

# The Burger Court Opinion Writing Database

## *Holt Civic Club v. Tuscaloosa*

439 U.S. 60 (1978)

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

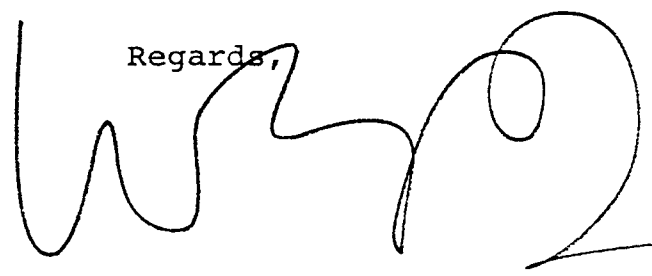
January 27, 1978

RE: 77-515 - Holt Civic Club, etc., et al. v. City of  
Tuscaloosa

Dear Byron:

Please add me to your January 26 dissent.

Regards,



Mr. Justice White

Copies to the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice Marshall  
Mr. Justice Blackmun  
✓ Mr. Justice Powell  
Mr. Justice R. H. Quist  
Mr. Justice Stevens

From: Mr. Justice White

Circulated: 1/26

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

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

HOLT CIVIC CLUB, ETC., ET AL. v. CITY OF  
TUSCALOOSA, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

No. 77-515. Decided February —, 1978

MR. JUSTICE WHITE, dissenting.

Appellants, residents of an area located just outside the city of Tuscaloosa, Ala., brought this statewide class action<sup>1</sup> to challenge the constitutionality of an Alabama statute which gives to all municipalities within the State authority to regulate and collect license fees beyond their corporate limits.<sup>2</sup> Appellants claim that this statute contravenes the Equal Protection Clause of the Fourteenth Amendment by subjecting them to the police powers of a governmental unit without giving them the same right to vote which is exercised by other citizens within that unit.

<sup>1</sup> The plaintiff class was to consist of all Alabama residents similarly situated in zones contiguous to Alabama cities. Named as defendants were the city of Tuscaloosa, three members of the governing body of the city, and the judge of the Recorder's Court of that city. Plaintiffs sought a determination that these defendants were representative of a class consisting of all municipal executives, all municipal legislative bodies and all municipal judicial officers in the State of Alabama.

<sup>2</sup> Title 37 of the Alabama Code provides:

§ 9. "Police jurisdiction; territorial—The police jurisdiction in cities having six thousand or more inhabitants shall cover all adjoining territory within three miles of the corporate limits, and in cities having less than six thousand inhabitants, and in towns, such police jurisdiction shall extend also to the adjoining territory within a mile and a half of the corporate limits of such city or town. Ordinances of a city or town enforcing police or sanitary regulations and prescribing fines and penalties for violations thereof, shall have force and effect in the limits of the city or town and in the police jurisdiction thereof, and on any property or rights of way belonging to the city or town."

*I'll  
not  
join*

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
✓ Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Po  
Mr. Justice B  
Mr. Justice S

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Mr. Justice

HOLT CIVIC CLUB, ETC., ET AL. v. CITY OF  
TUSCALOOSA, ETC., ET AL.

Circulated: \_\_\_\_\_

Recirculated: 1/31

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

No. 77-515. Decided February —, 1978

MR. JUSTICE WHITE, with whom THE CHIEF JUSTICE and  
MR. JUSTICE STEVENS join, dissenting.

Appellants, residents of an area located just outside the city of Tuscaloosa, Ala., brought this statewide class action<sup>1</sup> to challenge the constitutionality of an Alabama statute which gives to all municipalities within the State authority to regulate and collect license fees beyond their corporate limits.<sup>2</sup> Appellants claim that this statute contravenes the Equal Protection Clause of the Fourteenth Amendment by subjecting them to the police powers of a governmental unit without giving them the same right to vote which is exercised by other citizens within that unit.

<sup>1</sup> The plaintiff class was to consist of all Alabama residents similarly situated in zones contiguous to Alabama cities. Named as defendants were the city of Tuscaloosa, three members of the governing body of the city, and the judge of the Recorder's Court of that city. Plaintiffs sought a determination that these defendants were representative of a class consisting of all municipal executives, all municipal legislative bodies and all municipal judicial officers in the State of Alabama.

<sup>2</sup> Title 37 of the Alabama Code provides:

§ 9. "Police jurisdiction; territorial—The police jurisdiction in cities having six thousand or more inhabitants shall cover all adjoining territory within three miles of the corporate limits, and in cities having less than six thousand inhabitants, and in towns, such police jurisdiction shall extend also to the adjoining territory within a mile and a half of the corporate limits of such city or town. Ordinances of a city or town enforcing police or sanitary regulations and prescribing fines and penalties for violations thereof, shall have force and effect in the limits of the city or town and in the police jurisdiction thereof, and on any property or rights of way belonging to the city or town."

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

January 26, 1978

Re: 77-515 - Holt Civic Club v. City of  
Tuscaloosa

Dear Byron:

Please join me.

Respectfully,



Mr. Justice White

Copies to the Conference