

NOTES FOR WEDNESDAY, APRIL 17, 1946

Reactions General—Planned and Reported

The Court's action yesterday in *Planned Parenthood v. Coddell and Human Services*, *1946-1 U.S. App. Docket No. 1001*, is summarized below. See U. S. App. Docket No. 1001, *Planned Parenthood v. Coddell and Human Services*, *See also* *Op. of 1001, note to No. D-301, in re Disbarment of Jerome L. Morris*.

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No. D-316, *in re Disbarment of Jerome L. Morris*, *See also Op. of 1001, note to No. D-301, in re Disbarment of Jerome L. Morris*.

REPORTER'S NOTE

The next page is purposely numbered 1001. The numbers between 938 and 1001 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

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No. D-316, *in re Disbarment of Jerome L. Morris*. Disbarment ordered. (For earlier order herein, see 1001, note to No. D-301, in re Disbarment of Jerome L. Morris.)

No. D-317, *in re Disbarment of Morris*. It is ordered that Jerome L. Morris, of Chicago, Ill., be suspended from the practice of law in the Court and that a rule issue, returnable within 60 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-318, *in re Disbarment of Becker*. It is ordered that Jonathan Samuel Becker, of Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 60 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

SACRIMONE, J. GOURDIER

the Court of Appeals' decision. I have previously endorsed the view that the Circular is not an applicable law, and I still think that conclusion is correct. *BBG&C v. FDRA*, 416 U.S. 79, 97 (1986) (dissenting opinion); see also *U.S. v. Dept. of Health and Human Services*, No. 7223, 844 F.2d (CA4 1988) (en banc). But even if the Circular were an "applicable law," it would not "arbitrarily expand" a government-wide rule of regulation" within the meaning of §7117(a)(1). Under the plain language of that section, the duty to bargain does not extend to matters which are the subject of agency regulation. By seeking to banjo a court's enforcement of the Circular, the Union seeks to begin a bout matters subject to the Circular. Cf. *BBG&C*, at 1069. I am therefore persuaded that whether or not the substantive Circular is §7103 or an applicable law, either §7103(a)(2) or §7117(a)(1) requires reversal. To the extent that the court instead leaves the