

The Burger Court Opinion Writing Database

Humphrey v. Cady

405 U.S. 504 (1972)

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
THE CHIEF JUSTICE

January 4, 1971

Re: No. 5515 - Humphrey v. Cady

Dear Potter:

I agree with the questions you have
proposed.

Regards,

Mr. Justice Stewart

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20542

CHAMBERS OF
JUSTICE HUGO L. BLACK

January 5, 1971

Dear Potter,

Re: No. 5515 - Humphrey v. Cady

I have no objections to the
questions.

Sincerely,



H. L. B.

Mr. Justice Stewart

cc: Members of the Conference

January 6, 1970

10-5804

Re: Ms. A.1.10 - CONFIDENTIAL

Dear Doctor:

The comments which you propose in this
case are entirely confidential to me.

Sincerely,

J. M. H.

Mr. Justice Stewart

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 29, 1970

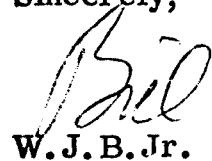
70-5004

RE: No. 5515 - Humphrey v. Cady

Dear Potter:

I agree with the questions you have
framed in the above.

Sincerely,


W. J. B. Jr.

Mr. Justice Stewart

cc: The Conference

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

OK only w/c/c

CHAMBERS OF
JUSTICE POTTER STEWART

December 28, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 5515 - Humphrey v. Cady

At our Conference we agreed to ask the Clerk to direct specific questions to the parties in this case, and I was asked to frame the questions. I should think that the following questions should serve to elicit the information that the members of the Conference expressed an interest in receiving:

1. If petitioner had not been convicted of a crime, under what statute, if any, might he have been committed? How do the procedures for commitment and release under that statute differ from those under Chapter 959? Is one committed under that statute assigned to the same state institution as one committed under Chapter 959?

2. If petitioner had been acquitted by reason of insanity, under what statute, if any, might he have been committed? How do the procedures for commitment and release under that statute differ from those under Chapter 959? Is one committed under that statute assigned to the same state institution as one committed under Chapter 959?

3. Is the application of the provisions of Chapter 959 to petitioner and/or the manner of his present confinement consistent with this Court's decision in Baxstrom v. Herold, 383 U.S. 107?

I shall not communicate these questions to the Clerk until receiving word that they are satisfactory to a majority of the Conference.

Q.S.

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

CHAMBERS OF
JUSTICE POTTER STEWART

December 30, 1970

70-5004

5515 - Humphrey v. Cady

Dear Harry,

Thanks for your note. It had been my thought that we should not vote on the petition for certiorari until we receive from the parties the information to which the questions are directed.

Sincerely yours,

P.S.

Mr. Justice Blackmun

January 5, 1971

Re: No. 5215 - Humphrey V. Cody

Dear Doctor:

The questions you have framed

are satisfactory to me.

Sincerely,

B.R.W.

Mr. Justice Stewart

cc: Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 30, 1970

Re: No. 5515 - Humphrey v. Cady

Dear Potter:

I agree with your questions in
this case.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

December 30, 1970

Re: No. 5515 - Humphrey v. Cady

Dear Potter:

The questions you propose meet with my approval.

According to my records, certiorari as yet has not been granted. I suppose, therefore, that the questions should not be submitted to the Clerk until such action has been taken.

Sincerely,

HAB

Mr. Justice Stewart