

The Burger Court Opinion Writing Database

Morris v. Schoonfield
399 U.S. 508 (1970)

Paul J. Wahlbeck, George Washington University
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

June 10, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 782 - Morris v. Schoonfield

This is the companion case to Williams v. Illinois, No. 1089, which was circulated late yesterday evening by my office.

At a previous Conference we decided that two motions to add additional parties in this case should be held in abeyance pending further consideration by the author of the opinion. After having studied the matter I suggest that we take no action on the motions. It appears unnecessary to grant the motions because, for the reasons set forth in the Jurisdictional Statement, p. 2 n. 2, it seems clear that the case is not moot. Moreover, our very action of remanding the case should adequately communicate to the District Court that we do not consider the case moot. Finally, the motions are made pursuant to Rule 24 of the Federal Rules of Civil Procedure; notwithstanding Rogers v. Paul, 382 U.S. 195, which seems to support the propriety of such a motion, I think it best to avoid the matter entirely.

W.E.B.

To: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

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From: The Chief Justice
SUPREME COURT OF THE UNITED STATES JUN 10 1970

From: The Chief Justice
TATES JUN 10 1970

No. 782.—OCTOBER TERM, 1969

Recirculated:

Phillip Morris et al.,
Appellants,
v.
Hiram Schoonfield,
Warden, et al. } On Appeal From the United
States District Court for the
District of Maryland.

[June —, 1970]

PER CURIAM.

We noted probable jurisdiction¹ and set the case for oral argument with *Williams v. Illinois*, *ante*, p. —, decided today. However, Maryland has recently enacted legislation² dealing directly with the issue presented, and our holding in *Williams*, that an indigent may not be imprisoned beyond the maximum term specified by statute solely because of his failure to pay a fine and court costs, may shed further light on the question raised here. We therefore vacate the judgment and remand the case to the District Court for reconsideration in light of the intervening legislation and our holding in *Williams v. Illinois*, *supra*.

1 397 U. S. 960.

² Chapter 147 of the Laws of Maryland (April 15, 1970).

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 10, 1970

No. 782 - Morris v. Schoonfield

Dear Chief,

I am glad to join the Per Curiam you have prepared in this case.

As to the two motions to add additional parties, I think we should probably take some action on them, else they will continue to be pending here indefinitely. We might deny them, without prejudice to their renewal in the District Court.

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

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

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SUPREME COURT OF THE UNITED STATES

From: White, J.

Circulated: 6-18-70

No. 782.—OCTOBER TERM, 1969

Recirculated: _____

Phillip Morris et al.,
Appellants, } On Appeal From the United
v. } States District Court for the
Hiram Schoonfield, } District of Maryland.
Warden, et al.

[June —, 1970]

MR. JUSTICE WHITE, concurring.

I agree that this case should be remanded for reconsideration in light of our opinion in *Williams v. Illinois*, *ante*, p. —, and the recent enactment by the Maryland General Assembly of new legislation bearing on the questions presented.

However, I deem it appropriate to state my view that the same constitutional defect condemned in *Williams* also inheres in jailing an indigent for failing to make immediate payment of any fine, whether or not the fine is accompanied by a jail term and whether or not the jail term of the indigent extends beyond the maximum term that may be imposed on a person willing and able to pay a fine. In each case, the Constitution prohibits the State from imposing a fine as a sentence and then automatically converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full.

As I understand it *Williams v. Illinois* does not mean that a State cannot jail a person who has the means to pay a fine but refuses or neglects to do so. Neither does it finally answer the question whether the State's interest in deterring unlawful conduct and in enforcing its penal laws through fines as well as jail sentences will justify imposing an "equivalent" jail sentence on

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
~~Mr.~~ Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Blackmun

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SUPREME COURT OF THE UNITED STATES Fr.

Circulated: _____

Recirculated: 6-19

Phillip Morris et al.,
Appellants,
v.
Hiram Schoonfield,
Warden, et al. } On Appeal From the United
States District Court for the
District of Maryland.

[June —, 1970]

MR. JUSTICE WHITE, with whom MR. JUSTICE BRENNAN joins, concurring.

I agree that this case should be remanded for reconsideration in light of our opinion in *Williams v. Illinois*, *ante*, p. ___, and the recent enactment by the Maryland General Assembly of new legislation bearing on the questions presented.

However, I deem it appropriate to state my view that the same constitutional defect condemned in *Williams* also inheres in jailing an indigent for failing to make immediate payment of any fine, whether or not the fine is accompanied by a jail term and whether or not the jail term of the indigent extends beyond the maximum term that may be imposed on a person willing and able to pay a fine. In each case, the Constitution prohibits the State from imposing a fine as a sentence and then automatically converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full.

As I understand it *Williams v. Illinois* does not mean that a State cannot jail a person who has the means to pay a fine but refuses or neglects to do so. Neither does it finally answer the question whether the State's interest in deterring unlawful conduct and in enforcing its penal laws through fines as well as jail sentences

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
~~Mr.~~ Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Blackmun

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SUPREME COURT OF THE UNITED STATES

White, J.

No. 782.—OCTOBER TERM, 1969

Circulated:

Recirculated: 6-24-70

Phillip Morris et al.,
Appellants, } On Appeal From the United
v. } States District Court for the
Hiram Schoonfield, } District of Maryland.
Warden, et al.

[June —, 1970]

MR. JUSTICE WHITE, with whom MR. JUSTICE DOUGLAS,
MR. JUSTICE BRENNAN, and MR. JUSTICE MARSHALL join,
concurring.

I agree that this case should be remanded for reconsideration in light of our opinion in *Williams v. Illinois*, *ante*, p. —, and the recent enactment by the Maryland General Assembly of new legislation bearing on the questions presented.

However, I deem it appropriate to state my view that the same constitutional defect condemned in *Williams* also inheres in jailing an indigent for failing to make immediate payment of any fine, whether or not the fine is accompanied by a jail term and whether or not the jail term of the indigent extends beyond the maximum term that may be imposed on a person willing and able to pay a fine. In each case, the Constitution prohibits the State from imposing a fine as a sentence and then automatically converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full.

As I understand it, *Williams v. Illinois* does not mean that a State cannot jail a person who has the means to pay a fine but refuses or neglects to do so. Neither does it finally answer the question whether the State's interest in deterring unlawful conduct and in enforcing

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 24, 1970

Re: No. 782 - Morris v. Schoonfield

Dear Byron:

Please join me in your concurring
opinion in this case.

Sincerely,



T.M.

Mr. Justice White

cc: The Conference