

NASH. CIVIL DOCKET  
UNITED STATES DISTRICT COURT

THREE-JUDGE COURT: 5815  
Hon. Harry Phillips, Chief Judge, U.S. Ct. Appeals;  
Hon. Bailey Brown, Chief Judge, West. Dist. Tenn.;  
Hon. Frank Gray, Jr., Chief Judge, Middle Dist. Tenn.  
Jury demand date:

D. C. Form No. 106 Rev.

U.S. SUPREME COURT # 769  
Oct. Term 1970

(Dist. Ct. Affirmed 4-20-72 (No. 70-13))  
ATTORNEYS

TITLE OF CASE	
JAMES F. BLUMSTEIN	For plaintiff:
v.	James F. Blumstein
BUFORD ELLINGTON, Gov... State of Tennessee	(Counsel pro se)
DAVID PACK, Atty. Gen... State of Tennessee	Vanderbilt Law School
JOE C. CARR, Sec. of State, State of Tenn.;	Nashville, Tennessee 37203
SHIRLEY G. HASSLER, Coordinator of Elections, State of Tennessee;	
GEORGE C. THOMAS, Chm. State Bd. of Elections, State of Tenn.;	For Intervenor - George B. Sanders, Jr.
LYTLE LANDERS	George E. Barrett;
JACK/NORMAN//SR/ and JAMES E. HARPSTER,	Larry Helm Spalding
CARL/McINTURFF, Mbrs. State Bd. of Elections;	Barrett & Mitchell
THOMAS W. JARRELL, Chm. Davidson Co. Elec. Comm.;	Third Natl. Bank Bldg. 37219
J. GRANSTAFF DALE,	
JOHN H. HNEDESON,	
IMOGENE MUSE, and	
ALBERT H. THOMAS, Mbrs. Davidson Co. Bd. Elec.;	
MARY P. FERRELL, Registrar-at-Large of Davidson County, State of Tennessee.	
	For defendant:
	Robert H. Roberts
	Assistant Attorney General
	State of Tennessee, Supreme Ct. Bldg. 37219
BASIS OF ACTION: Declaratory Judgment and Injunctive Relief -	Honorable Thomas E. Fox
T.28 USC 2201, 2202, 1343(3); 42 USC 1983.	Deputy Attorney General
Seeking protection from application of T.C.A. §2-201 and injunction requiring that all registration books in all counties in the state of Tennessee remain open until July 29, 1970, or other reasonable date.	State of Tennessee Supreme Court Bldg. 37219

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-17-70	Clerk	7-17-70	James F. Blumstein	15 00	
		7-24-70	Treas CO		15 00
J.S. 6 mailed 9-9-70	Marshal	9-22-70	State of Tenn. Robt. Roberts, Atty	5 00	
Basis of Action:	Docket fee	9-25-70	Treas CO		5.00
	Witness fees				
Action arose at:	Depositions				

REPRODUCED AT NARA

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-17-70	Filed: Complaint	
7-20-70	SUMMONS DELIVERED TO MARSHAL - With 13 copies of complaint for service.	
7-20-70	Filed: Plaintiff's Motion for Preliminary Injunction; Affidavit in Support of Motion.	
7-21-70	Entered: Designation - Hon. Harry Phillips, Chief Judge, U.S. Circuit Court of Appeals for the Sixth Circuit, the Hon. Bailey Brown, Chief Judge, U.S. District Court for the Western District of Tennessee, and the Hon. Frank Gray, Jr., Chief Judge, U.S. District Court for the Middle Dist. Tennessee, designated to serve as members of the Court to hear and determine this action.	
7-21-70	Order to Show Cause Entered: Defts. to appear 7-30-70, 10:00 a.m. to show cause why preliminary injunction should not issue. 13 Att. copies delivered to U. S. Marshal for service on defendants, att. copy mailed to James F. Blumstein, counsel pro se.	
7-22-70	Filed: Plaintiff's Certificate of service as to Motion for Preliminary Injunction and supporting Affidavit.	
7-23-70	Filed: Amendment to Complaint, c/s as to all defendants; Certificate of Service as to substituted defendants Lytle Landers and James E. Harpster - Complaint, Amendments to Complaint, and Order to Show Cause.	
7-28-70	Filed: Motion of George B. Sanders, Jr. to Intervene as a Plf. (proposed Complaint of Intervenor attached); Notice of Petition to Intervene; Brief in Support of Motion, c/s .	
7-29-70	Filed: Memorandum of Law for Plaintiff, c/s.	
7-30-70	Filed: Reply of Defendants to Order to Show Cause.	
7-30-70	Filed: Affidavit of Mary P. Ferrell, Registrar-at-Large	
7-30-70	ORDER ENTERED: Application for P.I. insofar as elections Aug 6, are concerned - Denied; Appl. of Geo. B. Sanders, Jr. to intervene - Denied; Plf's oral motion that he (& class) be allowed to vote in election held by Commissioners of Election pending decision - Denied; Stipulated hearing this date would constitute final hearing on merits on appl. for P.I.; Plf and Defts may file additional briefs, and proposed intervenor may file brief amicus curiae by Aug. 10;.... Plf's motion to amend compl. to include attack on validity of residency requirements - Article IV, § 1, Tenn. Constitution - Granted. Attested copy to attorneys of record.	
8-3-70	Filed: Plaintiff's Motion to Reconsider Order Denying Motion to Cast Provisional Ballot, c/s, Exhibit attached.	
8-4-70	Order Entered: Plaintiff's Motion to Reconsider, etc. is not well taken, and is Denied. Attested copy to attorneys of record. sealed	
8-6-70	"Provisional Ballot" contained in/envelope (Vanderbilt Univ. Nash. Tenn., School of Law) signed by plaintiff, James F. Blumstein, before Anna M. Ingram, Notary Public lodged in Vault.	

