislature passed a resolution citing petitioner for contempt and directing his confinement in the Dane County Jail for a period of six months or for the duration of the 1969 Regular Session of the legislature, whichever was shorter. The resolution recited that petitioner had, two days previously, led a gathering of people which, by its presence on the floor of the Assembly during a regular meeting in violation of an Assembly Rule, "prevented the Assembly from conducting public business and performing its constitutional duty." The resolution contained a finding that petitioner's actions constituted "disorderly conduct in the immediate view of the House and directly tending to interrupt its proceedings" which the Assembly was authorized to punish under the State Constitution and statutes.<sup>1</sup>

<sup>1</sup> The text of the October 1 resolution was as follows:

1969 Spec. Sess. ASSEMBLY RESOLUTION

Citing James E. Groppi for contempt of the Assembly and directing his commitment to the Dane county jail.

In that James E. Groppi led a gathering of people on September

(Justices Powell and Rehnquist  
not participating)

To: Mr. Justice Black  
Mr. Justice Black

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-112

Circulated:

James E. Groppi, Petitioner, v. Jack Leslie, Sheriff of Dane County. On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

Recirculated: JAN 12 1972

[January —, 1972]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

We granted the writ to review the holding of the Court of Appeals, Seventh Circuit, denying petitioner relief in habeas corpus proceedings after the District Court had granted relief.

On October 1, 1969, the Assembly of the Wisconsin legislature passed a resolution citing petitioner for contempt and directing his confinement in the Dane County Jail for a period of six months or for the duration of the 1969 Regular Session of the legislature, whichever was shorter. The resolution recited that petitioner had, two days previously, led a gathering of people which, by its presence on the floor of the Assembly during a regular meeting in violation of an Assembly Rule, "prevented the Assembly from conducting public business and performing its constitutional duty." The resolution contained a finding that petitioner's actions constituted "disorderly conduct in the immediate view of the House and directly tending to interrupt its proceedings" which the Assembly was authorized to punish under the State Constitution and statutes.<sup>1</sup>

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Citing James E. Groppi for contempt of the Assembly and directing his commitment to the Dane county jail.

In that James E. Groppi led a gathering of people on September

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

December 23, 1971

Dear Chief:

In No. 70-112 - Groppi v.  
Leslie, please join me in your opinion.

W. O. D.

The Chief Justice  
cc: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. December 27, 1971

RE: No. 70-112 - Groppi v. Leslie

Dear Chief:

I agree.

Sincerely,

*Wm. J. Brennan, Jr.*

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

December 28, 1971

70-112 -- Groppi v. Leslie

Dear Chief,

I am glad to join your opinion for the Court  
in this case.

Sincerely yours,

P.S.J.

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

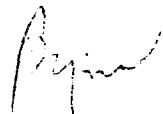
January 5, 1972

Re: No. 70-112 - Groppi v. Leslie

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 28, 1971

Re: No. 70-112 - Groppi v. Leslie

Dear Chief:

Please join me.

Sincerely,



T.M.

The Chief Justice

cc: The Conference

January 6, 1972

Re: No. 70-112 - Groppi v. Leslie

Dear Chief:

In view of the marginal corrections in your circulation of today, I assume that the opinion will be rerun through the Print Shop. On this assumption I venture to note the following inquiries:

1. On page 2, line 2, should the word "of" appear after "recitations"?
2. On page 8, in the 15th line of paragraph III, is the word "courtroom" correctly employed? Should it be "chamber" or something similar?

Sincerely,

HAB

The Chief Justice

*5*  
*2*  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 6, 1972

Re: No. 70-112 - Groppi v. Leslie

Dear Chief:

Please join me.

Sincerely,

*HAB*

The Chief Justice

cc: The Conference