

The Burger Court Opinion Writing Database

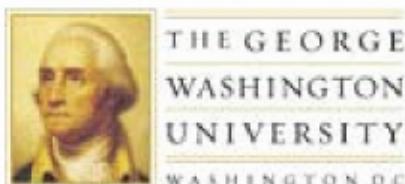
Morton v. Ruiz

415 U.S. 199 (1974)

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

February 14, 1974

Re: 72-1052 - Morton v. Ruiz

Dear Harry:

Please join me.

Regards,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

January 30, 1974

Dear Harry:

Please join me in your opinion for
the Court in 72-1052, Norton v. Ruiz, et
al.

WW

William O. Douglas

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. January 29, 1974

RE: No. 72-1052 - Morton v. Ruiz

Dear Harry:

I agree.

Sincerely,

Brennan

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 31, 1974

72-1052 - Morton v. Ruiz

Dear Harry,

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

Sincerely yours,

Q.S.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 30, 1974

Re: No. 72-1052, Morton v. Ruiz

Dear Harry:

Please join me. As to whether the agency, rather than the District Court, should be given the first chance to define "near," I shall leave to you.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 31, 1974

Re: No. 72-1052 -- Rogers C. B. Morton v. Ruiz et ux.

Dear Harry:

Please join me in your opinion in this case.

Sincerely,



T. M.

Mr. Justice Blackmun

cc: The Conference

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

From: Blackmun, Thurgood

circulated 1/30/74

Received 1/30/74

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1052

Rogers C. B. Morton, Secretary of the Interior, Petitioner, *v.* Ramon Ruiz et ux. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[February —, 1974]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents a narrow but important issue in the administration of the federal general assistance program for needy Indians:

"Are general assistance benefits available only to those Indians living *on* reservations in the United States (or in areas regulated by the Bureau of Indian Affairs in Alaska and Oklahoma), and are they thus unavailable to Indians (outside Alaska and Oklahoma) living *off*, although near, a reservation?"

The United States District Court for the District of Arizona answered this question favorably to petitioner, the Secretary of the Interior, when, without opinion and on cross-motions for summary judgment, it dismissed the respondents' complaint. The Court of Appeals, one judge dissenting, reversed. 462 F. 2d 818 (CA9 (1972)). We granted certiorari because of the significance of the issue and because of the vigorous assertion that the judgment of the Court of Appeals was inconsistent with long-established policy of the Secretary and of the Bureau. 411 U. S. 947 (1973).

To: The Chief Justice
 Mr. Justice Douglas
 Mr. Justice Brennan
 Mr. Justice Black
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell
 Mr. Justice Rehnquist

P8

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1052

Rogers C. B. Morton, Secretary of the Interior,
 Petitioner,
 v.
 Ramon Ruiz et ux

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

[February —, 1974]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents a narrow but important issue in the administration of the federal general assistance program for needy Indians.

Are general assistance benefits available only to those Indians living *on* reservations in the United States (or in areas regulated by the Bureau of Indian Affairs in Alaska and Oklahoma), and are they thus unavailable to Indians (outside Alaska and Oklahoma) living *off*, although near, a reservation?

The United States District Court for the District of Arizona answered this question favorably to petitioner, the Secretary of the Interior, when, without opinion and on cross-motions for summary judgment, it dismissed the respondents' complaint. The Court of Appeals, one judge dissenting, reversed. 462 F. 2d 818 (CA9 1972). We granted certiorari because of the significance of the issue and because of the vigorous assertion that the judgment of the Court of Appeals was inconsistent with long-established policy of the Secretary and of the Bureau. 411 U. S. 947 (1973).

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

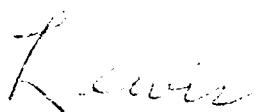
January 31, 1974

No. 72-1052 Morton v. Ruiz

Dear Harry:

Your careful opinion persuades me to change my vote.
Please join me.

Sincerely,



Mr. Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 31, 1974

Re: No. 72-1052 - Morton v. Ruiz, et ux.

Dear Harry:

I was on the other side at conference, but you have convinced me.

Sincerely,



Mr. Justice Blackmun

cc: The Conference