

The Burger Court Opinion Writing Database

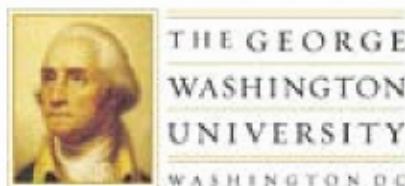
Cass v. United States

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,

WB

Mr. Justice White

Copies to the Conference

Dear Bill - and all too. 9400

That Supreme Court of the United States

Memorandum

Re: ~~5145~~ 19

Dear Bill

In 73-604 +

engagement case

con v. ab, Jr., Thompson

as I understand it

It would be sufficient
for us to take the

Agreement for the reason

that is the County

Agreement in Schenectady

4367 (v) 987

WW

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 16, 1974

Dear Byron:

In 73-604, Care 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 Cahill v. U.S., 436 F. 2d 937 would reverse the judgment of the Court of Appeals.

W.W.

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 Fortas
Mr. Justice Rehnquist

1st DRAFT

From: White, J.

Circulated: 5-15

Nos. 73-604 AND 73-5661

Recirculated: _____

Donald C. Cass, Petitioner,
73-604 *v.*
 United States. } On Writs of Certiorari to
Francis A. Adams et al., } the United States Court
 Petitioners, } of Appeals for the Ninth
73-5661 *v.* } Circuit.
 Secretary of the Navy et al.

[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

¹ In 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 readjustment 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 prescribed 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 Black
Mr. Justice White
Mr. Justice Rehnquist

From: White, J.

2nd DRAFT

Circulated:

Recirculated: 5-23-74

SUPREME COURT OF THE UNITED STATES

Nos. 73-604 AND 73-5661

Donald C. Cass, Petitioner,
73-604 v.
United States. } On Writs of Certiorari to
Francis A. Adams et al.,
Petitioners,
73-5661 v.
Secretary of the Navy et al.

[May —, 1974]

MR. JUSTICE WHITE delivered the opinion of the Court.

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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.
T.M.

Mr. Justice White

cc. The Conference

Supreme Court of the United States
Washington, D. C. 20530

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,

L. Lewis

Mr. Justice White
1fp/ss
cc: The Conference

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