

# 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,

WJB

Mr. Justice Blackmun

Copies to the Conference

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

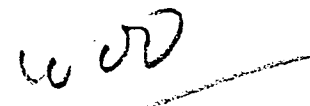
CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

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.

  
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Like Bill Douglas, I would strongly prefer that you do not cite DeFunis in this opinion.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

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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

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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.*  
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.

SUPREME COURT OF THE UNITED STATES

Circulated: 4/10/74  
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).



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

2nd DRAFT

From: Blackmun, J.

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 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  
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[June —, 1974]

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

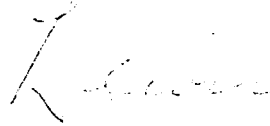
June 11, 1974

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

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