

# 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

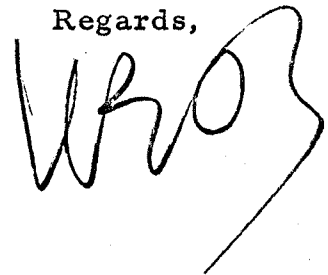
January 4, 1971

Re: No. 5515 - Humphrey v. Cady

Dear Potter:

I agree with the questions you have  
proposed.

Regards,

A handwritten signature in dark ink, appearing to be 'WR', with a long, sweeping horizontal line extending to the right.

Mr. Justice Stewart

cc: The Conference

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

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 5, 1970

70-5004

Re: No. 8818 - Humphrey V. Cady

Dear Father:

The questions which you propose in this case are entirely satisfactory 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

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 Baxtrom 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.

P.S.

OK only 4/10

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. 5515 - Humphrey v. Cady

Dear Potter:

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