




10-1977

## United States v. John

Lewis F. Powell Jr.

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Another Indian ~~case~~ problem.

These two cases present same  
quest: did the offense occur in  
"Indian Country" or in a "dependent  
Indian Community" - as defined in  
18 USC 1151. The answer dictates  
whether the state or fed. courts have  
jurisdiction.

In 77-575, Miss S/Ct held for state jurisdiction.

In 77-836 (a separate case) - CA5 reached  
same result. The SG challenges this  
holding.

There is a quest. of appellate jurisdiction  
in 77-575

PRELIMINARY MEMORANDUM

January 13, 1978 Conference  
List 1, Sheet 1

No. 77-575

Appeal from Miss. S. Ct. (Sugg,  
for the Court)

JOHN & JOHN

v.

MISSISSIPPI

State/Criminal

Timely

No. 77-836

Cert to CA 5 (Coleman, Godbold,  
Hill)

UNITED STATES

v.

JOHN & JOHN

Federal/Criminal

Timely (by extension)

1. SUMMARY: These two straight-lined cases present the  
same question: did the criminal offense committed by two Choctaw  
Indians take place in "Indian country" or in a "dependent Indian

Looks like a grant — this will be known as the Term  
of the Indians!  
Nanny

community", as those terms are defined in 18 U.S.C. § 1151? The answer to that question dictates whether the Indians were properly subject to federal or state jurisdiction for their offense. In separate decisions, the Miss. S. Ct. and CA 5 reached the same conclusion -- that the state had jurisdiction -- and the SG and the Indians seek review here.

2. FACTS: Smith John and Harry Smith John, father and son, are Choctaw Indians who live in what used to be Choctaw territory in Mississippi. They are appellants in No. 77-575 and resps in No. 77-836. They were charged with the offense of assault with intent to kill in both federal and state court. They were convicted in both (but only of the lesser included offense of assault in federal court), and were sentenced to 90 days in jail and a \$300 fine in federal court, and to two years in jail in state court. They have served their federal sentence, but not their state sentence. (The CA held that the fact that they had served the federal sentence did not moot the case, under Sibron v. New York, 392 U.S. 40.)

Whether the federal or state authorities had jurisdiction over this offense depends on the application of 18 U.S.C. §§ 1151, 1153. The latter section is the Major Crimes Act, which makes criminal certain conduct "within the Indian country", including assault with intent to kill. Section 1151 defines "Indian country" as follows:

. . . (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the



issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state. . . ."

In opposing the assertion of state jurisdiction, the Johns claimed that they came under § 1151; the United States made the same argument in support of federal jurisdiction in federal court. The Miss. S. Ct. rejected the argument, primarily <sup>on</sup> the ground that the Choctaw Indian reservation in Mississippi had been extinguished by the Treaty of Dancing Rabbit Creek in 1830, and subsequent federal statutes did not change this situation. CA 5 reached the same conclusion, despite the fact that the Johns and the United States both argued in support of federal jurisdiction.

The relevant treaty, statutes, and other federal action relevant to this problem are as follows:

(1) 1830--Treaty of Dancing Rabbit Creek. Choctaws cede land in Mississippi to the federal government; many of them move to Oklahoma; others remain in Miss., as state citizens and on individual parcels of land.

(2) 1918--federal government begins to give financial and other relief to individual Choctaws in Mississippi, and to buy land for them.

(3) 1934--Congress enacts Indian Reorganization Act (IRA), 25 U.S.C. §§ 461-479, which authorized the Secretary of the Interior (Secretary) to acquire lands "within or without

existing reservations . . . for the purpose of providing lands for Indians", id. § 465, and to "proclaim new Indian reservations on lands acquired pursuant to . . . this Act." Id § 467. The United States began to buy land for the Mississippi Choctaws under these provisions.

(4) 1939--Act of June 21, 1939 gave ownership of the lands mentioned in (2) to the U. S. in trust for the Mississippi Choctaws. The purpose of this action was to place the lands already purchased in the same status as land purchased pursuant to the IRA, so that the Choctaws could organize a tribal government under 25 U.S.C. § 476.

