

# The Burger Court Opinion Writing Database

## *Dowell v. Board of Education of Oklahoma City Public Schools*

396 U.S. 269 (1969)

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



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

CHAMBERS OF  
THE CHIEF JUSTICE

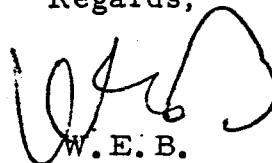
December 9, 1969

Re: No. 603 - Dowell, etc. v. Board of Education  
of Oklahoma City Public Schools

Dear Bill:

I agree with your per curiam opinion.

Regards,



W. E. B.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE HUGO L. BLACK

December 8, 1969

Dear Bill,

Re: No. 603- Robert L. Dowell, etc. v.  
Board of Education, etc.

I agree to your Per Curiam opinion circu-  
lated today.

Sincerely yours,

  
H. L. B.

Mr. Justice Brennan

cc: The Conference

SUPREME COURT OF THE UNITED STATES

October Term, 1969

ROBERT L. DOWELL, AN INFANT, ETC., ET AL., v.  
BOARD OF EDUCATION OF THE OKLAHOMA  
CITY PUBLIC SCHOOLS ET AL.

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

No. 603. Decided December —, 1969

PER CURIAM.

In this school desegregation case, the District Court for the Western District of Oklahoma, by order entered August 13, 1969, approved respondent Oklahoma City School Board's proposal for furthering desegregation of some Oklahoma City schools by revising school attendance boundaries effective September 2, 1969, the start of the 1969-1970 school year. The order also decreed that the School Board prepare and submit on or before November 1, 1969, a comprehensive plan for the complete desegregation of the entire school system. Interveners of the "McWilliams Class" appealed to the Court of Appeals for the Tenth Circuit from the provision of the order which approved implementation of the School Board's proposed boundary changes by September 2, 1969, and sought a stay of that provision pending decision of the appeal. The Court of Appeals, on August 27, 1969, instead of limiting relief to the requested stay, summarily vacated the District Court's approval of the School Board's proposal. The Court of Appeals held that consideration of the proposal was inappropriate "at this stage of the proceedings" and should await the District Court's "consideration and adoption of a full and comprehensive plan for the complete desegregation and integration of the Oklahoma City School system as contemplated in the court's order of August 13, 1969." — F. 2d —, — (1969).

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

CHAMBERS OF  
JUSTICE JOHN M. HARLAN

December 8, 1969

Re: No. 603 - Dowell v. Bd. of Education

Dear Bill:

I agree with your per curiam.

Sincerely,

  
J. M. H.

Mr. Justice Brennan

CC: The Conference

*Circulated*  
12-8-69

**SUPREME COURT OF THE UNITED STATES**

October Term, 1969

**ROBERT L. DOWELL, AN INFANT, ETC., ET AL., v.  
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## SUPREME COURT OF THE UNITED STATES

October Term, 1969

ROBERT L. DOWELL, AN INFANT, ETC., ET AL., *v.*  
BOARD OF EDUCATION OF THE OKLAHOMA  
CITY PUBLIC SCHOOLS ET AL.

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

CHAMBERS OF  
JUSTICE POTTER STEWART

December 9, 1969

No. 603 - Dowell v. Board of Education

Dear Bill,

The Per Curiam you have prepared in this case is satisfactory to me.

Sincerely yours,

P.S.  
/

Mr. Justice Brennan

Copies to the Conference



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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 8, 1969

Re: No. 603 - Dowell v. Board of  
Education

Dear Bill:

Please join me.

Sincerely,

  
B.R.W.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 10, 1969

Re: No. 603 - Dowell, etc. v. Board of  
Education of Oklahoma City  
Public Schools

Dear Bill:

Please join me in your per curiam.

Sincerely,



T.M.

Mr. Justice Brennan

cc: The Conference