The Burger Court Opinion Writing Database

McDaniel v. Paty

435 U.S. 618 (1978)

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

Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice

Circulated: JAN 19 1978

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[January —, 1978]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented by this appeal is whether a Tennessee statute barring "Ministers of the Gospel, or priest[s] of any denomination whatever" from serving as delegates to the State's limited constitutional convention deprived appellant McDaniel, an ordained minister, of the right to the free exercise of religion guaranteed by the First Amendment and made applicable to the States by the Fourteenth Amendment.

I

In its first constitution, in 1796, Tennessee disqualified ministers from serving as legislators.[1] That disqualifying provision has continued unchanged since its adoption; it is now Art. IX, § 1 of the state constitution. The state legislature applied this provision to candidates for delegate to the State's 1977 limited constitutional convention when it enacted Chapter 848, Section 4 of the 1976 Tennessee Public Acts: "Any citizen of the state who can qualify for membership in the House of Representatives of the General Assembly may become a candidate for delegate to the convention . . . ."

[1] "Whereas Ministers of the Gospel are by their profession, dedicated to God and the care of Souls, and ought not to be diverted from the great duties of their functions; therefore, no Ministers of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature." Tenn. Const. of 1796, Art. VIII, § 1.

1 ✓

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

CHAMBERS OF
THE CHIEF JUSTICE

February 9, 1978

Re: 76-1427 - McDaniel v. Paty

MEMORANDUM TO THE CONFERENCE:

I contemplate adding as footnote 4a something along the following lines:

> 4a/ In light of his position regarding a "right of candidacy," it is difficult to understand Mr. Justice White's conclusion that "the Tennessee statute [does not] in any way interfere[] with McDaniel's ability to exercise his religion as he desires . . . ." Infra, at ___. The right to the free exercise of religion unquestionably encompasses the right to preach and proselyte, or, in other words, to be a minister of the type McDaniel was found to be. Cantwell v. Connecticut, 310 U.S. 296 (1940). In Mr. Justice White's view, McDaniel is also possessed of a right to seek elective office, a right sufficiently fundamental to require "careful [judicial] scrutiny [of] state regulations burdening that right." Infra, at ____. Yet under the Tennessee clergy disqualification provision, McDaniel cannot exercise both rights simultaneously because the State has conditioned the exercise of one on the abandonment of the other. Or, in James Madison's words, the State is "punishing a religious profession with the privation of a civil right." 5 The Writings of James Madison 288 (G. Hunt ed. 1904). This the State cannot do without adequate justification -- not demonstrated here -- because "to condition the

STYLISTIC CHANGES: 7, 8, 9

New fns. 5-7

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

From: The Chief Justice

Circulated: _____

Recirculated: FEB 17 1978

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al. | On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented by this appeal is whether a Tennessee statute barring "Ministers of the Gospel, or priest[s] of any denomination whatever" from serving as delegates to the State's limited constitutional convention deprived appellant McDaniel, an ordained minister, of the right to the free exercise of religion guaranteed by the First Amendment and made applicable to the States by the Fourteenth Amendment.

I

In its first constitution, in 1796, Tennessee disqualified ministers from serving as legislators.[1] That disqualifying provision has continued unchanged since its adoption; it is now Art. IX, § 1 of the state constitution. The state legislature applied this provision to candidates for delegate to the State's 1977 limited constitutional convention when it enacted Chapter 848, Section 4 of the 1976 Tennessee Public Acts: "Any citizen of the state who can qualify for membership in the House of Representatives of the General Assembly may become a candidate for delegate to the convention . . . ."

[1] "Whereas Ministers of the Gospel are by their profession, dedicated to God and the care of Souls, and ought not to be diverted from the great duties of their functions; therefore, no Ministers of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature." Tenn. Const. of 1796, Art. VIII, § 1.

pp 2, 3, 4, 6-9
new fns 5-8

Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice

Circulated:

Recirculated: APR 4 1978

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[April —, 1978]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented by this appeal is whether a Tennessee statute barring "Ministers of the Gospel, or priest[s] of any denomination whatever" from serving as delegates to the State's limited constitutional convention deprived appellant McDaniel, an ordained minister, of the right to the free exercise of religion guaranteed by the First Amendment and made applicable to the States by the Fourteenth Amendment.

