

# The Burger Court Opinion Writing Database

*United States v. Orleans*

425 U.S. 807 (1976)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



To: Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist  
Mr. Justice Souter

From: The Chief Justice

Circulated: MAY 26 1976

Recirculated: \_\_\_\_\_

No. 75-328

United States v. Orleans

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

This case presents the question whether a community action agency funded under the Economic Opportunity Act of 1964 is a federal instrumentality or agency for purposes of Federal Tort Claims Act liability.

I

The Economic Opportunity Act of 1964, 78 Stat. 516, 42 U.S.C. §§ 2781 et seq., was passed to "stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals . . . to

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style  
3, 7, 8, 11

To: Mr. Justice Brennan  
Mr. Justice [unclear]  
Mr. Justice [unclear]

Recirculated

Recirculated: MAY 26 1976

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## SUPREME COURT OF THE UNITED STATES

No. 75-328

United States, Petitioner, } On Writ of Certiorari to the  
v. } United States Court of Ap-  
Joseph V. Orleans et al. } peals for the Sixth Circuit.

[June —, 1976]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

This case presents the question whether a community action agency funded under the Economic Opportunity Act of 1964 is a federal instrumentality or agency for purposes of Federal Tort Claims Act liability.

### I

The Economic Opportunity Act of 1964, 78 Stat. 516, 42 U. S. C. § 2781 *et seq.*, was passed to "stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals . . . to become fully self-sufficient." 42 U. S. C. § 2781 (a). To this end the Act "provides for community action agencies and programs, prescribes the structure and describes the functions of community action agencies and authorizes financial assistance to community action programs and related projects and activities." 42 U. S. C. § 2781 (a).

Under the statute a community action agency is a "State or political subdivision of a State . . . or a public or private nonprofit agency or organization which has been designated by a State or such a political subdivision . . ." and which is "capable of planning, conducting, administering and evaluating a community action pro-

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

CHAMBERS OF  
THE CHIEF JUSTICE

June 1, 1976

Re: 75-60 - Vincent v. United States  
(Held for: 75-328 - United States v. Orleans)

MEMORANDUM TO THE CONFERENCE:

This case is the only one held for Orleans. Petrs are two minor children and their respective fathers who sued the United States under the Federal Tort Claims Act. They alleged that injuries the children received were caused by the negligence of a federally funded community action agency's part-time driver. The injuries occurred when petrs were being transported from a Head Start Center administered by the community action agency.

The District Court sensibly granted the government's motion for summary judgment, holding that the community action agency was not a federal agency. The Court of Appeals for the Eighth Circuit affirmed per curiam on the basis of the District Court's opinion.

This case is governed by United States v. Orleans and I will vote to deny.

Regards,

*LVRB*

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 26, 1976

RE: No. 75-328 United States v. Orleans

Dear Chief:

I agree.

Sincerely,

*Birch*

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

May 26, 1976

75-328 - U. S. v. Orleans

Dear Chief,

I am glad to join your opinion  
for the Court in this case.

Sincerely yours,

*PS.*  
*JF*

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 26, 1976

Re: No. 75-328 - United States v. Orleans

Dear Chief:

I join your opinion in this case.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 26, 1976

Re: No. 75-328 -- United States v. Orleans

Dear Chief:

Please join me.

Sincerely,

*T.M.*

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 26, 1976

Re: No. 75-328 - United States v. Orleans

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 26, 1976

No. 75-328 United States v. Orleans

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 27, 1976

Re: No. 75-328 - United States v. Orleans

Dear Chief:

Please join me.

Sincerely,

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 26, 1976

Re: 75-328 - United States v. Orleans

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

Copies to the Conference