

The Burger Court Opinion Writing Database

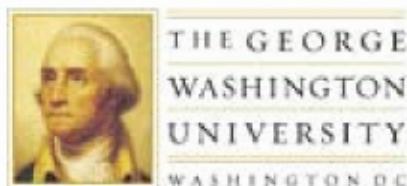
Mahan v. Howell

404 U.S. 1201 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

March 16, 1972

Re: No. 71-364 - John S. Mahan, Secretary, State Board of
Elections, et al. v. Henry E. Howell, Jr.

No. 71-373 - City of Virginia Beach v. Henry E. Howell, Jr.

No. 71-444 - Robert L. Weinberg v. Edgar A. Prichard

No. 71-553 - William S. Thornton, et al. v. Edgar A. Prichard

Dear Byron:

I find your dissenting opinion persuasive enough to join you
to note these cases.

Regards,

WEB

Mr. Justice White

cc: The Conference

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

p. 1

5th DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES dated: _____

Recirculated: 4-13-72

JOHN S. MAHAN, SECRETARY, STATE BOARD OF
ELECTIONS, ET AL. v. HENRY E. HOWELL, JR.,
ET AL.;

CITY OF VIRGINIA BEACH v. HENRY E.
HOWELL, JR., ET AL.; and

WILLIAM S. THORNTON ET AL. v. EDGAR A.
PRICHARD ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Nos. 71-364, 71-373, and 71-553. Decided April —, 1972

MR. JUSTICE WHITE, with whom THE CHIEF JUSTICE
joins, dissenting.

I

In March 1971, Virginia passed two Acts which redistricted its State Legislature for the November 1971 and succeeding elections. Chapter 116, Va. Code § 24.1-12.1, divided the State into 52 districts from which to elect the 100 members of the House of Delegates. Chapter 120, Va. Code § 24.1-14.1, as amended by Chapter 246, Acts of Assembly of June 14, 1971, divided the State into 40 single-member districts from which to elect the State Senators. The constitutionality of these plans was attacked on the grounds that there were impermissible population variances in the House districts, that the multi-member House districts illegally diluted the representation of citizens in those districts, and that the use of House multi-member districts in certain urban areas served as a racial gerrymandering technique to cancel out Negro voting strength. The only challenge to the Senate districting plan was a suit which charged that the city of Norfolk was impermissibly split into

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 13, 1972

Re: No. 71-364 - Mahan v. Howell
No. 71-373 - City of Virginia Beach
v. Howell
No. 71-553 - Thornton v. Prichard

Dear Byron:

I have given further consideration to these cases, and I am persuaded by your proposed dissent. Would you please join me.

Sincerely,

HAL

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 13, 1972

Re: No. 71-364, Mahan v. Howell
No. 71-373, Virginia Beach v. Howell
No. 71-553, Thornton v. Prichard

Dear Byron,

Please join me in Part I of your dissent in No. 71-364.

Sincerely,



Mr. Justice White

Copies to the Conference