

# The Burger Court Opinion Writing Database

## *Princeton University v. Schmid*

455 U.S. 100 (1982)

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



~~Check~~

~~On due course I will  
bring to court  
dismissed  
HM~~

From CJ?  
11/23

SUPREME COURT OF THE UNITED STATES

PRINCETON UNIVERSITY AND NEW JERSEY  
v. CHRIS SCHMID

ON APPEAL FROM THE SUPREME COURT OF  
NEW JERSEY

No. 80-1576. Argued November 10, 1981  
Decided

PER CURIAM.

The judgment is vacated and the case is remanded to the Supreme Court of New Jersey to consider whether the cause has become moot by reason of Princeton University revising its regulations governing solicitation (including commercial sales, fundraising, and distribution of literature) by off-campus individuals and organizations.

Justice Brennan took no part in the consideration or decision of this case.

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

CHAMBERS OF  
THE CHIEF JUSTICE

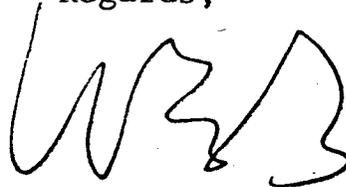
November 27, 1981

Re: No. 80-1576 - Princeton University v. Schmid

Dear Byron:

I suggest you undertake to draft a dispositive  
Per Curiam in this case.

Regards,

A handwritten signature in black ink, appearing to be 'WJW', written over the typed word 'Regards,'.

Justice White

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

November 4, 1981

RE: No. 80-1576 Princeton University v. Schmid

Dear Chief:

I am out of the above case to be argued on  
November 10.

Sincerely,

*Bill*

The Chief Justice

cc: The Conference  
The Clerk

*Brennan 81*

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

January 5, 1982

RE: No. 80-1576 Princeton University v. Schmid

Dear Byron:

Will you please note at the foot of the Per Curiam that I did not take part in the consideration or decision of the case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

Justice White

cc: The Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

November 24, 1981

80-1576 - PRINCETON UNIVERSITY AND NEW  
JERSEY v. CHRIS SCHMID

Dear Chief,

I would dismiss this case as moot.

Sincerely yours,



The Chief Justice

cc: To Conference

dag

To: The Chief Justice  
Justice Brennan  
Justice Marshall ✓  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice White

Circulated: 1/5/82

Recirculated: \_\_\_\_\_

No. 80-1576 -- Princeton University and State of New Jersey

v.

Chris Schmid

PER CURIAM.

I

Appellee Schmid was arrested and charged with criminal trespass while distributing political materials on the campus of Princeton University. Schmid was not a student at Princeton University. Under University regulations then in effect, members of the public who wished to distribute materials on the campus were required to receive permission from University officials. Appellee was tried in Princeton Borough Municipal Court and on October 20, 1978 the trial judge issued an opinion convicting appellee and fining him \$15 plus \$10 costs. A de novo trial in the New Jersey Superior Court, Law Division, also resulted in conviction and the same fine was imposed. While appeal was

To: The Chief Justice  
 Justice Brennan  
 ✓ Justice Marshall  
 Justice Blackmun  
 Justice Powell  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: Justice White

Circulated: 1/6/82

Recirculated: \_\_\_\_\_

1st PRINTED DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 80-1576

PRINCETON UNIVERSITY AND NEW JERSEY,  
 APPELLANTS *v.* CHRIS SCHMID

ON APPEAL FROM THE SUPREME COURT OF NEW JERSEY

[January —, 1982]

PER CURIAM

I

Appellee Schmid was arrested and charged with criminal trespass while distributing political materials on the campus of Princeton University. Schmid was not a student at Princeton University. Under University regulations then in effect, members of the public who wished to distribute materials on the campus were required to receive permission from University officials. Appellee was tried in Princeton Borough Municipal Court and on October 20, 1978 the trial judge issued an opinion convicting appellee and fining him \$15 plus \$10 costs. A *de novo* trial in the New Jersey Superior Court, Law Division, also resulted in conviction and the same fine was imposed. While appeal was pending to the Superior Court, Appellate Division, the case was certified for review by the New Jersey Supreme Court. That court invited the University to intervene and participate as a party, which it did.

The New Jersey Supreme Court reversed the judgment of conviction, holding that appellee's rights of speech and assembly under the New Jersey Constitution had been violated. 84 N. J. 535, 423 A. 2d 615 (1980). The University filed a notice of appeal and jurisdictional statement. Its claim is that the judgment below deprives it of its rights un-

To: The Chief Justice  
 Justice Brennan  
 ✓ Justice Marshall  
 Justice Blackmun  
 Justice Powell  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: Justice White

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

Recirculated: 1/7/82

p. 3 & stylistic changes

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 80-1576

PRINCETON UNIVERSITY AND NEW JERSEY,  
 APPELLANTS *v.* CHRIS SCHMID

ON APPEAL FROM THE SUPREME COURT OF NEW JERSEY

[January —, 1982]

PER CURIAM.

