

The Burger Court Opinion Writing Database

Morris v. Weinberger
410 U.S. 422 (1973)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
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To: Mr. Justice Douglas
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. 71-6698

From: [Redacted]

Marion P. Morris, on behalf
of Linda Morris, Petitioner,
v.
Elliot L. Richardson, Secre-
tary of Health, Education
and Welfare.

Circulated: JAN 27 1973
On Writ of Certiorari to
the United States Court
of Appeals for the
Fourth Circuit.
Recirculated: [Redacted]

[February —, 1973]

PER CURIAM.

Writ of certiorari is dismissed as improvidently
granted.

WD

HRB
To: Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2d
1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: The Chief Justice

No. 71-6698

Circulated: _____

Recirculated: FEB 2 1973

Marion P. Morris, on behalf
of Linda Morris, Petitioner,
v.
Elliot L. Richardson, Secre-
tary of Health, Education
and Welfare.

On Writ of Certiorari to
the United States Court
of Appeals for the
Fourth Circuit.

[February —, 1973]

PER CURIAM.

Twenty days after this Court granted a writ of certiorari, Congress repealed the relevant statutory provisions, 42 U. S. C. § 402 (d)(8) (1970 ed.). See § 111 (a), Social Security Amendments of 1972 (October 30, 1972), Pub. L. 92-603, 86 Stat. 1329. The writ of certiorari heretofore granted is dismissed as improvidently granted.

Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

4th DRAFT

From: The Supreme Court

SUPREME COURT OF THE UNITED STATES

Recirculated: February 21, 1973

No. 71-6698

Marion P. Morris, on behalf
of Linda Morris, Petitioner,
v.
Elliot L. Richardson, Secretary
of Health, Education
and Welfare.

On Writ of Certiorari to
the United States Court
of Appeals for the
Fourth Circuit.

[February 22, 1973]

PER CURIAM.

Twenty days after this Court granted a writ of certiorari, Congress repealed the relevant statutory provisions, § 202 (d)(8) of the Social Security Act, 42 U. S. C. § 402 (d)(8). See § 111 (a), Social Security Amendments of 1972 (Oct. 30, 1972), Pub. L. 92-603, 86 Stat. 1329. The writ of certiorari heretofore granted is dismissed as improvidently granted.

2-511

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. 71-6698

Recirculated: _____
Circulated: _____
FEB 8 1973

Marion P. Morris, on behalf
of Linda Morris, Petitioner,
v.

Elliot L. Richardson, Secre-
tary of Health, Education
and Welfare.

Recirculated: _____
On Writ of Certiorari to
the United States Court
of Appeals for the
Fourth Circuit.

[February —, 1973]

MR. JUSTICE DOUGLAS, dissenting.

In this case, petitioner was denied social security benefits for his dependent adoptive daughter because her court-approved adoption was not supervised by a child-placement agency. As noted by the Court, the section which barred his claim at the time that it was filed has now been repealed.¹ What the Court does not deal with, however, is the patchwork nature of the relief that Congress has provided.

Section 111 (b) of the new Act² specifies the dates and circumstances to which § 111 (a)³ applies. As I read § 111 (b), should petitioner qualify for increased

¹ Social Security Amendment of 1972, Pub. L. 92-603, 86 Stat. 1329, § 111.

² "The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1967 on the basis of an application filed in or after the month in which this Act is enacted; except that such amendments shall not apply with respect to benefits for any month before the month in which this Act is enacted unless such application is filed before the close of the sixth month after the month in which this Act is enacted."

³ The relevant portion of that section reads:

"In the case of—

"(A) . . .

"(B) an individual entitled to disability insurance benefits

"a child of such individual adopted after such individual became entitled to such . . . benefits shall be deemed not to meet the re-

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. February 8, 1973

RE: No. 71-6698 Morris v. Richardson

Dear Chief:

I agree with the Per Curiam you
have prepared in the above.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 29, 1973

Re: No. 71-6698, Morris v. Richardson

Dear Chief,

The Per Curiam you have circulated in this case is satisfactory to me, although I had thought there might be written a few words of explanation, i.e., the change in the law very shortly after the petition for certiorari was granted.

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

WD

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

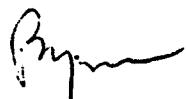
February 9, 1973

Re: No. 71-6698 - Morris v. Richardson

Dear Chief:

Please join me in your suggested per curiam.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 7, 1973

Re: No. 71-6698 - Morris v. Richardson

Dear Chief:

I agree with your per curiam.

Sincerely,


T.M.

The Chief Justice

cc: Conference

S

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 29, 1973

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Re: No. 71-6678 - Morris v. Richardson, Secretary

Dear Chief:

Please join me in the proposed dismissal as improvidently granted.

Sincerely,
H. A. B.

The Chief Justice

Copies to the Conference

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S

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 16, 1973

Re: No. 71-6698 Morris v. Richardson

Dear Chief:

Please join me in your per curiam.

Sincerely,

Lewis

The Chief Justice

cc: The Conference

W.C.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 16, 1973

Re: No. 71-6698 - Morris v. Richardson

Dear Chief:

Please join me in your per curiam for this case.

Sincerely,



The Chief Justice

Copies to the Conference