

# The Burger Court Opinion Writing Database

*Alexander v. Louisiana*

405 U.S. 625 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



*H. L. B.*  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HUGO L. BLACK

February 26, 1971

Dear Thurgood,

Re: No. 5944 - Alexander v. Louisiana

I agree to your Per Curiam in this  
case.

Sincerely,

*H. L. B.*

H. L. B.

Mr. Justice Marshall

cc: Members of the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

February 26, 1971

Dear Thurgood:

In No. 5944 - Alexander v. Louisiana, please note at the end of our Per Curiam the following:

Mr. Justice Douglas would grant certiorari on the question whether it is constitutional for a State not to include women on grand juries and petit juries, but to exclude them from all juries and unlike Hoyt v. Florida, 368 U.S. 57, make no effort to have women perform jury duty without discrimination with regard to sex.

W<sup>U</sup>U  
William O. Douglas

Mr. Justice Marshall

CC: The Chief Justice  
Mr. Justice Black  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Blackmun

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

February 26, 1971

RE: No. 5944 - Alexander v. Louisiana

Dear Thurgood:

I agree with your **Per Curiam** in the  
above case.

Sincerely,

W.J.B. Jr.

Mr. Justice Marshall

cc: The Conference

*BBW*

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 26, 1971

Re: No. 5944 - Alexander v.  
Louisiana

Dear Thurgood:

Please join me in Bill Douglas' note at the foot of your per curiam in this case.

Sincerely,

*Byron R. White*

B.R.W.

Mr. Justice Marshall

cc: The Conference

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

October Term, 1970

CLAUDE ALEXANDER *v.* LOUISIANA

ON PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF LOUISIANA

No. 5944. Decided March —, 1971

PER CURIAM.

Petitioner, a Negro convicted of rape, contends that members of his race were systematically excluded from the grand jury that indicted him in Lafayette Parish, Louisiana. The record reveals that no Negroes served on the grand jury which indicted petitioner, and that the general venire list of 400 persons from which the grand jury was selected contained 25 Negroes, or only 6.25% of the list. Names on the general venire list were drawn from among 7,374 juror questionnaires, 1,015, about 13.8%, of which were returned by Negro citizens. According to United States census figures for 1960, approximately 21% of persons in Lafayette Parish over 21 years of age are Negro. The substantial disparity between the percentage of juror questionnaires returned by Negroes (13.8%) and the percentage of Negroes actually placed on the general venire list (6.25%), coupled with the fact that the questionnaires indicated the race of prospective jurors, constitutes a *prima facie* case of racial discrimination and shifts the burden of proof to the State. The only evidence available to meet this burden are mere statements by a jury commissioner that race was not considered during the juror selection process. Such general denials, by themselves, are insufficient to overcome petitioner's *prima facie* case, *Whitus v. Georgia*, 385 U. S. 545, 551 (1967). Therefore, the petition for certiorari is granted and the judgment of the Supreme Court of Louisiana is reversed.