The Burger Court Opinion
Writing Database

Giglio v. United States
405 U.S. 150 (1972)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
Forrest Maltzman, George Washington University
Dear Potter, 70-27  

Re: No. 872 - Giglio v. United States  

I agree with you that this case should be reversed but would place the decision on the Constitution's requirement, not on this Court's belief about "justice" or "fairness".

Weather is nice down in Florida.

Sincerely,  

Hugo  

Hugo  

Mr. Justice Stewart  

cc: Members of the Conference
Supreme Court of the United States  
Washington, D.C. 20543

February 8, 1971

RE: No. 252 - Giglio v. United States

Dear Potter:

I agree with your Memorandum in the above case.

Sincerely,

W. J. B. Jr.

Mr. Justice Stewart

cc: The Conference
MEMORANDUM TO THE CONFERENCE

From Mr. Justice Stewart

Re: No. 862, Giglio v. United States

At my request, this case was listed for discussion at the conference of January 22. For the reasons that follow, I think the judgment should be reversed.

Giglio was indicted by a grand jury on charges of transporting forged money orders, 18 U. S. C. § 2314, and conspiracy, 18 U. S. C. § 371. The only inculpating testimony before the grand jury was that of a coconspirator, one Taliento, a bank clerk who had cashed the money orders for Giglio in exchange for a cut of the take. Taliento's testimony before the grand jury was obtained pursuant to an agreement between Taliento and Assistant United States Attorney DiPaola in the summer of 1966. DiPaola, who was in charge of the case for the Government at that time, promised Taliento that if he signed a waiver of immunity, testified before the grand jury, and then testified at the trial of Giglio, he would not be indicted.

When the case came to trial two years later, a new assistant United States attorney, Carl Golden, was in charge. The Government alleges that Golden was unaware of DiPaola's earlier promise to Taliento. When Taliento said that he did not want to testify, Golden, according to the Government, told him that he had signed a waiver of immunity before testifying to the grand jury and consequently could still be prosecuted. The Solicitor General points out that this was in accordance with the agreement with DiPaola (of which Golden was sup-
Re: No. 892 — Giglio v. United States

Dear Potter:

I agree with your memorandum in this case.

Sincerely,

T.M.

Mr. Justice Stewart

cc: The Conference