(5) 1944--Pursuant to the 1939 Act and 25 U.S.C. § 467, the Secretary declared that the lands purchased for the Mississippi Choctaws "are hereby declared to be an Indian reservation for the benefit of those members of the Mississippi Band of Choctaw Indians of one-half or more Indian blood." In 1945 the Secretary ratified the Constitution and Bylaws of the Mississippi Choctaws.

The rationale of each of the courts below, in denying that the Mississippi Choctaw lands constitute "Indian country", is based on interpretation of all the above actions. Essentially, the courts held that all the subsequent congressional activity could not negate the fact that the Mississippi Choctaws ceased being a tribe, and their land ceased being a reservation, when the 1830 Treaty was signed. Subsequent congressional action could not override that treaty, and in any



event the IRA does not apply to these Indians because they were not a tribe when the IRA was passed (in 1934); Congress did not intend to include "emancipated" Indians (i.e., those who no longer were wards of the federal government but rather were state citizens) under the IRA; and the subsequent actions in 1939 and 1944 could not change this. Finally, in buying up land and giving other relief to the Mississippi Choctaws, Congress did not intend to reconstitute them a tribe and their land a reservation. CA 5 expressly disclaimed reaching the question whether Congress could reconstitute a tribe, because it concluded that Congress did not intend to do so. It noted that a section of the IRA recognized that the Choctaw Indian Tribe is located in Oklahoma. The CA concluded that the 1830 Treaty was not "amended, modified or abrogated by the . . . Acts of Congress" referred to above between 1918 and 1939.

Each of the courts below relied on an earlier precedent, but all the parties seem to agree that the decision of this question was not necessary to either the earlier state or federal decision. (The SG explains that it did not seek cert. from the earlier CA 5 decision, United States v. State Tax Comm'n, 505 F.2d 633, because the point was not necessary to the decision.)

3. CONTENTIONS: (1) The Johns and the SG contend that the courts below were clearly in error in their conclusion and in several of its supporting premises. For example, Congress can amend a treaty by a later statute, see Lone Wolf v. Hitchcock, 187 U.S. 553; Congress can reestablish a defunct tribe (and

indeed this was one of the purposes of the IRA), because of Congress' plenary power to regulate Indian affairs and its power to provide federal jurisdiction and guardianship for the "remnants of an established tribe", see United States v. McGowan, 302 U.S. 535; Congress manifested its intent to do just that here, through its purchases of land to be held in trust for the Indians and its other appropriations; and the CA's limiting construction of the IRA (to apply only to Indians in the guardian-ward relationship, and not to Indians who had been "emancipated" and become state citizens) is not derived from the language or legislative history of the Act, runs counter to the canon that statutes are to be liberally construed in favor of Indians, and conflicts with Maynor v. Morton, 510 F.2d 1254 (CA-DC 1975). Finally, state citizenship is not incompatible with tribal existence and federal guardianship. E.g., McClanahan v. Arizona Tax Comm'n, 411 U.S. 164. The SG also cites several decisions in other CAs in conflict with several of the premises of the courts below in this case.

(2) The SG contends that the United States' alternative contention was not even addressed by the CA, namely, that even if not a "reservation" under § 1151(a), the territory now inhabited by the Choctaws is a "dependent Indian community" within the meaning of § 1151(b). See United States v. McGowan, supra, at 538-39.

(3) The tribe itself, as amicus, adds the contention that determination of whether the Mississippi Choctaw~~s~~ are a tribe



is a political question, as to which the courts below should have accepted the determination of the Executive, in the form of the Secretary's proclamation of 1944.

Because the Johns agree with the SG that they are subject to federal, not state, jurisdiction, they acquiesce in the SG's cert. petn. Mississippi, as appellee in No. 77-575, argues that this is not a proper appeal under either § 1257(1) or (2), and repeats the arguments of the courts below on the merits.

4. DISCUSSION: As to jurisdiction in No. 77-575, I think appellee is right. The Johns contend that the Miss. S. Ct. upheld the state criminal statute against a federal constitutional challenge, but they do not specify what the constitutional challenge was, and the only conceivable one would be the supremacy clause. They also contend that the state court invalidated as unconstitutional the IRA and the 1939 Act, but this is not what happened. The IRA was found inapplicable, and the 1939 Act simply was construed. If the Court decides to take this case, therefore, it should postpone jurisdiction.