I

In its first constitution, in 1796, Tennessee disqualified ministers from serving as legislators.[1] That disqualifying provision has continued unchanged since its adoption; it is now Art. IX, § 1 of the state constitution. The state legislature applied this provision to candidates for delegate to the State's 1977 limited constitutional convention when it enacted Chapter 848, Section 4 of the 1976 Tennessee Public Acts: "Any citizen of the state who can qualify for membership in the House of Representatives of the General Assembly may become a candidate for delegate to the convention . . . ."

[1] "Whereas Ministers of the Gospel are by their profession, dedicated to God and the care of Souls, and ought not to be diverted from the great duties of their functions; therefore, no Ministers of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature." Tenn. Const. of 1796, Art. VIII, § 1.

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

CHAMBERS OF
THE CHIEF JUSTICE

April 7, 1978

Re: 76-1427 - McDaniel v. Paty, et al.

MEMORANDUM TO THE CONFERENCE:

I am adding the following footnote at page 10, at the end of the sentence reading: "We hold that § 4 of Chapter 848 violates McDaniel's First Amendment right to the free exercise of his religion made applicable to the States by the Fourteenth Amendment.10/"

10/ It is a misreading of this opinion to view it as even remotely suggesting that § 4 advances the objectives of the Establishment Clause. The Court's holding rests explicitly on the State's violation of McDaniel's rights under the Free Exercise Clause.

This should be ready for the next sitting.

Regards,

WEB

1, 7

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[April —, 1978]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented by this appeal is whether a Tennessee statute barring "Ministers of the Gospel, or priest[s] of any denomination whatever" from serving as delegates to the State's limited constitutional convention deprived appellant McDaniel, an ordained minister, of the right to the free exercise of religion guaranteed by the First Amendment and made applicable to the States by the Fourteenth Amendment. The First Amendment forbids all laws "prohibiting the free exercise" of religion.

I

In its first constitution, in 1796, Tennessee disqualified ministers from serving as legislators.[1] That disqualifying provision has continued unchanged since its adoption; it is now Art. IX, § 1 of the state constitution. The state legislature applied this provision to candidates for delegate to the State's 1977 limited constitutional convention when it enacted Chapter 848, Section 4 of the 1976 Tennessee Public Acts: "Any citizen of the state who can qualify for membership in

[1] "Whereas Ministers of the Gospel are by their profession, dedicated to God and the care of Souls, and ought not to be diverted from the great duties of their functions; therefore, no Ministers of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature." Tenn. Const. of 1796, Art. VIII, § 1.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 18, 1978

RE: No. 76-1427 McDaniel v. Paty

Dear Chief:

I have just had an opportunity to consider your opinion. I have several reservations about which I will write you shortly.

Sincerely,

Bill

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 9, 1978

MEMORANDUM TO THE CONFERENCE

RE: No. 76-1427 McDaniel v. Paty

In due course I will be circulating a separate opinion in the above.

W.J.B. Jr.

3/15/78

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al. | On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. JUSTICE BRENNAN, concurring.

I would hold that the invocation in § 4 of the legislative call for the constitutional convention,[1] of Art. IX, § 1, of the Tennessee Constitution rendered the call to that extent unconstitutional as in violation of both the Free Exercise and Establishment Clauses of the First Amendment as applied to the States through the Fourteenth Amendment. I therefore concur in the reversal of the judgment of the Tennessee Supreme Court.

I

INTRODUCTION

A brief history of provisions excluding clergymen from public office is the appropriate starting point. Today neither the Federal Government nor any State other than Tennessee has such an exclusion. Thirteen States had such provisions,

[1] Section 4 provides in full:

"Any citizen of the state who can qualify for membership in the House of Representatives of the General Assembly may become a candidate for delegate to the convention upon filing with County Election Commission of his county a nominating petition containing not less than twenty-five (25) names of legally qualified voters of his or her representative district. Each district must be represented by a qualified voter of that district. In the case of a candidate from a representative district comprising more than one county, only one qualifying petition need be filed by the candidate, and that in his home county, with a certified copy thereof filed with the Election Commission of the other counties of his representative district."