////////////////////

(See Sheet No. 2)

## JAMES F. BLUMSTEIN v. BUFORD ELLINGTON, GOV. STATE OF TENN., ET AL

D. C. 110A Rev. Civil Docket Continuation Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-10-70	Filed: Amendment to Complaint; Supplementary Affidavit -plf. affiant; Supplementary Memorandum of Law for Plaintiff; Certificate of Service.	
8-10-70	Filed: Defendants' Supplemental Reply Brief, certificate of service attached.	
8-13-70	Filed: Memorandum of Amicus Curiae, filed by Geo. E. Barrett on behalf of American Civil Liberties Union, c/s.	
8-14-70	M/R - Summons executed in full - MEF \$39.36; Order to Show Cause executed in full - MEF \$39.36. (13 defendants).	
8-31-70	Order Entered - Judges Phillips, Brown & Gray: Class Action Maintained. Attested copy to attorneys of record.	
8-31-70	Entered: MEMORANDUM - Judges Phillips, Brown & Gray: Judgment of the Court that 1-yr./3 mos. durational residency requirements contained in Article IV, § 1, T.C.A. § 2-201 & § 2-304 are repugnant to Constitution of the USA, and are therefore null, void, and of no effect; Order to implement decision and providing for appropriate injunctive relief will be submitted by counsel within ten days. Attested copy to attorneys of record.	
9-9-70	Order entered approved by Counsel; Residency requirements contained in Article IV, § 1, TCA § 2-201 & 2-304 are repugnant to U.S. Constitution, and are null, void and of no effect; Defendants to cause registrars in all counties of Tenn. to register all bona fide residents regardless of length of residency; to cause to be published in Memphis, Nashville, Knoxville and Chattanooga, notice of this order; to cause registrars to remain open one day after effective date of this Order through October 3, 1970 (30 days prior to election),...days and hours as set forth); Defendants to reimburse plaintiff for all fees and costs. Attested copy to attorneys of record. (Signed by Judge Gray for 3-judge Court)	
9-10-70	Filed: Defendants' Motion to Stay Order Pending Appeal to the U.S. Supreme Court; Certificate of Service; Notice of Motion.	
9-11-70	Order Entered: Defendants' Motion to Stay Order entered 9-9-70 pending appeal is not well taken, Denied. Att. copy to attorneys of record.	
9-14-70	Filed: Defendants' Notice of Appeal to the United States Supreme Court from Order entered by 3-Judge District Court 9-9-70 ; Designation of documents to be included in transcript of record; Questions presented by appeal. (Supersedeas Bond submitted for approval by the Court). C/S attached to Notice.	

REPRODUCED AT NARA

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-16-70	Filed: Defendants' Amendment to Notice of Appeal to the U. S. Supreme Court, c/s.	
9-18-70	Filed: Bond for Cost on Appeal.	
9-22-70	Entered: Modification of Order entered 9-9-70 as set forth. Att' copy to attorneys of record.	
9-23-70	Filed on behalf of Defendants: Jurisdictional Statement - In the Supreme Court of the United States, October Term, 1970.	
9-23-70	Certified Record on Appeal with Jurisdictional Statement submitted by defendants mailed to the Clerk, Supreme Court of the U.S.; copies of Clerk's Certificate & Index, and Docket Entries, with att. copy of Order entered 9/22, mailed to attorneys James F. Blumstein, and State Attorneys Fox and Roberts;.....same to Hon. Geo. Barrett.	
10-5-70	Receipt of Record acknowledged by the Clerk, Supreme Court, USA, on September 24, 1970, EC #769 - OCT. Term 1970.	
3-12-71	Entered - Order of the U.S. Supreme Court: Statement of jurisdiction having been submitted and considered, probable jurisdiction is noted.	
4-20-72	Filed: TRUE COPY - ORDER OF THE SUPREME COURT OF THE UNITED STATES No. 70-13 - Adjudged that the judgment of the United States District Court is affirmed.	
7/27/72	Filed: Bill of Costs for \$2838.(appearance date not shown), c/s.	
8-21-72	Filed: Defendants' Objection to Bill of Costs, c/s, attachments.	
8-18-75	Filed: Stipulation relative to the taxing of costs in this case. It is stipulated that the original bill of costs filed by the plaintiff be amended to reflect the total sum of \$93.72, and the defendants stipulate that the Objection to Bill of Costs heretofore filed be treated as withdrawn. (Signed by Mr. James F. Blumstein, plaintiff and Mr. Robert H. Roberts, Assistant Attorney General for named defendants.)	
8-18-75	Filed: Bill of Costs form in the total sum of \$93.72, and same taxed by the Clerk of this Court on August 18, 1975, as part of the judgment herein. (Copy of each stipulation and Bill of Costs form mailed to each: Mr. Blumstein & Mr. Roberts, attys. of record )	
10/22/75	Filed: Satisfaction of Judgment behalf James F. Blumstein that Defendants have satisfied the judgment of the Bill of Costs in the above-styled cause, by a check drawn on the State of Tennessee (Payable Warrant No. 715725), dated October 14, 1975, and in the amount of \$93.72.).	