On the merits, the Court probably should grant the SG's petn and consolidate it with the purported appeal. The decisions below are questionable; and although they could be viewed as of narrow factual importance, they might affect many other tribes, and they appear to conflict with decisions of this Court and several CAs in interpreting the IRA and other Indian enactments.

Although the same issue is presented in both cases, so that one conceivably could be held for the other, both should be



taken and consolidated in order to get the views of the federal government and the State.

There is a response in 77-836, and a motion to dismiss and an amicus brief in support of the J.S. in 77-836.

1/6/78

Bregstein

Ops in petn and

J.S.

G

PRELIMINARY MEMORANDUM

January 13, 1978 Conference  
List 1, Sheet 1

No. 77-836

Cert to CA 5 (Coleman, Godbold,  
Hill)

UNITED STATES

v.

JOHN & JOHN

Federal/Criminal

Timely (by extension)

Please see Preliminary Memorandum in No. 77-575.

1/6/78

Bregstein



Voted on....., 19.....

*Argued* . . . . ., 19...

Assigned . . . . ., 19...

No. 77-575

Submitted . . . . ., 19...

*Announced* . . . . ., 19...

JOHN

**vs.**

MISSISSIPPI

Also motion to dismiss.

Port Honeed  
(Consolidate  
with 27-836

[illegible]

Voted on....., 19.....

*Argued* . . . . ., 19...

Assigned . . . . ., 19...

No. 77-836

Submitted . . . . ., 19...

*Announced* . . . . ., 19...

## UNITED STATES

**vs.**

JOHN

This is a petition for certiorari.

Grant

(Consolidate  
with 77-575)

[illegible]



BOBTAIL BENCH MEMO

To: Mr. Justice Powell

April 17, 1978

From: Jim Alt

No. 77-575, Smith John v. Mississippi; \*  
No. 77-836, United States v. Smith John.

These cases, arising out of successive federal and state prosecutions for the same act, present the question whether the federal government has exclusive jurisdiction to try crimes committed by Choctaw Indians on certain land in Mississippi owned by the United States and denominated an "Indian reservation" by the Secretary of Interior in 1944. In No. 77-575, the Mississippi Supreme Court held that the federal government does not have such jurisdiction, and in No. 77-836, the Fifth Circuit, per Judge Coleman (a former governor of Mississippi) reached the same

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\* Jurisdiction postponed. I am inclined - but not firmly - to think that this is a proper appeal. McClanahan v. Ariz. Tax Comm'n, 41 U.S. 164 (1973). If not, it is c/w.

conclusion. I think that both courts are wrong.

The statutory framework in which the cases arise is set by 18 U.S.C. §§ 1153 and 1151. § 1153, the "Major Crimes Act," provides (emphasis supplied):

"Any Indian who commits against the person or property of another Indian or other person . . . assault with intent to kill . . . within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States."

§ 1151 defines the term "Indian country" as follows:

"[T]he term 'Indian country', as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, . . . (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished . . ."

The question thus is whether the offense here was committed "within the Indian country" within the meaning of these laws.

In Part I below, I briefly trace the history needed to understand the case. In Part II, I evaluate the arguments of the courts below and the parties here.

#### I. A BRIEF HISTORY OF THE CHOCTAW INDIANS.

The Choctaw Indians lived in Mississippi and surrounding States before the arrival of the white man. By 1817, when Mississippi became a State, the pressure was building to move the Choctaw west. In 1830, this aim was accomplished in the main by the signing of the Treaty of Dancing Rabbit Creek, 7 Stat. 333.

Under the Treaty, the Choctaw tribe ceded the last 10,500,000



acres of its land in Mississippi to the United States and agreed to move to land in Oklahoma. Article XIV of the Treaty, however, allowed those Choctaws who elected to remain in Mississippi to do so:

"Each Choctaw head of a family being desirous to remain and become a citizen of the State, shall be permitted to do so . . . and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land . . . . Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity [provided by other articles of the Treaty]."

In the years immediately following Senate ratification of the Treaty, about two-thirds of the Mississippi Choctaw removed to Oklahoma.

*1/3 remained in Miss.* Those who remained in Mississippi generally fell on hard times.