I

Appellee Schmid was arrested and charged with criminal trespass while distributing political materials on the campus of Princeton University. Schmid was not a student at Princeton University. Under University regulations then in effect, members of the public who wished to distribute materials on the campus were required to receive permission from University officials. Appellee was tried in Princeton Borough Municipal Court and on October 20, 1978 the trial judge issued an opinion convicting appellee and fining him \$15 plus \$10 costs. A *de novo* trial in the New Jersey Superior Court, Law Division, also resulted in conviction and the same fine was imposed. While appeal was pending to the Superior Court, Appellate Division, the case was certified for review by the New Jersey Supreme Court. That court invited the University to intervene and participate as a party, which it did.

The New Jersey Supreme Court reversed the judgment of conviction, holding that appellee's rights of speech and assembly under the New Jersey Constitution had been violated. 84 N. J. 535, 423 A. 2d 615 (1980). The University filed a notice of appeal and jurisdictional statement. Its claim is that the judgment below deprives it of its rights un

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

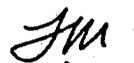
November 23, 1981

Re: No. 80-1576 - Princeton University and  
New Jersey v. Chris Schmid

Dear Chief:

In due course I will circulate a short dissent.

Sincerely,



T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 8, 1982

Re: No. 80-1576 - Princeton University and New  
Jersey v. Chris Schmid

Dear Byron:

I agree with your Per Curiam.

Sincerely,



T.M.

Justice White

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 23, 1981

Re: No. 80-1576 - Princeton University, et al. v. Schmid

Dear Chief:

I go along with the proposed per curiam.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

The Chief Justice  
cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 23, 1981

Re: No. 80-1576 - Princeton University, et al. v. Schmid

Dear Chief:

I go along with the proposed per curiam.

Sincerely,



The Chief Justice  
cc: The Conference

[note to The Chief Justice only]

Dear Chief:

I suppose, to be proper grammatically, "Princeton University" in the fourth line should be in the possessive.



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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 23, 1981

Re: No. 80-1576 - Princeton University, et al. v. Schmid

Dear Chief:

On further reflection, I find I must withdraw my concurrence in your proposed Per Curiam. I think a vacation of the judgment and a remand would not be proper. Inasmuch as Princeton University lacks standing, I would dismiss the appeal for want of jurisdiction.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 5, 1982

Re: No. 80-1576 - Princeton University et al. v. Schmid

Dear Byron:

Please join me in your Per Curiam.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath it.

Justice White

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

November 23, 1981

80-1576 Princeton University v. Schmid

Dear Chief:

At Conference my vote was to dismiss on standing grounds.

I believe, however, that it would be entirely appropriate - as John suggests - to dismiss the appeal on the grounds that it now has become moot.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

January 5, 1981

80-1576 Princeton University v. Schmid

Dear Byron:

I agree with your Per Curiam in the above case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lewis".

Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 24, 1981

Re: No. 80-1576 Princeton University v. Schmid

Dear Chief:

Because of the peculiar posture of this case, with an intervenor challenging the state's holding that a conviction for trespass was unconstitutional under the state constitution, I had felt that there was a substantial standing problem. Although I have no doubt that the ultimate result proposed in your Per Curiam -- that the case be vacated and remanded to the Supreme Court of New Jersey to consider whether the cost has become moot -- would be appropriate if the Supreme Court of New Jersey were a part of the federal system, we have held for a considerable period of time that a state court may render opinions in moot cases since it is not bound by Article III of the United States Constitution. See Doremus v. Board of Education, 342 U.S. 429 (1952). I therefore think that the Per Curiam should be revised to simply dismiss the appeal with a citation to Doremus, supra.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 5, 1982

Re: No. 80-1576 Princeton University and State of  
New Jersey v. Schmid

Dear Byron:

Please join me in your Per Curiam.

Sincerely,



Justice White

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 23, 1981

Re: 80-1576 - Princeton University and  
New Jersey v. Chris Schmid

Dear Chief:

Although I would prefer simply to dismiss the appeal on the ground that it has become moot, I will not dissent if a Court joins your proposed disposition.

Respectfully,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

January 5, 1982

Re: 80-1576 - Princeton University v. Schmid

Dear Byron:

Please join me. Since the case was argued, should it not be a signed opinion?

Respectfully,



Justice White

Copies to the Conference

✓

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

November 23, 1981

✓

80-1576 Princeton University and New Jersey  
v. Schmid  
80-1577 City of Mesquite v. Aladdin's Castle

Dear Chief,

I agree with your proposed Per Curiam in each  
of the referenced cases.

Sincerely,

*Sandra*

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

January 5, 1982

No. 80-1576 Princeton University & State of  
New Jersey v. Schmid

Dear Byron,

I agree with the proposed Per Curiam  
disposition of the referenced case.

Sincerely,



Justice White

Copies to the Conference