

The Burger Court Opinion Writing Database

United States v. Scotland Neck City Board of Education

407 U.S. 484 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

June 2, 1972

Re: No. 70-130) - U.S. v. Scotland Neck Board of Education
No. 70-187) - Cotton v. Scotland Neck Board of Education

Dear Potter:

Given that you have a court for the Emporia case, it is likely that from the point of view of the Emporia majority Scotland Neck is an a fortiori reversal. I cannot speak for others, but on the basis of the Conference vote it is likely that a brief treatment of Scotland Neck could get nine votes. The dissent in Emporia would then make points along the line of what I have circulated already with a brief treatment of why some of us see differences in the two cases.

Regards,

WBB

Mr. Justice Stewart

cc: The Conference

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CONFIDENTIAL

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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

From: The Chief Justice

Circulated: JUN 10 1972

Recirculated: _____

No. 70 - 130 -- United States v. Scotland Neck City Bd. of Education

No. 70 - 187 -- Cotton v. Scotland Neck City Bd. of Education

MR. CHIEF JUSTICE BURGER, concurring in the result.

I agree that the creation of a separate school system in Scotland Neck would tend to undermine desegregation efforts in Halifax County, and I thus join in the result reached by the Court. However, since I dissented from the Court's decision in Wright v. Council of the City of Emporia, ante, at p. _____, I feel constrained to set forth briefly the reasons why I distinguish between the two cases.

First, the operation of a separate school system in Scotland Neck would preclude meaningful desegregation in the southeastern portion of Halifax County. If Scotland Neck were permitted to operate separate schools, more than 2,200 of the nearly 3,000 students in this sector would attend virtually all-Negro schools located just outside of the corporate limits of Scotland Neck. The schools located within Scotland Neck would be predominantly white. Further shifts could reasonably be anticipated. In a very real sense, the children residing in this relatively small area would

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SSBDCNOC EO ADV DDL 1 IN

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 15, 1972

RE: Nos. 70-130 & 70-187 - United States
& Cotton v. Scotland Neck City Board
of Education.

Dear Potter:

Please join me.

Sincerely,

Biel

Mr. Justice Stewart

cc: The Conference

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OFFICE OF THE CLERK OF THE SUPREME COURT

Please join me
JH

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

1st DRAFT

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Filed: JUN 14 1972

Nos. 70-130 AND 70-187

Recirculated: _____

United States, Petitioner,
70-130 v.
Scotland Neck City Board
of Education et al.
Pattie Black Cotton et al.,
Petitioners,
70-187 v.
Scotland Neck City Board
of Education et al.

On Writs of Certiorari to
the United States Court of
Appeals for the Fourth
Circuit.

[June —, 1972]

MR. JUSTICE STEWART delivered the opinion of the Court.

The petitioners in these consolidated cases challenge the implementation of a North Carolina ~~state~~ authorizing the creation of a new school district for Scotland Neck, a city which at the time of the statute's enactment was part of a larger school district then in the process of dismantling a dual school system. In a judgment entered the same day as its judgment in *Council of the City of Emporia v. Wright*, 442 F. 2d 570, a decision which we reverse today, *ante*, at p. —, the Court of Appeals held that the District Court erred in enjoining the creation of the new school district.

statute
^

Scotland Neck is a community of about 3,000 persons, located in the southeastern portion of Halifax County, North Carolina. Since 1936, the city has been a part of the Halifax County Administrative Unit, a school district comprising the entire county with the exception

June 17, 1972

Re: No. 70-130 & No. 70-187 - U.S.
v. Scotland Neck City
Ed of Education

Dear Potter:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Stewart

cc: Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 15, 1972

Re: Nos. 70-130 and 70-187 - U.S. v. Scotland Neck, etc.

Dear Potter:

Please join me.

Sincerely,



T.M.

Mr. Justice Stewart

cc: Conference

30
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 19, 1972

Re: No. 70-130 - U.S. v. Scotland Neck City
Board of Education
No. 70-187 - Cotton v. Scotland Neck City
Board of Education

Dear Chief:

Please join me in your opinion concurring
in the result.

Sincerely,

H.A.B.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 20, 1972

Re: No. 70-130 U. S. v. Scotland Neck
No. 70-187 Cotton v. Scotland Neck

Dear Chief:

Please join me in in your opinion concurring in the
result.

Sincerely,

Lewis

The Chief Justice

cc: The Conference

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SSSBCNUG 50 ADV 441 1 IN

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 19, 1972

Re: 70-130 - U.S. v. Scotland Neck
70-187 - Cotton v. Scotland Neck

Dear Chief:

Please join me in your opinion concurring in the result
in this case.

Sincerely,
WR

The Chief Justice

Copies to the Conference

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U.S. SUPREME COURT RECORDS