

6-27-1986

06-27-1986 Justice Brennan, Per Curiam

William J. Brennan
US Supreme Court Justice

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

HAB

From: Justice Brennan

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 85-93 AND 85-428

85-93 P. E. BAZEMORE, ET AL., PETITIONERS
v.
WILLIAM C. FRIDAY ET AL.

85-428 UNITED STATES, ET AL., PETITIONERS
v.
WILLIAM C. FRIDAY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

[June —, 1986]

PER CURIAM.

These cases present several issues arising out of petitioners' action against respondents for alleged racial discrimination in employment and provision of services by the North Carolina Agricultural Extension Service (Extension Service). The District Court declined to certify various proposed classes and, after a lengthy trial, entered judgment for respondents in all respects, finding that petitioners had not carried their burden of demonstrating that respondents had engaged in a pattern or practice of racial discrimination. The District Court also ruled against each of the individual plaintiff's discrimination claims. The Court of Appeals affirmed. 751 F. 2d 662 (CA4 1984). We hold, for the reasons stated in the opinion of JUSTICE BRENNAN, that the Court of Appeals erred in holding that under Title VII of the Civil Rights Act of 1964, as amended, the Extension Service had no duty to eradicate salary disparities between white and black workers that had their origin prior to the date prior to the date Title VII was made applicable to public employers. Title VII was