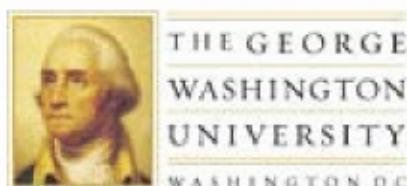


The Burger Court Opinion Writing Database

Nashville Gas Co. v. Satty

434 U.S. 136 (1977)

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



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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 19, 1977

RE: No. 75-536 Nashville Gas Co. v. Satty

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

500
1/11/77

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

From: Mr. Justice White

1st DRAFT

Circulated: 1-18-77

SUPREME COURT OF THE UNITED STATES

Circulated: _____

NASHVILLE GAS COMPANY *v.* NORA D. SATTY

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

No. 75-536. Decided January —, 1977

MR. JUSTICE WHITE, dissenting.

The Court grants the petition for a writ of certiorari, vacates the judgment below and remands the case for reconsideration in light of our decision in *General Electric Co. v. Gilbert*, — U. S. L. W. —. Because the case involves an important issue as to which *Gilbert* is unilluminating, I would simply grant the petition.

As I understand our decision in *Gilbert*, it rests on the simple factual proposition that the failure to include pregnancy in the health benefit plans provided by the General Electric Co. for its employees has neither the purpose nor the effect of discriminating against women. See *Richmond Unified School District v. Berg*, No. 75-1069 (WHITE, J., dissenting). Under petitioner's policy involved in this case, employees who take pregnancy leaves lose their seniority for the purpose of bidding on permanent positions. Since men do not get pregnant, the policy impacts women differently than it impacts men; and since, as a result of the policy, they may not receive permanent positions, the policy has the effect of disadvantaging women as compared with their male coemployees in obtaining jobs. A discriminatory effect is thus clearly shown here. I would grant the petition and consolidate this case with *Richmond Unified School Board v. Berg*, *supra*, for oral argument.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 21, 1977

Re: No. 75-536, Nashville Gas Company v. Satty

Dear Byron:

Please join me in your dissent.

Sincerely,



T. M.

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 19, 1977

Re: No. 75-536 - Nashville Gas Company v. Satty

Dear John:

When this case appears on the order list would you
please note the following:

"Mr. Justice Blackmun would grant certiorari
and set the case for argument."

Sincerely,

Harry
/

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 21, 1977

No. 75-1069 Richmond Unified School Dist.
v. Sonja Lynn Berg

No. 75-536 Nashville Gas Company v. Satty

Dear Byron:

Your dissenting opinions have persuaded me. I now agree that we should grant petitions in both of these cases and consolidate them for oral argument.

In any event, please join me in your dissents.

Sincerely,



Mr. Justice White

Copies to the Conference

LFP/lab

✓

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 21, 1977

Re: 75-536 - Nashville Gas Co. v. Satty
75-1069 - Richmond Unified School Dist. v. Berg

Dear Byron:

Although I do not read the General Electric opinion the way you and those who have joined your dissent do, I nevertheless am persuaded that we should grant certiorari in these two cases.

Respectfully,



Mr. Justice White

Copies to the Conference