

# 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,

A handwritten signature in cursive script, appearing to be "Bill", written in dark ink.

Mr. Justice White

cc: The Conference

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

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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.*  
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,

*Lewis*

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

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