

The Burger Court Opinion Writing Database

Connor v. Finch

431 U.S. 407 (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 25, 1977

Re: Nos. 76-777; 933; 934; 935 - Connor v. Finch

Dear Potter:

In these cases I find there is never a really satisfactory solution, but after "sweating it out," I will ask Harry to show me as joining in his opinion.

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 9, 1977

RE: Nos. 76-777, 933, 934 & 935 - Connor v. Finch

Dear Potter:

I agree.

Sincerely,



Mr. Justice Stewart

cc: 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

1st DRAFT

From: Mr. Justice Stewart

SUPREME COURT OF THE UNITED STATES

Circulated: MAY 5 1977

Nos. 76-777, 76-933, 76-934, AND 76-935 Recirculated: _____

Peggy J. Connor et al.,
Appellants,
76-777 v.
Cliff Finch, Governor of
Mississippi, et al.
Cliff Finch, Governor of
Mississippi, et al.,
Appellants,
76-933 v.
Peggy J. Connor et al.
United States, Appellant,
76-934 v.
Cliff Finch, Governor of
Mississippi, et al.
Peggy J. Connor et al.,
Appellants,
76-935 v.
Cliff Finch, Governor of
Mississippi, et al.

On Appeals from the United States
District Court for the Southern
District of Mississippi.

[May —, 1977]

MR. JUSTICE STEWART delivered the opinion of the Court.

The question in this case concerns the constitutional validity of a legislative reapportionment plan devised by a three-judge Federal District Court for Mississippi's Senate and House of Representatives. In Nos. 76-777 and 76-935, the appellants are the Mississippi voters who originally brought

Stylistic changes

✓

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
 MAY 16 1977
 Circulated: _____

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 76-777, 76-933, 76-934, AND 76-935

Peggy J. Connor et al.,
 Appellants,
 76-777 v.

Cliff Finch, Governor of
 Mississippi, et al.

Cliff Finch, Governor of
 Mississippi, et al.,
 Appellants,

76-933 v.

Peggy J. Connor et al.

United States, Appellant,
 76-934 v.

Cliff Finch, Governor of
 Mississippi, et al.

Peggy J. Connor et al.,
 Appellants,

76-935 v.

Cliff Finch, Governor of
 Mississippi, et al.

On Appeals from the United States
 District Court for the Southern
 District of Mississippi.

[May —, 1977]

MR. JUSTICE STEWART delivered the opinion of the Court.

The question in this litigation concerns the constitutional validity of a legislative reapportionment plan devised by a three-judge Federal District Court for Mississippi's Senate and House of Representatives. In Nos. 76-777 and 76-935, the appellants are the Mississippi voters who originally brought

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 8, 1977

MEMORANDUM TO THE CONFERENCE

Re: No. 76-969, House v. Wallace, held for No. 76-777,
Connor v. Finch

In 1974 the District Court in this case held that at-large districting for Board of Alderman positions in Ferriday, Louisiana, was unconstitutional because of its racially discriminatory effect. The accuracy of that finding is conceded by petitioners. The District Court ordered implementation of a plan providing for five single-member districts and rejected a plan proposed by the petitioners using four single-member districts and one at-large district. On appeal CA 5 held that the District Court should have deferred to the legislative board's preferences and adopted the mixed plan; this Court then vacated and remanded the case to the Court of Appeals for reconsideration in light of East Carroll Parish School Board v. Marshall, 424 U. S. 636.

✓ East Carroll reaffirmed the principle that single member districts are preferred absent special circumstances. That approach was originally announced in Connor v. Johnson, 402 U. S. 690, and has been applied in Connor v. Williams, 404 U. 549; Mahan v. Howell, 410 U. S. 315; Chapman v. Meier, 420 U. S. 21; and most recently in Connor v. Finch. CA 5 on remand concluded that there were no special circumstances that would have required the District Court to use the mixed plan, and affirmed the District Court.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 7, 1977

MEMORANDUM TO THE CONFERENCE

Re: Nos. 76-777, 76-933, 76-934 & 76-935, Connor
v. Finch

I thought you would be interested in a memorandum about this case prepared by my clerk, Bob Loewen. As you may have gathered, I would not be adverse to permitting three-judge courts to remand matters of remedy to a single judge, with appeal to the Court of Appeals when only matters of remedy are involved. Of course, there might be complications, but I could put up with them.


