

The Burger Court Opinion Writing Database

Graham v. Richardson

403 U.S. 365 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



CHAMBERS OF
THE CHIEF JUSTICE

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

June 3, 1971

Re: No. 609 - Graham v. Richardson
No. 727 - Sailer v. Leger

Dear Harry:

Please include me.

Regards,

WFB

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

June 3, 1971

Dear Harry,

Re: Nos. 609 and 727 - Graham v.
Richardson; Sailer v. Leger.

I am happy to agree.

Sincerely,



Mr. Justice Blackmun

cc: Members of the Conference

June second
1971

Dear Harry:

In No. 609 - Graham v. Richardson,
and No. 727 - Sailor v. Leger, please
join me in your opinion.

William O. Douglas

Mr. Justice Blackmun

wn
Adm

June 11, 1971

Re: Nos. 600 and 737 - *Graham v.*
Richardson, etc.

Dear Harry:

Would you kindly add at the front of your opinion
the following:

"MR. JUSTICE MARSHALL joins in
Parts III and IV of the Court's opinion, and in
the judgment of the Court."

Sincerely,

J. M. H.

Mr. Justice Marshall

CC: The Conference



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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 2, 1971

RE: Nos. 609 & 727 - Graham v. Richardson
and Sailer v. Leger

Dear Harry:

I enthusiastically agree.

Sincerely,

Bill

W. J. B. Jr.

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 2, 1971

Nos. 609 & 727 - Graham v. Richardson, Etc.

Dear Harry,

I am glad to join your opinion for the Court in these cases, although I should much prefer that the last sentence of the first paragraph on page 7 be deleted.

Sincerely yours,

P.S.

Mr. Justice Blackmun

Copies to the Conference

June 3, 1971

Re: Nos. 609 & 727 - Graham v.
Richardson

Dear Harry:

Please join us.

Sincerely,

B.R.W.

Mr. Justices Blackman

cc: Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 3, 1971

Re: Nos. 609 and 727 - Graham v. Richardson and
Sailer v. Leger

Dear Harry:

Please join me.

Sincerely,


T.M.

Mr. Justice Blackmun

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

THE TRADITION OF CONCERN

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

From: Blackmun, J.

1st DRAFT

Circulated: 6/11/17

SUPREME COURT OF THE UNITED STATES

Recirculated: _____

Nos. 609 AND 727.—OCTOBER TERM, 1970

John O. Graham, Commissioner, Department of Public Welfare, State of Arizona, Appellant, 609 *v.* Carmen Richardson, Etc. } On Appeal From the United States District Court for the District of Arizona.

William P. Sailer et al.,
Appellants,
727 v.
Elsie Mary Jane Leger and
Beryl Jervis. } On Appeal From the United
States District Court for
the Eastern District of
Pennsylvania.

[June — 1971]

MR. JUSTICE BLACKMUN-

These are welfare cases. They provide yet another aspect of the widening litigation in this area.¹ The issue here is whether the Equal Protection Clause of the Fourteenth Amendment prevents a State from conditioning welfare benefits either (a) upon the beneficiary's possession of United States citizenship, or (b) if the beneficiary is an alien, upon his having resided in this country for a specified number of years. The facts are not in dispute.

¹ See, for example, *King v. Smith*, 392 U. S. 309 (1968); *Shapiro v. Thompson*, 394 U. S. 618 (1969); *Goldberg v. Kelly*, 397 U. S. 254 (1970); *Rosado v. Wyman*, 397 U. S. 397 (1970); *Dandridge v. Williams*, 397 U. S. 471 (1970); *Wyman v. James*, 400 U. S. 309 (1971).

June 8, 1971

Re: No. 609 - Graham v. Richardson
No. 727 - Smiler v. Leger

Dear Potter:

In a new circulation, about to come, I shall
eliminate the sentence to which you referred in your
letter of June 2.

Sincerely,

H. A. B.

Mr. Justice Stewart

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

2nd DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES.

Nos. 609 AND 727.—OCTOBER TERM, 1970 *circulated*

6/9/71

William P. Sailer et al.,
Appellants.
727 v.
Elsie Mary Jane Leger and
Beryl Jervis. On Appeal From the United
States District Court for
the Eastern District of
Pennsylvania.

[June —, 1971]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

These are welfare cases. They provide yet another aspect of the widening litigation in this area.¹ The issue here is whether the Equal Protection Clause of the Fourteenth Amendment prevents a State from conditioning welfare benefits either (a) upon the beneficiary's possession of United States citizenship, or (b) if the beneficiary is an alien, upon his having resided in this country for a specified number of years. The facts are not in dispute.

¹ See, for example, *King v. Smith*, 392 U. S. 309 (1968); *Shapiro v. Thompson*, 394 U. S. 618 (1969); *Goldberg v. Kelly*, 397 U. S. 254 (1970); *Rosado v. Wyman*, 397 U. S. 397 (1970); *Dandridge v. Williams*, 397 U. S. 471 (1970); *Wyman v. James*, 400 U. S. 309 (1971).

W.D.