

UNITED STATES, Petitioner

vs.

PHILLIP PARADISE, JR., ET AL.

12/10/85 - Cert.

*Hand for*  
 2-24-86 84-1999 [84-1656]

HOLD FOR	CERT.		JURISDICTIONAL STATEMENT				MERITS		MOTION		ABSENT	NOT VOTING
	G	D	N	POST	DIS	AFF	REV	AFF	G	D		
Burger, Ch. J.	3	✓					✓					
Brennan, J.		✓						✓				
White, J.	✓						✓	✓				
Marshall, J.		✓						✓				
Blackmun, J.		✓						✓				
Powell, J.								✓				
Rehnquist, J.	✓							✓				
Stevens, J.		✓						✓				
O'Connor, J.	✓							✓				
<i>Scalia</i>	✓							✓				

*but Rev on above original*

7-7-86

The Chief Justice and S. Ct. held  
require compelling state  
interest & be narrowly  
tailored. It is imposed  
1 for 1 to needle dept  
to adopt proper plan.

Narrow tailoring  
was followed here

White, J. Reverse with  
question marks.  
It would have been  
improper as remedy for  
past discrimination.  
Race conscious relief  
was warranted but  
1 on 1 was improper  
& could have been in  
a consent decree

Foot dragging  
may justify this but  
not as outlier

Marshall, J.

affirms

Blackmun, J. What standard  
of review? Under any  
this order violates  
it. This discrimination  
permeates the admin-  
istration. This decree  
was narrowly tailored

Powell, J. one time order made 1 for 1. One - circumstances long time - then a situation of 15 corporals needed & frustrated D.C. thought that was time order

Short duration is significant, no white denied opportunity

Inclined to affirm all promotions above corporal here? If so, I'd move as to that

O'Connor, J. Agree with B.P. that as original population a 1 on 1 would be inevitable. Is this order a one time thing or do we have a permanent for future.

Stevens, J. only one time order here. when district judge, another tough problem, ought to be on side of Gung'ham moral support. Should not hold back to too strict a "narrow tailoring"

Don't find clear difference between hiring & promotion particular 1 for 1 here was well within court's discretion

Scalia, J. Were playing with first to allow this - I'd reverse. Don't see narrow tailoring here number picked out of the hat