

# 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  
Forrest Maltzman, George Washington University



To: Mr. Justice Douglas ✓  
 Mr. Justice Brennan  
 Mr. Justice Stewart  
 Mr. Justice White  
 Mr. Justice Marshall  
 Mr. Justice Harlan  
 Mr. Justice Powell  
 Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-6698

From: The Hon. [illegible]

Circulated: JAN 27 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.

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

[February —, 1973]

PER CURIAM.

Writ of certiorari is dismissed as improvidently  
 granted.

*HAB*  
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, Secretary of Health, Education and Welfare.	}	On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.
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[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Twenty days after this Court granted a writ of certiorari, Congress repealed the relevant statutory provisions, 42 U. S. C. § 402 (d) (8) (1970 ed.).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 Clerk of the Supreme Court

SUPREME COURT OF THE UNITED STATES

Circulated:

No. 71-6698

Recirculated: FEB 21 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 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.

2-5-73

REPRODUCED FROM THE COLLECTION

THE MANUSCRIPT DIVISION

U. S. DEPARTMENT OF JUSTICE

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

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 bene-  
fits 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.<sup>1</sup> What the Court does not deal with,  
however, is the patchwork nature of the relief that Con-  
gress has provided.

Section 111 (b) of the new Act<sup>2</sup> specifies the dates  
and circumstances to which § 111 (a)<sup>3</sup> applies. As I  
read § 111 (b), should petitioner qualify for increased

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

<sup>2</sup> "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 bene-  
fits 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."

<sup>3</sup> 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-

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MANUSCRIPT DIVISION

SSRCNOC 50 ADV 1 IN

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

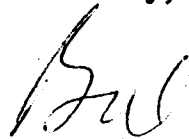
February 8, 1973

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

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

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THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF JUSTICE



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

REPRODUCED FROM THE COLLECTION

THE MANUSCRIPT DIVISION

U.S. SUPREME COURT

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

S  
CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 29, 1973

98  
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

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

S  
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

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