

# The Burger Court Opinion Writing Database

## *Philpott v. Essex County Welfare Board*

409 U.S. 413 (1973)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University  
Forrest Maltzman, George Washington University



5  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

January 3, 1973

Re: No. 71-5656 - Philpott v. Essex County Welfare Board

Dear Bill:

Please join me.

Regards,

WRB

Mr. Justice Douglas

Copies to the Conference

WV

December 28, 1972

Dear Potter:

I have your Memorandum in No. 71-5656 -  
Philpott v. Essex County. You are correct in  
that there was an inadvertent omission in my  
circulation. This has been taken care of, and  
the new circulation is enclosed.

W. O. D.

Mr. Justice Stewart

~~cc: Conference~~

W1

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-5656

From: Douglas, J.

Circulated: DEC 26 1972

Recirculated: \_\_\_\_\_

Doris Philpott and William  
Wilkes, Petitioners,  
v.  
Essex County Welfare Board. } On Writ of Certiorari to  
the Supreme Court of  
New Jersey.

[January —, 1973]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Wilkes,<sup>1</sup> one of the petitioners, applied to respondent, one of New Jersey's welfare agencies, for financial assistance based upon need by reason of permanent and total disability. As a condition of receiving assistance, a beneficiary is required by New Jersey law to execute an agreement to reimburse the county welfare board for all payments received thereunder.<sup>2</sup> The purpose apparently is to enable the Board to obtain reimbursement out of subsequently discovered or acquired real and personal property of the recipient.

<sup>1</sup> The payment in controversy is in a bank account under the name of petitioner Philpott in trust for Wilkes.

<sup>2</sup> N. J. S. A. 44: 7-14 (a) provides:

"Every county welfare board shall require, as a condition to granting assistance in any case, that all or any part of the property, either real or personal, of a person applying for old age assistance, be pledged to said county welfare board as a guaranty for the reimbursement of the funds so granted as old age assistance pursuant to the provisions of this chapter. The county welfare board shall take from each applicant a properly acknowledged agreement to reimburse for all advances granted, and pursuant to such agreement, said applicant shall assign to the welfare board, as collateral security for such advances, all or part of his personal property as the board shall specify."

new footnote  
#3 inserted

Please join me  
fill

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES, J.

No. 71-5656

Circulated: \_\_\_\_\_

Recirculated: 12-28-72

Doris Philpott and William  
Wilkes, Petitioners,  
v.  
Essex County Welfare Board. } On Writ of Certiorari to  
the Supreme Court of  
New Jersey.

[January —, 1973]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Wilkes,<sup>1</sup> one of the petitioners, applied to respondent, one of New Jersey's welfare agencies, for financial assistance based upon need by reason of permanent and total disability. As a condition of receiving assistance, a beneficiary is required by New Jersey law to execute an agreement to reimburse the county welfare board for all payments received thereunder.<sup>2</sup> The purpose apparently is to enable the Board to obtain reimbursement out of subsequently discovered or acquired real and personal property of the recipient.

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B M

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

January 8, 1973

MEMORANDUM TO THE CONFERENCE:

Re: No. 71-5656 - Philpott v. Essex County

At our Conference January 5, Justice  
Blackmun asked that the above case go over, which  
it did.

Over the weekend he called me to say he  
was satisfied with the opinion. That means that all  
have joined it. I saw no reason for holding it  
any longer and spoke to the Chief Justice, who  
agreed. So now the case is scheduled to come down  
Wednesday, January 10.

W. O. D.

7-211

8 1 1 ✓ 2

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-5656

Doris Philpott and William  
Wilkes, Petitioners,  
v.  
Essex County Welfare Board. } On Writ of Certiorari to  
the Supreme Court of  
New Jersey.

[January 10, 1973]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Wilkes,<sup>1</sup> one of the petitioners, applied to respondent, one of New Jersey's welfare agencies, for financial assistance based upon need by reason of permanent and total disability. As a condition of receiving assistance, a recipient is required by New Jersey law to execute an agreement to reimburse the county welfare board for all payments received thereunder.<sup>2</sup> The purpose apparently is to enable the Board to obtain reimbursement out of subsequently discovered or acquired real and personal property of the recipient.

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3  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

December 27, 1972

RE: No. 71-5656 - Philpott & Wilkes v.  
Essex County Welfare Board

Dear Bill:

I agree.

Sincerely,

Bill

Mr. Justice Douglas

cc: The Conference

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3  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

December 27, 1972

Re: 71-5656, Philpott v. Essex Cty Welfare Bd

Dear Bill,

I am glad to join your opinion for the Court  
in this case.

Sincerely yours,

P.S.  
✓

Mr. Justice Douglas

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

January 4, 1973

Re: No. 71-5656 - Philpott v. Essex County  
Welfare Board

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Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 26, 1972

Re: No. 71-5656 - Philpott and Wilkes v.  
Essex County Welfare Board

Dear Bill:

Please join me.

Sincerely,

  
T.M.

Mr. Justice Douglas

cc: Conference

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

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

January 8, 1973

Re: No. 71-5656 - Philpott, et al v. Essex County  
Welfare Board

Dear Bill:

Please join me.

Sincerely,

H.A.B.

Mr. Justice Douglas

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3

*joined*

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 27, 1972

Re: No. 71-5656 Philpott v. Essex County

Dear Bill:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Douglas

cc: The Conference

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8  
file  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

December 27, 1972

Re: No. 71-5656 - Philpott v. Essex County Welfare Board

Dear Bill:

Please join me.

Sincerely,

Wm

Mr. Justice Douglas

Copies to the Conference