

# The Burger Court Opinion Writing Database

## *Chappelle v. Greater Baton Rouge Airport District*

431 U.S. 159 (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  
THE CHIEF JUSTICE

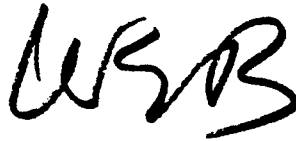
May 11, 1977

Re: 76-352 - Chappelle v. Greater Baton Rouge  
Airport District

Dear Potter:

I join.

Regards,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 3, 1977

*CJ*  
*I agree with*  
*Potter* *JMH*

RE: No. 76-352 Chappelle v. Greater Baton Rouge Airport District

Dear Chief:

I agree with Potter's proposed disposition of the  
above.

Sincerely,



The Chief Justice  
cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

May 3, 1977

No. 76-352 - Chappelle v. Greater Baton Rouge Airport District

Dear Chief,

Since this case hardly rises to the level of a "peewee," since it is late in the Term, and since the vote at our Conference was quite one-sided, I suggest that it might appropriately be disposed of in a one-sentence order along the following lines:

The judgment is reversed. Turner v. Fouche,  
396 U.S. 346, 361-364.

Sincerely yours,

7.9.  
1.3.

The Chief Justice

Copies to the Conference

✓

✓

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

From: Mr. Justice Stewart

Circulated: MAY 5 1977

Recirculated: \_\_\_\_\_

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-352

E. C. Chappelle, Jr., Appellant,  
v.  
The Greater Baton Rouge  
Airport District et al.

} On Appeal from the Court of  
Appeal of Louisiana for the  
First Circuit.

[May —, 1977]

PER CURIAM.

The judgment is reversed. *Turner v. Fouche*, 396 U. S. 346,  
361-364.

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 4, 1977

Re: No. 76-352 - Chappelle v. Greater Baton  
Rouge Airport District

Dear Potter:

I agree with your suggestion.

Sincerely,



Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 4, 1977

Re: No. 76-352, Chappelle v. Greater Baton Rouge Airport  
District

Dear Chief:

I agree with Potter.

Sincerely,



T. M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 5, 1977

Re: No. 76-352 - Chappelle v. Greater Baton Rouge  
Airport District

Dear Potter:

I would be content with your proposed disposition.

Sincerely,

*H.A.B.*

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 4, 1977

No. 76-352 Chappelle v. Greater Baton  
Route Airport District

Dear Chief:

I am quite agreeable to Potter's suggested disposition.

Sincerely,

*Lewis*

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 5, 1977

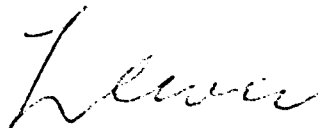
No. 76-352 Chappelle v. Greater Baton  
Rouge Airport District

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Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

lfp/ss

cc: The Conference

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

From: Mr. Justice Rehnquist

Circulated: MAY 12 1977

Re-circulated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

**No. 76-352**

E. C. Chappelle, Jr., Appellant,  
v.  
The Greater Baton Rouge  
Airport District et al. } On Appeal from the Court of  
Appeal of Louisiana for the  
First Circuit.

[May —, 1977]

MR. JUSTICE REHNQUIST, dissenting.

Appellant, E. C. Chappelle, Jr., wished to serve, upon appointment, as a commissioner on The Greater Baton Rouge Airport Commission. He, however, was deemed not qualified since, at the time of his appointment, he owned no "property assessed in East Baton Rouge Parish," as required by Louisiana Act 151 of 1969. The sole requirement is that he own property, whether real or personal, that is assessed in that parish. We sit to judge the constitutionality, not the wisdom, of this restriction. I am unable to agree that the Constitution, or prior cases from this Court, require today's declaration of unconstitutionality.

This Court has regularly sustained the imposition of city or county residency requirements on municipal employees. *McCarthy v. Philadelphia Civil Service Comm.*, 424 U. S. 645 (1976); *Detroit Police Officers Assn. v. City of Detroit*, 405 U. S. 950 (1972); see also *Bute v. Quinn*, 535 F. 2d 1258 (CA7 1976), cert. denied, No. 76-283 (Dec. 13, 1976). It is dubious at best whether the requirement that a public officeholder own any assessable property within a parish is any more burdensome, or any less rational, than a requirement that he and his family live in that parish.

This Court has also sustained durational residency requirements of five and seven years for candidates for the office of state governor and senator, *Kanapaux v. Ellison*, 419 U. S. 891

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 4, 1977

Re: 76-352 - Chappelle v. Greater Baton Rouge  
Airport District

Dear Potter:

Your suggested disposition is acceptable to me.

Respectfully,



Mr. Justice Stewart

Copies to the Conference