

The Burger Court Opinion Writing Database

Mathews v. Weber

423 U.S. 261 (1976)

Paul J. Wahlbeck, George Washington University
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HA
Supreme Court of the United States
Washington, D. C. 20543

May 21, 1975

MEMORANDUM TO THE CONFERENCE

Subject: Weinberger, Sec'y of HEW v. Weber, No. 74-850

We granted cert to the Ninth Circuit in this matter to review a district court rule providing for the "automatic" referral of certain types of cases such as social security cases to federal magistrates. The Solicitor General contends that such a procedure conflicts with Fed. R. Civ. P. 53(b): "A reference to a master shall be the exception and not the rule."

Respondent Weber who is proceeding pro se has no interest in this issue--he doesn't care who "decides" his case. He did not appear in the Ninth Circuit and has advised the Clerk that he will not appear here. Accordingly, it would appear necessary that the Court appoint an attorney to argue amicus curiae in support of the judgment below. We have followed that procedure in similar cases.

I propose that we appoint Mr. Peter D. Ehrenhaft of Washington, D. C. to argue the case before us. As some of you may know, Mr. Ehrenhaft was a law clerk to Chief Justice Warren. He is presently a partner with the firm of Fried, Frank, Harris, Shriver and Kampelman.

The appointment should be made in this Monday's order list since we have a motion by the Solicitor General to dispense with printing an appendix presently pending before us.

Regards,

WRB

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 22, 1975

RE: No. 74-850 Weinberger v. Weber

Dear Chief:

I agree with your suggestion that Peter D. Ehrenhaft
be appointed to argue amicus in the above.

Sincerely,

But

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 22, 1975

Re: 74-850, Weinberger v. Weber

Dear Chief,

I agree with your proposal that Peter Ehrenhaft
be appointed to argue this case as amicus curiae.

Sincerely yours,

PS,
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The Chief Justice

Copies to the Conference