

The Burger Court Opinion Writing Database

Bernal v. Fainter

467 U.S. 216 (1984)

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHAL

CHAMBERS OF
THE CHIEF JUSTICE

May 22, 1984

84 MAY 23 A91

Re: 83-630 - Efrem Bernal v. Fainter

Dear Thurgood:

I join.

Regards,



Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 8, 1984

No. 83-630

Bernal v. Fainter, Secretary
of State of Texas, et al.

Dear Thurgood,

I agree.

Sincerely,



Justice Marshall

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NOV 13 1984

137

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 8, 1984

Re: 83-630 - Bernal v. Fainter

Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

Copies to the Conference

cpm

87 101-8 15 1984

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

Circulated: **MAY 7 - 1984**

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-630

EFREM BERNAL, PETITIONER *v.* JOHN W.
FAINTER, JR., SECRETARY OF STATE
OF TEXAS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[May —, 1984]

JUSTICE MARSHALL delivered the opinion of the Court.

The question posed by this case is whether a statute of the State of Texas violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution by denying aliens the opportunity to become notaries public. The Court of Appeals for the Fifth Circuit held that the statute does not offend the Equal Protection Clause. We granted certiorari, — U. S. — (1983), and now reverse.

I

Petitioner, a native of Mexico, is a resident alien who has lived in the United States since 1961. He works as a paralegal for Texas Rural Legal Aid, Inc., helping migrant farm workers on employment and civil rights matters. In order to administer oaths to these workers and to notarize their statements for use in civil litigation, petitioner applied in 1978 to become a notary public.¹ Under Texas law, notaries public authenticate written instruments, administer oaths,

¹ Prior to his employment in Texas, petitioner worked in a legal services program in Indiana and held a commission as a notary in that State. *Vargas v. Strake*, 710 F. 2d 190, 191 (CA5 1983).

pp. 3, 6, 12

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Marshall

Circulated: _____

Recirculated: 5-18-84

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-630

EFREM BERNAL, PETITIONER *v.* JOHN W.
FAINTER, JR., SECRETARY OF STATE
OF TEXAS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 17, 1984

Re: No. 83-630, Bernal v. Fainter

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY 17 P3:26

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY 14 12:30

May 14, 1984

Re: No. 83-630 Bernal v. Fainter

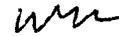
Dear Thurgood:

Would you please add at the end of your opinion the following:

"Justice Rehnquist dissents for the reasons stated in his dissenting opinion in Sugarman v. Dougall, 413 U.S. 634, 649 (1973)."

Don't hesitate to make any changes in the form of this statement to conform to Henry Lind's requirements.

Sincerely,



Justice Marshall

cc: The Conference

N

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY -8 19:43

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 7, 1984

Re: 83-630 - Bernal v. Fainter

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

84 MAY 17 A9:28

May 16, 1984

No. 83-630 Bernal v. Fainter

Dear Thurgood,

Please join me.

Sincerely,

Sandra

Justice Marshall

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