See pp. 1, 3, 6, 7, 9
Notes renumbered

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

4/14/78

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al. | On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[April —, 1978]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, concurring in the judgment.

I would hold that § 4 of the legislative call to the Tennessee constitutional convention,[1] to the extent that it incorporates Art. IX, § 1, of the Tennessee Constitution, see *ante*, at 1 n. 2, violates both the Free Exercise and Establishment Clauses of the First Amendment as applied to the States through the Fourteenth Amendment. I therefore concur in the reversal of the judgment of the Tennessee Supreme Court.

I

The Tennessee Supreme Court sustained Tennessee's exclusion on the ground that it "does not infringe upon religious belief or religious action within the protection of the free exercise clause, [and] that such indirect burden as may be

[1] Section 4 provides in full:

"Any citizen of the state who can qualify for membership in the House of Representatives of the General Assembly may become a candidate for delegate to the convention upon filing with County Election Commission of his county a nominating petition containing not less than twenty-five (25) names of legally qualified voters of his or her representative district. Each district must be represented by a qualified voter of that district. In the case of a candidate from a representative district comprising more than one county, only one qualifying petition need be filed by the candidate, and that in his home county, with a certified copy thereof filed with the Election Commission of the other counties of his representative district."

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76–1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. JUSTICE STEWART, concurring in the judgment.

I concur in the judgment of the Court, but cannot join that part of its opinion which suggests that Tennessee's disqualification of clergy advances the objectives of the Establishment Clause of the First Amendment. Like MR. JUSTICE BRENNAN, I believe that § 4 stands more in conflict with those objectives than in accord with them. The Establishment Clause generally prevents the States from legislating in support of or in obstruction of religion, but it does not require the States to extract from their legislatures all possible sources of religious influence. The eye of First Amendment scrutiny is on the legislator's product, not on the legislators themselves.

Also like MR. JUSTICE BRENNAN, I believe that *Torcaso* v. *Watkins*, 367 U. S. 488, controls this case. There, the Court held that Maryland's refusal to commission Torcaso as a Notary Public because he would not declare his belief in God violated the Free Exercise Clause of the First Amendment. The offense against the First Amendment lay not simply in requiring an oath, but in "limiting public offices to persons who have, or perhaps more properly profess to have, a belief in some particular kind of religious concept." *Id.*, at 494. As the Court noted, "The fact . . . that a person is not compelled to hold public office cannot possibly be an excuse for barring him from office by state-imposed criteria forbidden by the Constitution." *Id.*, at 495–496. Except for the fact that Tennessee bases its disqualification not on a person's state-

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

Recirculated

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. JUSTICE STEWART, concurring in the judgment.

I concur in the judgment of the Court, but cannot join that part of its opinion which suggests that Tennessee's disqualification of clergy advances the objectives of the Establishment Clause of the First Amendment.[1] Like MR. JUSTICE BRENNAN, I believe that § 4 stands more in conflict with those objectives than in accord with them. The Establishment Clause generally prevents the States from legislating in support of or in obstruction of religion, but it does not require the States to extract from their legislatures all possible sources of religious influence. The eye of First Amendment scrutiny is on the legislators' product, not on the legislators themselves.

Also like MR. JUSTICE BRENNAN, I believe that *Torcaso v. Watkins*, 367 U. S. 488, controls this case. There, the Court held that Maryland's refusal to commission Torcaso as a

[1] The Court states that "[t]here is no occasion to inquire whether [Tennessee's disqualification of clergy for the purpose of preventing the establishment of religion] is a permissible legislative goal, . . . for Tennessee has failed to demonstrate that its views of the dangers of clergy participation in the political process have not lost whatever validity they may once have enjoyed." *Ante*, at 9. This statement seems to imply that § 4 might be held constitutional if Tennessee *could* show that ministers "will necessarily exercise their powers and influence [in public office] to promote the interests of one sect or thwart the interests of another thus pitting one against the others, contrary to the antiestablishment principle with its command of neutrality." *Ibid.*

I cannot agree that the disqualification of clergy from public office could ever be a permissible means of ensuring the separation of church and state.

