

The Burger Court Opinion Writing Database

NAACP v. Hampton County Election Commission

470 U.S. 166 (1985)

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





CHAMBERS OF
THE CHIEF JUSTICE

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

January 16, 1985

Re: 83-1015 - National Association for the Advancement of
Colored People, etc., et al. v. Hampton County
Election Comm. etc., et al.

Dear Byron:

I join.

Regards,

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 11, 1985

No. 83-1015

NAACP, etc., et al.
v. Hampton County Election
Commission, etc., et al.

Dear Byron,

I agree.

Sincerely,



Justice White

Copies to the Conference

For The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

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72

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1015

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, ETC., ET AL., APPELLANTS
v. HAMPTON COUNTY ELECTION
COMMISSION, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA

[January —, 1985]

JUSTICE WHITE delivered the opinion of the Court.

This appeal challenges a three-judge District Court's construction and application of § 5 of the Voting Rights Act, 42 U. S. C. § 1973(c). That section provides that certain jurisdictions, including the one in which this case arose, may not implement any election practices different from those in force on November 1, 1964, without first obtaining approval from the United States District Court for the District of Columbia or, alternatively, from the Attorney General.¹ The statute

¹ Section 5 provides in pertinent part:

"Whenever a State or political subdivision with respect to which the prohibitions set forth in section 1973b(a) of this title based upon determinations made under the first sentence of section 1973b(b) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, . . . such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification [etc.] . . . does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification [etc.] . . . : *Provided*, That such qualification [etc.] . . . may be enforced without such

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

p. 4; footnotes renumbered;
(footnote 9 omitted)

From: **Justice White**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1015

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, ETC., ET AL., APPELLANTS
v. HAMPTON COUNTY ELECTION
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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
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To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1015

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, ETC., ET AL., APPELLANTS
v. HAMPTON COUNTY ELECTION
COMMISSION, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA

[January —, 1985]

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

From: **Justice White**

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STANDARD OUTLINE THROUGHOUT.

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1015

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, ETC., ET AL., APPELLANTS
v. HAMPTON COUNTY ELECTION
COMMISSION, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA

[February —, 1985]

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CHAMBERS OF
JUSTICE THURGOOD MARSHALL

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

January 11, 1985

Re: No. 83-1015-NAACP v. Hampton County Election Comm.

Dear Byron:

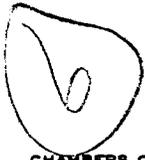
Please join me.

Sincerely,

T.M.

Justice White

cc: The Conference



CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

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

January 22, 1985

Re: No. 83-1015, NAACP v. Hampton County Election Comm'n

Dear Byron:

Please join me.

Sincerely,

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 19, 1985

83-1015 NAACP v. Hampton County

Dear Byron:

Please show that I concur in the judgment.

Sincerely,



Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 14, 1985

Re: No. 83-1015 NAACP v. Hampton County Election Commission

Dear Byron,

Would you please show that I concur in the judgment.

Sincerely,



Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 10, 1985

Re: 83-1015 - NAACP v. Hampton County
Election Commission

Dear Byron:

Please join me.

Respectfully,



Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 10, 1985

No. 83-1015 NAACP v. Hampton County
Election Commission

Dear Byron,

Please join me.

Sincerely,



Justice White

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