

CC sent Justice Harlan with note: Dear John: Here is a copy of a letter I have sent to Felix. I am sorry that I cannot go along but it does not change the result anyway. Tom.

March 7, 1962

Dear Felix:

Re: No. 6, Baker v. Carr

Preparatory to writing my dissent in this case, along the line you suggested of pointing out the avenues that were open for the voters of Tennessee to bring about reapportionment despite its Assembly, I have carefully checked into the record. I am sorry to say that I cannot find any practical course that the people could take in bringing this about except through the Federal courts.

Having come to this conclusion I decided I would reconsider the whole case, and I am sorry to say that I shall have to ask you to permit me to withdraw from your dissent. I regret this, but in view of the fact that the voters of Tennessee have no other recourse I have concluded that this case is controlled by MacDougall.

I am attaching a copy of my views together with the reasons that brought them about.

My best always.

T. C. C.

Mr. Justice Frankfurter