Most did not receive the land promised to them by the Treaty, see Choctaw Nation v. United States, 81 Ct. Cl. 1, 15-16 (1935), and this Court has said that by 1893 "the full-blood Mississippi Choctaws were extremely poor, living in unsanitary conditions and working at manual labor for daily wages. Their children were not permitted to attend schools provided for the whites, and they were denied all social and political privileges. [T]hey were receiving neither care nor attention from the Indian Office or the Department of the Interior; . . ." Winton v. Amos, 255 U.S. 373, 379 (1921).

Finally, in 1918, Congress began to take measures to relieve the plight of the Mississippi Choctaw. By the Act of May 25, 1918, 40 Stat. 561, 573, Congress appropriated funds

"[f]or the relief of distress among the full-blood Choctaw Indians of Mississippi, including . . . for the purchase of lands, including improvements thereon, not exceeding eighty acres for any one family, for the use and occupancy of said Indians . . . ."

Subsequent appropriations provided for the purchase of more lands, and most purchases were made in and around seven traditional Choctaw villages in central Mississippi. Although these appropriations acts contemplated that the Choctaw would repay the money thus spent, this proved to be impossible.

By the Act of June 21, 1939, 53 Stat. 851, Congress directed that all the lands purchased for the Mississippi Choctaw since 1918 be held by "the United States in trust for such Choctaw Indians of one-half or more Indian blood, resident in Mississippi, as shall be designated by the Secretary of the Interior." The House Report accompanying this bill states that this provision "will facilitate matters greatly if the Indians should choose to organize under Section 16 of the Indian Reorganization Act [of 1934, which allows tribes residing on reservations to adopt tribal constitutions], and take over administration of their lands." H.R. Rep. No. 194, 76th Cong., 1st Sess. 3 (1939).

In 1944, purportedly acting under § 7 of the Indian Reorganization Act of 1934, the Secretary of the Interior issued a Proclamation stating that all the lands put in trust by the 1939 Act "are hereby declared to be an Indian reservation for the benefit of those members of the Mississippi Band of Choctaw Indians, of one-half or more Indian blood, resident in Mississippi and enrolled at the Choctaw Indian Agency . . ." 9 Fed. Reg. 14907 (1944). In 1945, again purportedly acting pursuant to the Indian Reorganization Act of 1934, the Mississippi Choctaw adopted and the Secretary of the Interior approved a tribal constitution and



by-laws.

In the period from 1918 to the present, the Interior Department established tribal schools and built a tribal hospital, jail, and housing for the Mississippi Choctaw. Brief for Amicus Mississippi Band of Choctaw Indians 8-9. Until 1968, however, law enforcement on tribal land was left to county officials. At that time a tribal court was established, and the United States exercised exclusive jurisdiction over crimes committed by or against Choctaws on Choctaw land until the instant case arose.

*Tribal Court established*

We are told that about 3,000 Choctaws live on or near the reservation involved in these cases. Roughly 80% of them speak the Choctaw language as their first language. Id., at 7-8. The majority of these Choctaw are full-blooded Indians. Ibid.

## II. ARGUMENTS.

A. The defendant in these cases and the United States argue that the lands held by the United States in trust for the Choctaw are "Indian country" within both subsection (a) of § 1151, "all land within the limits of any Indian reservation," and subsection (b), "all dependent Indian communities within the borders of the United States." They therefore conclude that the federal government has exclusive jurisdiction over offenses committed on these lands under § 1153.

*Δ & U.S. argue that trust lands are "Indian Country"*

CA 5 and the Mississippi Supreme Court took the position that the Secretary of the Interior exceeded his authority under the Indian Reorganization Act of 1934 by declaring the Choctaw lands to be a "reservation" because "the Indian Reorganization Act of 1934 was not intended to apply, and does not apply, to the Mississippi

Choctaws." Pet. for Cert. in No. 77-836, at 19A. CA 5 in particular emphasized the fact that from 1830 until at least 1918, the Choctaw who remained in Mississippi were citizens of the State, subject to State criminal jurisdiction, and not part of any organized tribe. The existence of the Mississippi tribe of Choctaw was terminated, the court thought, by the 1830 Treaty. ~~and~~ The court also asserted that "Congress in 1934 was legislating with reference to tribes of Indians, not individual Indians; and that it "was legislating for Indians in the government-guardian-ward relationship, and not for long emancipated individuals outside that relationship." Id., at 20A.

