

The Burger Court Opinion Writing Database

Jimenez v. Weinberger

417 U.S. 628 (1974)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-6609

From: The Chief Justice

Circulated MAY 5 1974

Recirculated:

Eugenio and Alicia Jimenez,
 Etc., Appellants,
 v.
 Caspar W. Weinberger, Secretary of Health, Education and Welfare.

On Appeal from the United States District Court for the Northern District of Illinois.

[June —, 1974]

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

A three-judge court for the United States District Court in the Northern District of Illinois upheld the constitutionality of a provision of the Social Security Act which provides that certain illegitimate children, who cannot qualify for benefits under any other provision of the Act, may obtain benefits only if the disabled wage earner parent contributed to the child's support or lived with him prior to the parent's disability.¹ The District Court held that the statute's classification is rationally related to the legitimate governmental interest in avoiding spurious claims. *Jimenez v. Richardson*, 353 F. Supp. 1356, 1361 (ND Ill. 1973). We noted probable jurisdiction. 414 U. S. 1061.

The relevant facts are not in dispute. Ramon Jiminez, a wage earner covered under the Social Security Act, became disabled in April 1963, and became entitled to disability benefits in October 1963. Some years prior to that time, the claimant separated from his wife and began living with Elizabeth Hernandez, whom he never mar-

¹ 42 U. S. C. § 416 (h) (3).

STYLISTIC CHANGES

1567

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

2nd DRAFT

From: The Chief Justice

Circulated:

Recirculated: JUN 12 1974

Eugenio and Alicia Jimenez,
Etc., Appellants,
v.
Caspar W. Weinberger, Sec-
retary of Health, Educa-
tion and Welfare. } On Appeal from the United
States District Court for
the Northern District of
Illinois.

[June —, 1974]

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

A three-judge District Court in the Northern District of Illinois upheld the constitutionality of a provision of the Social Security Act which provides that certain illegitimate children, who cannot qualify for benefits under any other provision of the Act, may obtain benefits only if, but only if, the disabled wage earner parent is shown to have contributed to the child's support or to have lived with him prior to the parent's disability.¹ The District Court held that the statute's classification is rationally related to the legitimate governmental interest in avoiding spurious claims. *Jimenez v. Richardson*, 353 F. Supp. 1356, 1361 (ND Ill. 1973). We noted probable jurisdiction. 414 U. S. 1061.

The relevant facts are not in dispute. Ramon Jiminez, a wage earner covered under the Social Security Act, became disabled in April 1963, and became entitled to disability benefits in October 1963. Some years prior to that time, the claimant separated from his wife and began living with Elizabeth Hernandez, whom he never mar-

¹ 42 U. S. C. § 416 (h) (3).

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

CHAMBERS OF
THE CHIEF JUSTICE

June 19, 1974

Re: Nos. 73-521 - Weinberger (Secretary of HEW) v. Beaty
73-5598 - Norton v. Weinberger (Secretary of HEW)
(held for No. 72-6609 - Jimenez v. Weinberger)

MEMORANDUM TO THE CONFERENCE:

These two cases were held for Jimenez v. Weinberger, No. 72-6609. In Weinberger v. Beaty, No. 73-521, the Secretary appeals from a decision of CA 5 striking down 42 U.S.C. 416(h)(3)(B) on the ground that a class of children may not be excluded from social security benefits solely upon Congress' judgment that to conduct administrative proceedings to detect spurious claims would pose too great an administrative burden. The CA held that the disparate treatment of post-disability children who were required to make the requisite showing of dependence, as opposed to those who are legitimate, who inherit their father's personal property, or who are otherwise entitled to benefits without any showing of dependency, constitutes a denial of the equal protection provisions of the Due Process Clause of the Fifth Amendment.

Since the CA's conclusion in this case is consistent with our decision in Jiminez v. Weinberger, No. 72-6609, I will vote to affirm.

In the second held case, Norton v. Weinberger, No. 73-5598, the appellant challenges the constitutionality of 42 U.S.C. 416(h)(3)(c)(ii) and seeks to restrain its enforcement. Under the contested Social Security scheme, the child of a deceased wage earner (as opposed to disabled wage earner as was the case in Jimenez v. Weinberger) who was dependent on the wage earner at the time of the wage earner's death is entitled to child's insurance benefits. 42 U.S.C. 402(d)(1)(C)(ii). A legitimate child of the deceased wage earner is presumed to have been dependent and automatically qualifies for benefits. 42 U.S.C. 416(e)(1) and 402 (d)(3)(A). Illegitimate children may also receive benefits if

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 31, 1974

Dear Chief:

Please join me in your opinion for the
Court in 72-6609, Jimenez v. Weinberger.

W^W
William O. Douglas

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 3, 1974

RE: No. 72-6609 Jiminez v. Weinberger

Dear Chief:

I agree.

Sincerely,

Brennan

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 3, 1974

Re: No. 72-6609, Jimenez v. Weinberger

Dear Chief,

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

Sincerely yours,

P.S.

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 3, 1974

Re: No. 72-6609 - Jimenez v. Weinberger

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

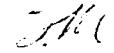
June 3, 1974

Re: 72-6609, Eugenio and Alicia Jimenez v. Weinberger

Dear Chief:

Please join me.

Sincerely,



T. M.

The Chief Justice

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 3, 1974

Dear Chief:

Re: No. 72-6609 - Jimenez v. Weinberger

Please join me.

Sincerely,

H.A.B.

The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 2, 1974

No. 72-6609 Jimenez v. Weinberger

Dear Chief:

Please join me.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Blackmun
Mr. Justice Powell

1st DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

No. 72-6609

Circulated: 6/10/74

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Eugenio and Alicia Jimenez,
Etc., Appellants,
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Caspar W. Weinberger, Secretary of Health, Education and Welfare.

On Appeal from the United States District Court for the Northern District of Illinois.

[June —, 1974]

MR. JUSTICE REHNQUIST, dissenting.

I frankly find the Court's opinion in this case a perplexing three-legged stool. The holding is clearly founded in notions of equal protection, see p. 8, *ante*, and the Court speaks specifically of improper "discrimination." Yet the opinion has strong due process overtones as well, at times appearing to pay homage to the still novel, and I think unsupportable, theory that "irrebuttable presumptions" violate due process. At other times the opinion seems to suggest that the real problem in this case is the Government's failure to build an adequate evidentiary record in support of the challenged legislation. The result is a rather impressionistic determination that Congress' efforts to cope with spurious claims of entitlement, while preserving maximum benefits for those persons most likely to be deserving, are simply not satisfactory to the members of this Court. I agree with neither the Court's approach nor its decision.

The Court's equal protection analysis is perhaps most difficult to understand. The Court apparently finds no need to resolve the question of whether illegitimacy constitutes a "suspect classification," noting instead that "the Equal Protection Clause does enable us to strike