

10-28-1969

10-28-1969 Correspondence from Black to Burger

Hugo L. Black
US Supreme Court Justice

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October 28, 1969

Dear Chief,

In re No. 632 - Alexander v. Holmes County

I regret that I again find myself unable to agree with the opinion and order circulated yesterday afternoon in the above case.

I do substantially agree, however to the suggested Per Curiam of Brother Brennan circulated this morning. I use the words "substantially agree" because there are three words that in my judgment would make his position clearer:

First, I would like to add one word to his sentence on page 2, which provides that the obligation of every dual school system is to desegregate now. I would say "is completely to desegregate now."

Second. I would like to add the word "continuing" immediately before the words "operation of a unitary school system" at the bottom of page 3.

Third. I would like to add the word "immediately" after the word "mandate" at the end of the paragraph on page 5.

These suggestions, I think, would simply clarify what he has said but they are not essential to my agreement with his circulation precisely as it was sent around.

Sincerely,

H. L. B.

The Chief Justice

cc: Members of the Conference.