

6-27-1986

06-27-1986 Justice Brennan, Dissenting

William J. Brennan
US Supreme Court Justice

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Recommended Citation

Brennan, W.J. Justice Brennan, Dissenting, Bazemore V. Friday, 478 U.S. 385 (1986). Box 367, Harry A. Blackmun Papers, Manuscript Division, Library of Congress, Washington, D.C.

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

HAB

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1, 2, 5-8, 10-13

From: Justice Brennan

Circulated: _____

Recirculated: JUN 27 1986

2nd 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]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL, JUSTICE BLACKMUN, and JUSTICE STEVENS join, dissenting in part.

I

The Court rejects private petitioners' claim that the Extension Service had a duty under the Fourteenth Amendment and the regulations promulgated under Title VI of the Civil Rights Act of 1964 to desegregate the 4-H and Extension Homemaker Clubs in North Carolina. The Court concludes that the "Constitution require[s no] more than what the District Court and the Court of Appeals found the service has done in this case to disestablish segregation in its clubs," *ante*, at —, although the Court does not identify precisely what it is that has been done. The Court of Appeals determined that the respondents' constitutional duty has been satisfied if a plaintiff cannot point to a minority individual who has been discriminated against with respect to membership in a 4-H or Extension Homemaker Club. In upholding the Court of Appeals in this respect, the Court joins the Extension Service in winking at the Constitution's requirement