

The Burger Court Opinion Writing Database

United States v. Mazurie

419 U.S. 544 (1975)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

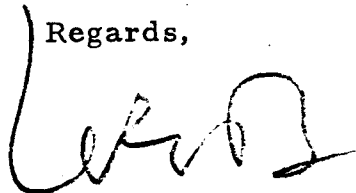
January 13, 1975

Re: 73-1018 - U. S. v. Mazurie

Dear Bill:

Please join me in your circulation of today's date.

Regards,



Mr. Justice Rehnquist

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

December 21, 1974

Dear Bill:

In 73-1018, U.S. v. MAZURIE I
voted the other way though at the time
the case seemed marginal. I will however
acquiesce in your opinion. If there is
a dissent, I will of course take another
look.

W. O. Douglas
William O. Douglas

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 14, 1975

RE: No. 73-1018 United States v. Mazurie

Dear Bill:

Please join me.

Sincerely,

Bill

Mr. Justice Rehnquist

cc: The Conference

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U.S. SUPREME COURT ADVANCE

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

CHAMBERS OF
JUSTICE POTTER STEWART

December 20, 1974

73-1018 - U. S. v. Mazurie

Dear Bill,

I agree with your opinion for the
Court in this case.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

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SECRET

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 30, 1974

Re: No. 73-1018 - U. S. v. Mazurie

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

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U.S. SUPREME COURT RECORDS

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 14, 1975

Re: No. 73-1018 -- United States v. Martin Dewalt Mazurie

Dear Bill:

Please join me in your opinion in this case.

Sincerely,

T.M.
T.M.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 6, 1975

Re: No. 73-1018 - United States v. Mazurie

Dear Bill:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 27, 1974

No. 73-1018 United States v. Mazurie

Dear Bill:

Please join me.

Sincerely,

L. Powell

Mr. Justice Rehnquist

lfp/ss

cc: The Conference

✓
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2025 RELEASE UNDER E.O. 14176

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

2nd DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Circulated: 12-20-74

No. 73-1018

Recirculated:

United States, Petitioner,	}	On Writ of Certiorari to
v.		the United States Court
Martin Dewalt Mazurie et al.		of Appeals for the Tenth Circuit.

[December —, 1974]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

The respondents were convicted of introducing spirituous beverages into Indian country, in violation of 18 U. S. C. § 1154.¹ The Court of Appeals for the Tenth Circuit reversed. *United States v. Mazurie*, 487 F. 2d 14 (1973). We granted certiorari, 415 U. S. 947 (1974), in order to consider the Solicitor General's contentions that 18 U. S. C. § 1154 is not unconstitutionally vague, that Congress has the constitutional authority to control the sale of alcoholic beverages by non-Indians on fee-patented

¹ "18 U. S. C. § 1154 provides in pertinent part:

"(a) . . . whoever introduces or attempts to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall, for the first offense, be fined not more than \$500 or imprisoned not more than one year, or both; and, for each subsequent offense, be fined not more than \$2,000 or imprisoned not more than five years, or both.

"(c) The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto."

See pp 3, 4, 5

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

3rd DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Reconsidered: 12-24-74

No. 73-1018

United States, Petitioner,
v.
Martin Dewalt Mazurie et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Tenth
Circuit.

[December —, 1974]

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"(c) The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto."

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 10, 1975

Re: No. 73-1018 - United States v. Mazurie

Dear Chief:

I hope that in the new footnote 12 in this opinion I
have picked up the substance of your very sensible suggestions

Sincerely,

The Chief Justice

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zation of the Hoover Institution Archives.

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Stanford, California 94305-5000



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✓ —
See 13, 14
STYLISTIC CHANGES

4th DRAFT

W. H. R. 13, 14
P. 13, 14
SUPREME COURT OF THE UNITED STATES

No. 73-1018

United States, Petitioner, } On Writ of Certiorari to
v. } the United States Court
Martin Dewalt Mazurie et al. } of Appeals for the Tenth
Circuit.

[December —, 1974]

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

From: [illegible]

1/13/75

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