

The Burger Court Opinion Writing Database

American Party of Texas v. White

415 U.S. 767 (1974)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
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Total required (signatures & conventions)

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

No. A-325

Circulated: 10-4

American Party of Texas
et al.,
v.
Bob Bullock, Secretary of
State of Texas.

Application for Temporary
Restraining Order.

Recirculated: _____

[October —, 1972]

MR. JUSTICE DOUGLAS, dissenting.

The American Party, seeking to get on the Texas ballot for this year's election, brought an action which asked a three-judge federal court to hold provisions of the Texas election laws unconstitutional.

Texas has four methods of nominating candidates.

First, those whose gubernatorial candidate polled more than 200,000 votes in the last general election may be nominated through primaries. Election Code, Art. 13.02. Second, those whose party candidates polled less than 200,000 votes but more than 2% of the total votes cast for governor may be nominated by primaries or by nominating conventions. Third, those whose party candidates polled less than 2% of the total gubernatorial vote and those whose party did not have a nominee for governor in the last general election may be nominated by convention only or by fulfilling the requirements of Art. 13.45 (2) of the Election Code. Fourth, nonpartisan and independent candidates may appear on the ballot after meeting the requirements of Art. 13.50 of the Election Code.

The American Party falls in the third category. In order to get its nominees printed on the ballot it must meet the following requirements:

It must by the previous September declare its intention to nominate by convention. That entails a

*Amer. Party
was in
existence*

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 1, 1973

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Re: Nos. 72-887 and 72-942 - American Party
of Texas v. Bullock, etc.

Dear Byron:

While I voted to affirm in this
your opinion convinces me and I therefore
join it.

Sincerely,



T.M.

Mr. Justice White

cc: Conference