

3-5-1971

03-05-1971 Justice Burger, Per Curiam

Warren E. Burger
US Supreme Court Justice

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Printed
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To: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White ✓
Mr. Justice Marshall
Mr. Justice Blackmun

From: The Chief Justice

SUPREME COURT OF THE UNITED STATES

Initiated: _____

No. 79.—OCTOBER TERM, 1970

Recirculated **MAR 5 1971**

Stella Connell, Appellant, } On Appeal From the United
v. } States District Court for
James M. Higginbotham } the Middle District of
et al. } Florida.

[March —, 1971]

PER CURIAM.

This is an appeal from an action commenced in the United States District Court for the Middle District of Florida challenging the constitutionality of §§ 876.05-876.10 of Fla. Stat. Ann., and the various loyalty oaths upon which appellant's employment as a school teacher was conditioned. The three-judge U. S. District Court declared three of the five clauses contained in the oaths to be unconstitutional,* and enjoined the State from conditioning employment on the taking of an oath including the language declared unconstitutional. The appeal is from that portion of the District Court decision which upheld the remaining two clauses in the oath: I do hereby solemnly swear or affirm (1) "that I will support the Constitution of the United States and of the State of Florida"; and (2) "that I do not believe in the overthrow of the government of the United States or of the State of Florida by force or violence."

*See chief
Please find me
[Signature]
Journed on 2-2
(check book)*

*The clauses declared unconstitutional by the court below required the employee to swear: (a) "that I am not a member of the Communist Party"; (b) "that I have not and will not lend my aid, support, advice, counsel or influence to the Communist Party"; and (c) "that I am not a member of any organization or party which believes in or teaches, directly or indirectly, the overthrow of the Government of the United States or of Florida by force or violence."