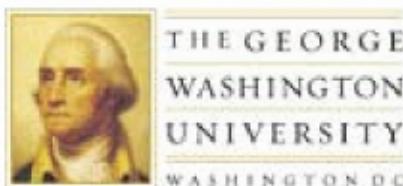


# The Burger Court Opinion Writing Database

*Kugler v. Helfant*

421 U.S. 117 (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

April 22, 1975

Re: (74-80 - Kugler v. Helfant  
(74-277 - Helfant v. Kugler

Dear Potter:

I join your opinion in the above and I have given it priority on my "stack" because it seems to me that this is the kind of case in which the swiftness of the justice will have a salutary effect, especially with your opinion being succinct and pointed.

Regards,

*CRB*

Mr. Justice Stewart

Copies to the Conference

*J.P. Stewart, Jr.*  
*Rehnquist, etc.*

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

From: Stewart, J.

Circulated: APR 17 1975

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 74-80 AND 74-277

George F. Kugler, Jr., Etc.,  
et al., Petitioners,  
74-80 *v.*

Edwin H. Helfant.

Edwind H. Helfant,  
Petitioner,

74-277 *v.*

George F. Kugler, Jr., Etc.,  
et al.

On Writs of Certiorari to the  
United States Court of  
Appeals for the Third  
Circuit.

[April —, 1975]

MR. JUSTICE STEWART delivered the opinion of the Court.

Edwin H. Helfant brought this action in a Federal District Court to enjoin the Attorney General of New Jersey and other New Jersey officials from proceeding with the prosecution of an indictment pending against him in that State.<sup>1</sup> His complaint alleged that he had been coerced into testifying before a state grand jury by the concerted action of a state deputy attorney general and members of the New Jersey Supreme Court, and that the indictment, charging him with obstruction of justice and false swearing, had grown out of that coerced testimony. His complaint further alleged that the significant role played by the members of the New

<sup>1</sup> The complaint relied upon 42 U. S. C. § 1983 in seeking injunctive relief against the state court proceedings. Federal jurisdiction was grounded on 28 U. S. C. § 1343 (3).

# STYLISTIC CHANGES THROUGHOUT.

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

From: Stewart, J.

Circulated: \_\_\_\_\_

Recirculated: APR 22 1975

## 2nd DRAFT

### SUPREME COURT OF THE UNITED STATES

Nos. 74-80 AND 74-277

George F. Kugler, Jr., Etc.,  
et al., Petitioners,

74-80      *v.*

Edwin H. Helfant.

Edwind H. Helfant,  
Petitioner,

74-277      *v.*

George F. Kugler, Jr., Etc.,  
et al.

On Writs of Certiorari to the  
United States Court of  
Appeals for the Third  
Circuit.

[April —, 1975]

MR. JUSTICE STEWART delivered the opinion of the  
Court.

Edwin H. Helfant brought this action in a federal district court to enjoin the Attorney General of New Jersey and other New Jersey officials from proceeding with the prosecution of an indictment pending against him in that State.<sup>1</sup> His complaint alleged that he had been coerced into testifying before a state grand jury by the concerted action of a state deputy attorney general and members of the New Jersey Supreme Court, and that the indictment, charging him with obstruction of justice and false swearing, had grown out of that coerced testimony. His complaint further alleged that the significant role played by the members of the New

<sup>1</sup> The complaint relied upon 42 U. S. C. § 1983 in seeking injunctive relief against the state court proceedings. Federal jurisdiction was grounded on 28 U. S. C. § 1343 (3).

STYLISTIC CHANGES THROUGHOUT.

P. 11

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

From: Stewart, J.

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Recirculated: APR 23 1975

3rd DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 74-80 AND 74-277

George F. Kugler, Jr., Etc., et al., Petitioners, 74-80 <i>v.</i> Edwin H. Helfant.	On Writs of Certiorari to the United States Court of Appeals for the Third Circuit.
Edwind H. Helfant, Petitioner, 74-277 <i>v.</i> George F. Kugler, Jr., Etc., et al.	

[April —, 1975]

MR. JUSTICE STEWART delivered the opinion of the Court.

Edwin H. Helfant brought this action in a federal district court to enjoin the Attorney General of New Jersey and other New Jersey officials from proceeding with the prosecution of an indictment pending against him in that State.<sup>1</sup> His complaint alleged that he had been coerced into testifying before a state grand jury by the concerted action of a state deputy attorney general and members of the New Jersey Supreme Court, and that the indictment, charging him with obstruction of justice and false swearing, had grown out of that coerced testimony. His complaint further alleged that the significant role played by the members of the New

<sup>1</sup> The complaint relied upon 42 U. S. C. § 1983 in seeking injunctive relief against the state court proceedings. Federal jurisdiction was grounded on 28 U. S. C. § 1333 (3).

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 18, 1975

Re: Nos. 74-80 & 74-277 - Kugler v. Helfant

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

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V

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## Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

April 21, 1975

Re: Nos. 74-80 and 74-277 -- George F. Kugler, Jr. v.  
Edwin H. Helfant; Edwin H. Helfant v. George F.  
Kugler, Jr.

Dear Potter:

Please join me.

Sincerely,

*T.M.*  
T. M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

April 18, 1975

Re: No. 74-80 - Kugler v. Helfant  
No. 74-277 - Helfant v. Kugler

Dear Potter:

Please join me.

Sincerely,

*Harry*

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

April 18, 1975

Nos. 74-80 and 74-277 Kugler v. Helfant

Dear Potter:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Stewart  
CC: The Conference  
LFP/gg

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

April 22, 1975

Re: Nos. 74-80 and 74-277 - Kugler v. Helfant

Dear Potter:

Please join me.

Sincerely,

W.M.

Mr. Justice Stewart

Copies to the Conference