

The Burger Court Opinion Writing Database

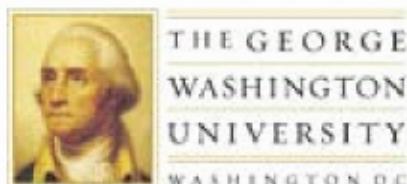
Huddleston v. United States

415 U.S. 814 (1974)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

March 21, 1974

Re: No. 72-1076 - Huddleston v. United States

Dear Harry:

Please join me.

Regards,

W.B.

Mr. Justice Blackmun

Copies to the Conference

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1076

Style: 3-12

Recirculated:

William C. Huddleston,
Petitioner, } On Writ of Certiorari to the
 v. } United States Court of Ap-
 United States. } peals for the Ninth Circuit

[March —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

This case presents a minor version of the problem confronting the Court in *Rosenberg v. United States*, 346 U. S. 277. That case involved an ambiguity in a criminal law, an ambiguity that normally would be resolved in favor of life. A split Court in a tense period of American history unhappily resolved the ambiguity against life—a break with history which the conscience of our people will sometime rectify.

The present case is a minor species of the same genus. A person who took his gun to a pawn shop for a loan undoubtedly had "acquired" the gun prior to that time. It is therefore odd to think of the "acquisition" occurring when he redeemed his own gun from the pawn shop. I agree with the Court of Appeals of the Fifth Circuit, *United States v. Laisure*, 460 F. 2d 709, that the ambiguity should be resolved in favor of the accused. That is what we have quite consistently done, except in *Rosenberg*, in the past. See *United States v. Bass*, 404 U. S. 336, 347-348, and cases cited.*

*Civil cases cited by the Court, e. g. *American Tobacco Co. v. Werickmeister*, 207 U. S. 284, 293, are wide of the mark. For application of a law that sends people to prison for years where Congress has not made it clear they should be there, *United States v. Bass*, *supra*, at 345, is only another device as lacking in due

Supreme Court of the United States
Washington, D. C. 20540

CHAMBERLAIN
JUSTICE WM. J. BLACKMUN, JR.

March 8, 1974

RE: No. 72-1076 Huddleston v. United States

Dear Harry:

I agree.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

March 8, 1974

Re: No. 72-1076, Huddleston v. United States

Dear Harry,

Although my tentative vote at the Conference was to reverse the judgment, the issue in this case has from the beginning seemed to me a very close one. I think you have written a most thorough and persuasive opinion, and I do not plan to write in dissent. Before coming finally to rest, however, I shall wait to see what any of the other tentative dissenters may write.

Sincerely yours,

P.S.
P.

Mr. Justice Blackmun

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20530

CHAMBERS OF
JUSTICE POTTER STEWART

March 18, 1974

No. 72-1076, Huddleston v. United States

Dear Harry,

Please join me in your opinion for
the Court.

Sincerely yours,

PS
P

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 8, 1974

Re: No. 72-1076 - Huddleston v. United States

Dear Harry:

Please join me in your opinion in this
case.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 19, 1974

Re: No. 72-1076 -- Huddleston v. United States

Dear Harry:

Please join me.

Sincerely,



T. M.

Mr. Justice Blackmun

cc: The Conference

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

1st DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

No. 72-1076

Submitted: 3/7/74

Recirculated: _____

William C. Huddleston,
Petitioner, } On Writ of Certiorari to the
v, } United States Court of Ap-
United States. } peals for the Ninth Circuit.

[March --, 1974]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents the issue whether 18 U. S. C. § 922 (a)(6),¹ declaring that it is unlawful knowingly to make a false statement "in connection with the acquisition . . . of any firearm . . . from a . . . licensed dealer," covers the redemption of a firearm from a pawnshop.

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On October 6, 1971, petitioner, William C. Huddleston, Jr., pawned his wife's Winchester 30-30-caliber rifle for \$25 at a pawnshop in Oxnard, California. On the following October 15 and on December 28, he pawned at the same shop two other firearms, a Russian 7.62-caliber rifle and a Remington .22-caliber rifle, belonging to his

¹ "§ 922. Unlawful acts

"(a) It shall be unlawful—

"(6) for any person in connection with the acquisition . . . of any firearm . . . from a . . . licensed dealer . . . knowingly to make any false or fictitious oral or written statement . . . intended or likely to deceive such . . . dealer . . . with respect to any fact material to the lawfulness of the sale or other disposition of such firearm . . . under the provisions of this chapter."

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 25, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 72-5866 - Beebe v. United States

This case was a hold for No. 72-1076, Huddleston v. United States.

The petitioner was convicted under a two count indictment relating to his completion and certification of the Treasury Forms required, first, upon his purchase of an automatic pistol in New Mexico, and, second, upon his later attempt to redeem the pistol after he had pawned it. On each occasion he gave a negative answer to the Form's question whether he had been convicted of a crime punishable by imprisonment for a term exceeding one year. In fact, he had pleaded guilty in California in 1966 to a state charge of possession of marijuana for which the possible incarceration exceeded one year. He was actually sentenced to 5 years.

On appeal the CA 10 upheld Beebe's conviction. The petitioner raises three issues here: One is as to failure of proof that the pistol was a firearm. A second relates to petitioner's understanding of the term "convicted" and his need for an appropriate jury instruction with respect to it. Neither of these, it seems to me, is certworthy.

The primary issue the petitioner raises is that involved in Huddleston. The case is far weaker than Huddleston because the first count dealt with the original purchase of the firearm, and the sentence on the pawnshop count is concurrent with the sentence on this count. In any event, Huddleston, it seems to me, clearly controls.

I therefore shall vote to deny certiorari.

H. A. B.

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 8, 1974

No. 72-1076 Huddleston v. United States

Dear Harry:

I am about where Potter is, as stated in his memo of this date. You have written a strong opinion.

But I still lean towards dissenting. Recording my views in this case, however, has a relatively low priority compared to other issues which I am addressing. I will, therefore, await other circulations, if any.

Sincerely,



Mr. Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20530

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 18, 1974

No. 72-1076 Huddleston v. U.S.

Dear Harry:

Although I voted the other way at Conference, upon a more mature consideration and in light of your excellent opinion, I am persuaded to join you.

Sincerely,

Mr. Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20530

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 18, 1974

Re: No. 72-1076 - Huddleston v. United States

Dear Harry:

Please join me in your opinion for the Court.

Sincerely,

SW

Mr. Justice Blackmun

Copies to the Conference