

The Burger Court Opinion Writing Database

Hewitt v. Helms

459 U.S. 460 (1983)

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



7AE
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

March 4, 1982

Re: No. 81-638 - Hewitt v. Helms

Dear Bill:

I would grant and reverse summarily, or deny.

I would consider a "join 3" if you enlist
another vote.

Regards,



Justice Rehnquist

Copies to the Conference

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

pp. 3, 6

From: Justice Rehnquist

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SUPREME COURT OF THE UNITED STATES

LOWELL D. HEWITT ET AL. v. AARON HELMS

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 81-638. Decided February —, 1982

JUSTICE REHNQUIST, dissenting.

Pennsylvania law permits prison authorities to transfer an inmate from the general prison population to a segregated area of close custody if the inmate allegedly has committed an act of serious misconduct, is under investigation for such an act, or poses a threat to the safety of himself or others. In this case, the United States Court of Appeals for the Third Circuit held that the Pennsylvania regulations governing such "administrative segregation" give rise to a liberty interest which may be infringed only in accordance with due process of law. Because this Court has never given plenary consideration to the question of what procedures must accompany transfers to administrative segregation, because that question is causing a divergence of views among the federal Courts of Appeals, and because the decision below will require substantial changes in the federal penal system, I would grant the petition for certiorari.

I

On December 3, 1978, several prison guards were injured during a general disturbance in the State Correctional Institute at Huntingdon, Pennsylvania. With the assistance of state and local police the disturbance was quelled and the prisoners in general population were confined to their cells. At approximately 10:00 P.M. that evening, respondent Helms was removed from his cell, interviewed by police, and placed in administrative segregation.

The following day Helms was given a misconduct report charging him with assaulting correctional officers and disrupting normal institutional routine. An institutional Hear-

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

March 1, 1982

No. 81-638 Hewitt v. Helms

Dear Bill,

Please join me in your dissent from denial of certiorari.

Sincerely,



Justice Rehnquist

Copies to the Conference