

The Burger Court Opinion Writing Database

Bullock v. Carter

405 U.S. 134 (1972)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

70-128 January 26, 1972

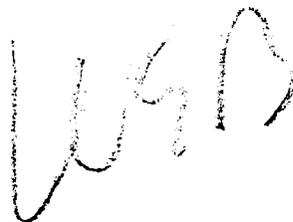
Re: No. A-760 - Bullock v. Weiser et al

MEMORANDUM TO THE CONFERENCE:

Lewis Powell has a motion for stay in the above matter and wishes to submit to the Conference as soon as a response is in but probably no later than Monday.

If you will stand by for a call we will set the time.

Regards,



Wm. Doyle
01/11

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31

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

January 27, 1972

Hold

CHAMBERS OF
THE CHIEF JUSTICE

7 to Affirm

No. 70-128 -- Bullock, et al. v. Carter, et al.

MEMORANDUM TO THE CONFERENCE:

At Conference we voted to affirm the holding of the three judge court in the above-captioned case. I have expedited circulation of my present thinking on this case because of the stay application presented to Lewis Powell in Bullock v. Johnston, A-769.

* * * * *

Under Texas law, a candidate must pay a filing fee as a condition to having his name placed on the ballot in a primary election. ^{1/} The constitutionality of the Texas filing fee system is the subject of this appeal.

Appellee Pate met all qualifications to be a candidate in the May 2, 1970 Democratic primary for the office of County Commissioner of Precinct Four for El Paso County, except that he was unable to pay the \$1424.60 assessment required of candidates in that primary. Appellee Wischkaemper sought to be placed on the Democratic primary ballot as a candidate for County Judge in Tarrant County, but he was unable to pay the \$6300.00

^{1/} See articles 13.07a, 13.08, 13.08a, 13.15 and 13.16 of the Texas Election Code. Vernon's Civ. Stats.

B

Judge,
you joined
yesterday
this
All orders
joined the
memo. *BT*

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

CHAMBERS OF
THE CHIEF JUSTICE

February 18, 1972

MEMORANDUM TO THE CONFERENCE:

Re: No. 70-128 - Bullock v. Carter

Enclosed is a draft of proposed opinion. It is
essentially the same as the memorandum I sent recently;
the changes are generally verbal, stylistic, etc.

Regards,

WRB

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CONFERENCE

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To: Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

Printed
1st DRAFT

From: The Clerk of the Court

SUPREME COURT OF THE UNITED STATES

Circulated: FEB 17 1972

No. 70-128

Recirculated: _____

Bob Bullock et al.,
Appellants,
v.
Van Phillip Carter et al. } On Appeal from the United
States District Court for the
Northern District of Texas.

[February —, 1972]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Under Texas law, a candidate must pay a filing fee as a condition to having his name placed on the ballot in a primary election.¹ The constitutionality of the Texas filing fee system is the subject of this appeal from the judgment of a three-judge District Court.

Appellee Pate met all qualifications to be a candidate in the May 2, 1970, Democratic primary for the office of County Commissioner of Precinct Four for El Paso County, except that he was unable to pay the \$1,424.60 assessment required of candidates in that primary. Appellee Wischkaemper sought to be placed on the Democratic primary ballot as a candidate for County Judge in Tarrant County, but he was unable to pay the \$6,300 assessment for candidacy for that office. Appellee Carter wished to be a Democratic candidate for Commissioner of the General Land Office in Dallas County; his application was not accompanied by the required \$1,000 filing fee.²

¹See Arts. 13.07a, 13.08, 13.08a, 13.15, and 13.16 of the Texas Election Code Ann. (1967).

²Carter also failed to have his application notarized and to have it accompanied by a statutory loyalty affidavit. Since appellees

U.S. SUPREME COURT

stylistic changes
3, 6, 8, 9, 10, 13, 14

To: Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

From: The Clerk of the Court

Circulated: _____

No. 70-128

Recirculated: FEB 23 1972

Bob Bullock et al.,
Appellants,
v.
Van Phillip Carter et al. } On Appeal from the United
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[February —, 1972]

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Under Texas law, a candidate must pay a filing fee as a condition to having his name placed on the ballot in a primary election.¹ The constitutionality of the Texas filing fee system is the subject of this appeal from the judgment of a three-judge District Court.

Appellee Pate met all qualifications to be a candidate in the May 2, 1970, Democratic primary for the office of County Commissioner of Precinct Four for El Paso County, except that he was unable to pay the \$1,424.60 assessment required of candidates in that primary. Appellee Wischkaemper sought to be placed on the Democratic primary ballot as a candidate for County Judge in Tarrant County, but he was unable to pay the \$6,300 assessment for candidacy for that office. Appellee Carter wished to be a Democratic candidate for Commissioner of the General Land Office in Dallas County; his application was not accompanied by the required \$1,000 filing fee.²

¹ See Arts. 13.07a, 13.08, 13.08a, 13.15, and 13.16 of the Texas Election Code Ann. (1967).

² Carter also failed to have his application notarized and to have it accompanied by a statutory loyalty affidavit. Since appellees

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U.S. SUPREME COURT RECORDS

70-128

January 26, 1972

Dear Chief:

In re No. A-760 - Bullock v. Weiser.

You indicate you will call a Conference no later than Monday on this motion for stay. I'll be away this weekend. So if the Conference is held in my absence, I leave my vote to deny the application of Texas for a stay.

W. O. D.

The Chief Justice

cc: Conference

Wm Douglas
Oct 71

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

January 27, 1972

Dear Chief:

I agree with your circulation
of January 27, 1972 in No. 70-128 -
Bullock v. Carter.

W. O. D.

The Chief Justice

cc: Conference

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U.S. SENATE LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 31, 1972

RE: No. 70-128 - Bullock v. Carter

Dear Chief:

I, too, could go along with an opinion prepared along the lines of your memorandum of January 27.

Sincerely,

Bill

The Chief Justice

cc:The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 31, 1972

70-128 - Bullock v. Carter

Dear Chief,

I am glad to join your proposed
opinion for the Court in this case.

Sincerely yours,

P.S.
/

The Chief Justice

Copies to the Conference

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U.S. DEPARTMENT OF JUSTICE

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 27, 1972

Re: No. 70-128 - Bullock v. Carter

Dear Chief:

I agree with your memorandum
as a basis for disposing of this
case.

Sincerely,

The Chief Justice

Copies to Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

OFFICE OF THE CLERK OF THE SUPREME COURT

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 17, 1972

Re: No. 70-128 - Dies v. Carter

Dear Chief:

Please join me in the above opinion
and please also accept my apologies for the
delay.

Sincerely,



T.M.

The Chief Justice

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

SECTION OF THE ADVANCE

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 31, 1972

Re: No. 70-128 - Bullock v. Carter

Dear Chief:

I could go along with an opinion prepared
along the lines of your memorandum of January 27.

Sincerely,

H. A. B.

The Chief Justice

cc: The Conference

*Where is the
Memorandum?*

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U.S. DEPARTMENT OF JUSTICE