B.R.W.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 5, 1977

Re: Nos. 76-777, 76-933, 76-934 & 76-935, Connor
v. Finch

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

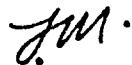
May 10, 1977

Re: Nos. 76-777, 76-933, 76-934, and 76-935
Connor v. Finch

Dear Potter:

Please join me.

Sincerely,



T. M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 9, 1977

Re: Nos. 76-777/933/934/935 - Connor v. Finch

Dear Potter:

I shall probably be writing briefly and separately.
I shall endeavor to get it to you as soon as possible.

Sincerely,

HAB.

Mr. Justice Stewart

cc: The Conference

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

From: Mr. Justice Blackmun

Circulated: 5/12/77

1st DRAFT

Recirculated:

SUPREME COURT OF THE UNITED STATES

Nos. 76-777, 76-933, 76-934, AND 76-935

Peggy J. Connor et al.,
 Appellants,

76-777 *v.*

Cliff Finch, Governor of
 Mississippi, et al.

Cliff Finch, Governor of
 Mississippi, et al.,

Appellants,

76-933 *v.*

Peggy J. Connor et al.

United States, Appellant,

76-934 *v.*

Cliff Finch, Governor of
 Mississippi, et al.

Peggy J. Connor et al.,
 Appellants,

76-935 *v.*

Cliff Finch, Governor of
 Mississippi, et al.

On Appeals from the United States
 District Court for the Southern
 District of Mississippi.

[May —, 1977]

MR. JUSTICE BLACKMUN, concurring in part and concurring
 in the judgment.

I join Parts I and II of the Court's opinion and concur in
 its judgment. I do not understand the Court to disapprove
 the District Court's decision to use county lines as districting
 boundaries wherever possible, even though this policy may
 cause a greater variation in district population than would
 otherwise be appropriate for a court-ordered plan. The final

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 9, 1977

No. 76-777 Connor v. Finch

Dear Potter:

I will await Harry's circulation, and may also write briefly.

Sincerely,

Lewis

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 Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Powell

Circulated: MAY 23 1977

1st DRAFT

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

Nos. 76-777, 76-933, 76-934, AND 76-935

Peggy J. Connor et al.,
 Appellants,
 76-777 *v.*
 Cliff Finch, Governor of
 Mississippi, et al.
 Cliff Finch, Governor of
 Mississippi, et al.,
 Appellants,
 76-933 *v.*
 Peggy J. Connor et al.
 United States, Appellant,
 76-934 *v.*
 Cliff Finch, Governor of
 Mississippi, et al.
 Peggy J. Connor et al.,
 Appellants,
 76-935 *v.*
 Cliff Finch, Governor of
 Mississippi, et al.

On Appeals from the United States
 District Court for the Southern
 District of Mississippi,

[May —, 1977]

MR. JUSTICE POWELL dissenting.

The Court today strikes down the entire Mississippi reapportionment plan ordered by the District Court as violative of the one person, one vote principles announced in *Reynolds v. Sims*, 377 U. S. 533 (1964). This result—which no party to this protracted litigation has urged in this Court¹—is in

¹ The United States, the appellant in No. 76-934, does not challenge the plan as failing to meet the one-person, one-vote requirement of the Equal

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 6, 1977

Re: 76-777, 76-933, 76-934, 76-935 -
Connor v. Finch

Dear Potter:

Please join me.

Respectfully,



Mr. Justice Stewart

Copies to the Conference