

The Burger Court Opinion Writing Database

United States v. Rodgers

466 U.S. 475 (1984)

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 23, 1984

83-620 - United States v. Larry W. Rodgers

Dear Bill:

I join.

Regards,

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

Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 19, 1984

No. 83-620

United States v. Rodgers

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 19, 1984

Re: 83-620 - United States v. Rodgers

Dear Bill,

Please join me.

Sincerely yours,



Justice Rehnquist

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cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 19, 1984

Re: No. 83-620 - United States v. Rodgers

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 19, 1984

Re: No. 83-620 - United States v. Rodgers

Dear Bill:

Please join me.

Sincerely,

Harry

Justice Rehnquist

cc: The Conference

April 19, 1984

83-620 United States v. Rodgers

Dear Bill:

I think your opinion in this case is fine, and expect to join it.

As you know, I have been assigned Yermian (83-346) that also involves §1001. You are in dissent in Yermian. For understandable reasons, I want to make sure that there is no language in Rodgers that will undercut either of us in writing in Yermian. The first sentence on page 4 gives me some concern because of the placement of the term "knowingly." The sentence states:

"Section 1001 expressly embraces false statements knowingly made 'in any matter within the jurisdiction of any department or agency of the United States'".

Because the knowledge requirement is not at issue in this case, but may be central to the decision in Yermian, I would appreciate your either eliminating the term "knowingly" in this sentence, or quoting the relevant language of the statute verbatim.

Although everything else in your opinion seems to be neutral so far as Yermian is concerned, I would like to be sure about this - as no doubt you would also.

Sincerely,

Justice Rehnquist

lfp/ss

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 20, 1984

83-620 United States v. Rodgers

Dear Bill:

Please join me.

Sincerely,

Lewis

Justice Rehnquist

lfp/ss

cc: The Conference

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

From: Justice Rehnquist

Circulated: APR 18 1984

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-620

UNITED STATES, PETITIONER *v.*
LARRY WAYNE RODGERS

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

[April —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Larry Rodgers was charged in a two-count indictment with making "false, fictitious or fraudulent statements" to the Federal Bureau of Investigation (FBI) and the United States Secret Service, in violation of 18 U. S. C. § 1001 (1982).¹ Rodgers allegedly lied in telling the FBI that his wife had been kidnapped and in telling the Secret Service that his wife was involved in a plot to kill the President. Rodgers moved to dismiss the indictment for failure to state an offense on the grounds that the investigation of kidnappings and the protection of the President are not matters "within the jurisdiction" of the respective agencies, as that phrase is used in § 1001. The District Court for the Western District of Missouri granted the motion, and the United States Court of Appeals for the Eighth Circuit affirmed. We now reverse. The statutory language clearly encompasses criminal investigations conducted by the FBI

¹ 18 U. S. C. § 1001 provides:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Pp 4+7

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

From: **Justice Rehnquist**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-620

UNITED STATES, PETITIONER *v.*
LARRY WAYNE RODGERS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
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[April —, 1984]

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 19, 1984

Re: 83-620 - United States v. Rodgers

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 19, 1984

No. 83-620. United States v. Rodgers

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

Copies to the Conference