

The Burger Court Opinion Writing Database

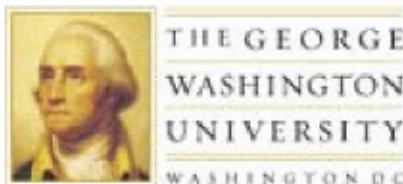
Morton v. Mancari

417 U.S. 535 (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

June 13, 1974

Re: (73-362 - Morton v. Mancari
(73-364 - Amerind v. Mancari

Dear Harry:

Please join me.

Regards,

WEB

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 11, 1974

Dear Harry:

Please join me in your opinion
for the Court in 73-362, Morton v. Mancari
and the companion case.

As per our oral conversation I
hope you strike the reference to DeFunis
in p. 16. You really do not need it: and
my characterization of it would be different.

WD
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.

June 11, 1974

RE: Nos. 73-362 & 73-364 Morton and Amerind
v. Mancari, et al.

Dear Harry:

I agree.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 12, 1974

Re: Nos. 73-362 and 73-364, Morton v. Mancari

Dear Harry,

Like Bill Douglas, I would strongly prefer that you do not cite DeFunis in this opinion. Specifically, I would hope that you would consider deleting the first sentence of the second paragraph of Part IV of the opinion on page 16. Except for that, I think you have done a fine job with these appeals, and I am glad to join your opinion for the Court.

Sincerely yours,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 12, 1974

Re: Nos. 73-362 and 73-364 - Morton v. Mancari

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 11, 1974

Re: No. 73-362 -- Rogers, C. B. Morton v. Mancari
No. 73-364 -- Amerind v. Mancari

Dear Harry:

Please join me.

Sincerely,
T. M.

Mr. Justice Blackmun

cc: The Conference

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

1st DRAFT

From: Blackmun, J.

Circulated:

Recirculated:

Nos. 73-362 AND 73-364

Rogers, C. B. Morton, Secretary of the Interior, et al.,
Appellants,
73-362 *v.*
C. R. Mancari et al.
Amerind, Appellant,
73-364 *v.*
C. R. Mancari et al.

On Appeals from the
United States District
Court for the District of
New Mexico.

[June —, 1974]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

The Indian Reorganization Act of 1934 accords an employment preference for qualified Indians in the Bureau of Indian Affairs [BIA]. Appellees, non-Indian BIA employees, challenged this preference as contrary to the anti-discrimination provisions of the Equal Employment Opportunity Act of 1972, and as violative of the Due Process Clause of the Fifth Amendment. A three-judge federal district court concluded that the Indian preference under the 1934 Act was impliedly repealed by the 1972 Act. *Mancari v. Morton*, 359 F. Supp. 585 (N. M. 1973). We noted probable jurisdiction in order to examine the statutory and constitutional validity of this longstanding Indian preference. 414 U. S. — (1974).

PPD, 15/6/20

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

From: Blackmun, J.

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-362 AND 73-364

Circulated: _____
Recirculated: 6/13/74

| | |
|---|---|
| Rogers C. B. Morton, Secretary of the Interior, et al., Appellants, 73-362 <i>v.</i> C. R. Mancari et al. Amerind, Appellant, 73-364 <i>v.</i> C. R. Mancari et al. | On Appeals from the United States District Court for the District of New Mexico. |
|---|---|

[June —, 1974]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

The Indian Reorganization Act of 1934 accords an employment preference for qualified Indians in the Bureau of Indian Affairs [BIA]. Appellees, non-Indian BIA employees, challenged this preference as contrary to the anti-discrimination provisions of the Equal Employment Opportunity Act of 1972, and as violative of the Due Process Clause of the Fifth Amendment. A three-judge federal district court concluded that the Indian preference under the 1934 Act was impliedly repealed by the 1972 Act. *Mancari v. Morton*, 359 F. Supp. 585 (N. M. 1973). We noted probable jurisdiction in order to examine the statutory and constitutional validity of this longstanding Indian preference. 414 U. S. 1142 (1974).

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 11, 1974

No. 73-362 Morton v. Mancari
No. 73-364 Amerind v. Mancari

Dear Harry:

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

June 11, 1974

Re: No. 73-363 - Morton v. Mancari; and No. 73-364 -
Amerind v. Mancari

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference