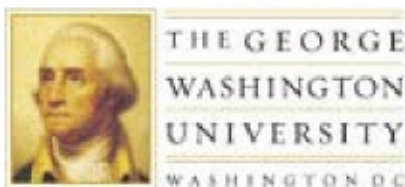


# The Burger Court Opinion Writing Database

## *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

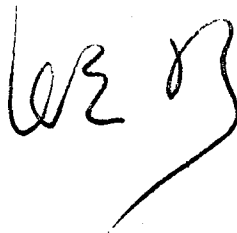
March 16, 1972

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,

A handwritten signature in dark ink, appearing to be 'WB' followed by a stylized flourish.

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

5th DRAFT

From: White, J.

**SUPREME COURT OF THE UNITED STATES**

Filed: \_\_\_\_\_

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

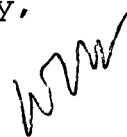
April 13, 1972

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