

The Burger Court Opinion Writing Database

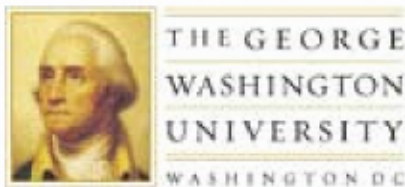
Daniel v. Goliday

398 U.S. 73 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HUGO L. BLACK

April 30, 1970

Re: No. 1211 - Daniel v. Goliday, et al.

Dear John,

In re the above case, please note at the
foot of your Per Curiam opinion that I dissent
from the vacation of the judgment and the remand
to the District Court.

Sincerely,


H. L. B.

Mr. Justice Harlan

cc: Members of the Conference

To: The Chief Justice
Mr. Justice Black
✓ Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

1

SUPREME COURT OF THE UNITED STATES

From: Harlan, J.

Circulated:

APR 29 1970

October Term, 1969

Recirculated:

DANIEL v. GOLIDAY ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT OF
THE NORTHERN DISTRICT OF ILLINOIS

No. 1211. Decided May —, 1970

PER CURIAM.

The court below has held that the Due Process Clause of the Fourteenth Amendment requires a State to provide a recipient of public welfare benefits with notice and a hearing prior to "termination, suspension, or reduction" of benefits. This Court's subsequent decisions in *Goldberg v. Kelly*, 397 U. S. —, and *Wheeler v. Montgomery*, 397 U. S. —, decided March 23, 1970, dealt only with termination and suspension, not reduction, of benefits. We think that the bearing of those decisions on the treatment of benefit reductions should be determined in the first instance by the District Court on a record developed by the parties with specific attention to that issue. Accordingly, the judgment is vacated and the case is remanded to the District Court for further proceedings in conformity with this opinion.

9 pages
bw

April 17, 1970

Re: No. 1211 - Daniel v. Goliday

Dear Chief:

The Conference vote today was five to three to affirm. I would like to have this case taken off Monday's Order List, and put on next Thursday's Conference List, as I may wish to change my vote to vacate and remand.

Sincerely,

JMH

The Chief Justice

1

April 29, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 1211 - Daniel v. Goliday

Dear Brethren:

This proposed per curiam is circulated pursuant to our discussion at the last Conference at which the case (initially affirmed at the preceding Conference) was relisted for consideration.

Sincerely,

J. M. H.

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SUPREME COURT OF THE UNITED STATES

October Term, 1969

DANIEL v. GOLIDAY ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT OF
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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

From: Harlan, J.

Circulated: APR 29 1970

Recirculated: _____

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

From: Harlan, J.

October Term, 1969

Circulated: _____

DANIEL *v.* GOLIDAY ET AL.

Recirculated: **MAY 21 1970**

APPEAL FROM THE UNITED STATES DISTRICT COURT OF
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THE CHIEF JUSTICE, MR. JUSTICE BLACK, and MR. JUSTICE STEWART dissent.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 29, 1970

RE: No. 1211 - Daniel v. Goliday, et al.

Dear John:

I agree with your Per Curiam in the
above case.

Sincerely,



W. J. B. Jr.

Mr. Justice Harlan

cc: The Conference