

# The Burger Court Opinion Writing Database

## *Alabama v. Finch*

396 U.S. 552 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



**SUPREME COURT OF THE UNITED STATES**

No 38, ORIGINAL.—OCTOBER TERM, 1969

State of Alabama, Plaintiff,

*v.*

Robert Finch, as Secretary of  
the United States Department  
of Health, Education,  
and Welfare, and John N.  
Mitchell, as Attorney General  
of the United States.

On Motion for Leave to  
File Bill of Complaint.

[February 2, 1970]

PER CURIAM.

On January 26, 1970, the plaintiff filed a motion seeking leave to file a complaint invoking the original jurisdiction of this Court naming Robert Finch as Secretary of the Department of Health, Education, and Welfare and John N. Mitchell as Attorney General of the United States, as defendants.

The alleged emergent nature of the claims for relief led the Court to give expedited consideration to the motion and proffered complaint and, having examined the complaint, we conclude it fails to state a claim against either of the defendants warranting the exercise of the original jurisdiction of this Court.

Accordingly, the motion for leave to file the said complaint is denied.

February 2, 1970

MEMORANDUM FOR SECRETARIES

Office Supreme Court, U.S.  
FILED  
FEB 2 1970  
JOHN F. DAVIS, CLERK

RE: 39 Orig. MISSISSIPPI v. FINCH, ET AL.

OF  
ERICA

The attached motion for leave to file  
a bill of complaint was received this  
morning and was docketed today as 39 Orig.

