

The Burger Court Opinion Writing Database

Helstoski v. Meanor

442 U.S. 500 (1979)

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

May 25, 1979

MEMORANDUM TO THE CONFERENCE:

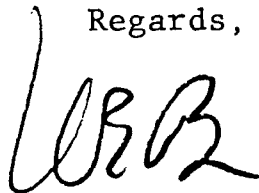
Re: 78-546 Helstoski v. Meanor
78-349 United States v. Helstoski
78-680 Hutchinson v. Proxmire

Enclosed is first print draft in Helstoski v. Meanor and a Wang draft of United States v. Helstoski. They arise out of the same indictment but present quite different questions.

The Proxmire opinion is due any hour, and I will send it along very soon.

The common denominator of the Speech or Debate Clause suggests you would very likely prefer to consider all three together.

Regards,



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

From: The Chief Justice

Circulated: MAY 25 1979

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-546

Henry Helstoski, Petitioner,	} On Writ of Certiorari to
v.	
H. Curtis Meanor, United States	
District Judge, et al.	the United States Court of Appeals for the Third Circuit.

[June —, 1979]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question in this case is whether mandamus is an appropriate means of challenging the validity of an indictment of a Member of Congress on the ground that it violates the Speech or Debate Clause of the Constitution.¹ The Court of Appeals declined to issue the writ. We affirm.

I

Petitioner Helstoski served in the United States Congress from 1965 through 1976 as a Representative from New Jersey. In 1974 the Department of Justice began investigating reported political corruption, including allegations that aliens had paid money for the introduction and processing of private bills which would suspend the application of the immigration laws so as to allow them to remain in this country.

¹ The Speech or Debate Clause provides that "for any Speech or Debate in either House, they [the Senators and Representatives] shall not be questioned in any other Place." Art. I, § 6.

This case was argued in tandem with No. 78-349, *United States v. Helstoski*, which concerns the restrictions the Speech or Debate Clause places on the admissibility of evidence at a trial on charges that a former Member of the House accepted money in return for promising to introduce and introducing private bills.

18: Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: The Chief Justice

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Recirculated: JUN 5 1979

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-546

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 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-546

From: Mr. Justice Brennan

Circulated: 31 MAY 1979

Henry Helstoski, Petitioner

v.

H. Curtis Meanor, United States
 District Judge, et al.

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

[June __, 1979]

MR. JUSTICE BRENNAN, dissenting.

In today's decision, the Court professes to "agree that the guarantees of [the Speech and Debate] Clause are vitally important to our system of government and therefore are entitled to be treated by the courts with the sensitivity that such important values require." Ante, at 6. Nonetheless, it refuses to hold mandamus an appropriate vehicle for assuring the protections of the Clause because "Helstoski could readily

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Mr. Helstoski may well be excused if he views the Court's holding as if it were a line out of Joseph Heller's *Catch 22*. He cannot utilize mandamus because he should have sought a direct appeal. But he cannot seek a direct appeal, because that avenue is time-barred. *Ante*, at 8 n. 4. Of course, the dilemma could have been short-circuited had Helstoski brought an immediate appeal at the time his motion for dismissal of the indictment was denied. Unfortunately, he could not have known that avenue of relief was available until today—for we have never before held that the denial of a claim that an indictment violates the Speech or Debate Clause is an exception to the longstanding rule forbidding interlocutory

Punctuation changes

Mr. Justice Stewart

2nd DRAFT

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To: The Chief Justice
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Black
 Mr. Justice Brennan
 Mr. Justice Marshall
 Mr. Justice Burger

3rd DRAFT

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[June —, 1979]

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 29, 1979

Re: 78-546 - Helstoski v. Meanor

Dear Chief:

I am glad to join your opinion for the
Court.

Sincerely yours,

P.S.
/

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

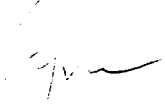
May 29, 1979

Re: 78-546 - Helstoski v. Meanor

Dear Chief,

Please join me.

Sincerely yours,



The Chief Justice

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cmc

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 5, 1979

Re: No. 78-546 - Helstoski v. Meanor

Dear Chief:

Please join me.

Sincerely,

T.M.

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 11, 1979

Re: No. 78-546 - Helstoski v. Meanor

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

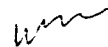
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Dear Chief:

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The Chief Justice

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Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 29, 1979

Re: 78-546 - Helstoski v. Meanor

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

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