

The Burger Court Opinion Writing Database

Cook v. Hudson

429 U.S. 165 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

From: White, J.

Circulated: 12/10/75

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

BILLY D. COOK ET AL. v. ROGER W. HUDSON ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 75-503. Decided December —, 1975

MR. JUSTICE WHITE, dissenting.

Respondent members of the Calhoun County, Miss.,
school board adopted a policy in Nov., 1972, providing:

"Prior to the employment of a new teacher, or
the reemployment of an existing teacher, the children
of any such teacher, if living in Calhoun County,
Mississippi, will be required to attend the public
schools of Calhoun County or said teacher will not
be employed or reemployed." 511 F. 2d 744, 746
(CA5 1975).

At the time the policy was adopted, petitioners were
teachers residing in Calhoun County and teaching in its
public school system. Petitioners represented collec-
tively over 20 years of teaching experience (eight, eight,
and four and one-half years respectively).^{*} Each of the
petitioners sent their children to Calhoun Academy, an
all-white secular private school. After petitioners an-
nounced that they would not comply with respondents'
policy, respondents refused to renew their one-year
teaching contracts for the following academic year.

Petitioners filed suit under 42 U. S. C. § 1983 seeking
reinstatement, backpay, and monetary damages. They
claimed that imposition of respondents' policy violated

^{*}Petitioners did not have tenured positions, but Mississippi law
does not provide for the tenure of public school teachers. Miss.
Code Ann. § 37-9-17 (1972). See *Jennings v. Meridian Municipal
Separate School Dist.*, 337 F. Supp. 567 (SD Miss. 1971), *aff'd*,
453 F. 2d 413 (CA5 1971).

*Epha
copy.*

I've joined

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 11, 1975

Re: No. 75-503 - Cook v. Hudson

Dear Byron:

Please join me in your dissent.

Sincerely,



Mr. Justice White

cc: The Conference



Write
join note
for me.

December 11, 1975

No. 75-503 Cook v. Hudson

Dear Byron:

Please join me in your dissent.

Sincerely,

Mr. Justice White

lfp/ss

cc: The Conference