

10-27-1969

10-27-1969 Memorandum to the Conference

Thurgood Marshall
US Supreme Court Justice

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October 27, 1969

MEMORANDUM TO THE MEMBERS OF THE CONFERENCE

Re: No. 632 - Alexander v. Holmes County

Here are my suggestions for changes in the proposed Order by the Chief Justice. As you will note, these changes are suggested to replace the Order itself as contrasted to the preliminary paragraphs.

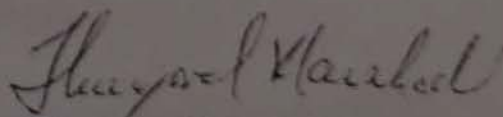
1. The Court of Appeals order of August 28, 1969 is vacated and the case is remanded to the Court of Appeals for entry of an order, pending final resolution of this litigation, which will achieve the immediate termination of any system of dual schools based on race or color.
2. In formulating its order, the Court of Appeals shall consider whether the recommendations submitted by the Department of Health, Education and Welfare on August 11, 1969, together with any amendments which the Court of Appeals may receive from the Department, provide reasonable means for achieving such immediate termination of a dual school system.
3. The Court of Appeals may in its discretion enter the order herein mandated without further arguments or submissions. In any event, the Court of Appeals shall enter its order on or before November 10, 1969, requiring the termination of the dual school systems and the establishment of unitary school systems on or before December 31, 1969.

4. After the Court of Appeals order is entered, the District Court may receive, hear and consider objections or amendments proposed by any party concerning the adequacy of plans ordered as terminal relief, providing however that the District Court shall have no power to affect in any way the interim relief ordered by the Court of Appeals pursuant to this mandate.

5. The Court of Appeals shall retain jurisdiction to assure prompt and faithful compliance with its order for interim relief pending ultimate disposition of the case and entry of a decree for terminal and permanent operation of a unitary school system. The Court of Appeals may modify or amend its order for interim relief from time to time as that may be deemed necessary or desirable, in order better to achieve the operation of a unitary school system pending final resolution of this litigation.

6. The mandate of this Court shall issue forthwith, and the Court of Appeals is directed to lay aside all other business of the Court to carry out this mandate.

Respectfully,



Thurgood Marshall