

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 Burger
 Mr. Chief Justice
 Mr. Solicitor General
 Mr. Deputy Attorney General
 Mr. Assistant Attorney General
 Mr. Assistant Attorney General

From: The Chief Justice

Circulated: MAY 28 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

To: Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Marshall
Mr. Justice Burger

Circulated: _____
Recirculated: MAY 28 1976

printed
1st DRAFT

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,

WJ B

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,

Birl

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.
✓

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,

A handwritten signature in dark ink, appearing to read "Harry", followed by a long, sweeping horizontal line that extends to the right.

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,

Lewis

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