PLAINTIFF

CASE NO. 39

Clerk  
EPC

DEFENDANTS

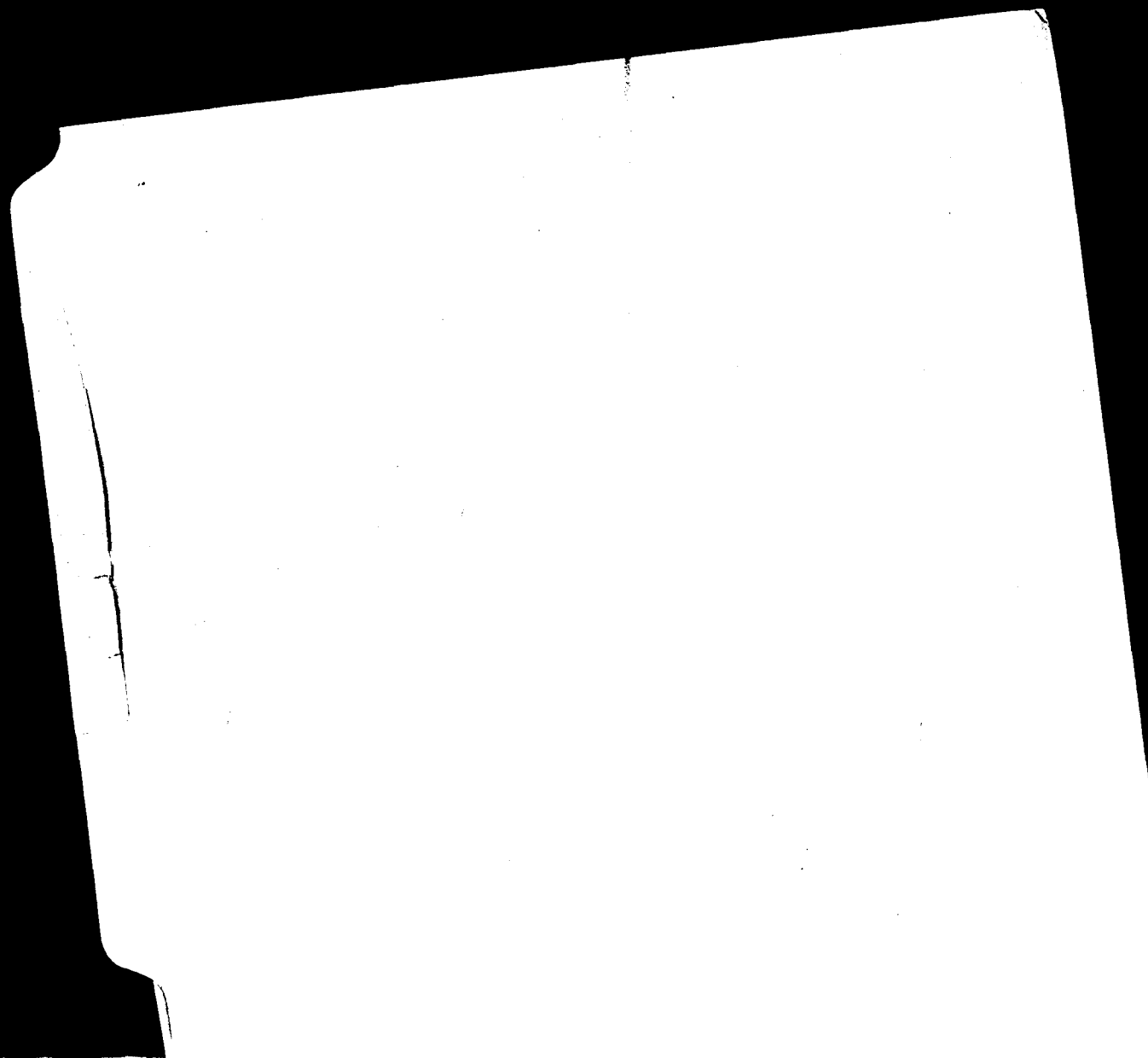
COMPLAINT

pursuant to Rule 9 of  
ed States, requests  
submitted herewith

against Robert Finch, individually and in his capacity as Secretary of the United States Department of Health, Education and Welfare, and John N. Mitchell, individually and in his capacity as Attorney General of the United States, stating a case or controversy between the State of Mississippi and citizens of other states.

The State of Mississippi further requests leave of this Court to dispense with printing these documents and allow the

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SUPREME COURT OF THE UNITED STATES

No. 38, Original. --October Term, 1969

State of Alabama, )  
 )  
 Plaintiff )  
 )  
 v. ) On Motion for Leave to File  
 ) Bill of Complaint  
 )  
 Robert Finch, as Secretary of )  
 the United States Department )  
 of Health, Education and )  
 Welfare, and )  
 John N. Mitchell, as Attorney )  
 General of the United States. )

[February , 1970]

Per Curiam.

On January 26, 1970, the plaintiff filed a motion seeking leave to file a complaint invoking the original jurisdiction of this Court naming Robert Finch as Secretary of the Department of Health, Education, and Welfare and John N. Mitchell as Attorney General of the United States, as defendants.

The alleged emergent nature of the claims for relief led the Court to give expedited consideration to the motion and proffered complaint and, having examined the complaint, we conclude it fails to state a claim against either of the defendants warranting the exercise of the original jurisdiction of this Court.

Accordingly, the motion for leave to file the said complaint is denied.

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

CHAMBERS OF  
THE CHIEF JUSTICE

January 28, 1970

MEMORANDUM TO THE CONFERENCE:

Re: No. 38 Orig. - Alabama v. Finch et al

I will be having my annual checkup during the next two days. If I am out of the hospital and in the office Friday I suggest we have a meeting of the Conference, if desired, on the Alabama case. I would hope to be available in the afternoon, Friday.

W. E. B.

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


AN, JR.  
January 28, 1970

RE: No. 38 Orig. - Alabama v. Finch, et al.

Dear Chief:

My own thought about the disposition of the above case, suggested in my memorandum yesterday, was that the Per Curiam used in No. 37 - Florida v. Alabama, would serve equally in the above case save for the appropriate changes in the first paragraph as to the names of the parties defendant, and the deletion from the last paragraph of the reference to the motion to accelerate. If, however, any of our colleagues desire a conference on Friday, I shall be available.

Sincerely,

  
W. J. B. Jr.

The Chief Justice

cc: The Conference

January 29, 1970

Re: No. 33 Orig. - Alabama v. Finch

Dear Chief:

Like Bill Brennan, I am of the view that this case should receive the same treatment as the Florida case, with an appropriate adaptation of the per curiam in Florida.

Sincerely,

J. M. H.

The Chief Justice

CC: The Conference