

The Burger Court Opinion Writing Database

Police Department of Chicago v. Mosley
408 U.S. 92 (1972)

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



W

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 25, 1972

Dear Thurgood:

Please join me in your opinion in
No. 70-87 - Police Dept. v. Mosley.

W O D
W. O. D.

Mr. Justice Marshall

cc: Conference

3

MA

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 25, 1972

RE: No. 70-87 - Police Department of the
City of Chicago, et al. v. Mosley

Dear Thurgood:

I agree.

Sincerely,

Brennan

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 24, 1972

70-87, Police Dept. v. Mosley

Dear Thurgood,

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

Sincerely yours,

P.S.
[Signature]

Mr. Justice Marshall

Copies to the Conference

P.S. - As I told you, I have a couple of suggestions
that I have asked my law clerk, Richard
Parker, to communicate to your law clerk.

B
H

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 5, 1972

Re: No. 70-87 - Police Department
of the City of Chicago v.
Mosley

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

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To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

From: Marshall, J.

SUPREME COURT OF THE UNITED STATES

Circulated: MAY 24 1972

Recirculated: _____

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	} On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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[May —, 1972]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

At issue in this case is the constitutionality of the following Chicago ordinance:

"A person commits disorderly conduct when he knowingly:

"(i) Pickets or demonstrates on a public way within 150 feet of any primary or secondary school building while the school is in session and one-half hour before the school is in session and one-half hour after the school has been concluded, provided, however, that this subsection does not prohibit the peaceful picketing of any school involved in a labor dispute." Mun. Code, c. 193-1 (i).

The suit was brought by Earl Mosley, a federal postal employee, who for seven months prior to the enactment of the ordinance had frequently picketed Jones Commercial High School in Chicago. During school hours and usually by himself, Mosley would walk the public sidewalk adjoining the school, carrying a sign that read: "Jones High School practices black discrim-

8 4, 6, 8, 10

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	}	On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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P 3,4,6,7

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	}	On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	}	On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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PP

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	}	On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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[June 19, 1972]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

At issue in this case is the constitutionality of the following Chicago ordinance:

"A person commits disorderly conduct when he knowingly:

"(i) Pickets or demonstrates on a public way within 150 feet of any primary or secondary school building while the school is in session and one-half hour before the school is in session and one-half hour after the school has been concluded, provided, however, that this subsection does not prohibit the peaceful picketing of any school involved in a labor dispute." Mun. Code, c. 193-1 (i).

The suit was brought by Earl Mosley, a federal postal employee, who for seven months prior to the enactment of the ordinance had frequently picketed Jones Commercial High School in Chicago. During school hours and usually by himself, Mosley would walk the public sidewalk adjoining the school, carrying a sign that read: "Jones High School practices black discrim-

OK Mon.

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SUPREME COURT OF THE UNITED STATES

No. 70-87

Police Department of the City of Chicago et al., Petitioners, v. Earl D. Mosley.	}	On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.
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[June 10, 1972]

22

MR. JUSTICE MARSHALL delivered the opinion of the Court.

At issue in this case is the constitutionality of the following Chicago ordinance:

"A person commits disorderly conduct when he knowingly:

"(i) Pickets or demonstrates on a public way within 150 feet of any primary or secondary school building while the school is in session and one-half hour before the school is in session and one-half hour after the school has been concluded, provided, however, that this subsection does not prohibit the peaceful picketing of any school involved in a labor dispute." Mun. Code, c. 193-1 (i).

The suit was brought by Earl Mosley, a federal postal employee, who for seven months prior to the enactment of the ordinance had frequently picketed Jones Commercial High School in Chicago. During school hours and usually by himself, Mosley would walk the public sidewalk adjoining the school, carrying a sign that read: "Jones High School practices black discrim-

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 6, 1972

Re: No. 70-87 - Police Department of Chicago
v. Mosley

Dear Thurgood:

I have withheld my vote in this case because I wanted to see what was forthcoming in the companion case, No. 70-5106 - Grayned v. City of Rockford. I have assumed that you intend to bring both opinions down together. If this assumption is incorrect, please let me know.

Sincerely,

HAB.

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 13, 1972

Re: No. 70-87 - Police Department of Chicago
v. Mosley

Dear Thurgood:

Please join me with Bill Rehnquist as con-
curring in the result.

Sincerely,

H. A. B.
—

Mr. Justice Marshall

cc: The Conference

3 H/

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 25, 1972

Re: No. 70-87 Police Department of the City
of Chicago v. Mosley

Dear Thurgood:

Please join me in your opinion of the Court.

Sincerely,

Lewis

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

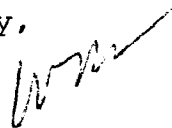
June 6, 1972

Re: No. 70-87 - Chicago v. Mosley

Dear Thurgood:

Your opinion has convinced me that even under my view of the equal protection clause, there is no basis for the labor union exception to this picketing ordinance. Since I can't join in some of the broader statements in your opinion, will you show me as concurring in the result.

Sincerely,



Mr. Justice Marshall

Copies to the Conference

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