

The Burger Court Opinion Writing Database

United States v. John
437 U.S. 634 (1978)

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

June 16, 1978

Re: 77-575 John v. Mississippi
77-836 United States v. John

Dear Harry:

I join.

Regards,

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
THE CHIEF JUSTICE

June 16, 1978

Re: 77-575 John v. Mississippi
77-836 United States v. John

Dear Harry:

I join.

Regards,

Mr. Justice Blackmun

Copies to the Conference

P.S. [Justice Blackmun only] Have you considered whether the usual "not inconsistent" bottom line would not be sufficient?

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

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

June 15, 1978

RE: No. 77-575 John v. Mississippi
No. 77-836 United States v. John

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

June 15, 1978

Nos. 77-575 & 77-836
John v. Mississippi

Dear Harry,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 15, 1978

Re: 77-575 - John v. Mississippi;
77-836 - United States v. John

Dear Harry,

I agree.

Sincerely yours,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 16, 1978

Re: Nos. 77-575 & 77-836 - John v. Mississippi

Dear Harry:

Please join me.

Sincerely,

JM
T.M.

Mr. Justice Blackmun

cc: The Conference

✓ TAB
PL 12/20/73
PL 12/20/73

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

From: Mr. Justice Blackmun

Circulated: JUN 14 1973

Recirculated: _____

No. 77-575 - John v. Mississippi
No. 77-836 - United States v. John

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

These cases present issues concerning state and federal

jurisdiction over certain crimes committed on lands within the area

designated as a reservation for the Choctaw Indians residing in

central Mississippi. More precisely, the questions presented are

whether the lands are "Indian country," as that phrase is defined in

18 U.S.C. § 1151 (1976 ed.) and as it was used in the Major Crimes

Act of 1885, being § 9 of the Act of March 3, 1885, 23 Stat. 385,

later codified as 18 U.S.C. § 1153 (1970 ed.), and, if so, whether

federal statutes operate to preclude the exercise of state criminal

jurisdiction over the offenses.

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

From: Mr. Justice Blackmun

Circulated:

Recirculated: JUN 19 1978

1st PRINTED DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 77-575 AND 77-836

Smith John and Harry Smith
John, Appellants,
77-575 v.
State of Mississippi. | On Appeal from the Supreme
Court of Mississippi.

United States. Petitioner, 77-836 *v.* Smith John and Harry Smith John. } On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[June —, 1978]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

These cases present issues concerning state and federal jurisdiction over certain crimes committed on lands within the area designated as a reservation for the Choctaw Indians residing in central Mississippi. More precisely, the questions presented are whether the lands are "Indian country," as that phrase is defined in 18 U. S. C. § 1151 (1976 ed.) and as it was used in the Major Crimes Act of 1885, being § 9 of the Act of March 3, 1885, 23 Stat. 385, later codified as 18 U. S. C. § 1153 (1970 ed.), and, if so, whether these federal statutes operate to preclude the exercise of state criminal jurisdiction over the offenses.

11

In October 1975, in the Southern District of Mississippi, Smith John ¹ was indicted by a federal grand jury for assault

¹ Smith John's son, Harry Smith John, also was charged jointly with his father in the federal indictment. The United States and counsel for the Johns have advised the Court of Harry Smith John's death on February 18,

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 15, 1978

No. 77-~~595~~ John v. Mississippi
No. 77-836 United States v. John

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

lfp/ss

cc: The Conference

✓

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 16, 1978

575
Re: Nos. 77-~~257~~ John v. Mississippi; and United States
v. John

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 15, 1978

Re: 77-575 - John v. Mississippi
77-836 - United States v. John

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

Copies to the Conference