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. JUSTICE STEWART, concurring in the judgment.

Like MR. JUSTICE BRENNAN, I believe that *Torcaso* v. *Watkins*, 367 U. S. 488, controls this case. There, the Court held that Maryland's refusal to commission Torcaso as a Notary Public because he would not declare his belief in God violated the Free Exercise Clause of the First Amendment, as incorporated by the Fourteenth. The offense against the First and Fourteenth Amendments lay not simply in requiring an oath, but in "limiting public offices to persons who have, or perhaps more properly profess to have, a belief in some particular kind of religious concept." *Id.*, at 494. As the Court noted, "The fact . . . that a person is not compelled to hold public office cannot possibly be an excuse for barring him from office by state-imposed criteria forbidden by the Constitution." *Id.*, at 495–496. Except for the fact that Tennessee bases its disqualification not on a person's statement of belief but on his decision to pursue a religious vocation as directed by his belief, that case is indistinguishable from this one—and that sole distinction is without constitutional consequence.*

*In *Cantwell* v. *Connecticut*, 310 U. S. 296, 304, this Court recognized that "the [First] Amendment embraces two concepts,—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be." This distinction reflects the judgment that, on the one hand, Government has no business prying into people's minds or dispensing benefits according to people's religious beliefs, and, on the other, that acts harmful to society should not be immune from proscription simply because the actor claims to be religiously inspired. The disability

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76–1427

Paul A. McDaniel, Appellant, *v.* Selma Cash Paty et al.	On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[March —, 1978]

MR. JUSTICE STEWART, concurring in the judgment.

Like MR. JUSTICE BRENNAN, I believe that *Torcaso* v. *Watkins*, 367 U. S. 488, controls this case. There, the Court held that Maryland's refusal to commission Torcaso as a Notary Public because he would not declare his belief in God violated the First Amendment, as incorporated by the Fourteenth. The offense against the First and Fourteenth Amendments lay not simply in requiring an oath, but in "limiting public offices to persons who have, or perhaps more properly profess to have, a belief in some particular kind of religious concept." *Id.*, at 494. As the Court noted, "The fact . . . that a person is not compelled to hold public office cannot possibly be an excuse for barring him from office by state-imposed criteria forbidden by the Constitution." *Id.*, at 495–496. Except for the fact that Tennessee bases its disqualification not on a person's statement of belief but on his decision to pursue a religious vocation as directed by his belief, that case is indistinguishable from this one—and that sole distinction is without constitutional consequence.*

*In *Cantwell* v. *Connecticut*, 310 U. S. 296, 303–304, this Court recognized that "the [First] Amendment embraces two concepts,—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be." This distinction reflects the judgment that, on the one hand, Government has no business prying into people's minds or dispensing benefits according to people's religious beliefs, and, on the other, that acts harmful to society should not be immune from proscription simply because the actor claims to be religiously inspired. The disability

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 25, 1978

Re: 76-1427 McDaniel v. Paty

Dear Chief,

As you know, I voted to reverse but not on Free Exercise grounds. I am writing a brief concurrence.

Sincerely,

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 8, 1978

Re: 76-1427: McDaniel v. Paty

Dear Chief,

I have sent the attached concurrence to the printer.

Sincerely,

Byron

The Chief Justice

Copies to the Conference

To: [illegible]

No. 76-1427 — McDaniel v. Paty

From: Mr. Justice White

Circulated: 2-8-78

Recirculated: _____

MR. JUSTICE WHITE, concurring in the judgment.

