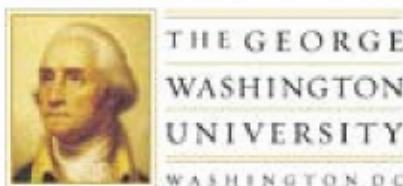


# The Burger Court Opinion Writing Database

*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

Copies to the Conference

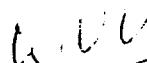
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Supreme Court of the United States  
Washington, D. C. 20543CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

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.

  
William O. Douglas

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF  
JUSTICE W. J. BRENNAN, JR.

January 14, 1975

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

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

Copies to the Conference

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

Copies to Conference

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

✓  
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

✓  
Supreme Court of the United States  
Washington, D. C. 20543CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 27, 1974

No. 73-1018 United States v. Mazurie

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

1fp/ss

cc: The Conference

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,  
*v.*  
Martin Dewalt Mazurie et al. } On Writ of Certiorari to  
the United States Court  
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.<sup>1</sup> 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

<sup>1</sup> "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

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]

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.<sup>1</sup> 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

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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."

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

THE HOOVER INSTITUTION  
ON WAR, REVOLUTION AND PEACE  
Sanford, California 94355-6000

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See 13, 14

## STYLISTIC CHANGES

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

4th DRAFT

**SUPREME COURT OF THE UNITED STATES**

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 1, 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.<sup>1</sup> 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

<sup>1</sup> "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."