

The Burger Court Opinion Writing Database

Cass v. United States

417 U.S. 72 (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

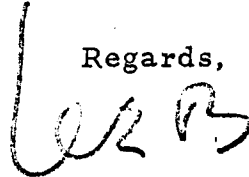
May 22, 1974

Re: 73-604 - Cass v. U. S.
73-5661 - Adams v. Secy. of the Navy

Dear Byron:

Please join me.

Regards,



Mr. Justice White

Copies to the Conference

FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

Dear Bill -

That would suit me too. If you

please to write me, I will be glad to hear from you.

Very truly,
 Bill

73-604 +

anyone can

can do it, you, Thompson

and I will be sure

It would be sufficient

for me to state that

I dissent for the reason

stated by the County

clerk in Schindler's

4367 (v) 987 EW

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 16, 1974

Dear Byron:

In 73-604, Goss v. U.S. and its
companion case would you add at the end of
your opinion:

Mr. Justice Douglas, agreeing with
the Court of Claims in Scheidt v. U.S., 486 F.
2d 987 would reverse the judgment of the
Court of Appeals.



William O. Douglas

Mr. Justice White

cc: The Conference

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

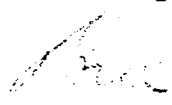
CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. May 16, 1974

RE: Nos. 73-604 and 73-5661 -
Cass v. United States and
Adams v. Secretary of the
Navy, et al.

Dear Byron:

I agree.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 15, 1974

Nos. 73-604 & 73-5661
Cass v. United States

Dear Byron,

I am glad to join your opinion for
the Court in these cases.

Sincerely yours,

Mr. Justice White

Copies to the Conference

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: White, J.

Circulated: 5-15

Nos. 73-604 AND 73-5661

Recirculated: _____

Donald C. Cass, Petitioner,
73-604 v.

United States.

Francis A. Adams et al.,
Petitioners,

73-5661 v.

Secretary of the Navy et al.

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

[May —, 1974]

MR. JUSTICE WHITE delivered the opinion of the
Court.

Congress has provided in 10 U. S. C. § 687 (a) ¹ that an
otherwise eligible member of a reserve component of the
armed forces, who is involuntarily released from active

¹In full, 10 U. S. C. § 687 (a) provides:

"§ 687. Non-Regulars: readjustment payment upon involuntary
release from active duty.

"(a) Except for members covered by subsection (b), a member
of a reserve component or a member of the Army or the Air Force
without component who is released from active duty involuntarily,
or because he was not accepted for an additional tour of active duty
for which he volunteered after he had completed a tour of active
duty, and who has completed, immediately before his release, at
least five years of continuous active duty, is entitled to a readjust-
ment payment computed by multiplying his years of active service
(other than in time of war or of national emergency declared by
Congress after June 28, 1962), but not more than eighteen, by two
months' basic pay of the grade in which he is serving at the time
of his release. However, a member who is released from active duty
because his performance of duty has fallen below standards pre-
scribed by the Secretary concerned, or because his retention on

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

2nd DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Nos. 73-604 AND 73-5661

Re-circulated: 5-23-74

Donald C. Cass, Petitioner,
73-604 v.

United States.

Francis A. Adams et al.,
Petitioners,

73-5661 v.

Secretary of the Navy et al.

On Writs of Certiorari to
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Congress after June 28, 1962), but not more than eighteen, by two
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because his performance of duty has fallen below standards pre-
scribed by the Secretary concerned, or because his retention on

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 16, 1974

Re: No. 73-604 -- Cass v. United States
No. 73-5661 -- Adams v. Secretary of the Navy et al.

Dear Byron:

While I voted the other way, I am now persuaded.

Please join me.

Sincerely,


T.M.

Mr. Justice White

cc. The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 16, 1974

Re: No. 73-604 - Cass v. United States
No. 73-5661 - Adams v. Sec'y of the Navy

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 16, 1974

No. 73-604 Cass v. United States
No. 73-5661 Adams v. Secretary of the Navy

Dear Byron:

Please join me.

Sincerely,

Lewis

Mr. Justice White

lfp/ss

cc: The Conference

THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 17, 1974

Re: No. 73-604 & No. 73-5661 - Cass v. United States,
et al.

Dear Byron:

Please join me in your opinion for the Court in these
cases.

Sincerely,



Mr. Justice White

Copies to the Conference