I believe that this is an unduly narrow view of the Indian Reorganization Act of 1934. Section 19 of the Act, 25 U.S.C. § 479, defines the "Indians" to whom the Act applies as including, among others, "all. . . persons of one-half or more Indian blood." The Mississippi Choctaw plainly are within this definition. Section 5 of the Act, 25 U.S.C. § 465, pursuant to which the Secretary purchased land for the Mississippi Choctaw after 1934, authorizes the Secretary to acquire land "in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired . . ." Thus, even if the Choctaw were not a recognized tribe between 1934 and 1944, the Secretary's land acquisitions were authorized by law. Finally, and most importantly, Section 7 of the Act, 25 U.S.C. § 467, authorizes the Secretary "to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act . . ." Thus,



I would conclude that the Secretary acted within his authority under the Act in 1944 when he declared the land held by the United States in trust for the Mississippi Choctaw a "reservation."

In addition, contemporaneous administrative interpretation and subsequent legislative actions seem to bear out the notion that the Mississippi Choctaw are within the class of persons for whose benefit the 1934 Act was passed. Section 18 of the Act, 25 U.S.C. § 478, provided that the Act would not apply to "any reservation wherein a majority of the adult Indians" voted against it. Pursuant to this section, in 1935 the Secretary held an election among the Mississippi Choctaw in which those persons voted to accept the Act. In addition, in 1939, when Congress directed that the Choctaw land in Mississippi be held in trust by the United States, it clearly contemplated that the Choctaw would adopt a tribal constitution under § 16 of the 1934 Act. See House Report, quoted at page 4, supra.

Moreover, whether or not the Mississippi Choctaw were a "tribe" <sup>they</sup> in 1939 or 1944, ~~were recognized as~~ such in 1945 when the Secretary approved their constitution under § 16 of the 1934 Act. This Court traditionally has deferred to the executive and legislative branches' determinations of whether a group of Indians is a "tribe." See cases cited in Brief for Smith John at 44. Such deference <sup>especially</sup> would be appropriate in this case, ~~given~~ Congress' apparent agreement with the Secretary's designation.

B. CA5 also suggested that Congress could not have intended the definition of "Indian country" in § 1151, which was enacted in

1948, to apply to the dispersed tracts of land that make up the Mississippi Choctaw reservation. See Pet. for Cert. in No. 77-836, at 5A-8A. But CA5 did not mention the fact that § 1151 was intended merely to codify this Court's prior decisions defining "Indian country" for purposes of the Major Crimes Act. See Revisor's Note to 18 U.S.C. § 1151. Those prior cases made it clear that "Indian country" can include land purchased by the United States upon which a group of Indians live, whether or not the land has been denominated a "reservation," United States v. McGowan, 302 U.S. 535 (1938); and that even an individual Indian's allotment may be "Indian country," United States v. Pelican, 232 U.S. 442 (1914). Under those decisions, I believe that the Mississippi Choctaw land would have been considered "Indian country" even without the enactment of § 1151.

C. I must note two arguments that the State does not make, because they may be raised by other Justices. First, it could be argued ~~that the Mississippi Supreme Court did argue~~ criminal that Congress did not have the power to pre-empt State/jurisdiction over the lands here involved without the State's consent. The United States, anticipating such an argument, demonstrates that Congress' power over Indians and its power under the Property Clause is such that the State's consent is not necessary. See Brief for U.S., at 31-39. Thus, even though the State admittedly had jurisdiction over the Mississippi Choctaw from 1830 to 1939, a reservation of land under the 1934 Act would pre-empt that jurisdiction.



It also might be argued that the federal jurisdiction under the Major Crimes Act should be found to be concurrent with State jurisdiction, rather than exclusive. The language of the Major Crimes Act itself seems to ~~h~~ me to preclude such a holding. In addition, no other case has found Major Crimes Act jurisdiction to be concuerent rather than exclusive. Although the strange circumstances of this case might militate toward such a finding, I think it would create more problems than it would solve. In particular, it would undercut the tribal court's self-government function.