While I share the Court's view that Tennessee's disqualification of ministers from serving as delegates to the State's constitutional convention is constitutionally impermissible, I disagree as to the basis for this invalidity. Rather than relying on the Free Exercise Clause, as does the majority, I would hold Chapter 848, Section 4 of the 1976 Tennessee Public Acts unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

The majority states that § 4 "infringes on . . . McDaniel's right to the free exercise of his religion without interference by the State," ante, at 6, but fails to explain in what way McDaniel has been deterred in the observance of his religious beliefs. Certainly he has not felt compelled to abandon the ministry as a result of the challenged statute, nor has he been required to disavow any of his religious beliefs. Because I am not persuaded that the Tennessee statute in any way interferes with McDaniel's ability to exercise his religion as he desires, I would not rest the decision on the Free

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

Circulated: 2/9/78

Recirculated: _____

Printed
1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al. | On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[February —, 1978]

MR. JUSTICE WHITE, concurring in the judgment.

While I share the Court's view that Tennessee's disqualification of ministers from serving as delegates to the State's constitutional convention is constitutionally impermissible, I disagree as to the basis for this invalidity. Rather than relying on the Free Exercise Clause, as does the majority, I would hold Chapter 848, Section 4 of the 1976 Tennessee Public Acts unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

The majority states that § 4 "infringes on . . . McDaniel's right to the free exercise of his religion without interference by the State," *ante*, at 6, but fails to explain in what way McDaniel has been deterred in the observance of his religious beliefs. Certainly he has not felt compelled to abandon the ministry as a result of the challenged statute, nor has he been required to disavow any of his religious beliefs. Because I am not persuaded that the Tennessee statute in any way interferes with McDaniel's ability to exercise his religion as he desires, I would not rest the decision on the Free Exercise Clause but instead would turn to McDaniel's argument that the statute denies him equal protection of the laws.

Our cases have recognized the importance of the right of an individual to seek elective office and accordingly have afforded careful scrutiny to state regulations burdening that right. In

Wm Brennan 2/7/78

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

Circulated: _____

Recirculated: 4/13

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1 & 3

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76–1427

Paul A. McDaniel, Appellant, v. Selma Cash Paty et al. | On Appeal from the Supreme Court of Tennessee for the Eastern Division.

[February —, 1978]

MR. JUSTICE WHITE, concurring in the judgment.

While I share the view of my Brothers that Tennessee's disqualification of ministers from serving as delegates to the State's constitutional convention is constitutionally impermissible, I disagree as to the basis for this invalidity. Rather than relying on the Free Exercise Clause, as do the other Members of the Court, I would hold Chapter 848, Section 4 of the 1976 Tennessee Public Acts unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

The plurality states that § 4 "has encroached upon McDaniel's right to the free exercise of religion," *ante*, at 7, but fails to explain in what way McDaniel has been deterred in the observance of his religious beliefs. Certainly he has not felt compelled to abandon the ministry as a result of the challenged statute, nor has he been required to disavow any of his religious beliefs. Because I am not persuaded that the Tennessee statute in any way interferes with McDaniel's ability to exercise his religion as he desires, I would not rest the decision on the Free Exercise Clause but instead would turn to McDaniel's argument that the statute denies him equal protection of the laws.

Our cases have recognized the importance of the right of an individual to seek elective office and accordingly have afforded careful scrutiny to state regulations burdening that right. In

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 4, 1978

Re: No. 76-1427 - McDaniel v. Paty

Dear Bill:

Please join me.

Sincerely,

T.M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 13, 1978

Re: No. 76-1427 - McDaniel v. Paty

Dear Chief:

At the end of your opinion will you please add a notation that I took no part in the consideration or decision of this case.

Sincerely,

HAB.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 16, 1978

No. 76-1427 McDaniel v. Paty

Dear Chief:

Please join me.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

J

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 17, 1978

Re: No. 76-1427 - McDaniel v. Paty

Dear Chief:

Please join me.

Sincerely,

WHR

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 17, 1978

Re: 76-1427 - McDaniel v. Paty

Dear Chief:

Please join me.

Respectfully,

JPS

The Chief Justice

Copies to the Conference