

The Burger Court Opinion Writing Database

Marchioro v. Chaney

442 U.S. 191 (1979)

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 26, 1979

Dear John:

Re: 78-647 Marchioro v. Chaney

I join.

Regards,

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 18, 1979

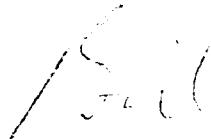
No. 78-647 Marchioro v. Chaney

Dear John,

You have done an admirable job of focusing the question presented in this case, and I am prepared to join your opinion and forego my dissent. I do have two suggestions:

1. Would you consider adding the following sentence, or words to similar effect, to footnote 12?:
"Since appellants do not object to the burdens imposed by the actual requirements of the statute, we have no occasion to consider whether those burdens are justified by the legitimate state interests represented in those requirements."
2. Since the first three sentences of footnote 15 seem completely sufficient to distinguish Cousins, would you consider deleting the rest of that footnote?

Sincerely,



Mr. Justice Stevens

cc: Mr. Justice Marshall

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

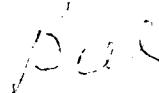
May 21, 1979

RE: No. 78-647 Marchioro v. Chaney

Dear John:

Thank you very much for accommodating my suggestions in the above. Your revision of the suggestion for footnote 12 is entirely satisfactory. I am happy to join your opinion.

Sincerely,



Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 17, 1979

Re: No. 78-647, Marchioro v. Chaney

Dear John,

I am glad to join your opinion for the
Court.

Sincerely yours,

P.S.
P.

Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 17, 1979

Re: No. 78-647 — Marchioro, et al.
v. Chaney, et al.

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 17, 1979

Re: No. 78-647 - Marchioro v. Chaney

Dear John:

I await the dissent.

Sincerely,



T.M.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

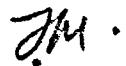
May 29, 1979

Re: No. 78-647 - Marchioro v. Chaney

Dear John:

Please join me.

Sincerely,



T.M.

Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 22, 1979

Re: No. 78-647 - Marchioro v. Chaney

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20542

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 22, 1979

Re: No. 78-647 - Marchioro v. Chaney

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

cc: The Conference

[note to Justice Stevens only]

P.S. Bill Brennan's circulated letter of May 21 made me wonder. I was ready to join, but wished to see the change before I did.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 16, 1979

78-647 Marchioro v. Chaney

Dear John:

Please show on the next draft of your opinion that I took no part in the consideration or decision of this case.

Sincerely,



Mr. Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 17, 1979

Re: No. 78-647 Marchioro v. Chaney

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

Copies to 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 Rehnquist

From: Mr. Justice Stevens

Circulated: MAY 16 1979

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-647

Karen Marchioro et al.,
Appellants,
v.
Neale V. Chaney et al. } On Appeal from the Supreme Court
of Washington.

[May —, 1979]

MR. JUSTICE STEVENS delivered the opinion of the Court.

Since 1927 a Washington statute has required each major political party to have a State Committee consisting of two persons from each county in the State.¹ The question pre-

¹ RCW 29.42.020 provides:

"State Committee. The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a chairman and vice-chairman who must be of opposite sexes. This committee shall meet during January of each odd-numbered year for the purpose of organization at a time and place designated by a sufficient notice to all the newly elected state committeemen and committeewomen by the authorized officers of the retiring committee. For the purpose of this section a notice mailed at least one week prior to the date of the meeting shall constitute sufficient notice. At its organizational meeting it shall elect its chairman and vice-chairman, and such officers as its bylaws may provide, and adopt bylaws, rules and regulations. It shall have power to:

"(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention shall designate. The manner, number and procedure for selection of state convention delegates shall be subject to the committee's rules and regulations duly adopted;

"(2) Provide for the election of delegates to national conventions;

"(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

"(4) Provide for the nomination of presidential electors; and

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 21, 1979

RE: No. 78-647 - Marchioro v. Chaney

Dear Bill:

Many thanks for your letter of May 18, 1979. Your suggestions are good ones. I would only propose a slight change in the first. Instead of the sentence you suggest for the end of footnote 12, I would like to introduce the footnote with this sentence:

"Since appellants do not claim that these statutory requirements impose any impermissible burdens, we have no occasion to consider whether whatever burdens they do impose are justified by the legitimate state interests served by these requirements."

Respectfully,



Mr. Justice Brennan

cc: Mr. Justice Marshall

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 22, 1979

Re: 78-647 - Marchioro

Dear Harry:

Since Bill had written to
me separately, I thought I should
respond likewise.

Sincerely,



Mr. Justice Blackmun

Attachments

pp. 6, 8-9

To: The Chief Justice

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

From: Mr. Justice Stevens

Circulated: _____

2nd DRAFT

Recirculated: May 22 '79

SUPREME COURT OF THE UNITED STATES

No. 78-647

Karen Marchioro et al.,
Appellants, } On Appeal from the Supreme Court
v. } of Washington.
Neale V. Chaney et al.

[May —, 1979]

MR. JUSTICE STEVENS delivered the opinion of the Court.

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"(2) Provide for the election of delegates to national conventions;

"(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

"(4) Provide for the nomination of presidential electors; and