

The Burger Court Opinion Writing Database

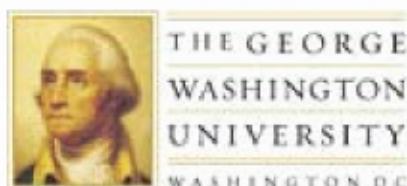
United States v. Scotland Neck City Board of Education

407 U.S. 484 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



32
M
Supreme Court of the United States
Washington, D. C. 20543CHAMBERS 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 fortiorari 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,



Mr. Justice Stewart

cc: The Conference

13
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 16 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

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,

Bill

Mr. Justice Stewart

cc: The Conference

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

Please from me
1st DRAFT

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Recirculated: 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~~ statute authorizing
the creation of a new school district for Scotland
Neck, a city which at the time of the statute's enact-
ment 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 *Coun-*
cil 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.

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

statute

June 17, 1972

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

Dear Potter:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Stewart

cc: Conference

3

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

3
Supreme Court of the United States
Washington, D. C. 20530

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

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 your opinion concurring in the
result.

Sincerely,



The Chief Justice

cc: The Conference

(B)

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

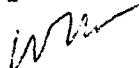
June 19, 1972

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,



The Chief Justice

Copies to the Conference