JA

[4/19/78]

1934 Act of Congress  
(trust lands  
created)

1944 Proclamation  
can be viewed as  
authorized by 1934  
Act.

1945

x x x

Tribal Courts since  
1968



77-836 U.S. v John

77-575 JOHN v. MISSISSIPPI

Sally - There  
are two cases

(put both on file  
title.

Argued 4/19/78

Chocktaw Tribe Case

{ I am inclined  
to reverse both cases,  
agreeing with S.G. But  
will await discussion

In 77-836 John was charged with a felony (attempted  
murder) under Major Crimes Act

John moved to dismiss, asserting ~~that~~  
that actually the crime had been committed  
on the Reservation in Miss. ~~the~~ this  
Reservation were merely "Trust land"  
& not "Indian Country". Act applies  
only to crimes in Indian Country.

CAS agreed with John.

U.S. disagrees with CAS

In 77-575 John also was indicted <sup>& convicted</sup> in Miss.  
state court & he contends here that  
Major Crimes Act preemptive state jurisdiction.  
SG agrees.

x x x

Both CAS and S/Ct Min held the crime  
was not committed in "Indian Country" &  
therefore state courts - not fed. - had jurisdiction.

John has served his fed. sentence (for  
lesser included offense of assault. He there-  
fore now agrees with SG that only fed.  
jurisdiction existed.

Andre (for Min)

3000/4000 Choctaw Indians  
in Min - scattered over state.

Not a single Reservation.

There are a few small  
communities of Indians.

The 19000 acres in the "Reservation"  
~~area~~ declared by Fed Govt in 1944  
to be a Tribe. There are scattered  
about State & held "in trust."

Challenges validity of 1944 Act.

Collins (Rebuttal)

The seven Choctaw



Sally two cases

Reverse both - 9-0  
(WHR is very tentative)

77-836 U.S. v ~~John~~ John

77-575 JOHN v. MISSISSIPPI

Conf. 4/21/78

The Chief Justice

Reverse both

Appeal as to one ~~of~~ John is ~~in~~  
moat. (Yes - he died)

Mr. Justice Brennan

Reverse both

Mr. Justice Stewart

Reverse both

Mr. Justice White

Revere Bath

Mr. Justice Marshall

Revere Bath

Mr. Justice Blackmun

Revere Bath

( Harry had the statutes, etc  
worked out carefully. If I  
write, I should talk to him )



Mr. Justice Powell

Reverend Bath

U.S. has authority to  
reestablish Reservations &  
did so here.

Mr. Justice Rehnquist

Rev. Bath (tentative)

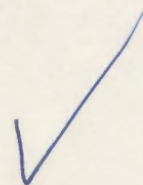
There may be concurrent juris?  
(I have thought under Major  
Cramer Act juris. of U.S.  
is exclusive)

Mr. Justice Stevens

Rev Bath

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,

A handwritten signature in dark ink, appearing to be "J. P. Stevens", is written below the word "Respectfully,".

Mr. Justice Blackmun

Copies to the Conference



June 15, 1978

No. 77-757 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 WM. 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,

*Bul*

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

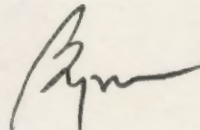
June 15, 1978

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,

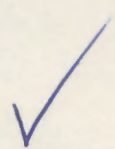
*JM*  
T.M.

Mr. Justice Blackmun

cc: The Conference

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  
JUSTICE WILLIAM H. REHNQUIST

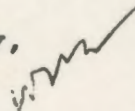
June 16, 1978

Re: Nos. 77-757 John v. Mississippi; and United States  
v. John

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference

THE C. J.	W. J. B.	P. S.	B. R. W.	T. M.	H. A. B.	L. F. P.	W. H. R.	J. P. S.
<del>John</del> John HAB 6/16/78	Join HAB 6/15/78	Join HAB 6/15/78	Join HAB 6/15/78	Join HAB 6/16/78	Typed <del>Draft</del> 6/14/78	Join HAB 6/15/78	Join HAB 6/16/78	Join DPS 6/14/78
					1st draft 6/19/78			

77-575 John v. Mississippi