

The Burger Court Opinion Writing Database

Rodriguez v. Popular Democratic Party

457 U.S. 1 (1982)

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



To: Justice Brennan
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **The Chief Justice**

Circulated: **MAY 20 1982**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-328

**JESUS RIVERA-RODRIGUEZ ET AL., APPELLANTS v.
POPULAR DEMOCRATIC PARTY ET AL.**

APPEAL FROM THE SUPREME COURT OF PUERTO RICO

[May —, 1982]

CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented by this appeal is whether Puerto Rico may by statute vest in a political party the power to fill an interim vacancy in the Puerto Rico legislature. The Supreme Court of Puerto Rico held that such a procedure did not violate the United States Constitution. We noted probable jurisdiction, — U. S.— (1980), and we affirm.

I

In the November 4, 1980, Puerto Rico general election, Ramon Muniz, a member of appellee Popular Democratic Party, was elected to the Puerto Rico House of Representatives from District 31.¹ Muniz died on January 28, 1981. The Governor of Puerto Rico, a member of the opposition New Progressive Party, subsequently called for a “by-election”—open to all qualified voters in District 31—to fill the vacancy caused by Muniz’ death. The Governor purported to act pursuant to Articles 5.006 and 5.007 of the Electoral

¹The Puerto Rico Legislative Assembly consists of two chambers—the House of Representatives, with 51 members, and the Senate, with 27 members. P.R. Const., Art. III, §§ 1 and 2. A single general election is held in Puerto Rico every four years for all elective officials. *Id.*, Art. VI, § 4; P.R. Laws Ann., Tit. 16, §§ 3201, 3205 (Supp. 1980).

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

CHAMBERS OF
THE CHIEF JUSTICE

June 3, 1982

MEMORANDUM TO THE CONFERENCE

Re: No. 81-328 - Rivera-Rodriguez v. Popular Democratic Party

I have sent to the printer the attached minor changes in
the opinion in this case.

W.E.B.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 24, 1982

RE: No. 81-328 Rivera-Rodriguez v. Popular Democratic
Party, et al.

Dear Chief:

I agree.

Sincerely,



The Chief Justice

cc: The Conference

85 4 27 5 11

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 21, 1982

Re: 81-328 - Rivera-Rodriguez
v. Popular Democratic Party

Dear Chief,

Please join me.

Sincerely yours,



The Chief Justice

Copies to the Conference

cpm

85 MAY 31 1982

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 3, 1982

Re: No. 81-328 - Rivera-Rodriguez v. Popular
Democratic Party

Dear Chief:

Please join me.

Sincerely,

T.M.

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

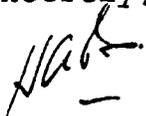
May 26, 1982

Re: No. 81-328 - Rivera-Rodriguez v. Popular Democratic Party

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

cc: The Conference

85 MAY 28 1982

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 20, 1982

OS 24 28

81-328 Rivera-Rodriguez v. Popular Democratic Party

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

Copies to the Conference

LFP/vde

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 24, 1982

Re: No. 81-328 Rivera-Rodriguez v. Popular Democratic Party

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

MAY 21 1982

May 21, 1982

Re: 81-328 - Rivera-Rodriguez v. Popular
Democratic Party

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

51:39 OS 4M 58

May 20, 1982

No. 81-328 Rivera-Rodriguez v. Popular
Democratic Party

Dear Chief,

Please join me.

Sincerely,



The Chief Justice

Copies to the Conference