

The Burger Court Opinion Writing Database

Jenness v. Fortson

403 U.S. 431 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



GR
MA
R

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

May 26, 1971

CHAMBERS OF
THE CHIEF JUSTICE

No. 5714 - Jenness v. Fortson

Dear Potter:

Please join me.

Regards,

WJB

Mr. Justice Stewart

cc: The Conference

May tenth
1971

Dear Potter:

In No. 5714 -- Jenness v. Fortson,
please join me in your opinion.

William O. Douglas

Mr. Justice Stewart

WM
Admin

June 18, 1971

Re: No. 5714 - Jenness v. Fortson

Dear Potter:

Will you kindly add at the foot of your opinion
the following:

"MR. JUSTICE HARLAN concurs
in the result."

I have decided to do so separate writing.

Sincerely,

J. M. H.

Mr. Justice Harlan

CC: The Conference

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

CHAMBERS OF
JUSTICE WM J. BRENNAN, JR.


May 18, 1971

RE: No. 5714 - Jenness v. Fortson

Dear Potter:

I agree.

Sincerely,


W.J.B. Jr.

Mr. Justice Stewart

cc: The Conference

BD
47
R
Please
✓
To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

1st DRAFT

From: Stewart, J. *1st*

SUPREME COURT OF THE UNITED STATES

Circulated: MAY 10 1971

No. 5714.—OCTOBER TERM, 1970

Recirculated: _____

Linda Jenness, et al,
Appellants,
v.
Ben W. Fortson, Secretary
of State of Georgia.

On Appeal From the United
States District Court for
the Northern District of
Georgia.

[May —, 1971]

MR. JUSTICE STEWART delivered the opinion of the Court.

Under Georgia law a candidate for elective public office who does not enter and win a political party's primary election can have his name printed on the ballot at the general election only if he has filed a nominating petition signed by at least 5% of the number of registered voters at the last general election for the office in question.¹ Georgia law also provides that a candidate for elective public office must pay a filing fee equal to five percent of the annual salary of the office he is seeking.² This litigation arose when the applicants, who were prospective candidates and registered voters,³ filed a class action in the United States District Court for the Northern District of Georgia, attacking the constitutionality of

¹ Ga. Code Ann. § 34-1010.

² Ga. Code Ann. § 34-1013.

³ One of the appellants was the nominee of the Georgia Socialist Workers Party for governor in 1970, two others were nominees of that organization for the House of Representatives, and two others were registered voters who sued on behalf of themselves, and "all other registered voters in the State of Georgia desirous of having an opportunity to consider persons on the ballot other than nominees of the Democratic and Republican parties."

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

2nd DRAFT

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

No. 5714.—OCTOBER TERM, 1970

Circulated: _____
Recirculated: JUN 17 1971

Linda Jenness, et al, Appellants, v. Ben W. Fortson, Secretary of State of Georgia.	}	On Appeal From the United States District Court for the Northern District of Georgia.
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[June —, 1971]

MR. JUSTICE STEWART delivered the opinion of the Court.

Under Georgia law a candidate for elective public office who does not enter and win a political party's primary election can have his name printed on the ballot at the general election only if he has filed a nominating petition signed by at least 5% of the number of registered voters at the last general election for the office in question.¹ Georgia law also provides that a candidate for elective public office must pay a filing fee equal to five percent of the annual salary of the office he is seeking.² This litigation arose when the appellants, who were prospective candidates and registered voters,³ filed a class action in the United States District Court for the Northern District of Georgia, attacking the constitutionality of

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A R

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 11, 1971

Re: No. 5714 - Jenness v. Fortson

Dear Potter:

Join me, please.

Sincerely,

Byron

Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 18, 1971

Re: No. 5714 - Jenness v. Fortson

Dear Potter:

Please join me.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

SP

✓

May 17, 1971

Re: No. 5714 - Jenness v. Portson

Dear Potter:

Please join me.

Sincerely,

H.A.B.

Mr. Justice Stewart

cc. The Conference